

## DE20.27 Landscape Screening and Bushfire Protection Measures - Planning Proposal (PP029) - Hitchcocks Lane, Berry

**HPERM Ref:** D19/374064

**Section:** Strategic Planning

**Approver:** Phil Costello, Director Planning Environment & Development Group

**Attachments:** 1. Proponents' Concept Masterplan 27/2/20 - Hitchcocks Lane PP029 [↓](#)  
2. Screening Landscape Plan - Hitchcocks Lane PP029 [↓](#)

### Reason for Report

- Provide a general update on the status of this Planning Proposal (PP029); and
- Seek Council's specific input into one of the key aspects of this PP - proposed vegetation screening along the southern side of the subject land as recommended in the Visual Impact Assessment, incorporating the recommendations of a Bushfire Assessment report.

### Recommendation (Item to be determined under delegated authority)

That Council:

1. Note the update on the status of Planning Proposal PP029.
2. Give 'in principle' endorsement to locating a proposed landscaped screen adjacent to the southern boundary of the subject land as follows:
  - a. Minimum 12 m wide landscaped buffer incorporating an 8 m wide planting area and 2 m wide buffer on either side.
  - b. The landscaped buffer is to be maintained by the landholder in accordance with a positive covenant on the adjoining land.
3. Secure the Proponent's commitment to implement the above measures via a Voluntary Planning Agreement to be exhibited concurrently with the PP.
4. Prepare a draft amendment to Chapter N3 (Berry Residential Subdivision) of Shoalhaven Development Control Plan (DCP) 2014 to incorporate the above provisions and any other key recommendations of the supporting studies.
5. Commence the preparation of an amendment to Shoalhaven Contributions Plan 2019 project 01OREC0009 (Land acquisition for passive open space - Princes Highway, Berry) to recognise the demand the additional lots will place on the passive open space network in the Huntingdale subdivision area.
6. Prepare a report on the PP package prior to public exhibition, including the updated PP, draft Planning Agreement, and proposed amendments to the CP and DCP.

### Options

1. As recommended.

Implications: this is the preferred approach, endorsing the proposed landscaping and bushfire protection measures will enable the concept masterplan and further details of the

PP and supporting documents to be prepared/updated and progressed toward public exhibition.

Provision of effective visual screening along the land's southern side, while at the same time, managing bushfire risk are key outcomes that affect other aspects of the PP (zoning, lot sizes, road layout etc.). The proposed landscaping and bushfire protection measures have been negotiated between Council staff and the proponents and satisfactorily address these issues.

2. Adopt an alternate recommendation.

Implications: will depend on the nature of changes made, but may delay the finalisation of the concept masterplan and overall progression of the PP. Any alternate measures may not satisfactorily address bushfire hazard and visual screening along the southern side of the subject land and may not be agreed to by the proponents.

3. Do not proceed with the recommendation.

Implications: this will delay the finalisation of the concept masterplan and overall progression of the PP. Key visual impacts and bushfire hazards will not be addressed in the PP.

### **Background**

This PP covers the land outlined red in Figure 1 below, being part of Lots 762 and 763 DP 1224932, Hitchcocks Lane, Berry (the subject land).

The subject land is located on the southern edge of the Berry urban area and is adjoined to the southeast by the Princes Highway, to the north by the Huntingdale Park residential estate and to the southwest by rural land.



**Figure 1:** Subject land

The PP was initiated as the result of a proponent-initiated PP application that was received on 8 September 2017 from Cowman Stoddart Pty Ltd on behalf of the landowners. At the time, both lots were owned by P&P Bice. One of the two lots (Lot 763) was subsequently purchased by 2535 No 2 Pty Ltd.

