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| **COUNCIL ASSESSMENT REPORT**  **SOUTHERN REGIONAL PLANNING PANEL** |

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| **Panel Reference** | PPSSTH-433 |
| **PAN** | PAN-466062 |
| **Application Number** | MA24/1310 |
| **Parent DA/SF Number** | RA21/1003 |
| **LGA** | Shoalhaven City Council |
| **Proposal** | S4.55(2) to RA21/1003 - Amendment to Stage 6 - Lot Sizes |
| **Address** | Taurus Street BADAGARANG – Lot 418 DP 1307813  *formerly:*  *Taylors Lane* *CAMBEWARRA – Lot 2 DP 1256748*  *Taylors Lane CAMBEWARRA – Lot 1191 DP 1256749*  *15A Main Road CAMBEWARRA – Lot 1271 DP 1264383*  *126 Taylors Lane CAMBEWARRA – Lot 61 DP 1281131*  *49 Hockeys Lane CAMBEWARRA – Lot 1 DP 1281802*  *Taylors Lane CAMBEWARRA – Lot 2 DP 1281802*  *Taylors Lane CAMBEWARRA – Lot 3 DP 1281802*  *41A Main Road CAMBEWARRA – Lot 1 DP 1289976*  *Main Road CAMBEWARRA – Lot 2 DP 1289976*  *15 Main Road CAMBEWARRA – Lot 3 DP 1289976*  *41 Main Road CAMBEWARRA – Lot 4 DP 1289976* |
| **Applicant** | The Trustee for NewPro 23 Unit Trust |
| **Owner** | Newpro 23 Pty Ltd |
| **DA Lodgement Date** | 16 September 2024 |
| **Application type** | Modification (s4.55(2)) to Approved Development |
| **Regionally Significant Criteria** | Schedule 6 Section 3(b) – Council related development over $5 million  The development has a capital investment value (CIV) of more than $5 million. |
| **Capital Investment Value** | Parent DA RA21/1003 $24.4m (excluding GST) |
| **Relevant Planning Matters** | * Shoalhaven Local Environmental Plan 2014 * State Environmental Planning Policy (Resilience and Hazards) 2021 * State Environmental Planning Policy (Biodiversity and Conservation) 2021 * State Environmental Planning Policy (Planning Systems) 2021 * Shoalhaven Development Control Plan 2014 |
| **Documents Submitted for Consideration** | Refer to table below for full reference details:   |  |  | | --- | --- | | **Document** | **Reference and Date** | | Modification Report with appendices | Rev B dated 23/09/2024 | | Appendix 1 | Proposed Modifications to Consent Conditions | | Appendix 2 | Shoalhaven DCP 2014 Assessment of Relevant Chapters | | Appendix 3 | Appendix 3 – Proposed Modified Lot Layout – Colliers International & Design NSW Pty Ltd (Dwg. 479-23G ST7 L01[00] and 479-23G ST 8 L102 [00], dated 08.07.2024) | | Appendix 4 | Appendix 4 – Lot Amendment Proposal - Colliers International & Design NSW Pty Ltd (Dwg. 479-23-SK-0016, Rev A dated 03.07.2024) | | Appendix 5 | Dwelling Envelope Plans - Colliers International & Design NSW Pty Ltd (Dwg. 479-23SK-0017, Rev A dated 03.07.2024) | | Appendix 6 | Amended Landscape Plans – Ayling Drury (Dwg. DA-02, Rev H dated 05.07.24 and DA-11, Rev H dated 05.07.24 | | Appendix 7 | Owners Consent – Lot 2 DP1281802 | | Appendix 8 | Correspondence from NSW RFS | | Appendix 9 | Addendum Design Verification Statement | |

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| **Summary of s4.15 matters**  Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? | **Yes** |
| **Legislative sections requiring consent authority satisfaction**  Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? | **Yes** |
| **Section 4.6 Exceptions to development standards**  If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? | **Not applicable** |
| **Special Infrastructure Contributions**  Does the DA require Special Infrastructure Contributions conditions (S7.24)? | **No** |
| **Conditions**  Have draft conditions been provided to the applicant for comment? | **Yes** |

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| cid:image001.png@01D01490.CD9D2B20 | **Section 4.55 Assessment Report**  *Environmental Planning & Assessment Act 1979* |

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| **Conflict of interest declaration**  I have considered the potential for a conflict of interest under the Code of Conduct and to the best of my knowledge no pecuniary and/or significant non-pecuniary conflict of interest exists.  *Note: If you determine that a non-pecuniary conflict of interest is less than significant and does not require further action, you must provide a written explanation of why you consider that the conflict does not require further action in the circumstances. This statement should then be countersigned by the Manager.* | | | | | |
| *Assessing Officer* | **Elizabeth Downing** | | **16/09/2024** | | |
| *Peer Review Officer* | **Justin Lamerton** | | **2/04/2025** | | |
| Affiliations and Pecuniary Interests | Have any affiliations or pecuniary interests been identified by the Applicant in the Portal lodgement form?  *Note: Where a pecuniary interest is identified ensure appropriate actions are taken (e.g. blocking access to TRIM folder for affected staff)*  *Note: For applications lodged by Council staff, Councillors and Council refer to POL22/149. A conflict of interest management statement may be required.* | | **Yes - POL22/149 has been reviewed and a conflict of interest management statement is not required.** | | |
| Councillor Representations | *Councilor* | *Date* | | | *TRIM Reference* |
| Nil | n/a | | | n/a |
| Delegation Level Required | JRPP – Sth | | | | |
| Owner’s consent provided? | Yes | | | | |
| Date of site inspection | Not warranted for modification | | | | |
| Date clock stopped | 16/09/2024 | | | | |
| Date clock started | 23/09/2024 | | | | |
| RFIs | *Additional Information* | | | *Outcome* | |
| Updated report | | | Satisfied | |
| Related Application in NSW Planning Portal? | Concurrence and/or external agency referral – EE / RFS  Section 68  Section 138  Construction Certificate  *Note: s138 and CC applications will not be incorporated into the Development Consent and will be determined separately.* | | | | |
| Number of submissions | **Nil**  *Note: where submissions are received Council must give notice of the determination decision to all submitters.* | | | | |

# Subject Land

The development site is presently known as Taurus Street BADAGARANG – Lot 418 DP 1307813

The development site formerly consisted of the following lots as per RA21/1003:

* 41 Main Rd, Cambewarra - Lot 4 DP 542936
* Taylors Lane, Cambewarra - Lot 1 DP 1256748
* 126 Taylors Lane, Cambewarra - Lot 6 DP 1256748
* Taylors Lane, Cambewarra - Lot 2 DP 1256748
* 49 Hockeys Lane, Cambewarra - Lot 7 DP 1256748
* Hockeys Lane, Cambewarra - Lot 1191 DP 1256749
* 15A Main Rd, Cambewarra - Lot 1271 DP 1264383
* 15 Main Rd, Cambewarra - Lot 1272 DP 1264383

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Figure 1 Subject Land Figure 2 location of proposed modified lots

# Approval History

**Approval History :**

RA23/1001 approved 12/03/2023 &

DS23/1280 approved 03/10/2023 – consolidated consent D23/401525

MA24/1082 approved - consolidated consent D24/384911

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Figure 2 - Current Approved Plan (MA24/1082)

**Consent Trim References**:

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| *Development Consent:* |
| MA24/1082 approved - consolidated consent D24/384911  DS23/1280 approved 03/10/2023 – consolidated consent D23/401525  RA23/1001 – original consent – D23/101174 |
| *Approved Plans and Documents:* |
| MA24/1082 - plans – D24/343200, consent D24/384911  DS23/1280 - No changes to plans  RA23/1001 - Approved plans  D23/101473 - WMP  D23/101462 - ACHIA  D23/101427 – ADA  D23/101406 - BDAR  D23/101373 - BFAR  D23/101363 - IWCMS  D23/101335 – OSD memo  D23/101283 – Plans |

Staged residential subdivision in URA to create 256 Torrens Title allotments and provision of associated civil infrastructure and landscaping. **The consent has been secured** – works have commenced and some lots from this subdivision have already been released.

After the lodgement of this modification application, the property details have further changed due to progression of subdivision release 02/09/2024 of stages 1, 2 & 3, consequently, Lot 2 DP1281802 – now Lot 418 DP 1307813.

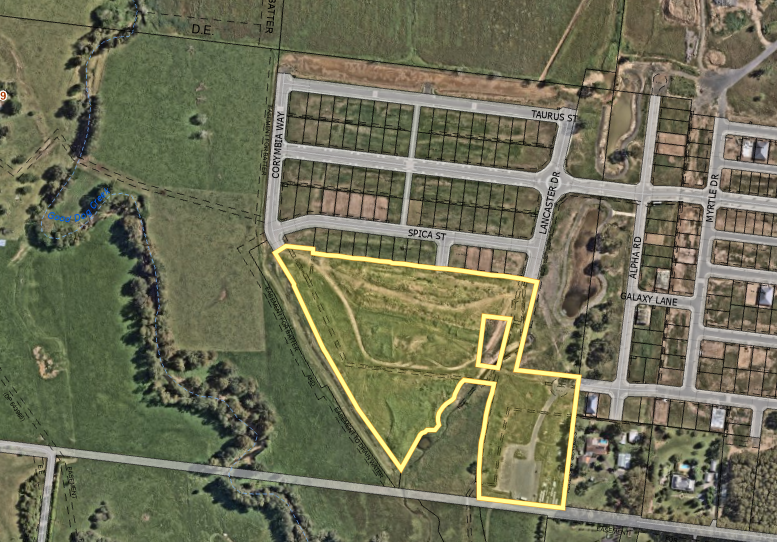


Figure 3 Aerial Image - confirming works and lot releases so far

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| **Application** | **Approval Date** | **Trim Ref** |
| RA21/1003 | 13/12/2021 | D23/101174 |
| Approved plans/documents |  | D23/101283  D23/101335  D23/101363  D23/101373  D23/101406  D23/101427  D23/101462  D23/101473 |
| CC23/1641 | 23/08/2023 |  |
| Controlled Activity Approval |  | D23/351388 |
| DS23/1280 | 30/08/2023 | D23/401525 |
| CC23/1800 | 27/10/2023 |  |
| SC24/1050  Stages 2a) and 2b) | 27/08/2024 | D24/374191 |
| Consolidated consent (mod) DS23/1280 | 03/10/2023 | D23/401525 |
| Consolidated consent (mod) MA24/1082 | 03/09/2024 | D24/384911 |

History/Previous Approvals

The site had an extended history of agricultural land use. Since then the land was included in an URA, and approved for residential subdivision. That subdivision has commenced, with several stages completed with residential development constructed thereon.

