

Cardno (NSWACT) Pty Ltd
ABN 95 001 145 035

Our Ref: 82018069004 Letter 001 Ver 1

Contact: Sophie Perry

18 January 2019

The Director – Luke Musgrave
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**RE: PRE-GATEWAY REVIEW APPLICATION – LAND ADJOINING GREYLEIGH
DRIVE AND OLD SADDLEBACK ROAD, KIAMA**

Dear Sir,

This letter and supporting documents form a pre-Gateway Review application. This application is submitted to the Southern Region Office of the Department of Planning and Environment. The application meets all relevant criteria for a Pre-Gateway Application and the content of the application meets the requirements as set out in the application form, Planning Circular *'Independent reviews of plan making decisions'*, *'A guide to preparing local environmental plans'* and Planning Circular PS18-012 *'Plan-making reviews and delegations'*.

Background

An application for a Planning Proposal was submitted to Kiama Municipal Council (KMC) on 27 September 2018. KMC has failed to indicate its support for the application 90 days after lodgement of the application.

Application Contents

Please find enclosed the following information to meet the lodgement requirements:

- Completed application form
- Cheque for payment of the application fee of \$20,000
- A copy of the application for a Planning Proposal identical in content to that submitted to KMC on 27 September 2018 (1 x Hard copy and 1 x electronic copy)
- Correspondence from KMC - No formal correspondence has been received from KMC regarding the merits of the application. An email dated 15 October 2018 acknowledged receipt of the application and an email dated 29 November 2018 confirmed the matter would not be on a Council Meeting Agenda prior to February 2019. Copies of these emails are attached to this letter. Correspondence to date indicates KMC have not considered the application within the 90 day timeframe due to insufficient time and resources to include the matter in an Ordinary Council Meeting agenda. There has been positive verbal feedback from KMC staff in relation to the quality and content of the application. No negative feedback has been received from KMC regarding the merits of the application with the exception of verbal confirmation that the proposal does not comply with the

mapped lands of the current Kiama Urban Strategy (KUS). This non-compliance has been addressed in detail in the enclosed application for a Planning Proposal.

- Correspondence from other Government Agencies. No formal correspondence has been sought from other Government Agencies at this time. Government Agencies are expected to be consulted during the public exhibition process.
- Strategic and Site Specific Merit tests in accordance with Step 2 of the Rezoning Review process as set out in 'A guide to preparing local environmental plans' is included in Section

A disclosure of reportable political donations under section 10.4 of the *EP&A Act, 1979* is not applicable to this application. No reportable political donations or gifts have been made by any persons with a financial interest in the application within the period 2 years prior to the lodgement of the application up to and including the current date.

Site Identification

The land the subject of the application is located north of Old Saddleback Road and west of Greyleigh Drive in Kiama. The site contains the following properties:

- Lots 156, 186, 188 and 189 in Deposited Plan 751279
- Lot 2 in Deposited Plan 1135218
- Lot 1320 in Deposited Plan 1060995
- Lot 1 in Deposited Plan 1178500
- Lot 1 in Deposited Plan 1003719
- Lot 1 in Deposited Plan 995058
- Unformed Crown Road reserves held under Enclosure Permit 39357
- Lot 99 in Deposited Plan 1042908.

The defined site area is approximately 38 hectares.

A detailed description of the site is provided in the enclosed copy of the application for a Planning Proposal.

Land ownership

Lot 99 DP 1042908 is owned by Mr. Chad Wallace.

Crown Reserves within the site are owned by the State and managed by the NSW Department of Industry in accordance with the *Roads Act, 1993* and the *Administration of Crown Roads Policy and Guideline*. These Crown Road Reserves are currently subject to Enclosure Permit 39357. An application for closure and purchase of the road reserves was submitted to the NSW Department of Industry in March 2015 and is in progress.

All remaining lots are held under the ownership of Backsaddle Pty Ltd.

It is relevant to note the application for a Planning Proposal has addressed the site and surrounds in a 'whole of neighbourhood' approach. The application for a Planning Proposal identifies the potential positive benefits to KMS and the community of including the existing Council-owned public reserves along the western side of Greyleigh Drive in this Planning Proposal process (see Sections 1.2, 3.1.3 and 6 to the application for a Planning Proposal). It is recommended these public reserves be rezoned from Zone RU2 Rural Landscape to RE1 Public Recreation.