Council resolved to support the PP at the 14 November 2017 Development Committee meeting as follows:

1. *Prepare a Planning Proposal to rezone part (as detailed in the plans within this report) of Lots 762 and 763 DP 1224932, Hitchcocks Lane, Berry, to an R2 - Low Density Residential Zone with:*
  - a. *A 500 m<sup>2</sup> minimum lot size; and*
  - b. *An 8.5 m maximum height of buildings.*
2. *Forward this Planning Proposal to the NSW Department of Planning and Environment for a Gateway determination with a request that the determination be subject to a condition allowing up to 25% of the site to be provided with a lot size as small as 350 m<sup>2</sup> subject to specialist studies and community consultation.*

3. *Advise the NSW Department of Planning & Environment that the following studies are considered appropriate as part of the post Gateway stage of the Planning Proposal (prior to public exhibition):*
  - a. *Stormwater assessment including conceptual design details for the proposed drainage reserve*
  - b. *Stage 1 preliminary contaminated site assessment*
  - c. *Aboriginal cultural heritage assessment*
  - d. *Flood risk assessment*
  - e. *Traffic study*
  - f. *Visual impact assessment*
  - g. *Infrastructure study and delivery plan (including “soft” infrastructure)*
  - h. *Master plan including detailed urban design and built form guidelines*
6. *Consider a report on the Planning Proposal prior to public exhibition.*

The PP subsequently received a Gateway determination from the then NSW Department of Planning and Environment on 3 April 2018 authorising the PP to proceed, subject to consultation with public authorities, completion of several technical studies and public exhibition.

The PP seeks to rezone the subject land from RU1 Primary Production to R2 Low Density Residential to permit the subdivision of the land for residential development. A condition of the Gateway determination permits the provision of lot sizes down to 350 m<sup>2</sup> across up to 25% of the subject land.

This report primarily concerns the key aspect of the Visual Impact Assessment, noting that depending on the outcome of this detailed matter that a further report will be presented to Council prior to public exhibition of the overall PP. A brief update on the other studies associated with the PP is provided later in this report.

### **1. Visual Impact Assessment & Urban Design Guidelines (VIA/UDG)**

Given the importance of this aspect, Council commissioned Peter Andrews and Associates P/L to prepare a Visual Impact Assessment and Urban Design Guidelines (VIA/UDG) for the PP independently of the Proponent, but with funding provided by the proponent consistent with Council's Planning Proposal Guidelines.

The resulting VIA/UDG report recommends a range of planning and urban design measures to achieve positive visual outcomes on this key edge to the town of Berry and manage the visual impact of the proposed development. The recommended measures cover development density, lot sizes, lot layout, dwelling/lot design and landscaping.

Of these measures, potentially most contentious is a proposed tree and vegetation screen to manage the visual impact of the site as viewed from the Princes Highway when travelling north. The detail of how this is implemented is a key policy issue that requires closer consideration by the Council, and it will inform preparation of the PP maps, particularly the minimum lot size map.

The existing view of the subject land when travelling north along the Princes Highway is shown in **Figure 2**.



**Figure 2:** Existing view north toward the subject land from the Princes Highway  
(Peter Andrews & Associates, May 2019)

The VIA identifies this view as sensitive due to the outstanding views of the surrounding ridgelines, escarpment, natural areas and cleared rural lands available when travelling north on the Highway towards Berry.

**Figure 3** is a photo montage of the proposed development from the same viewpoint based on Council's generic DCP controls for subdivision.



**Figure 3:** Indicative photo montage of proposed development without screening from the same viewpoint based on Council's generic subdivision DCP controls

(Peter Andrews & Associates, May 2019)

The VIA concludes that without appropriate screening, the proposed development would have a moderate impact on these views due to the extent of the proposed development, the abruptness of the change in view and the resulting increased urbanity of the view.

As a result, the VIA recommends that substantial tree planting be undertaken along the southern boundary of the subject land and within the drainage corridor that traverses through the site to screen views of the proposed development from the Princes Highway. The VIA suggests that the tree planting on the southern boundary could be within the subject land or on the adjoining land near the development and should incorporate any acoustic berms (if required) to mitigate highway noise.