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# Current Application:

An application to modify the consent has been submitted, in accordance with the provisions of Section 4.55(2) of the Environmental Planning and Assessment (EP&A) Act 1979.

As stated by the applicant, (amended report dated 23/09/2024):

*The proposed modification seeks to amend the lot configuration and layout of a number of lots approved within approved stages 5 and 6 of the subdivision (as proposed to be modified to Stages6 and 7 under MA24/1082), resulting in an additional 6 lots. The proposed modification relates only to land within Lot 2 DP 1281802.*

After the lodgement of this modification application, the property details have further changed due to progression of subdivision release 02/09/2024 of stages 1, 2 & 3, consequently, Lot 2 DP1281802 – now Lot 418 DP 1307813.

The proposal seeks to modify a total of 33 lots within Stage 6, including Lots 715 – 726, 727737,

746-750, 751-755; and 4 within Stage 7, including lots 801 – 804.

Table 1 below compares the number of approved lots per stage, while Table 2 compares the proposed lot size and configuration of the modified proposal with the Consent.

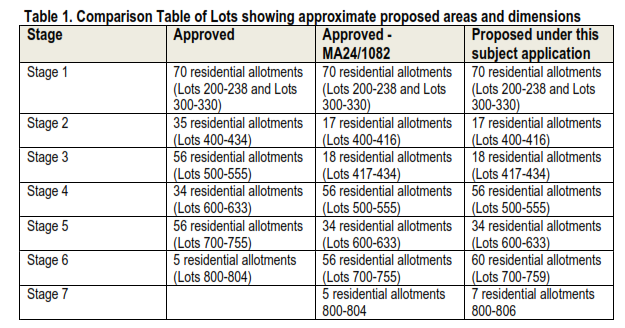


Figure 4 - Applicant's Table 1

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Figure 5 - Applicants Table 2

This application proposes to make the following modifications to the development consent.

1. to modify condition 1 - required to be modified to reflect amended plans. To amend the proposed Lot Layout Plans, Landscape Plans, and Staging Plan as they relate to proposed Stage 6 and 7.
2. to modify condition 2 - required to be modified to reflect amended plans. To modify the number of lots within proposed stages 6 and 7.
3. to modify condition 9 - required to be modified to reflect revised GTAs, necessary due to amended plans, to reflect modified lot numbers and layout.
4. to modify condition 46A – required to be modified to reflect amended lot numbers, due to amended plans. To amend the lot number reference with approved Lots 743-745 – and Lot 750 amending to Lots 747-749 and Lot 754.
5. to modify condition 77 – required to be modified to reflect amended plans, increase in number of lots in stages 6 & 7, total increase of 6 lots.

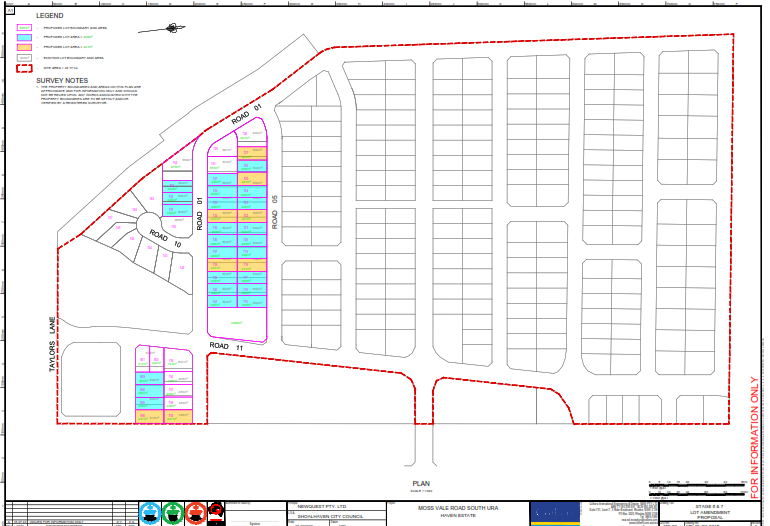


Figure 6 - Plan of Modification

A map of a neighborhood

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Figure 7- excerpt of proposed lot amendment proposal

# Background

Pre-Lodgement Information

No formal prelodgement advice was sought by the applicant in relation to the proposed modification.

However the Lead – Development Services North (Justin Lamerton) attended an informal meeting with the applicant prior to lodgement, where the proposed layout was discussed. No formal meeting minutes or notes were taken to reflect discussions.

This was referred to by the applicant in a phone conversation prior to lodgement.

Note: Prelodgement discussions are preliminary and subject to a full assessment being completed following lodgement.

Post-Lodgement Information

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Current Modification Application History

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| **Date** | **Action** |  |
| 16/09/2024 | Allocated to DAO, vetted & RFI issued | RFI - D24/403841 |
| 18/09/2024 | Referrals issued – Shoalhaven Water, GIS, Strategic Planning, Dev Eng, EE, RFS, Heritage & DP-Water |  |
|  | EE response received | D24/407768 |
|  | GIS reply received | D24/406735 |
| 23/09/2024 | RFI reply received | D24/415332 & 333 |
|  | Shoalhaven Water reply received | D24/406726 |
| 25/09/2024 | Heritage reply received | D24/417910 |
|  | Strategic planning reply received | D24/406731 |
| 01/10/224 | RFS reply received | D24/424591 |
| 09/10/2024 | DP(water) reply received | D24/434542 |
| 19/11/224 | Email to Strategic Planning – revised s7.11s |  |
| 17/02/2025 | Strategic Planning response | D24/504595 |
| 26/03/2025 | Devpt Eng reply received | D24/406739 |
| 27/03/2025 | Email to / from applicant re: cond 38(c) | D25/129787 |
|  | Draft report to peer review | D24/403289  D24/105003 |
| 02/04 | Peer review feedback |  |
| 04/04 | Report and draft determination & plans  uploaded to portal |  |
| 09/04 | Determination meeting with JRPP- Sth  Report and draft determination | D24/403589  D24/405003 |

# Consultation and Referrals

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| **Internal Referrals** | |
| **Referral** | **Comments** |
| Engineers  D24/406739 | No objections from an engineering perspective.  There are no proposed changes to the road layout, no issues foreseen with the existing conditions remaining except for the ones proposed to be modified to reflect the new lot number references.  Recommended that stormwater condition 38c is modified per the following to address the new lot layout proposed:  *Generally, in accordance with concept stormwater layout plans by Maker ENG (Drawing No. MKR00145-10-C115 (Revision 6), MKR00145-10-C116 (Revision 7), MKR00145-10-C117 (Revision 6), MKR00145-10-C118 (Revision 7), MKR00145-10-C119 (Revision 6) and MKR00145-10-C120 (Revision 6))* ***except that the design should be updated to reflect the updated approved lot layout and provide either a stormwater pit or junction at the low point for each lot proposed to connect to the interallotment drainage system, and*** *except where specified by relevant conditions of consent*  Recommended condition forwarded to applicant for consideration.  Applicant confirmed 27/03/25 that they are agreeable to the recommended modification. |
| Strategic Planning – 18/09  D24/406731 | “There are no specific Strategic Planning comments. The application should be assessed on its merits against the provisions of the existing DCP Chapter and its overall intent”.  No change to existing consent conditions required to reflect this referral response. |
| GIS  D24/406735 | *A subdivision certificate for the adjacent stage has recently been released (RA21/1003 Stages 1A & 1B). As part of that release all lots in stages 1A & 1B have been numbered and listed on the corresponding administration sheet lodged with the LRS. These lots and associated street numbers are now recorded across all Council systems and LRS.*  *The changes proposed in this application for modification would affect the existing numbering in Stages 1A & 1B and if approved would result in the numbering of existing lots being changed. The GIS Unit would not recommend that any modification be made which would affect existing numbering and or property owners of the lots already released.*  *All proposed and existing numbering has been done in accordance with the NSW Addressing Policy in conjunction with the Council Street Numbering Policy; in a logical and sequential manner according to approved plans.*  *It is noted that the numbering of the lots on the plan provided by Colliers; Drawing ref:479-23-SK-0016 Rev A dated 16.07.2024 has changed from previous plans and is not sequential and may not be in line with LRS guidelines.*  *Please notify the GIS Unit of the outcome of this application in the event that a review of the existing numbering is required.*  This is not a planning reason for refusal – review of existing numbering will be required, and must be compliant with *the NSW Addressing Policy in conjunction with the Council Street Numbering Policy; in a logical and sequential manner.* |
| Shoalhaven Water  D24/406726 | *Water Development notice modification required*  No change to existing conditions. |

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| **External Referrals –** | |
| **Referral** | **Comments** |
| Endeavour Energy - 18/09  D24/407749  D24/407768 | No objection subject to recommended conditions.  Condition 9A has been added to the consent to reflect the requirement to comply with these requirements. |

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| **Integrated Development** | |
| **Agency** | **Recommendation** |
| NSW Rural Fire Service  D24/424591 | General Terms of Approval and a Bush Fire Safety Authority has been issued by NSW RFS, CNR-73434 dated 01/10/2024.  Consent condition 9 to be amended to reference the updated GTAs. |
| Water NSW  D24/434542 | General Terms of Approval issued by DPI (Water) CNR-73434 dated 09/40/2024  Consent condition 7 to be amended to reference the updated GTAs. |
| Heritage NSW  D24/417910 | Updated GTA issued – 25/09/2024    Consent condition 8 to be amended to reference the updated GTAs. |

# Section 4.55(2) Other modifications

The proposed modification is considered a s4.55(2) modification. The following provides an assessment of the submitted application against the matters for consideration under Section 4.55(2) and Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

1. ***it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all).***

Council is satisfied that the proposed modification would be substantially the same as the development which was originally approved.

The modified development will result in no significant changes and the proposal is considered to be quantitatively and qualitatively the same as the development as originally approved.

1. ***it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent.***

The proposed modification only involve modification to the standard condition referencing the RFS GTA, accordingly, this application was referred to NSW RFS for updated GTA.

1. ***it has notified the application in accordance with the Regulations or a DCP.***

The modification applicaiton was notified In accordance with Council’s Community Consultation Policy for Development Applications. No submissions were received by Council during the notification period.

1. ***it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan.***

See consideration of submissions received in Part 5 of this report.

