



**REZONING REVIEW
RECORD OF DECISION**

STRATEGIC PLANNING PANEL of the
SOUTHERN REGIONAL PLANNING PANEL

DATE OF DECISION	24 March 2023
DATE OF BRIEFING	2 March 2023
PANEL MEMBERS	Chris Wilson (Chair), Sue Francis and Glennis James
APOLOGIES	None
DECLARATIONS OF INTEREST	Note: Shoalhaven City Council do not have nominated local council members

REZONING REVIEW

PP-2022-2027 – Shoalhaven LGA – RR-2023-1- at 48-54 Paradise Beach Road, SANCTUARY POINT (AS DESCRIBED IN SCHEDULE 1)

The proposal seeks to rezone the land from R2 Low Density Residential and SP2 Infrastructure (Place of Public Worship) to R3 Medium Density Residential (Shop Top Housing) and proposes an increase of the maximum permissible building height control from 8m and 11m to 13m. The proposal also seeks to activate the ground level with commercial uses.

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 the site inspection and briefings listed at item 5 in Schedule 1.

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

- ☒ **should** be submitted for a Gateway determination because the proposal has demonstrated strategic merit and, subject to minor changes, 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

Strategic Merit

The Panel agreed that the Planning Proposal to rezone the site to enable greater residential density had Strategic Merit given that:

- The SP2 Infrastructure zoning, which, in part, applies to the site is generally redundant;
- The site is located partly on R2 zoned land and located opposite R3 residentially zoned land. Under these circumstances the renewal of the site for residential development would be consistent with both the existing and future desired character of the area;
- The uplift would also provide for a transition of land use from the institutional and commercial and retail uses to the west and south west to the lower residential densities to the east and south east;

- The Planning Proposal would provide additional housing and housing choice within an existing urban framework with access to services; and
- The Planning Proposal is consistent with applicable strategic planning documents, particularly as they relate to the general objectives for housing. These include the Illawarra Shoalhaven Regional Plan, the Shoalhaven 2032 Community Strategic Plan, the Shoalhaven 2040 Local Strategic Planning Statement, and the Jervis Bay Settlement Strategy, 2003.

Site Specific Merit

The Panel also agreed that the proposal had Site Specific merit, subject to minor changes. The Panel did not support the development of a residential flat building on the site with a 13m height limit. The Panel agreed that such a built form would have adverse amenity impacts on adjoining residences immediately to the east and south east of the site and would generally be out of character with the existing and future desired character of the area. In addition, the Panel did not support the proposed retail activity at ground level of the proposed residential flat building given its distance from Sanctuary Point and its potential to undermine the retail and community core of Sanctuary Point village.

The Panel did however note the transitional nature of the site and its juxtaposition between the R2 Low Density Residential and R3 Medium Density Residential zones and the 8m (R2) and 11m (R3) height controls applicable to those zones. In this respect the Panel considered that the site should be rezoned R2 with an Additional Permitted Use of multi dwelling housing to enable multi-dwelling housing with a predominant 11m height limit (consistent with the existing 11m height limit on approximately 50% of the site currently zoned SP2) but with a transition in height to the east/south east to ensure any resultant-built form appropriately addresses the low-density residential properties adjoining the eastern/south eastern boundary of the site. This height control could be achieved by a Schedule 1 Additional Permitted Use provision with an appropriate objective to achieve the desired transitions in height to the boundaries.

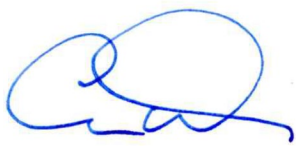

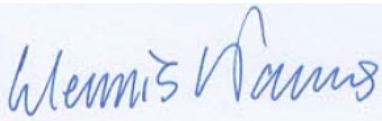
The Panel further concluded that any such rezoning could be complimented by appropriate setbacks for the site either through a development control plan or in assessment of any development application submitted for the development of the site.

The Panel sought the Council's and proponent's view on these minor changes at the Panel briefing.

Given the above, the Planning Panel recommends the following qualifying minor changes to the planning proposal for the proposal to proceed to Gateway determination.