**Figure 4** is an indicative photo montage of the view of the proposed development with potential tree planting along the southern boundary and the drainage corridor.



**Figure 4:** Indicative photo montage of proposed development incorporating recommended tree planting along southern boundary and drainage corridor  
(Peter Andrews & Associates, May 2019)

The VIA also includes a concept development plan showing how the recommended screening measures could be incorporated into the future subdivision and development of the subject land (**Figure 5**).



**Figure 5:** VIA concept development plan (Peter Andrews & Associates, May 2019)

The main vegetation screen shown in Figure 5 is located to the south of the subject land (i.e. within the area that will remain RU1) and also along the drainage corridor that dissects the subject land.

The VIA does not specify a minimum width for the southern boundary tree planting however the indicative width on the concept development plan is 20 m. It should be noted that this plan was prepared to illustrate one possible development scenario incorporating the VIA's recommendations. It does not necessarily reflect the Proponent's concept masterplan for the subject land.

The recommended establishment of effective tree and vegetation screening, particularly along the southern and south eastern side of the development and the drainage corridor that dissects the subject land is strongly supported given the highly visible nature of this edge on the entry into Berry. Without an appropriate treatment the development of the subject land could have a negative or less than desirable visual impact on this key entry. Council staff have had detailed discussions and negotiations with the proponents in relation to the position (within or outside of the subject land), width, tenure and ongoing management responsibility of the vegetation screen/s.

Several different options and implementation mechanisms have been considered for establishing effective vegetation screens including the following:

- Positive covenant on the title of future residential lots within the subject land, maintained by each landholder.
- Land dedicated to Council as open space or part of a widened road reserve.
- Easement on adjoining private land maintained by Council.
- Positive covenant on adjoining private land maintained by landholder.
- Landscaping width ranging from 6 m to 20 m wide.

It is considered important that the selected vegetation screening option:

- Is established at subdivision stage i.e. ahead of development. Note: this has been a consistent theme in early planning work done by Council for this future residential area.
- Is sufficiently wide enough and under appropriate tenure to facilitate effective screening of the development from the south, as depicted in the VIA report.
- Addresses the long-term management arrangements for the landscape screen. It should also be cost-neutral to Council over the life of the asset.
- Complies with the requirements of *Planning for Bushfire Protection 2019* - the subject land is not currently identified as bushfire prone, but the NSW Rural Fire Service advised in late 2019 that it is likely to be identified in the new grassland hazard category when the bushfire prone land mapping is revised. A bushfire assessment was subsequently commissioned by the proponent, to ensure that any proposed vegetation screening and landscaping is consistent with bushfire planning requirements.

In discussions with Council staff, the proponents have agreed on a proposed landscaping treatment for the southern boundary comprising:

- 12 m wide landscaped screen encompassing 8 m of planting and 2 m wide buffers on either side to provide access for maintenance. Council's landscape architect has advised that this is suitable to achieve the screening effect depicted in the VIA.
- Mix of low, medium and tall plantings to achieve an effective screen. The canopy width of the buffer will be in the order of 12 m.
- Fire resistant species (buffer will adjoin the southern side of the 14 m wide asset protection zone required for the future development).
- Buffer is proposed to be located on the adjoining land and maintained by the landholder (currently the same owners as the subject land) via a positive covenant.

The proponents also propose to establish the plantings on either side of the drainage corridor consistent with another recommendation of the VIA.

The agreed measures are illustrated in **Attachments 1 and 2** (Proponent's concept masterplan and landscaping plan). Detailed considerations that will need to be addressed in the design of the landscaped buffer (fencing, edging, drainage, maintenance regime etc.) will also be included in the draft DCP Chapter for the subject land and are proposed to be secured via a Voluntary Planning Agreement (VPA) to be prepared and exhibited concurrently with the PP, DCP etc.