# Section 4.55(3) – Matters Relevant to the Application

In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.

**(a) Any planning instrument, draft instrument, DCP and regulations that apply to the land**

1. **Environmental Planning Instruments**

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| **EPI** | **Affected Clause / Provision** | **Comment** |
| Shoalhaven Local Environmental Plan 2014 |  | Refer also to Appendix A – SDCP 2014 Chapter NB3 assessment |
| 4.1 – minimum lot sizes | Whilst the whole of the land is within the URA, only part of the land is affected by Clause 4.1H, (see below), therefore, Clause 4.1 applies to the remainder of the land. Accordingly the lots proposed within Stage 6 are below the minimum lot size of 500m2.    Figure 8 - SLEP 2014 - URA    Figure 9 SLEP 214 - Lot size mapping  The stage 6 proposed lots are below the 500m2 standard under SLEP clause 4.1, and the applicant has addressed this in their report:   * Made reference to *North Sydney Council v Michael Standley and Associates (1998) 43 NSWLR 468 at 481 D; [1998] NSWSC 163*, and subsequent decisions, which establishes there is no requirement for a jurisdictional finding under cl4.6 of SLEP in regard to this as a Section 4.55 application. * Section 3.5 of the applicant’s report addresses this issue. * “*When considering the objects of the EP&A Act, the proposed lot sizes facilitate a positive outcome for the built environment. The development as modified contributes additional density within an existing approved urban environment, that will provide diverse housing options capable of complying with the development controls applying to built form on the resultant lots.”* * “*Nonetheless, clause 4.6 does not exclude consideration of a contravention of clause 4.1 in these circumstances.* * *Adam Sturt v Shoalhaven City Council [2023] NSWLEC 1809 [39] outlined there needs to be sufficient environmental planning grounds to approve a development which involves a breach of this kind. Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118 at [23] stipulates that these environmental planning grounds “relate to the subject matter, scope and purpose of the EP&A Act, including the objects in s 1.3 of the EP&A Act”.* * *The justification of the proposed lot sizes is addressed at length in Section 3.5 of this Report addressing the subject matter and scope of the proposed development. When considering the objects of the EP&A Act, the proposed lot sizes facilitate a positive outcome for the built environment. The development as modified contributes additional density within an existing approved urban environment, that will provide diverse housing options capable of complying with the development controls applying to built form on the resultant lots (as demonstrated at Appendix 2). All lots furthermore are within walking distance to approved public open space, and have enhanced amenity with outlooks to the surrounding rural landscape. In this way, the Objects of the Act under s1.3(b), (c) and (g) are met:”*   (*b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*  *(c) to promote the orderly and economic use and development of land,*  *(g) to promote good design and amenity of the built environment,*   * *The lots are further of sufficient size and dimension to accommodate a design which meets the intention of the minimum lot size and avoids the poor design outcomes as shown on the supporting Building Envelope Plans.* * *Further to this, the proposal satisfies the objectives of the R1 General Residential Zone as outlined in Section 4.6 of this report, and the objectives of the Minimum Lot Size development standard, having regard to the nature of the development and the particular circumstances of the site. Accordingly, there are considered to be sufficient environmental planning grounds to warrant the approval of this variation and there are no impacts as a result of the variation as:*   + *The variation is not so offensive to the objectives of the zone or the development standard, or in terms of impacts to adjoining properties as to warrant the refusal of the modification.*   + *There are no anticipated impacts on the amenity of the development with the revised lot widths and sizes capable of siting a future dwelling that is consistent with the relevant planning controls.*   + *The proposal achieves the minimum lot width requirements for lots of this size, and therefore the lot size variation will not be discernible from the public domain.*   + *Any resultant buildings will be physically consistent with that of other residential development within the URA.*   + *Further, as the last major subdivision within the URA, there is no opportunity to set a precedent for other similar subdivision within MVRS. Nonetheless, this is not considered to set an undesirable precedent considering the justification and benefits outlined within this Report*. |
|  | The site is partially mapped with the Lot Size Clauses Map in the lower corner of the site, in the location of Stage 7, therefore, this clause applies to that part of the subject site being within the MVRS URA.    Figure 10 SLEP clause 4.1H mapping    Figure 11 - SLEP 2014 excerpt  In this regard, subdivision of those lots in stage 7 (Lots 751 – 806) is permissible with consent for lots less than 500m2 as, they are mapped on the Lots Clauses Map and   1. the lots have a primary street frontage; and 2. the lots are greater than 300m2; and   all lots in stage 7 are greater than 400m2, thus a laneway is not required. |
| 4.1H - Exceptions  to minimum  subdivision lot  sizes for dwelling  houses on certain  land in urban  release areas | **4*.1H******Exceptions to minimum subdivision lot sizes for dwelling houses on certain land in urban release areas***  *(1)  This clause applies to land identified as “Clause 4.1H” on the*[*Lot Size Map*](https://www.planningportal.nsw.gov.au/publications/environmental-planning-instruments/shoalhaven-local-environmental-plan-2014)*.*  *(2)  Despite clause 4.1(3), development consent may be granted for the subdivision of land to which this clause applies into 2 or more lots (the****resulting lots****) if each resulting lot meets the following requirements—*  *(a)  the lot has a primary street frontage,*  *(b)  the size of the lot is at least 300 square metres,*  *(c)  if the size of the lot is less than 400 square metres—the lot is accessed by vehicle using a rear lane or shared driveway.* |
| State Environmental Planning Policies |  | The modification application raises no additional matters for consideration under any applicable State Environmental Planning Policy*.* |

1. **Draft Environmental Planning Instrument**

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| **Draft EPI** | **Affected Clause / Provision** | **Comment** |
|  |  | The modification application raises no additional matters for consideration under any applicable draft Environmental Planning Instrument*.* |

1. **Any Development Control Plan**

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| **SDCP 2014**  **Chapter** | **Affected Clause / Provision** | **Comment** |
| Shoalhaven Development Control Plan 2014 | Chapter G11 – Subdivision of Land | There is no change to overall footprint of the approved subdivision. The overall design, street layouts, APZs, open space, stormwater network remain the same as already approved.  With respect to lot sizes and dimensions, refer also to Chapter NB3 which sets out area specific requirements which does make provision for smaller lots.  In support of their application, the applicant has submitted plans with building envelopes nominated, confirming proposed lots will have a suitable future building area.  A table with numbers and text  Description automatically generated |
| Chapter NB3 – Moss Vale Road South URA | Refer to **Appendix A** for detailed assessment.  Application has lodged Variation Statement with regard to NB3.  Refer to **Appendix B** for assessment of “variation”. |

**iiia) Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4**

Strategic Planning have confirmed that there are no planning agreements applying to this application.

## Environmental Planning and Assessment Regulation 2021

The proposal ensures compliance with the applicable requirements within the Regulations subject to recommended conditions of consent.

## Any coastal zone management plan

The proposed development is consistent with applicable coastal zone management plan(s).

## Other Shoalhaven Council Policies

*Shoalhaven Contribution Plan 2019*

The proposed modification does alter s7.11 development contributions for the development.

An additional 6 lots are proposed.

Refer also to D24/141274 for information on S7.11 assessment for MA24/1082.

Currently, ETs applicable for stages 6 & 7 are:

Stage 6 – Creation of **56** residential allotments (Lots **700-755),**

* Increase from 5 lots to 56 lots
* 56 ET applicable

Stage 7 – Creation of **5** residential allotments (Lots **800-804**),

* New stage, 5 lots proposed
* 5 ET applicable

Stages 6 & 7 to be modified as follows:

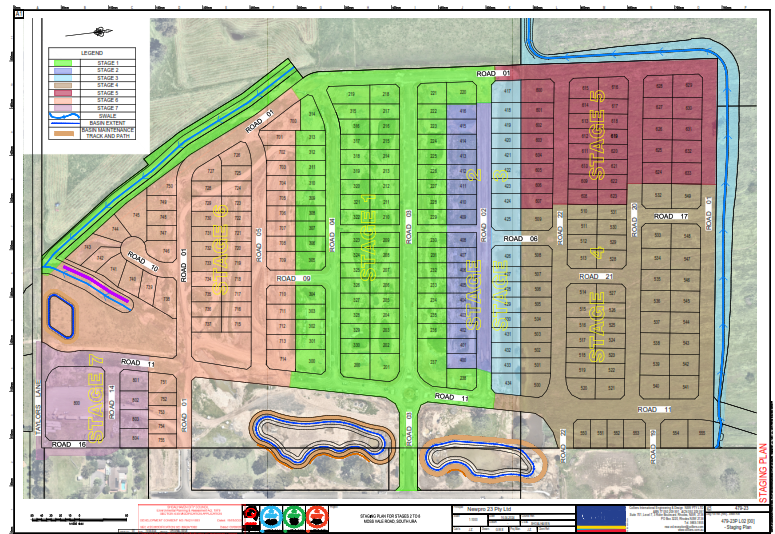


Figure 8 - Approved staging - as per MA24/1082 (D24/343200)

Stage 6 – creation of 60 residential lots (lots 700-759)

* Change from 56 lots to 60 lots
* 60ET applicable

A map of a neighborhood

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Figure 9 - stage 6

Stage 7 – 7 lots proposed (lots 801-807)

* Change from 5 lots to 7 lots
* 7ET applicable

A map of a land

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Figure 10 - stage 7

The above calculations have been confirmed with Strategic Planning (D25/67424).

**(b) The Likely impacts of that development, including environmental impacts on the natural and built environments, and social and economic impacts in the locality**

| **Head of Consideration** | **Comment** |
| --- | --- |
| Natural Environment | The proposed development as modified will not have a significant adverse impact on the natural environment. |
| Built Environment | The proposed development as modified will not have a significant adverse impact on the built environment. |
| Social Impacts | The proposed development as modified will not have a negative social impact in the locality. |
| Economic Impacts | The proposed development as modified will not have a negative economic impact in the locality. |

**(c) Suitability of the site for the development**

This was assessed as suitable for the proposed development (RA21/1003), the site remains suitable for the proposed modified development, as per revised plans (MA24/1310):

* The development is permissible with Council consent within the zone.
* The proposal supports the local zoning objectives.
* The proposal is consistent with the objectives and requirements of the *Shoalhaven Local Environmental Plan 2014*.
* The proposal is consistent with the objectives and requirements of the *Shoalhaven Development Control Plan 2014*.
* The intended use is compatible with surrounding/adjoining land uses

**(d) Submissions made in accordance with the Act or the regulations**

The DA was notified In accordance with Council’s Community Consultation Policy for Development Applications. No submissions were received by Council during the notification period.

