

City Development



To: Southern Regional Planning Panel

Copy:

From: Andre Vernez
Senior Development Planner
Shoalhaven City Council

Subject: PPSSTH-138 - Council Reference RA21/1003 – 41 Main Rd, CAMBEWARRA - Lot 4
DP 542936 - Staged residential subdivision to create 256 Torrens Title allotments and
provision of associated civil infrastructure and landscaping

Date: 3 March 2023

File: RA21/1003/4

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Council provides the following addendum to the submitted assessment report, addressing the General Terms of Approval issued by the NSW Rural Fire Service and the subject property descriptions.

NSW Rural Fire Service General Terms of Approval

On review of the General Terms of Approval issued by the NSW Rural Fire Service (referenced in Condition 9 and attached to the draft determination) and provided to the Southern Regional Planning Panel, it was apparent that the NSW Rural Fire Service had referenced superseded plans.

As such, the application was re-referred to the NSW Rural Fire Service to ensure that their conditions reference the documentation recommended to be approved under Condition 1 of the draft determination.

In undertaking this review, the NSW Rural Fire Service undertook a complete review of the amended information and re-issued General Terms of Approval (Reference No. DA20220116000374-CL55-2, dated 1 March 2023), updating some of the previously recommended conditions. Condition 9 of the draft determination has been revised to reference this and a copy of the Approval attached to the revised draft determination.

It is particularly noted that Condition 3 of the General Terms of Approval states the following:

*'3. At the issue of a subdivision certificate, and in perpetuity to ensure ongoing protection from the impact of bush fires, temporary asset protection zones (APZ) of 10 metres within proposed Lots 550-555, Lots 804 and 755 along the eastern subdivision boundary; and 24 metres along the C3 zoned land within 104 Taylors Lane (Lot 3 DP 851823) along the northern and part western boundary must be provided as shown on **Figure 08** of the Bushfire Assessment Report (dated 23 June 2022, reference: 220551B, prepared by Building Code and Bushfire Hazard Solutions), to be managed as an inner protection area*

(IPA) in accordance with the requirements of Appendix 4 of Planning for Bush Fire Protection 2019. A suitably worded instrument(s) must be created pursuant to section 88 of the Conveyancing Act 1919 over the proposed lots which prohibit the construction of buildings other than class 10b structures within the temporary APZ. The instrument may be lifted upon commencement of any future proposed development on the adjoining land 104 and 126 Taylors Lane Cambewarra, but only if the bush fire hazard is removed as part of the proposal. The name of authority empowered to release, vary or modify the instrument shall be Shoalhaven City Council.'

Reference is made to Figure 08 of the Bushfire Assessment Report (which was referred to in the previous General Terms of Approval and is listed under Condition 1 of the draft determination) and an excerpt of this provided below.