Council's endorsement of this approach is now sought so that the PP and supporting draft DCP amendment can be prepared/updated as the size and location of the landscaped screen will affect the layout of the concept masterplan to be exhibited with the PP.

The overall PP package (including proposed DCP and CP amendments) will be reported to Council for review prior to the formal community consultation public exhibition and then again after the public exhibition period.

Council staff and the proponents are having ongoing discussions on the other recommendations of the VIA/UDG and are confident of reaching agreement on a set of

preferred development controls to form the basis of a draft DCP chapter for the site. Details of these will be provided in the pre-exhibition Council report.

## **2. Bushfire Planning Considerations**

As noted, the subject land is not currently identified on the bushfire prone land map and the Gateway determination does not require the PP to be referred to the NSW Rural Fire Service (RFS). However, the RFS is currently reviewing and updating bushfire prone land maps across the State. As part of this update, 'grasslands' will be added to the map as a new category of bushfire prone land. The new Planning for Bushfire Protection (PFBP) 2019 which recently came into effect includes new requirements for development in areas identified as grasslands.

Shoalhaven's bushfire prone land map is still being reviewed by the RFS, however, preliminary advice received from the RFS in relation to this PP is that areas of pasture (grassland) on and adjacent to the subject land are likely to be mapped as bushfire prone on the revised map. This will require future development to provide, at a minimum, a perimeter access road along the southern boundary and an appropriate asset protection zone (APZ) for the dwellings fronting this boundary.

The RFS also suggested that the PP should be referred for comment even though there is currently no requirement to do so.

This emerging detail was discussed and agreed to with the proponents. A bushfire assessment was prepared by Bushfire & Evacuation Solutions on behalf of the proponents. The findings and recommendations of which have been incorporated into the design and location of the landscaped buffer and the proponent's concept master plan for the site. The report considers existing vegetation on adjacent land and the proposed tree planting along the southern boundary. The report confirmed that:

- An APZ of a minimum width of 14 m will be required along the southern perimeter of the site to separate future planned residential buildings from the grassland hazard; and
- A perimeter road will need to be provided along the southern perimeter of the site.

These requirements have been incorporated into the proponent's concept master plan for the subject land, which includes a perimeter road along the southern boundary between the landscaped buffer and future residential lots. The perimeter road is wide enough to function as the APZ, being a minimum 16 m wide.

## **3. Update on Other Supporting Studies**

The following is a general summary of the supporting studies that have been completed to date to support this PP.

### *Flooding and Stormwater Management*

A Flooding and Stormwater Management Report was prepared for the proponents by Southeast Engineering & Environment. The recommendations are summarised below.

- New stormwater network (minor system) for proposed residential areas (lots and roads) to be designed to cater for a 5 year Average Recurrence Interval (ARI) event with direct discharge to either proposed bioretention or central drainage depression;

- New roads to provide overland flow path towards the central drainage depression for large storm events (major system);
- A new culvert crossing (sized for 100 year ARI) over drainage depression as part of road proposed road network;
- On lot controls to include rainwater tanks for roof water harvesting and reuse in accordance with BASIX + additional Onsite Stormwater Detention (OSD) volume;
- End of line gross pollutant traps to capture gross pollutants and a portion of suspended solids;
- End of line bioretention systems to remove gross pollutants, a portion of suspended solids and some nutrients + provide a portion of OSD function for the development.
- The drainage depression will be modified and landscaped to cater for the 1% AEP (1 in 100 year event) peak flow, and allow for filling to achieve the necessary flood planning levels for the adjacent residential land and road reserves, and to accommodate stormwater infrastructure.