The notification period being from 16/10/2024 to 13/11/2024.

Notification included letters to nearby/surrounding property owners and public advertisement.

**(e) The Public Interest**

The proposal is considered to remain within the public interest.

# Delegations

## Guidelines for use of Delegated Authority

The parent application RA21/1003 being a Regional Application.

To be determined by Planning Panel, or delegation to be granted to Council

Under State Environmental Planning Policy (Planning Systems) 2021 (SEPP) the JRPP – South, is the relevant determining authority for the subject application, being a Section 4.55(2) modification of Council related development of $5 million.

The proposed changes are unrelated to the type of Regional Development the application is under Schedule 6 of the Planning Systems SEPP, that is it does not relate to any approved Council infrastructure or Council land affected by this application. Further, given the minor nature of this application, it was requested that the Panel consider delegating the determination of this subject application to SCC (per section 2.16(2) and (6) of the EP&A Act) as outlined in the Sydney District & Regional Planning Panels Operational Procedures (NSW Dept. of Planning & Environment, November 2022).

Letter requesting the matter be dealt with under delegated authority (D24/497177) was issued 18/11/2024, following expiration of notification period.

The Panel have not issued delegated authority to Council. Verbally advised at meeting with Senior Staff of 03 March 2025 that delegation would not be granted. Accordingly, the application must be determined by the JRPP – South.

# Recommendation

This application has been assessed having regard to the Heads of Consideration for Section 4.55 under the *Environmental Planning and Assessment Act 1979.* As such, it is recommended that Modification Application No.MA2024/1310 relating to Development Consent No. RA21/1003 be approved subject to the recommended modifications to the development consent as detailed below:

1. to modify condition 1 –
2. **General (modified by MA24/1082) – to be modified by MA24/1310**

The consent relates to Staged residential subdivision to create ~~256~~ 262 Torrens Title allotments and provision of associated civil infrastructure and landscaping as documented on the stamped plans/documentation, or as modified by the conditions of this consent. The development must be carried out in accordance with this consent. If there is inconsistency between the stamped plans/documentation and the conditions of consent, the conditions prevail to the extent of that inconsistency.

|  |  |  |  |
| --- | --- | --- | --- |
| **Stamped Plans/Documents** | **Ref/Sheet No.** | **Prepared by** | **Dated** |
| Staging Plan | MKR00145-00-SK057 | Maker ENG | 19/04/23  (Revision 5) |
| Lot Layout Plans – Stages 6 and 7 | Drawing Nos. 479-23G ST7 L01 [00] – PLAN and 9-23G ST8 L02 [00] - PLAN | Colliers International  Engineering & Design NSW Pty Ltd | 09/07/2024  (Revision 00) |
| Lot Layout Plans | Drawing No.  MKR00145-10-C005 to C010 | Maker ENG | 16/09/2022  (Revision 6) |
| General Arrangement Plans | Drawing No. MKR00145-10-  C015 to C020 | Maker ENG | 16/09/2022  (Revision 6)  13/10/2022  (Revision 7) |
| Bulk Earthworks Plan | Drawing No. MKR00145-10-  C025 | Maker ENG | 13/10/2022  (Revision 7) |
| Stormwater Layout Plans | Drawing No. MKR00145-10-  C115 to C120 | Maker ENG | 16/09/2022  (Revision 6)  13/10/2022  (Revision 7) |
| On-Site Detention Memo |  | Maker ENG | 13/10/2022 |
| Integrated Water Cycle Management Strategy | Project No.MKR00145 | Maker ENG | 09/09/2022  (Version 4) |
| Landscape Plans | Project No. AD2102  Drawing No. DA-01 to DA-10 | Ayling & Drury | 13/09/2022  (Revision F) |
| Landscape Plan – Stages and 7 | Project No. AD2102  Drawing Nos. DA02 and DA-11 | Ayling & Drury | 05/07/2024  (Revision H) |
| Bushfire Assessment Report | Reference No. 220551B | Bushfire Hazard  Solutions | 23/06/2022  (Version 3) |
| Biodiversity Development  Assessment Report |  | Lodge  Environmental | 20/09/2022  (Revision 5) |
| Arboricultural Development  Assessment Report |  | Moore Trees | 24/06/2022 |
| Aboriginal Cultural Heritage  Assessment Report |  | Austral Archaeology Pty Ltd | 15/08/2022  (Version 2) |
| Waste Management Plan |  | SLR Consulting | 07/12/2021 |

1. to modify condition 2

Consent is given for the approved development in the following stages:

* + Stage 1 – Creation of 70 residential allotments (Lots 200-238 and Lots 300-330), provision of roads, drainage and utility infrastructure along with associated landscaping works;
  + Stage 2 – Creation of 17 residential allotments (Lots 400-416) provision of roads, drainage and utility infrastructure along with associated landscaping works;
  + Stage 3 – Creation of 18 residential allotments (Lots 417-434), provision of roads, drainage and utility infrastructure along with associated landscaping works;
  + Stage 4 – Creation of 56 residential allotments (Lots 500-555), provision of roads, drainage and utility infrastructure along with associated landscaping works;
  + Stage 5 – Creation of 34 residential allotments (Lots 600-633), provision of roads, drainage and utility infrastructure along with associated landscaping works;
  + Stage 6 – Creation of ~~56~~ 60 residential allotments (Lots 700-~~755~~ 759), provision of roads, drainage and utility infrastructure along with associated landscaping works; and
  + Stage 7 – Creation of ~~5~~ 7 residential allotments (Lots ~~800-804~~ 801 - 807), provision of roads,

drainage and utility infrastructure along with associated landscaping works.

Note: The conditions of this consent apply to all stages unless specified.

1. Condition 7 to be modified to reflect the amended DPE Water GTAs – dated 09/10/2024 reference IDAS-2024-10663
2. Condition 8 to be modified to reflect the amended Heritage NSW GTAs – dated 25/09/2024 reference DOC24/770801-12
3. to modify condition 9

The conditions of the General Terms of Approval issued by NSW Rural Fire Service, Reference No. DA20220116000374-s4.55-1, dated 01 October 2024, CNR-73434 are included as conditions of this consent and must be complied with.

1. As recommended by the Dev Eng, to modify Condition 38(c)

Generally, in accordance with concept stormwater layout plans by Maker ENG (Drawing No. MKR00145-10-C115 (Revision 6), MKR00145-10-C116 (Revision 7), MKR00145-10-C117 (Revision 6), MKR00145-10-C118 (Revision 7), MKR00145-10-C119 (Revision 6) and MKR00145-10-C120 (Revision 6)) except that the design should be updated to reflect the updated approved lot layout and provide either a stormwater pit or junction at the low point for each lot proposed to connect to the interallotment drainage system, **and** except where specified by relevant conditions of consent

1. to modify condition 46A

Prior to the issue of a Subdivision Works Certificate for the stage of development which include construction of the treatment swale adjacent to Road 01, ~~Lots 743-745 and Lot 750~~ Lots 747 – 749 & Lot 754 , a detailed design of the swale must be certified by a professional engineer, (as defined in the National Construction Code) who can demonstrate the appropriateness of the proposed design for the site in accordance with Council’s Engineering Design and Construction Specifications. The design is to be approved by Council. Specifications can be found on Council’s website.

The swale must comply with the Maximum Hazard Category H2

1. to modify condition 77

Update contributions – stages 6 & 7

Stage 6 – creation of 60 residential lots  (lots 700-759)

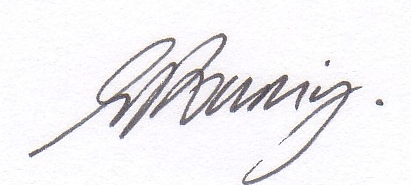
* + - Change from 56 lots to 60 lots
    - 60ET applicable

Stage 7 -  creation of 7 residential lots (Lots 800-806)

* + - Change from 5 lots to 7 lots
    - 7ET applicable

All other conditions to remain unchanged.

(*Note subsequent to lodgement of modification, the property details have further changed due to progression of subdivision release 02/09/2024, consequently, Lot 2 DP1281802 – now Lot 331 DP12595657*).



**Elizabeth Downing**

**Senior Development Planner**

**City Development**

**27/03/2025**

## Reviewers Comments

The application has been reviewed and the recommendations of the report are concurred with. Section 7.11 contributions (where applicable) have been reviewed and agreed to.