- rezone the land from R2 Low Density Residential and SP2 Infrastructure (Place of Public Worship) to R2 Low Density Residential
- utilise the provisions of Schedule 1 Additional Permitted Uses to introduce multi dwelling housing as a permitted land use with consent on the site
- change the maximum height of the buildings from part 8.5m (R2 zoned land) to 11m and introduce a 11m building height for the area currently zoned SP2 zoned land.
- utilise the provisions of Schedule 1 Additional Permitted Uses, and include the following objectives to this new development type and standard:
 - a. To provide for the housing needs of the community within a multi dwelling housing environment.
 - b. To ensure a desirable transition in building height from the site to the adjoining low density residential properties (west/south west to the east/south east). The building height shall transition to a lower height adjacent to the adjoining low density residential properties.

Shoalhaven City Council has previously refused to progress the proposal. In accordance with Section 3.32(1) of the *Environmental Planning and Assessment Act 1979*, the Planning Panel as delegate of the Minister for Planning has determined to appoint itself as the PPA for this planning proposal.

PANEL MEMBERS	
 Chris Wilson (Chair)	 Sue Francis
 Glennis James	

SCHEDULE 1		
1	PANEL REF – LGA – DEPARTMENT REF - ADDRESS	PP-2022-2027 – Shoalhaven LGA – RR-2023-1- at 48-54 Paradise Beach Road, SANCTUARY POINT
2	LEP TO BE AMENDED	Shoalhaven Local Environmental Plan 2014
3	PROPOSED INSTRUMENT	The proposal seeks to change the land use zone from R2 Low Density Residential and SP2 Infrastructure (Place of Public Worship) to R3 Mixed Use Business and change the height of building from 8.5m to 13m.
4	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Rezoning review request documentation Briefing report from Department of Planning and Environment
5	SITE INSPECTION AND BRIEFINGS BY THE PANEL	<ul style="list-style-type: none"> Site inspection and briefing with Department of Planning and Environment (DPE): 9:15am-9.45am, 2 March 2023 <ul style="list-style-type: none"> Panel members in attendance: Chris Wilson (Chair), Sue Francis, Glennis James Department of Planning and Environment (DPE) staff in attendance: Graham Towers, Stephanie Wood & Lisa Kennedy Key issues discussed: <ul style="list-style-type: none"> Sanctuary Point village centre – existing commercial development. Development of R3 land across the road, adjoining the golf club. Amenity for adjoining neighbours, overshadowing along eastern boundary Zoning of isolated lot containing Sanctuary Point library Briefing with Proponent (All About Planning): 10:15am – 10.50am, 2 March 2023 <ul style="list-style-type: none"> Panel members in attendance: Chris Wilson (Chair), Sue Francis, Glennis James DPE staff in attendance: Graham Towers, Stephanie Wood & Lisa Kennedy Proponent representatives in attendance: Michelle Chapman

		<ul style="list-style-type: none"> ○ Key issues discussed: character of the locality and Sanctuary Point village centre; proposed built form development – potential land uses, height, over shadowing; minor changes to the Planning Proposal – R2 zone and HOB 11m in order to achieve intent of establishing townhouse/ multi-dwelling housing on the site ● Briefing with Shoalhaven City Council: 11:25am – 12:15pm, 2 March 2023 <ul style="list-style-type: none"> ○ Panel members in attendance: Chris Wilson (Chair), Sue Francis, Glennis James ○ DPE staff in attendance: Graham Towers, Stephanie Wood & Lisa Kennedy ○ Council representatives in attendance: Gordon Clark & Eric Hollinger ○ Key issues discussed: mapping of heights in Shoalhaven LEP 2014 & height clause; clause 48 Shoalhaven LEP 2014 use of redundant SP lands; community concerns with height; isolated lot next to school; affordable housing; VPAs; zoning and development of R3 land across the road; proposed built form development – potential land uses, height, over shadowing; minor changes to the Planning Proposal – R2 zone and HOB 11m in order to achieve intent of establishing townhouse/ multi-dwelling housing on the site ● Panel Discussion: 12.18pm – 12.30pm, 2 March 2023 <ul style="list-style-type: none"> ○ Panel members in attendance: Chris Wilson (Chair), Sue Francis, Glennis James ○ DPE staff in attendance: Graham Towers, Stephanie Wood & Lisa Kennedy
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