*Council Staff Comments:* Stormwater management details will be addressed in further detail as part of the subdivision application process in accordance with Chapter G2 of the DCP. Council's Community and Recreation Services Unit also provided the following advice in relation to the proposed drainage reserve:

*Council's adopted Community Infrastructure Strategic Plan (CISP) specifies that drainage reserves will not be accepted unless it is useable, accessible and a minimum size and width. Acknowledging Council's existing ownership of a reserve on Parker Crescent (Lot 339 DP 1226462) that would connect with the proposed drainage reserve on the land subject to the PP, and the proposed 350 m<sup>2</sup> lot size in this location, it is considered appropriate that the drainage reserve is embellished with passive recreation embellishments. These embellishments should include shared paths (min. 2 m), seating, lighting and appropriate landscaping. This level of detail will need to be considered at the Development Application stage.*

#### Preliminary Land Contamination

A Stage 1 - Environmental Site Assessment (Land Contamination) report was prepared for the proponents by ENRS P/L. The report concluded that it is unlikely that the site may pose a significant risk to the environment and to the health of future users of the Site and may be considered suitable for the proposed residential land-use.

#### Aboriginal Cultural Heritage Assessment

An Aboriginal Cultural Heritage Assessment is currently being finalised for Council by AMBS and is expected to be completed by early June 2020.

#### Traffic Assessment

A traffic assessment was completed for the proponents by Bitzios Consulting. The overall conclusion was:

*The site has been suitably designed to ensure that it can comply with Council's relevant codes and standards under the proposed re-zoning. Furthermore, the impact assessment identified no issues of significance that would preclude its approval.*

Council's Traffic Unit has provided technical on a range of specific technical matters that will be addressed as the subsequent master planning/subdivision design process progresses.