**Justin Lamerton**

**Lead – Development Services North**

**City Development**

**2/04/2025**

**Appendix A – Assessment Checklist: Chapter NB3 Moss Vale Road South Urban Release Area**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Controls** | | | | |
| **Clause 7.1 Indicative Layout Plan**  Objectives   1. To ensure development is undertaken in a coordinated manner that responds to the topography, views and the natural environment. 2. To provide a variety of lot sizes that facilitate a range of housing types in appropriate locations. 3. To ensure well connected and legible movement network that will provide a variety of routes for vehicles, pedestrians and cyclists both within the neighbourhood and to surrounding areas. 4. To provide public open space that enhances existing landscape values, protects significant and remnant vegetation, provides opportunity for stormwater management and improves the amenity for future residents. | | | | |
| **Performance Criteria** | **Acceptable Solutions** | **Proposed Development** | | **Compliance** |
| P1 Development is undertaken in a coordinated manner that is consistent with the ILP. | A1.1 Development within the URA is in accordance with the ILP (Figure 2).  *Note: Variations to the ILP may be considered where the applicant provides sound justification and can demonstrate that the proposed development meets Sections 5, 6 and 7 of this Chapter.* | The proposed application seeks to introduce small lot housing  in the standard and medium density/integrated housing areas.  This application includes a variation to the ILP. | | The applicants justification breaks the matter into 3 areas, and confirms that whilst the PC and AS are not strictly complied with, the overall objectives are achieved.  ‘Variation’ is proposed  See Attachment B |
| A1.2 Subdivision must demonstrate consistency with the following of the below residential density targets in relation to the ILP:  • Large Lot Residential: 10-14 dwellings per hectare.  • Standard Lot Residential: 15-20 dwellings per hectare.  • Small Lot Residential and Medium Density/Integrated Housing: 21-35 dwellings per hectare. | The proposed application seeks to vary the number of lots  within the subdivision as outlined below.  The proposal increases the number of lots over the development site by 6, these additional lots are only capable of single dwellings being constructed, being <500m  2. Accordingly, the  site will achieve 280 dwellings, which is still within the required range by calculation according to the dwelling density targets across the subdivision. | | As per Section 5 of applicants modification report (D24/402845):  *“The original approval included 256 residential lots with the Density Layout Plan indicating this had the potential for 270 dwellings across the site. The dwelling targets across the subdivision remain within the required range, and accordingly the proposed modification will have no adverse impacts, as outlined further in this report*)*.”*  Variation proposed  See Attachment B |
| **Clause 7.2 Staging**  Objectives i. To ensure the development of the URA enables efficient release of residential land and essential infrastructure. | | | | |
| **Performance Criteria** | **Acceptable Solutions** | **Proposed Development** | | **Compliance** |
| P2 Development is staged to enable orderly development and provision of necessary infrastructure. | A2.1 The staging of the URA is undertaken in accordance with Figure 3. | The proposed mod makes no changes to staging. | | No change |
| A2.2 Sub-stages within the stages identified in Figure 3 is acceptable where infrastructure delivery has not been compromised. | No changes to already approved sub-stages with this mod application | | No change |
| The subject land is within stage 4 of the URA, as per plan below.    *Note: The construction of Taylors Lane to the east of the URA boundary is separate to the development of the URA and subject to the delivery of the Far North Collector Road project.* | | | | |
| **Clause 7.3 Subdivision Design**  Objectives   1. To create an attractive urban environment that meets the changing needs of the community and offers a wide choice in good quality housing. 2. To create a mix of lot sizes that provide a range of dwelling types to suit the needs of the community. 3. To ensure that all residential lots are able to have a high level of amenity in terms of solar access, views and proximity to public open space. 4. To ensure that subdivision layouts respond to the natural environment and the escarpment and rural vistas. 5. To create a subdivision pattern that facilitates the efficient provision of infrastructure. 6. To enhance community interaction and outdoor activity through the provision of public space. | | | | |
| **Mandatory Controls** | | **Proposed Development** | | **Compliance** |
| 1. Subdivision applications require the lodgement of a Design Verification Statement in support of the application. | | Appendix 9 – Addendum Design Verification Statement (DVS) has been submitted. (D24/402840)  See commentary at end of this table re: DVS.  (*note DVS not included in stamped approved docs, as referred to in Condition 1).* | | complies |
| 1. Lot widths are to be relative to the lot area as per Table 1 below: | | The lot areas range between 400-499m2 and 550m2+.  Lot widths of lots 400-499m2 all exceed 12m.  The lots 500m2+ comply with min. lot size dimension requirements. | | Complies |
| 1. Subdivision of small lots must have varying lot widths. No more than three consecutive lots shall have the same lot width. A minimum variation of 10% of the adjacent lot width is required | | No more than 3 lots of 400m2 are situated to each other. | | complies |
| 1. Street blocks are designed to be rectangular in shape to enable permeability. The length and width of street blocks (excluding road verges) are a maximum of: 2. • 100m x 70m in areas where small lots are proposed and rear lane access or shared driveways are located. 3. • 200m x 70m in all other areas. | | No change to street blocks | | Remains as already approved. |
| 1. The subdivision layout is designed to maximise the number of north facing dwellings as per the indicative subdivision patterns demonstrated in Figures 4 to 6. In the case of certain forms of medium density housing and zero-allotments, preference will be   given to an east-west orientation in order to maximise solar access along the longest dwelling elevation. | | No change to the overall layout | | Remains consistent with original approval. |
|  | | | | |
| 1. Subdivision of small lots in accordance with Shoalhaven LEP 2014 must:   • Have a primary street frontage; and  • Access is provided via a rear laneway or shared driveway arrangement, except for lots equal to or greater than 400m2. | | No change to overall layout | | Remains consistent with original approval. |
| 1. Lots less than 400m2 include a restriction as to user via a Section 88B instrument that restricts vehicular access from the primary road frontage. | | all lots >400m2. | | n/a |
| 1. Battle-axe lots are avoided unless the access handle provides rear access to small lots.   *Note: In Moss Vale Road South URA, battle-axe lots may be allowed where access is provided by a shared driveway as a result of the allotment being located on an access denied street (i.e. tree lined boulevard). See Figure 5* | | No additional battle-axe lots | | n/a |
| **Clause 7.3.3 Performance criteria and acceptable solutions** | | | | |
| **Performance Criteria** | **Acceptable Solutions** | **Proposed Development** | | **Compliance** |
| P3 Zero lot line developments are appropriately placed on small lots.  *Note: At the subdivision stage, a restriction is to be included on a Section 88B Instrument on lots with potential zero lot line and the adjacent burdened lot to:*  *• Include a 900mm easement for ongoing maintenance and support of the zero-lot line boundary wall. • Exclude Council from any dispute resolution process between the adjoining lots.*  *• To restrict placement of overhanging eaves, gutters or services (rainwater tanks, air conditioning units, hot water units and the like) within the easement.* | A3.1 The location of zero lot lines are based on orientation and topography. The zero lot line should be located on the most southern side of the lot (refer to Figure 7) to maximise solar access. | no change to original approval | | n/a |
| A3.2 The location of proposed zero lot lines must be demonstrated on the subdivision plan. | no change to original approval | | n/a |
| P4 Corner allotments are designed to encourage safe vehicular and pedestrian movement. | A4.1 Corner lots shall allow for a minimum splay of 2m x 2m to allow for pedestrian and vehicular sight distance. | no change to original approval  (all remain compliant) | | n/a |
| P5 Lot layout avoids rear boundaries fronting public spaces. | A5.1 Where residential development adjoins public spaces (excluding laneways) the subdivision design enables the configuration of dwellings or other residential accommodation uses to front the public space. | no change to original approval | | n/a |
| P6 Subdivision layout enables significant views and vistas to be retained. | A6.1 The street layout enables view lines to be established to open space areas within the URA, and to escarpment and pastoral landscapes beyond the URA as per Figure 8. | no change to original approval | | n/a |
| A6.2 The subdivision layout considers views into the URA from Moss Vale Road, Main Road, Taylors Lane and North Nowra. | no change to original approval | | n/a |
| **Clause 7.4**  **Street Network and Hierarchy**  Objectives   1. To achieve a safe and convenient movement network for private vehicles, public transport, pedestrians and cyclists. 2. To provide a connected and legible street network within and beyond the URA. 3. To provide a street layout is informed by natural features, terrain and views. 4. To create a distinct street hierarchy that is distinguishable through changes in the design of the street. 5. To encourage a high quality and visually attractive public domain whilst being functional, legible and safe. | | | | |
| **Mandatory Controls** | | | **Proposed Development** | **Compliance** |
| 1. The street network is to be provided in accordance with Figure 2 and Figure 9. Where a variation to the residential street network is proposed, achievement of the following principles must be demonstrated:   • Establish a defined street hierarchy and permeable street network as per the key development outcomes,  • Encourage walking and cycling by ensuring allotments are within 400m walking distance from the Collector Road, • Maximise connectivity between residential areas and open space,  • Take account of topography and improve connectivity between significant and remnant vegetation through revegetation, • Optimise solar access opportunities for dwellings,  • Provide frontage to and maximise surveillance of open space and riparian corridors,  • Provide views and vistas to key landscape features,  • Maximise the use of water sensitive urban design measures,  • Minimise the use of four-way intersections, and  • Minimise the use of cul-de-sacs. | | | no change to original approval | n/a |
| 1. Streets are designed in accordance with Tables 2 to 6 and Figures 10 to 14. Carriageway widths are measured from lip to lip. Where roads are adjacent to a public open space area, the verge widths may be reduced to a minimum of 1.5m subject to adequate provision of footpaths, utilities, fencing, required Asset Protection Zones or buffers to riparian corridors. | | | no change to original approval | n/a |
| 1. No direct vehicular access or waste collection is permitted on Tree-lined Boulevards, except for the area to the far-west of the western Collector Road (as illustrated by the dashed line in Figure 9). | | | no change to original approval | n/a |
| 1. The Collector Road is designed to allow for a future public transport route as per Figure 15. | | | no change to original approval | n/a |
| 1. All streets must be designed to produce a low speed environment primarily governed by the road geometry, traffic management and calming devices may be considered if required. Such traffic management devices are to be identified at subdivision DA stage | | | no change to original approval | n/a |
| 1. Street trees are required on all streets and are to be placed within the verge as per Figures 10 to 14, and Tables 2 to 6. Placement of street trees will consider underground services, driveways and easements in accordance with Figure 16. Street tree species are to be selected from the Moss Vale Road South Species List in order to establish a distinct identity for the URA. Street trees are planted with appropriate root guards to protect underground infrastructure, pathways, kerb and gutters. Street tree planting is alternated with street lighting. | | | no change to original approval | n/a |
| 1. Construction of verges provide adequate space for underground service allocation and street trees as per Figure 16. | | | no change to original approval | n/a |
| 1. All construction access is to be provided via Moss Vale Road. Taylors Lane will be suitable for use after the completion of the Far North Collector Road project. | | | no change to original approval | n/a |
| **Clause 7.5 Laneways**  Objectives   1. To create attractive primary frontages by removing garages and driveway crossovers, improving the presentation of houses and maximising on street parking spaces and street trees. 2. To promote housing diversity without compromising amenity, particularly for smaller sized allotments. 3. To create a slow speed shared zone that is distinctly different in character and materials to residential streets to reflect the very low volume and frequency of vehicle movements. | | | | |
| **Performance Criteria** | **Acceptable Solutions** | **Proposed Development** | | **Compliance** |