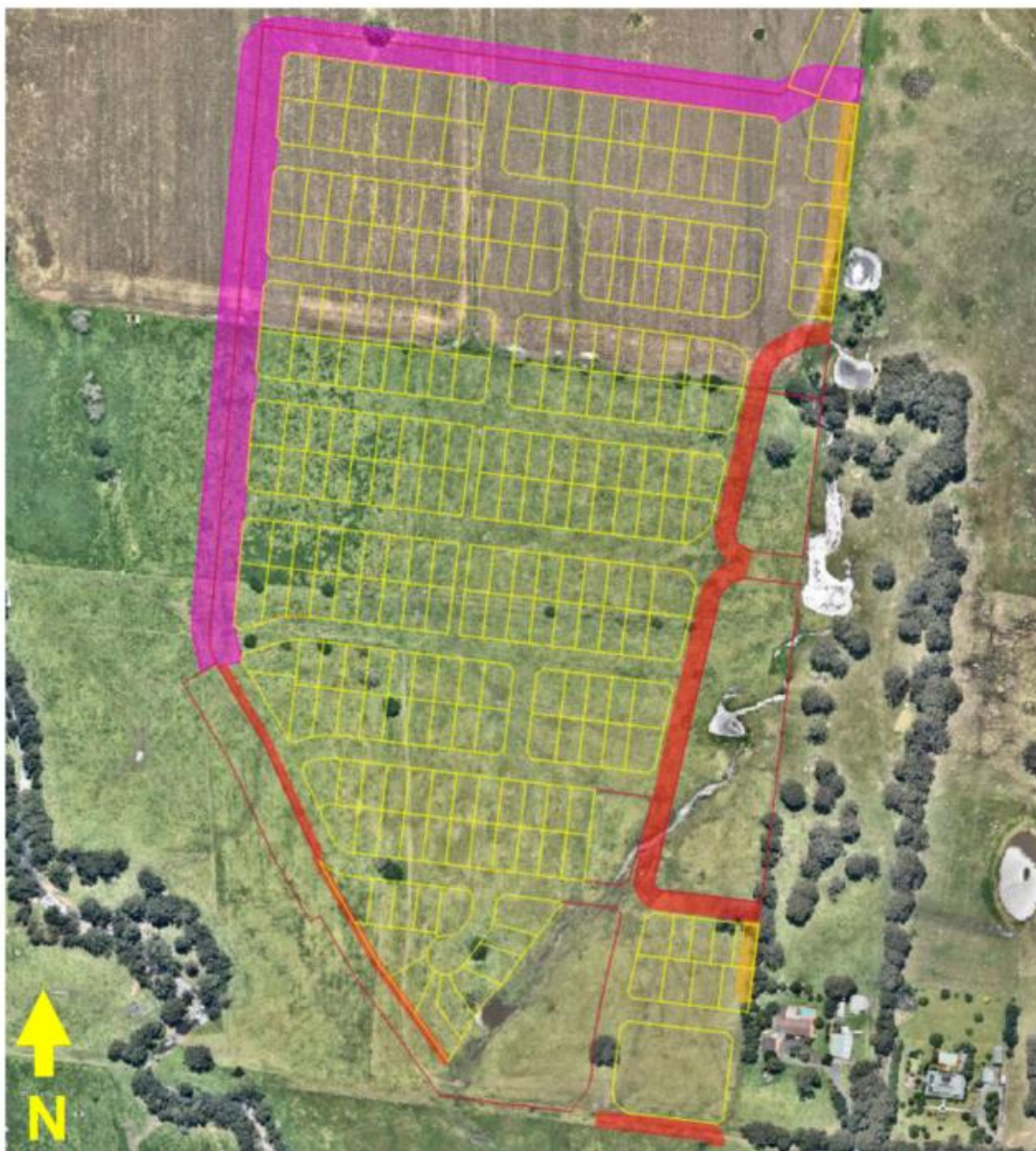
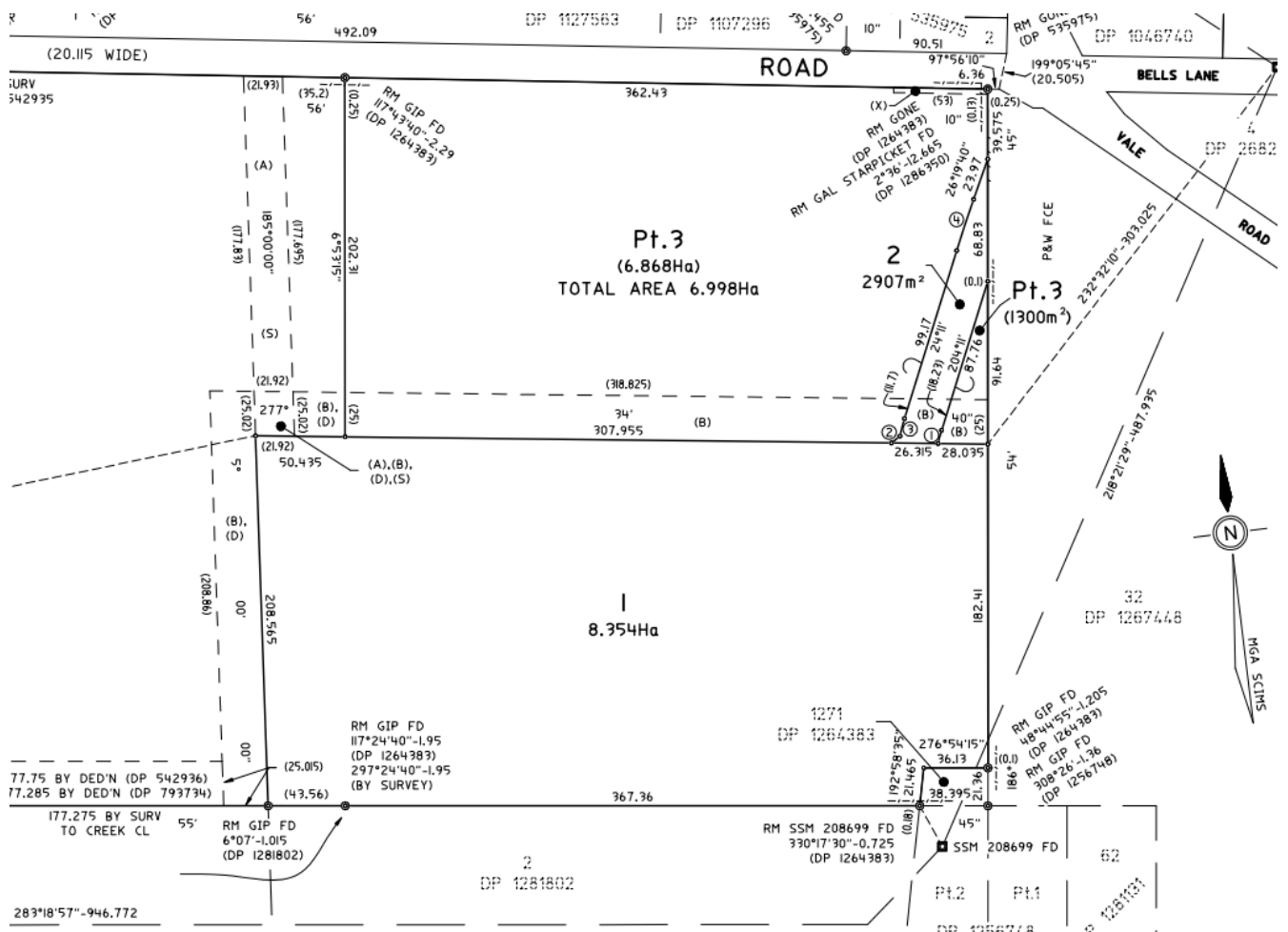