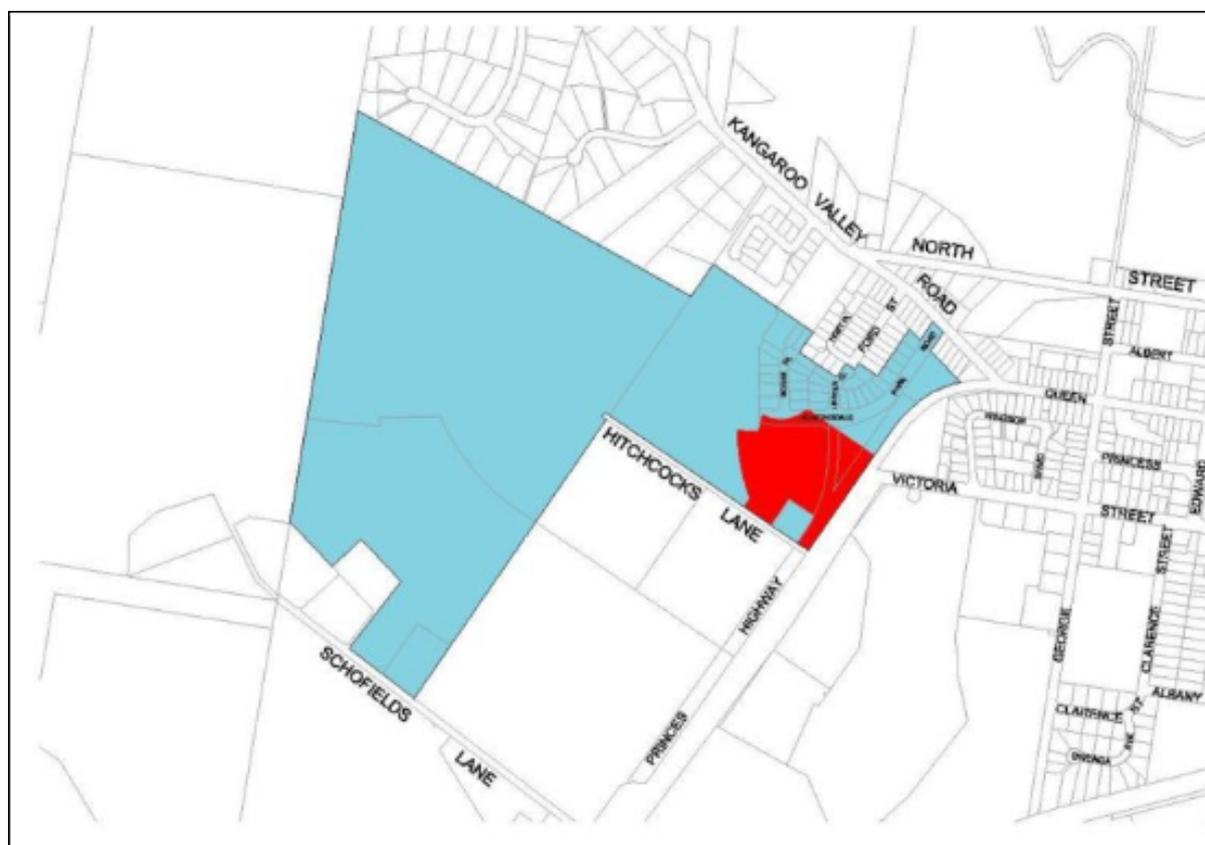
### Infrastructure Assessment

An Infrastructure Assessment was prepared for the proponents by Allen Price & Scarretts. The Assessment outlines a range of proposed infrastructure upgrades and extensions to facilitate the proposed development. In summary:

- Water and sewer capacity are not constraints to proceeding.
- Electricity capacity is not a constraint to proceeding.
- The site and its future residential development will create demand for community facilities and public open space and hence this demand needs to be met appropriately and resourcefully.
- Contributions project 010REC0009 (Land acquisition for passive open space - Princes Highway, Berry) should be reviewed
- The Community Infrastructure Strategic Plan indicates that there is an oversupply of open space area in Berry.

*Council staff Comments:* Council's Community and Recreation Section have confirmed/advised that the area for project 010REC0009 in the Shoalhaven Contributions Plan (CP) 2019 should be amended. As a result, this report includes a recommendation to initiate an amendment to the CP in conjunction with this PP.

The Shoalhaven CP 2019 currently includes project 010REC0009 (Land acquisition for passive open space - Princes Highway, Berry) which provides for the acquisition of land for the purpose of passive open space in the Huntingdale Estate area. The current contribution area for project 010REC0009 is identified in Figure 6 below.



**Figure 6:** Contributions Project 01OREC0009 Contribution Area (blue)

Passive Open Space Area – identified in red

The future residential subdivision of the subject land will place additional demand on this infrastructure, and as such, should contribute to the acquisition of the land. It is recommended that project 01OREC0009 be amended to:

- Expand the contribution area to incorporate the subject land.
- Adjust the apportionment to development to reflect the development that has occurred in the contribution area since the project commenced (now known as existing tenements).
- Adjust the contribution rate accordingly.
- Consider the potential embellishment of the passive open space.
- Consider the extent of the passive open space area, taking into consideration recent approvals in the vicinity and the acquisition of several lots by Transport for NSW (TfNSW) as part of the Berry Bypass.
- Consider any other matters that arise during the project review.

### **Conclusion**

This report essentially seeks Council's endorsement for one of the key decisions associated with this PP – how to deal with its southern edge given its highly visible location on this edge of Berry. Assuming the recommended approach to this is accepted, work will continue to get the PP ready for exhibition.

Further information on the other supporting studies will be provided when the overall PP is reported to Council as required prior to public exhibition.

### **Community Engagement**

Once all the required studies and other conditions of the Gateway determination have been satisfied, a further report on the PP package (including proposed DCP and CP amendments) will be prepared for Council's endorsement for public exhibition.

Adjoining landholders, development industry representatives and the Berry Forum (CCB) will be notified when the package is publicly exhibited.

### **Policy Implications**

The key policy issues that is dealt with in this report concerns the proposed tree/vegetation screen to mitigate visual impact of the proposed development when travelling north along the Princes Highway toward Berry.