| P7 Laneways are of a size and layout that encourage low volume and safe use, maximise favourable lot orientations, legibility, passive surveillance and accommodate waste collection.  *Note: Laneways are secondary frontages providing rear access. They do not:*  *• Act as a primary frontage;*  *• Provide on-street car parking; and*  *• Include footpaths* | A7.1 No more than two sets of continuous laneways are provided, except where they are transected by Tree-lined Boulevards or Collector Road. | no change to original approval | | n/a |
| A7.2 The laneway verge (excluding driveway crossovers) is to be soft landscaped to improve overall amenity and stormwater infiltration. | no change to original approval | | n/a |
| A7.3 Where a site is located on an access denied street, waste collection and general vehicular access is to occur from the laneway. | no change to original approval | | n/a |
| A7.4 Laneways incorporate sufficient lighting to meet Crime Prevention Through Environmental Design (CPTED) principles. | no change to original approval | | n/a |
| A7.5 A restriction as to user via the Section 88B instrument to restrict driveways on the front boundary | no change to original approval | | n/a |
| **Clause 7.6 Shared Driveways**  Objectives   1. To minimise the impact of driveways on the function of main streets, quality of the public domain and pedestrian safety. 2. To enable shared driveway access to lots fronting access denied roads. 3. To provide safe and easy access to garages and on-site parking arrangements. | | | | |
| **Performance Criteria** | **Acceptable Solutions** | **Proposed Development** | | **Compliance** |
| P8 Shared driveways provide access to small allotments to discourage garage dominated streetscapes. | A8.1 Shared driveways are provided for small lots from local streets only. | No shared driveways proposed | | n/a |
| A8.2 Shared driveways provide vehicular access to no more than 4 dwellings. | No shared driveways proposed | | n/a |
| A8.3 Configuration of shared driveways is provided as per Figure 17 below. | No shared driveways proposed | | n/a |
| A8.4 Shared driveways have a different construction material to road surface. | No shared driveways proposed | | n/a |
| A8.5 Lots that are accessed via a shared driveway have a primary street frontage. | No shared driveways proposed | | n/a |
| A8.6 Shared driveways are a maximum of 6m wide. | No shared driveways proposed | | n/a |
| A8.7 The location of driveways must consider dwelling design and orientation, distance from intersection, street gully pits and tree bays. | No shared driveways proposed | | n/a |
| A8.8 Location of shared driveways must be located a minimum 10m from splitter islands associated with roundabouts. | No shared driveways proposed | | n/a |
| A8.9 Shared driveways are a minimum 0.5m from any drainage facilities on the kerb and gutter. | No shared driveways proposed | | n/a |
| A8.10 Shared driveways incorporate soft landscaped areas on either side at a minimum width of 1m, suitable for infiltration. | No shared driveways proposed | | n/a |
| A8.11 Waste collection from shared driveways is not permitted. A waste collection point is provided directly adjacent to the shared driveway crossover on the local street. Waste collection points are provided as constructed bays are a minimum 1m deep and 5m wide. | No shared driveways proposed | | n/a |
| **7.7 Pedestrian and Cycle Routes**  Objectives   1. To ensure streets and the open space network provide the main pedestrian and cycle routes within the neighbourhood. 2. To ensure shared user paths are part of a connected system which provides a variety of routes to destinations within and outside of the URA | | | | |
| **Performance Criteria** | **Acceptable Solutions** | **Proposed Development** | | **Compliance** |
| P9 Shared pedestrian and cycle paths connect the urban area to the open space network. | A9.1 Shared user paths are located within the verge except for where located within the open space areas as per Figure 18. | no change to original approval | | n/a |
| A9.2 The location of shared user paths in open space areas avoid any existing, established vegetation to ensure retention. | no change to original approval | | n/a |
| A9.3 Shared user paths are 2m wide except for the shared path parallel to Moss Vale Road which is to be 2.5m wide. | no change to original approval | | n/a |
| A9.4 Shared user paths are constructed as per Chapter G11: Subdivision of Land. | no change to original approval | | n/a |
| **7.8 Open Space System**  Objectives   1. To ensure that future residents of all ages and abilities have access to a high quality functional open spaces for passive and active recreation. 2. To ensure the connected network of open spaces within the URA are accessible and provide pedestrian and cycle routes. 3. To provide multi-functional open space areas that are able to encourage a range of activities within the neighbourhood’s diverse open space areas. 4. To incorporate significant areas of natural value within the open space network. 5. To ensure the design and embellishment of the open space is of high quality, robust, low maintenance and addresses the vision of the URA. | | | | |
| **Performance Criteria** | **Acceptable Solutions** | **Proposed Development** | | **Compliance** |
| P10 Open space areas are of a high amenity, accessible, well connected and act as a destination to encourage physical movement, activity and social interaction. | A10.1 Open spaces areas are located in accordance with the ILP at Figure 2. | no change to original approval | | n/a |
| A10.2 Open space areas incorporate facilities such as seating, playgrounds, BBQs, paved areas and landscape planting. | no change to original approval | | n/a |
| A10.3 The open spaces act as gateways marking connections and transitions to adjoining areas. | no change to original approval | | n/a |
| A10.4 Open space areas are provided in accordance with Chapter G11: Subdivision of Land. | no change to original approval | | n/a |
| P11 Open space areas retain and enhance significant vegetation and provide a treed backdrop for views within the neighbourhood. | A11.1 Significant areas of natural and environmental value are retained, enhanced and incorporated into the open space network. | no change to original approval | | n/a |
| **7.9 Landscape Strategy**  Objectives   1. To achieve a landscape setting to balance the built form through well planted streets, open spaces, treed backdrops and lot sizes that provide opportunities for planting in private open space. 2. To protect, maintain and enhance areas containing environmental heritage, remnant vegetation and established trees. 3. To enhance both the public and private amenity within the URA. 4. To contribute to the overall water sensitive urban design approach within the URA. 5. To protect the valuable landscape and environmental values of the URA. 6. To embellish and rehabilitate the environmental corridor / scenic protection area adjacent to Moss Vale Road and Main Road. | | | | |
| **Performance Criteria** | **Acceptable Solutions** | **Proposed Development** | | **Compliance** |
| P12 Landscaping is provided to complement and soften the built form and surrounding natural landscape. | A12.1 A landscape strategy, prepared by a suitably qualified person, is submitted at the subdivision DA stage. The landscape strategy is to include as a minimum:  • Landscape Plan as per Chapter G3: Landscaping Design Guidelines;  • Entry treatment (only for stages that include entry from Moss Vale Road and Taylors Lane);  • Extensive landscaping and street tree planting that incorporates deep rooted canopy trees as per the Moss Vale Road South Species List;  • Protection of remnant vegetation and established trees primarily in the public domain (as per Figure 19);  Protection of riparian corridors (See P15 and A15.1 below);  • Provision of landmark tree planting along the two tree-lined boulevards;  • Establishment of a street lighting and furniture palette;  • Inclusion of any relevant signage detailing local history, Aboriginal cultural values, environmental education themes and the like;  • Deep soil planting to enable a substantial tree cover to be created over time;  • Removal of existing noxious and environmental weed species; and • Rehabilitation of E3 Environmental Management zones. | The approved landscape plan (D23/10183) by Ayling Drury (Dwg. DA02 and DA03 Rev F dated 19.09.22) has been reviewed  Amended Landscape Plans have been submitted reflecting the proposed lot layout changes – Ayling Drury (Dwg. DA-02, Rev H dated 05.07.24 and DA-11, Rev H dated 05.07.24.  The amended landscape plans are consistent with those already approved. | | complies |
| Figure 11 - Approved landscape plan (D23/10183 sheet 22/30) by Ayling Drury (Dwg. DA02 Rev H dated 19.09.22)    Figure 12 Amended Landscape Plan - Ayling Drury (Dwg. DA-02, Rev H dated 05.07.24    Figure 13 - Approved landscape plan (D23/10183) by Ayling Drury (Dwg. DA02 and DA03 Rev F dated 19.09.22)    Figure 14 Amended Landscape Plan - Ayling Drury (Dwg. DA-11, Rev H dated 05.07.24) | | | |
| A12.2 Provision of landscaping does not impact sight distances for traffic and pedestrians. Minimum safe | no impact on sight distances | | complies |
| P13 Retain existing established trees. | A13.1 Landscaping is designed in consideration of existing established trees through their retention in the public domain, including road reserves and open spaces. Sufficient space around existing established trees is provided to minimise potential hazards to structures. | Trees are proposed – revised plan submitted dated 05/07/2024 | | complies |
| A13.2 Flora and fauna assessment considers any trees for removal for risk and safe useful life expectance (SULE). | no change to original approval | | n/a |
| **7.10 Environment**  Objectives   1. To achieve a high standard of environmental performance and management of natural assets and environmental heritage within the URA. 2. To protect and enhance remnant vegetation through incorporation within the open space and stormwater network. 3. To retain the maximum amount of established trees in the URA. | | | | |
| **Performance Criteria** | **Acceptable Solutions** | **Proposed Development** | | **Compliance** |
| P14 Significant and remnant vegetation and habitat for threatened species is retained and protected. | A14.1 Significant and remnant vegetation (including native vegetation) within the public domain, including in open space areas, is retained and opportunities for enhancement are included.  *Note: Threatened species have been identified in this URA. A comprehensive Flora & Fauna assessment is to be prepared by a suitably qualified and experienced person and is to include an analysis of constraints and opportunities, identify / map areas for rehabilitation and assessment to consider any trees for removal for risk and safe useful life expectance.* | no change to original approval | | n/a |
| A14.2 Identify impact mitigation and management measures to protect threatened species including but not limited to bats. | no change to original approval | | n/a |
| P15 Riparian corridors are protected and improved.  *Note: The riparian corridors are linear tracts of land associated with the Shoalhaven River drainage system. They are important for maintaining biodiversity, water quality and bank stability. They are a significant component of the Nowra-Bomaderry conservation strategy and represent both constraints and opportunities to urban development.* | A15.3 Buffers are vegetated to protect the integrity of the riparian zone from weed invasion, littering, sedimentation, erosion control pollution and impacts of climate change. | no change to original approval | | n/a |
| A15.4 Fencing within riparian corridors are minimised and across watercourses is not permitted. Where fencing is required for safety purposes, the design must allow terrestrial and aquatic fauna to pass through | no change to original approval | | n/a |
| P16 Incorporate elements of Aboriginal cultural and environmental heritage within the open space areas of the URA to ensure their protection. | A16.1 An Aboriginal Cultural Heritage Assessment is submitted at the subdivision DA stage.  *Note: Refer to Guidelines by the Office of Environment and Heritage as the relevant authority under the National Parks and Wildlife Act 1974.* | Revised GTA have been issued | | complies |
| A16.2 Where culturally appropriate and acceptable any Aboriginal cultural heritage identified through the Aboriginal Cultural Heritage Assessment is used to develop interpretive signage to be located in the public spaces of the URA. | no change to original approval | | n/a |
| **7.11 Stormwater Management and Flood Minimisation**  **Objectives**   1. **To manage stormwater flow paths and systems to ensure development does not increase the flood risks and safety of people, property and the environment.** 2. **To minimise any impacts on natural watercourses and associated ecosystems during stormwater events.** 3. **To ensure that development does not increase flood risk on existing or adjoining properties.** 4. **To encourage the reuse of stormwater generated by development.** 5. **To achieve a neutral or reduced post development stormwater sedimentation and pollutant load when compared to pre development conditions. vi. To minimise soil erosion and sedimentation resulting during and post construction.** | | | | |
| **Performance Criteria** | **Acceptable Solutions** | **Proposed Development** | | **Compliance** |