Figure 08: Subdivision plan overlaid with the minimum required APZ (red shade), temporary APZs (orange shade) and proposed easements to mitigate possible future Forest hazard within E3 zoned land (pink shade)

While this is a new requirement, there is no concern raised with the condition as:

- The 24m wide temporary asset protection zone within the C3 zoned land (pink shade) will not result in any adverse environmental impact and be contained within the existing 25m wide easement for batter from this development, which was created as part of Development Consents SF10887 and SF10888. An excerpt of a Deposited Plan is provided below to show the 25m wide easement location.
- Stages 1, 2, 5 and 6 of the subdivision are contained within Lot 2 (formerly proposed) in the subdivision approved by Development Consent SF10888 (Three (3) Lot Paper Subdivision) of Lot 7 DP 1256748 (known as 49 Hockeys Lane, Cambewarra).
- Stages 3 are 4 of the subdivision are contained within Lot 1 (formerly proposed) in the subdivision approved by Development Consent SF10887 (Four (4) Lot Paper Subdivision) of Lot 4 DP 542936 (known as 41 Main Road, Cambewarra) and Lot 1272 DP 1264383 (known as 15 Main Road, Cambewarra).



- (A) RIGHT OF CARRIAGEWAY 21.9 WIDE
(B) EASEMENT FOR BATTER 25 WIDE
(D) EASEMENT TO DRAIN WATER 25 WIDE
(S) EASEMENT FOR SERVICES 21.9 WIDE
(X) EASEMENT FOR DRAINAGE (T405739)

Property Descriptions

Condition 55 of the draft determination required evidence be submitted to Council prior to the issue of a Subdivision Works Certificate, that approved Lot 1 the subject of Development Consent SF10887 and approved Lot 2 the subject of Development Consent SF10888 have been registered by NSW Land Registry Services.

However, as indicated earlier, Lots 1 and 2 have already been registered.

As such the property descriptions in the draft determination have been updated to reflect the current descriptions (following the applicant's request) and are as follows:

- 41 Main Rd, CAMBEWARRA - Lot 4 DP 1289976
- 41A Main Rd, BADAGARANG - Lot 1 DP 1289976
- Main Rd, BADAGARANG - Lot 2 DP 1289976
- 15 Main Rd, CAMBEWARRA - Lot 3 DP 1289976
- Taylors Lane, BADAGARANG - Lot 1 DP 1256748
- 126 Taylors Lane, BADAGARANG - Lot 61 DP 1281131
- Taylors Lane, BADAGARANG - Lot 62 DP 1281131
- Taylors Lane, BADAGARANG - Lot 2 DP 1256748
- Taylors Lane, BADAGARANG - Lot 2 DP 1281802
- Taylors Lane, BADAGARANG - Lot 3 DP 1281802
- 49 Hockeys Lane, CAMBEWARRA - Lot 1 DP 1281802
- Taylors Lane, BADAGARANG - Lot 1191 DP 1256749
- 15A Main Rd, BADAGARANG - Lot 1271 DP 1264383

Further to this, the requirement for evidence of registration of land (Condition 55) has been removed from the draft determination.



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Date: 3 March 2023