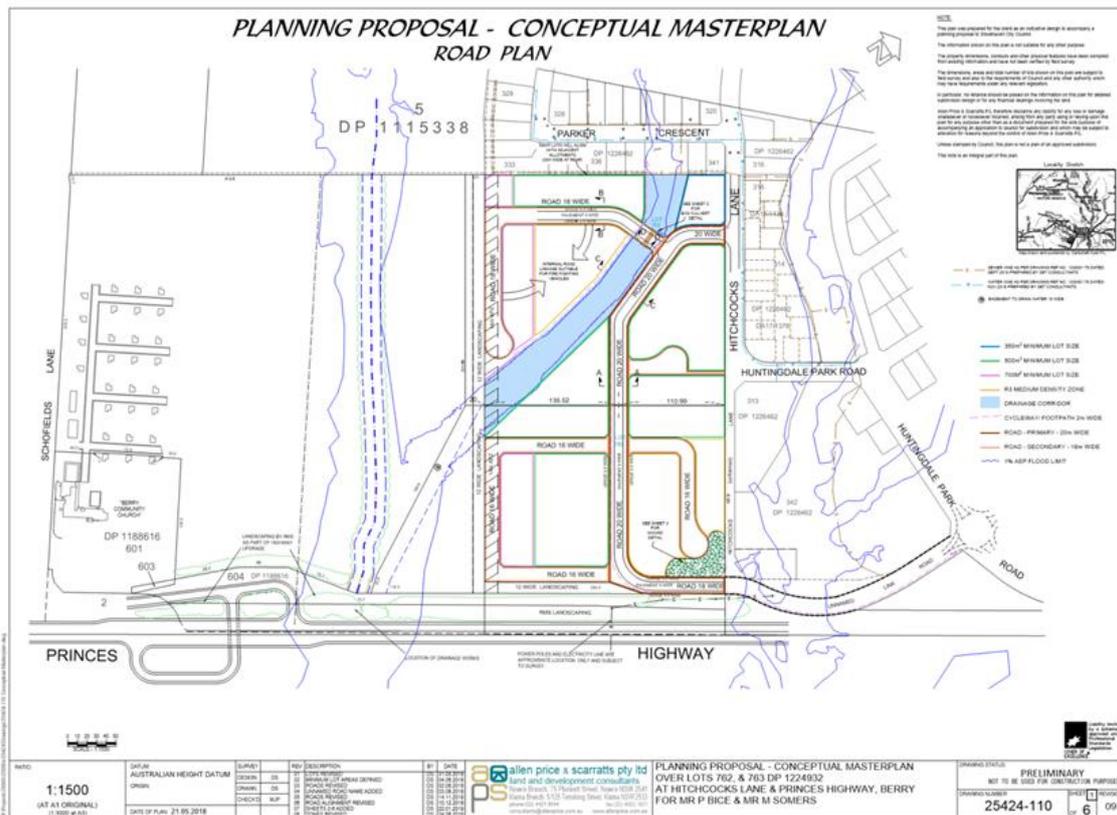
Also, the proponent's conceptual masterplan proposes a mix of lot sizes ranging from 350 m<sup>2</sup>, 500 m<sup>2</sup> and 700 m<sup>2</sup>, and a building height limit of 8.5 m, noting that Council has previously resolved to allow a 350 m<sup>2</sup> minimum lot size on up to 25% of the site. The appropriate zoning of any such land will need to be reviewed and resolved prior to public exhibition as the R2 zone is unlikely to be appropriate.