| P17 Stormwater flows and quality is managed using Water Sensitive Urban Design (WSUD) principles. | A17.1 Development Applications must be supported by a Concept Stormwater Plan. The Concept Stormwater Plan must demonstrate:  • WSUD principles (including on-site stormwater detention/retention) as per Chapter G2: Sustainable Stormwater Management and Erosion and Sediment Control.  • Stormwater management primarily within the street network. | Overall stormwater solution already approved.  Engineer has recommended minor change to condition 38c as follows:  *Generally, in accordance with concept stormwater layout plans by Maker ENG (Drawing No. MKR00145-10-C115 (Revision 6), MKR00145-10-C116 (Revision 7), MKR00145-10-C117 (Revision 6), MKR00145-10-C118 (Revision 7), MKR00145-10-C119 (Revision 6) and MKR00145-10-C120 (Revision 6))* ***except that the design should be updated to reflect the updated approved lot layout and provide either a stormwater pit or junction at the low point for each lot proposed to connect to the inter-allotment drainage system, and*** *except where specified by relevant conditions of consent* | | complies |
| A17.2 Stormwater management is to be designed and implemented within the URA boundaries unless the following can be demonstrated:  • suitable topography;  • good access to the WSUD / drainage infrastructure;  • ability to be combined with an adjacent WSUD element;  • ensure that flow rates and water quality do not adversely impact the waterway reach from the site to the offsite WSUD element; and • WSUD element is increased in size to cater for the additional catchment. | Overall stormwater solution already approved. | | complies |
| A17.3 WSUD measures are operational no earlier than 90% completion to avoid any bio-retention/filtration basins or wetlands being compromised. | no change to original approval | | n/a |
| P18 Manage stormwater flow as a result of flood events to minimise risk of flooding to residential accommodation. | A18.1 ‘Minor’ flows are managed using piped systems for the 18.13% Annual Exceedance Probability (AEP) (5 year Average Recurrence Interval) (residential accommodation) and 10% AEP (10 year Average Recurrence Interval) (mixed use development / commercial premises). Management measures shall be designed to: • control stormwater to minimise localised flooding and reduce nuisance flows;  • provide sufficient on-site storage to match pre peak flow rates for the 50% AEP (1.5 year), 18.13% AEP (5 year) and 5% AEP (20 year) rain events;  • ensure that the duration of stream forming flows are no greater than 2 times the pre-development duration of stream forming flows at the site discharge point;  • encourage the installation of rainwater tanks for residential accommodation that meet a portion of supply such as outdoor use, toilets, laundry;  • capture and retain a high level of urban water run-off pollutants to protect local watercourses;  • include sufficient WSUD elements to achieve the water quality targets listed in the table below:    A18.2 Major ‘flows’ are managed using dedicated overland flow paths such as open space areas, roads and riparian corridors for all flows in excess of the pipe drainage system capacity and above the 18.13% AEP (5 year Average Recurrence Interval). Management measures shall be designed to:  • prevent both short term and long term inundation of habitable dwellings;  • control localised flooding from storm events to maintain access to lots, maintain the stability of the land form and to control erosion;  • habitable floor levels to have a minimum of 0.5m freeboard above the 1% AEP (100 year) flood level;  • ensure that any proposed filing does not cause unacceptable afflux to adjacent properties for all events up to and including the probable maximum flood;  • provide for the orderly and safe evacuation of people away from rising floodwaters by providing reliable access ensuring that the water depth – velocity product is no greater than 0.3m2 /s for events up to 1% AEP (100 year) storm;  • provide sufficient on-site storage to match pre development peak flow rates for the 1% AEP (100 year) rain event. This will be achieved using detention storage within water quality features and detention basins. | no change to original approval | | n/a |
| A18.3 Management measures for minor and major flows (including WSUD elements) must not result in obstruction / redirection of flood waters as per Chapter G9: Development on Flood Prone Land | no change to original approval | | n/a |
| P19 Stormwater outlets are engineered to mimic pre development flow conditions. | A19.1 Stormwater outlets include an appropriate flow spreader/energy dissipater to replicate pre development flow conditions. | no change to original approval | | n/a |
| P20 Development of the site results in improved benefit from stormwater discharged into natural watercourses. | A20.1 Stormwater discharge is designed to achieve targeted reductions as per Chapter G2: Sustainable Stormwater Management and Erosion and Sediment Control. | no change to original approval | | n/a |
| **7.12 Residential Development**  **Objectives**   1. **To provide a mix of densities to cater for the various housing needs of a range of different demographic groups.** 2. **To encourage residential development that will contribute to the amenity and streetscape character of the area.** 3. **To encourage innovative design with a high level of water and energy efficiency.** 4. **To have higher density housing in the central area of the URA nearby public open spaces and in close proximity to main streets.** 5. **To encourage the delivery of a small housing products that can contribute to affordable housing.** | | | | |
| **Performance Criteria** | **Acceptable Solutions** | **Proposed Development** | | **Compliance** |
| P21 Design of residential development contributes to the character and amenity of the URA. | A21.1 Dwellings are designed in accordance with the relevant controls in Table 7. Note: In addition to the provisions outlined in this Chapter, you must refer to the provisions of the Generic Chapters as relevant. In the event of any inconsistency, the provisions in this Chapter will prevail. | This is for subdivision only.  However proposed lot sizes will have impact on lot size choice. | | n/a |
| P22 Dwellings appropriately address the primary street frontage. | A22.1 Dwellings are sited to face the street, with visible front entries and habitable rooms fronting the street, particularly at ground level. | This is for subdivision only.  All proposed lots will maintain road frontage. | | n/a |
| A22.2 The primary street façade of a dwelling incorporates at least two of the following Shoalhaven Development Control Plan 2014 Chapter NB3: Moss Vale Road South Urban Release Area Page | 38 design features as part of the articulation zone:  • Entry feature or porch.  • Awnings or other features over windows.  • Balcony treatment to first floor element.  • Recessing or projecting architectural elements.  • Open verandah.  • Bay windows or similar features. • Verandahs, pergolas or similar features above garage doors. | This is for subdivision only | | n/a |
| A22.3 Dwellings with dual road frontage (corner lots and rear loaded lots):  • Must address both the primary and secondary road frontage.  • The secondary road frontage must incorporate at least two of the design features mentioned in A22.2.  • Landscaping in the front setback should continue around the secondary setback to the depth of the transition zone (refer to Section 7.13 of this Chapter).  • On corner lots, carports and garages must be located and accessed from the secondary road frontage.  • On rear loaded lots, carports and garages must be located and accessed from the laneway. | This is for subdivision only | | n/a |
| P23 Zero lot line developments provide adequate solar access and amenity to neighbouring residences. | A23.1 Dwellings built to the zero lot line are single storey.  *Note: Zero lot lines are not permitted where an easement to drain sewage is within the side setback.* | This is for subdivision only | | n/a |
| A23.2 The external zero lot line wall shall be constructed no more than 250mm from the property boundary. | This is for subdivision only | | n/a |
| A23.3 Gutter and drainage services must be wholly contained within the allotment. | This is for subdivision only | | n/a |
| A23.4 A boundary fence shall not be constructed adjacent to the zero lot line wall. | This is for subdivision only | | n/a |
| A23.5 Zero lot boundary wall finishes consider the character of the development on the neighbouring property which exists at the time of the DA | This is for subdivision only | | n/a |
| P24 Parking and access is to be functional and contribute to streetscape and laneway amenity. | A24.1 On-site car parking is provided in accordance in Chapter G21: Car Parking and Traffic. | This is for subdivision only | | n/a |
| A24.2 Carports and garages are to complement the dwelling design. | This is for subdivision only | | n/a |
| A24.3 Where garages are provided in rear laneways:  • Minimum garage doorway widths are 2.4m (single) and 4.8m (double).  • Garage location is based on the orientation of the allotment (refer to Figure 20), so as to improve solar access to the rear yard.  • General vehicular access is to occur from the laneway.  • Vehicle crossings are not to exceed 3m wide in streets or 4.8m wide in lanes | No rear laneways for lots related to this modification | | n/a |
| A24.4 Triple fronted garages are not permitted | This is for subdivision only | | n/a |
| P25 Development on corner lots contribute to streetscape character. | A25.1 Walls facing the secondary frontage (corner lots) shall have an active frontage for at least 4m back from the front building line of the house (i.e. at least one window) with a maximum continuous wall length of 6m. | This is for subdivision only | | n/a |
| P26 Dwellings are designed to maximise energy efficiency. | A26.1 Dwellings and private open space is sited as per the orientation of the dwelling (refer to Figure 21). | This is for subdivision only | | n/a |
|  | A26.2 Dwellings on lots less than 400m2 in area are single storey, unless proposed as Integrated Housing with two or more dwellings. | This is for subdivision only.  All lots will be > 400m2. | | n/a |
| **7.13 Fencing**  **Objectives**   1. **To ensure boundary fencing is of a high quality, promotes safety and surveillance and does not detract from the streetscape or public open space areas.** 2. **To ensure boundary treatments contribute to the desired character of the URA** | | | | |
| **Performance Criteria** | **Acceptable Solutions** | **Proposed Development** | | **Compliance** |
| P27 Fences and walls adjacent to the public domain:  • Enable some outlook from buildings to the street for safety and surveillance.  • Contributes to safety and amenity of public open space.  • Assist, where appropriate, in highlighting entrances and in creating a sense of communal identity within the streetscape.  • Are designed and detailed to provide visual interest to the streetscape.  • Are constructed of materials compatible with:  - Existing and proposed housing, and  - High quality existing fences and walls in the streetscape to encourage continuity.  • Are compatible with facilities in the street frontage area, such as mailboxes and waste collection points. | A27.1 Front fences and walls forward of the building line, (see Area 1 - Figure 24), should be no higher than 1.2m. The fence must contain open elements that make it at least 50% transparent, or where there are solid panels, must contain articulated elements such as landscape screening, setbacks and varied materials | This is for subdivision only | | n/a |
| A27.2 On a corner lot, the fence along the secondary frontage, including the fence in front of and 4m behind the front building line (the “transition zone” see Area 2 - Figure 24):  • Should be no higher than 1.2m; and • Should be a continuation of the fence or landscaping on the primary street frontage; and  • Must contain open elements that make it at least 50% transparent, or where there are solid panels, must contain articulated elements such as landscape screening, setbacks and varied materials. | This is for subdivision only | | n/a |
| A27.3 Fences beyond the “transition zone" along the secondary frontage and/or along a rear boundary adjacent to the public domain/public open space (see Area 3 - Figure 24):  • Should be no higher than 1.8m; and • Must contain open elements that make it at least 50% transparent or, where there are solid panels, must contain articulated elements such as landscape screening, setbacks and varied materials. | This is for subdivision only | | n/a |
| A27.4 Fencing is to be of high quality material and finish. The use of metal fencing materials is discouraged directly adjacent to the public domain, except adjacent to laneways. | This is for subdivision only | | n/a |
| A27.5 Front fences and walls should be designed to use similar or compatible materials to that used for the dwelling on the subject lot. | This is for subdivision only | | n/a |
| A27.6 Fences in large lot residential areas (the outer areas of the URA) are encouraged to use semi-rural post and wire or post and rail fencing to blend in with the adjoining rural landscape | This is for subdivision only | | n/a |
| **Design Verification Statement (DVS)**  A DVS is a document that provides clear and sound reasoning on how the proposed development meets the relevant objectives, performance criteria and acceptable solutions of this Chapter. | | | | |
| **Requirement** | | | **Proposed Development** | **Compliance** |
| A DVS is required to support a subdivision DA which includes small lots as per Shoalhaven LEP 2014.  The DVS must include but is not limited to:  • A description of the proposed development (except for where the DVS is contained within a Statement of Environmental Effects).  • A robust explanation of the design of the subdivision and how it meets the individual key development outcomes (refer to Section 6 of this Chapter).  • Identify and justify any variations to the ILP | | | Addendum DVS has been submitted D24/402840  This statement addresses the required issues.  The variation to the ILP is addressed in the submitted amended report – D24/402845. | complies |