Strategic and Site Specific Merit tests

A Strategic Merit Test specific to the site and proposal in accordance with the requirements of PS18-012 and Step 2 of the Rezoning Review process as set out in 'A guide to preparing local environmental plans' is included in Section 6.7.2 and Table 6.6 to the application for a Planning Proposal enclosed with this letter.

The Strategic Merit assessment demonstrates the Planning Proposal application has strategic merit and site-specific merit in ways including, but not limited to, the following:

- It is well aligned with all relevant aspects of the Illawarra Shoalhaven Regional Plan (ISRP) and in particular the Priority Activities of that Plan
- It addresses the consistent under-delivery of housing targets within the Kiama LGA which have been repeatedly noted in strategic planning documents issued by the DPE including Action 2.1.1 to the ISRP which commits the DPE to "*Collaborate with Kiama Municipal Council to review housing opportunities within the Kiama Local Government Area so it can respond to changing housing needs.*"
- It positively addresses the current data of lack of affordability and diversity of housing supply in Kiama LGA as demonstrated in the data and analysis in Appendix I (Socio-Economic Analysis) and Appendix J (Housing supply analysis)
- KLEP 2011 (and the Kiama Urban Strategy) are more than 5 years old and in need of review. Kiama Urban Strategy (KUS) is not a local council strategy endorsed by the Department
- It represents strategic and site-specific environmental benefits. Land of ecological significance has been ground-truthed within this proposal and the area of land in Zone E2 Environmental Conservation is proposed to be increased for better long term management of land with ecological value
- It is compatible with the existing and likely future uses of surrounding land and the broader Kiama locality and stands to improve the diversity and mix of land uses, connectivity and walkability of the existing neighbourhood
- All essential services and utilities are available for connection to the site
- There are potential improvements to transport, movement and connectivity and land use mix to create a more dynamic and efficient neighbourhood.

See Section 6.7.2 of the Planning Proposal application for more details.

Planning Proposal Authority

We note that KMC will be given the opportunity of accepting the role as the Planning Proposal Authority should the Southern Regional Planning Panel recommend the application proceed to a gateway determination. We note that KMC have confirmed that there are limitations to resourcing of strategic planning processes. The resource limitations have prevented KMC from making a resolution on the application within the 90 day timeframe.

Furthermore KMC are required to commit resources to the finalisation of Local Strategic Planning Statements by June 2019. Examples of recent Planning Proposals indicate timeframes from lodgement to completion which have exceeded the recommendations of the Gateway notices.

We also note the dual role of KMC General Manager as the CEO of Blue Haven Care Aged Care Facility and Blue Haven Independent Living Units. The Blue Haven assets are a major component of KMC Community Strategic Plan, Operational Plan 2018-19 and Delivery Program 2017-2021 and are also the subject of borrowed funds in the order of \$62.5M. These commitments raise concerns as to a potential conflict of interest in Council's capacity to assess the merits of this Planning Proposal application when a major component of the proposal is for seniors housing.

We request that KMC's demonstrated resource limitations and the potential conflicts of interest be taken into consideration in the Pre-Gateway Review process and Gateway determination. We strongly request the Southern Regional Planning Panel consider directing itself to be the Planning Proposal Authority for this proposal for these reasons.

We believe the contents of this letter including attachments and enclosed documents form a complete application for a Pre-Gateway Review. We look forward to cooperating with the DPA Southern Region Office and the Southern Regional Planning Panel and with KMC to progress this application for a Planning Proposal and, in the longer term, implementing land uses which have potential for outstanding environmental, social, cultural and economic improvements on local and regional scales.

Please don't hesitate to contact me, should you have any questions/queries or require additional information.

Prepared by

for and on behalf of

CARDNO (NSW/ACT) PTY LTD



Sophie Perry

Senior Planner

Attached:

Completed application form

Cheque for payment of application fees

Email from KMC dated 15 October 2018

Email from KMC dated 29 November 2018

Enclosed:

1 x Electronic and 1 x hard copy of the Planning Proposal application including appendices

