

DATE OF DECISION	18 June 2019
PANEL MEMBERS	Pam Allan (Chair), Alison McCabe and Renata Brooks
APOLOGIES	None
DECLARATIONS OF INTEREST	Andrew Sloan, Michael Forsythe and Mark Honey declared conflicts of interest due to involvement in Kiama Municipal Council's consideration of the rezoning review.

REZONING REVIEW

2019STH003 – Kiama – RR_2019_KIAMA_001_00 - AT Land adjoining Greyleigh Drive and Old Saddleback Road, Kiama (AS DESCRIBED IN SCHEDULE 1)

Reason for Review:

- ☐ The council has notified the proponent that the request to prepare a planning proposal has not been supported
- ☒ The council has failed to indicate its support 90 days after the proponent submitted a request to prepare a planning proposal or took too long to submit the proposal after indicating its support

PANEL CONSIDERATION AND DECISION

The Panel considered: the material listed at item 4 and the matters raised and/or observed at meetings and site inspections listed at item 5 in Schedule 1, 2 and 3.

Based on this review, the Panel determined that the proposed instrument:

- ☐ **should** be submitted for a Gateway determination because the proposal has demonstrated strategic and site specific merit
- ☒ **should not** be submitted for a Gateway determination because the proposal has
 - ☒ not demonstrated strategic merit
 - ☐ has demonstrated strategic merit but not site specific merit

The decision was unanimous.

REASONS FOR THE DECISION

Overview

The Panel has been requested to undertake a Rezoning Review of Planning Proposal RR_2019_KIAMA_001_00 on land adjoining Greyleigh Driven and Old Saddleback Road, Kiama. The land comprises 9 lots and an unformed Crown Road reserve currently zoned RU2 rural landscape and E3 Environmental Management. It is proposed to rezone the land to R2 low density residential, R3 medium density residential, R5 large lot residential, E2 environmental conservation and RE3 public recreation. Minimum lot sizes range from 300 – 1000sqm for the residential lots and 40Ha for the proposed E2 lots.

The Panel had the benefit of a detailed written report from the Department of Planning, Industry and Environment, Council officers' written report and the applicant's Planning Proposal. The Panel also undertook a site visit and is familiar with the Kiama area. The Panel met with the representatives of the applicant, Council and the Department.

Strategic Merit

In considering strategic merit the Panel noted advice regarding the evolution of the local strategic planning framework for the subject lands and surrounding areas. In particular the Panel noted that:

- The proposal lands had previously (1995) been identified as being suitable for residential development on the less steeply sloping parts of the site comprising a significantly smaller proportion of the site than the current proposal.
- The 2011 Kiama Urban Strategy (KUS) was the last definitive document identifying future greenfield sites and this document does not identify the subject lands. Notwithstanding the fact that this strategy was not approved by the Department, the Panel was advised that it has guided consideration of proposals by the Department.
- A 2015 proposal to rezone a small part of the subject lands for residential development was not supported by the Department to proceed to Gateway determination on the grounds that it was not consistent with the Kiama Urban Strategy.
- Kiama Council has work on a Local Strategic Planning Statement well underway, with a draft due for completion by the end of 2019. This will encompass consideration of key themes including housing and growth; agriculture and resources.

The Panel noted that the Illawarra/Shoalhaven Regional Plan (ISRP) does not identify the proposal lands as a new release area. It identifies Kiama as sitting between the more urbanised areas to the North and the more rural Shoalhaven and that constraints on land and 'market ready' infill development may not meet demand, particularly for more affordable options. The plan at Figure 10 identifies regionally significant release areas which do not include lands in the Kiama local government area. The Plan includes an action for the Department to collaborate with Council to review housing opportunities to respond to changing housing needs. The Panel was advised this will be progressed in the context of preparation of a local strategic planning statement. The Plan also identifies projected housing needs for the Kiama LGA.