# Appendix B – Justification for Performance-Based Solution/s

The proposed development involves a departure from the acceptable solution/s set out in Shoalhaven DCP 2014. Consideration of the performance-based solution is provided below:

|  |  |
| --- | --- |
| **Performance-based Solution to Acceptable Solution A1.1, A1.2 in Chapter NB3 of Shoalhaven DCP 2014** | |
| **Control being “varied”** | |
| A1.1 Development with in the URA is in accordance with the ILP (Figure 2). (*Indicative Layout Plan: ILP*)  A1.2 Consistency with residential density targets  *Note: Variations to the ILP may be considered where the applicant provides sound justification and can demonstrate that the proposed development meets Sections 5, 6 and 7 of this Chapter.*    *Figure 1 - SDCP 2014 Chpt NB3 ILP Figure 2 – excerpt of SDCP 2014 - the subject land is mapped as "standard lot residential"* | |
| **Extent of proposed departure from acceptable solution** | |
| The proposed application seeks to introduce small lot housing in the standard and medium density / integrated housing areas.  The proposed modification seeks to introduce 6 more lots within the subdivision, between 400m2 and 500m2.  These lots are below the general 500m2 requirement, therefore are referred to as ‘small’ lots.  The subject land is mapped under the ILP as part “standard lot residential” and part ‘medium density / integrated housing’. | |
| Figure 15 - Proposed Lot Amendment Plan - areas 1, 2 & 3. Figure 16 - excerpt of DCP ILP map with mod areas  The areas 1, 2 & 3 includes lots in stage 6.  Part of area 3 contains stage 7 lots.  Stage 6 – now proposes to create of 60 residential lots (lots 700-759)  Stage 7 - now proposed to create 7 residential lots (Lots 800-806)  Under SLEP Clause 4.1H lots in Area 3 are able to be <500m2.  Therefore, those lots excluded from being considered as a ‘variation’.    Figure 17 - stage 6 & 7 lot layout (note stage 7 disregarded due to Clause 4.1H mapping)  The variation is not to the lot sizes per se, but rather the density provisions outlined in the ILP mapping.  Whilst the lot reconfiguration in stages 6 & 7 will result in a total of 6 additional lots in the standard lot mapping area, the footprint of the development is not changing. Additional lots are being made available, by the reduction in area of a number of lots, as shown on the submitted plans.  Of the total now 60 lots now proposed in stage 6, 35 will be compliant with the LEP/ standard lot mapping area requirement, i.e. within the Clause 4.1H mapped area and/or >500m2.  Of the 7 lots proposed in stage 7, (lots 801-807) all are located in the Clause 4.1H mapped area. Therefore these 7 lots are considered to be compliant with the LEP.  A total of 25 lots are proposed in stage 6 to be below the LEP/ standard lot mapping area requirement.  Under this proposal, a total of 262 lots are proposed, of which the proposed 25, represent 10.5% of the total number of lots proposed.  Therefore, 89.5% will remain compliant.  As stated in SDCP 2014 Chapter NB3: *Note: Variations to the ILP may be considered where the applicant provides sound justification and can demonstrate that the proposed development meets Sections 5, 6 and 7 of this Chapter.*  The proposed small lots will result in achieving the residential environment and densities envisioned in the SDCP Chapter NB3 Objectives.  *The Moss Vale Road South URA offers considerable opportunities to create a highly desirable residential environment that incorporates large expanses of passive open space that has multiple functions. The open space areas form part of the movement network for pedestrians and cyclists, provide a variety of recreational opportunities, protects riparian corridors, integrate areas of significant and remnant vegetation, and water sensitive urban design. A variety of residential styles and densities will be provided by encouraging a mix of lot sizes and housing products at different price points. Housing choice in this URA will appeal to a broad future community including first-home buyers and households wishing to downsize; and everyone in between. Increased densities will be located in high amenity areas that can easily serviced by public transport and public open space, with lower housing density appropriately transitioning into the rural landscape on the edges of the URA.*  One of the key development outcomes for the Moss Vale Road South URA was *that the URA will provide housing diversity by enabling the development of various housing types to meet the needs for the future community. Where small lots are provided, they:*  *a. Engage with the street and open space areas by minimising the dominance of garages and vehicular parking spaces.*  *b. Maximise access to open space areas*.  The proposed modification will achieve that outcome and the proposed small lots will ensure the housing diversity can be met.  The subdivision (A1.2) must demonstrate consistency with residential density targets – areas of standard lots to be 15-20 dwellings per ha, and small lots to be 21-35 dwellings per ha.  The original approval included 256 residential lots with the Density Layout Plan indicating this had the potential for 270 dwellings across the site.  The dwelling targets across the subdivision remain within the required range, and accordingly the proposed modification will have no adverse impacts.  The applicant’s appendix 9 – Addendum Design Verification Statement, address the proposed modification with regard to SDCP Chapter NB3 Section 8.1.   * The delivery of smaller lots within the subdivision will provide a broader range of housing typologies within the URA. The application demonstrates that future buildings on the proposed lots can provide high amenity residences, which are not dominated by parking, and with streetscapes where on street parking is not impacted.   The densities achieved within the subdivision increase, however this is minor with only an additional 6 lots across the subdivision. Figure 1 of this report identifies that the proposed densities within the respective areas of the area to be modified which remain acceptable. | |
| **Unique circumstances as to why a departure from the acceptable solutions is being sought** | |
| The applicant has provided reasons for support for the proposed modification.   * The proposed modification to the consent will not undermine any of the original reasons for the granting of the original consent. The proposal remains generally consistent with the original environmental planning considerations applying for the proposed development. * The proposed layout as proposed to be amended under this application complies with the requirements of the DCP, with the exception of the ILP. * The proposed modifications reflect updates to site conditions, ongoing design refinements on behalf of the landowner and to ensure that the end development outcome is responsive to housing market needs. * The proposal results in an increase of 6 lots, which is minor in consideration of the overall development. * The proposed modifications maintain compliance with the key development standards contained within Shoalhaven DCP 2014 and the variation to Clause 4.1 of Shoalhaven LEP 2014 has strong environmental planning grounds to warrant support. * The proposed lot arrangement is in keeping with the approved subdivision lot pattern of the original approval. * The development, as modified, will remain substantially the same, and will not result in additional environmental impacts. * The proposed reconfiguration of lots achieves a good planning outcome, meeting the housing needs of the Shoalhaven with minimal environmental impacts. | |
| **Demonstrate how the relevant objectives and performance criteria are being met with the performance-based solution** | |
| Objective | Commentary |
| A1.1 & A1.  *To ensure development is undertaken in a coordinated manner that responds to the topography, views and the natural environment.*   1. *To provide a variety of lot sizes that facilitate a range of housing types in appropriate locations.* 2. *To ensure well connected and legible movement network that will provide a variety of routes for vehicles, pedestrians and cyclists both within the neighbourhood and to surrounding areas.* 3. *To provide public open space that enhances existing landscape values, protects significant and remnant vegetation, provides opportunity for stormwater management and improves the amenity for future residents.* | The proposed performance-based solution is consistent with the objectives of the development controls.  The proposal will provided an increase in the variety of lot sizes available, and an additional 6 lots.  *“The end outcome of increased planned residential density is still achieved and facilitates providing a variety of lot sizes that facilitate a range of housing types in an appropriate location.”* |
| Performance Criteria | Commentary  Detail how the proposed departure from the acceptable solution will still comply with the relevant performance criteria. |
| P1 Development is undertaken in a coordinated manner that is consistent with the ILP. | The proposed modification does differ to the ILP but, will be undertaken in a coordinated manner that is consistent with the ILP.  This modification is in accord with the vision for this URA - A variety of residential styles and densities will be provided by encouraging a mix of lot sizes and housing products at different price points. |
| **Demonstrate how the development will not have any adverse impacts as a result of the performance-based solution** | |
| As stated by the applicant :  *“The proposed modified subdivision is consistent with the lot pattern of surrounding development within the URA within a new and emerging urban release area. The lot size variation specifically, does not result in adverse amenity impacts such as non-compliance with other planning controls or compromised landscape or visual privacy outcomes. The subdivision will be generally unnoticeable and have no impact on neighbouring properties with the modified components of the development contained within a new subdivision within an area of mixed lot sizes.”*  SDCP 2014 - Chpt NB3 - A1.1 & A1.2  The proposed departure from A1.1 & A1.2 will not result in an adverse impact because the proposed lots of 400m2 will be:   * sited within the URA, ensuring a variety of lot sizes will be provided enabling housing diversity; * connected to all services; * consistent with overall densities envisaged for this location; * consistent with overall subdivision layout, with no changes to street layout, open space provision, and stormwater network; | |