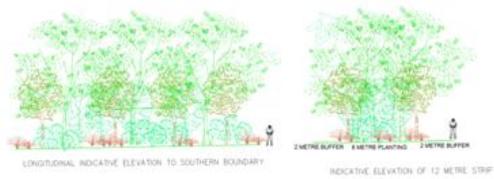
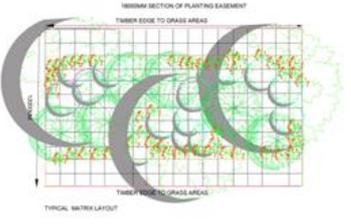
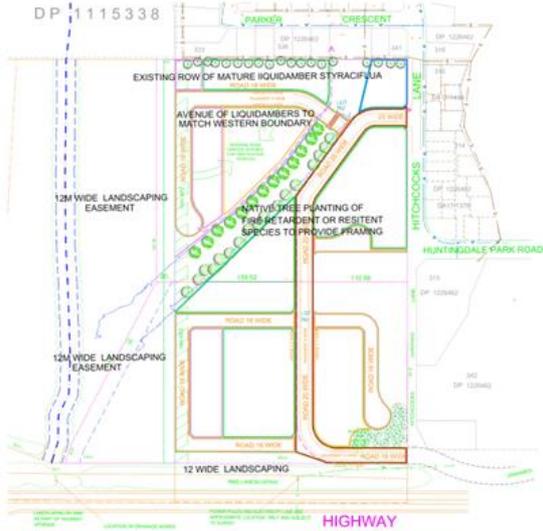
### **Financial Implications**

There are no financial costs to Council associated with the implementation or maintenance of the proposed landscape buffer treatment. Under the proposed arrangement, the buffer would

be implemented via a positive covenant on the land and the landholder would be responsible for ongoing management and maintenance.

Several of the other options would possibly result in a financial cost to Council for ongoing maintenance, for example, if the landscaped buffer was dedicated to Council as public open space. Any alternate option should be cost neutral to Council over the life of the asset. This could be achieved by having the Proponent enter into a Voluntary Planning Agreement to make a monetary contribution for maintenance. All costs associated with preparing a Voluntary Planning Agreement as part of the PP would be borne by the Proponent in accordance with Council's fees and charges.





**DESIGN CONSIDERATIONS**

**LANDSCAPE EASEMENT AND SCREEN PLANTING**  
 The Landscape easement shall be twelve (12) metres wide as a visual buffer from the highway for sight lines from the South. The easement shall be planted to provide sufficient planting to the strip with a mix of Tall, Medium and Small trees, and an understorey of shrubs, grasses and groundcover, all species shall be fire retardant to protect future highway.  
**STREET TREE PLANTING**  
 Street trees shall be planted so as not to interfere with services. They are to be located appropriately as not to damage services or pavements. Species have been selected with suitable root systems.  
**12 METRE WIDE LANDSCAPE STRIP**  
 The twelve metre landscape buffer adjacent to the RMS landscaping shall be the same species and layout as the RMS plans to provide consistency along the highway heritage and towards the Subdivision.

**INDICATIVE PLANT SCHEDULE FOR MATRIX PLANTING**

Species Name	Common Name	Size	Plant Size
<b>LARGE TREES</b>			
<b>Medium</b>			
<b>SMALL AND SMALL TREES</b>			
<b>SHRUBS</b>			
<b>GRASSES &amp; GROUNDCOVERS</b>			

**INDICATIVE PLANT SCHEDULE FOR STREET TREE PLANTING**

Species Name	Common Name	Size	Plant Size
<b>RESERVE</b>			
<b>RESERVE</b>			
<b>RESERVE</b>			

**LEGEND**



DATE ISSUED: 14/05/2024	DATE ISSUED: 14/05/2024	DATE ISSUED: 14/05/2024
PROJECT: DP 1115338	PROJECT: DP 1115338	PROJECT: DP 1115338
PREPARED BY: PPLA	PREPARED BY: PPLA	PREPARED BY: PPLA
CHECKED BY: PPLA	CHECKED BY: PPLA	CHECKED BY: PPLA
DATE: 14/05/2024	DATE: 14/05/2024	DATE: 14/05/2024