The Panel noted Council progress towards these targets and noted the information supplied by the applicant in relation to potential flow on impacts of constraints on land availability.

The Panel does not consider that the proposal can rely on consistency with the ISRP to demonstrate strategic merit, given it has no unique characteristics which would support its consideration outside the processes established under the Plan. The application raises questions about the western limit of the Kiama urban area which would not be restricted to this proposal, and are more properly considered in a broader strategic context.

There is no relevant local strategy endorsed by the Department, and the proposal is inconsistent with the KUS which has provided guidance in the absence of an endorsed strategy.

There have been no significant changes in circumstances justifying proceeding with the proposal in advance of the local strategic planning process which is already underway. It is important that the Council has the opportunity to consider the complex issues of land supply for housing, and the maintenance of land for agriculture with appropriate buffer zones to manage potential for rural/urban conflict in consultation with the community.

Furthermore, in areas of high visual and landscape amenity, how and where the urban edges are defined and how they transition to the surrounding rural lands is a matter that needs to be considered holistically.

The Panel recommends that the process of the Local Strategic Planning Statement will inform a position on the appropriate population density and boundaries of the Kiama urban area as well as the future of agriculture and secondary industries.

In summary, the Panel does not consider that the proposal has strategic merit in the current context.

Site Specific

Should the proposal lands be further considered in the context of local strategic planning, the Panel notes the following potential constraints which should be addressed:

- Confirmation that there are no constraints on availability of services (water and sewerage) to the site
- Suitability of the more steeply sloping portions of the site
- Visual prominence of any development

Recommendations

1. Planning proposal 2019STH003- Kiama-RR_2019_KIAM_001_00 is not considered to have strategic merit and should not proceed to Gateway determination
2. Delivery of action 4.1.1 in the ISRP to identify regionally important agricultural land should be expedited.
3. Council should develop a strategy for the rural/urban interface and a strategy for agricultural land in parallel with development of their local strategic planning strategy.

PANEL MEMBERS	
 Pam Allan (Chair)	 Alison McCabe
 Renata Brooks	

SCHEDULE 1		
1	PANEL REF – LGA – DEPARTMENT REF - ADDRESS	2019STH003 – Kiama – RR_2019_KIAMA_001_00 AT land adjoining Greyleigh Drive and Old Saddleback Road, Kiama
2	LEP TO BE AMENDED	Kiama Local Environmental Plan 2011
3	PROPOSED INSTRUMENT	The proposal seeks to amend the Kiama Local Environmental Plan 2011 to rezone land adjoining Greyleigh Drive and Old Saddleback Road, Kiama to enable a master planned development of the site (residential, public recreation and environmental conservation)
4	MATERIAL CONSIDERED BY THE PANEL	- Rezoning review request documentation and supplementary material provided by the applicant - Briefing report from Department of Planning and Environment
5	BRIEFINGS AND SITE INSPECTIONS BY THE PANEL/PAPERS CIRCULATED ELECTRONICALLY	Site inspection: 15 April 2019 - Panel members in attendance: Pam Allan, Alison McCabe and Renata Brooks - Department of Planning and Environment (DPE) staff in attendance: Graham Towers, Lisa Kennedy and Andrew Hartcher Briefing with Department of Planning and Environment (DPE): 18 June 2019, 9:30 am - Panel members in attendance: Pam Allan, Alison McCabe and Renata Brooks - DPE staff in attendance: Graham Towers and Andrew Hartcher Briefing with Council: 18 June 2019, 10:30 am - Panel members in attendance: Pam Allan, Alison McCabe and Renata Brooks - DPE staff in attendance: Graham Towers and Andrew Hartcher - Council representatives in attendance: Linda Davis and Edward Paterson Briefing with Proponent: 18 June 2019, 11:30 am - Panel members in attendance: Pam Allan, Alison McCabe and Renata Brooks - Proponent representatives in attendance: David Freidleib, Sophie Perry and David Laing