



**PLANNING PROPOSAL AUTHORITY**  
**RECORD OF DECISION TO SUBMIT PLANNING PROPOSAL**  
**TO GATEWAY DETERMINATION**  
STRATEGIC PLANNING PANEL of the  
SOUTHERN REGIONAL PLANNING PANEL

<b>DATE OF DETERMINATION</b>	11 April 2024
<b>DATE OF DECISION</b>	19 March 2024
<b>PANEL MEMBERS</b>	Chris Wilson (Chair), Juliet Grant and Glennis James
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	Note: Shoalhaven City Council do not have nominated local council members

**PLANNING PROPOSAL**

**PP-2022-4162 Lot 5 Sealark Road, Callala Bay** (As described in Schedule 1)

The revised planning proposal (dated December 2023) seeks to facilitate residential development on a portion of the site and conservation of the remaining lands. Revisions have been made to address the Panel’s Rezoning Review Record of Decision 5 October 2023.

The proponent (PMR Architects & Town Planners) in its letter of 12 February 2024 offered two possible development options to demonstrate what the impact of the perimeter road and asset protection zone (APZ) has on development opportunities notably:

- Option A – locating part of the perimeter road and APZ on the adjoining site owned by Shoalhaven Council. This option is inconsistent with the Panel’s recommendations; and
- Option B – retains both the perimeter road and APZ within the Site’s boundary. This is consistent with the Panel’s original decision.

**PANEL CONSIDERATION AND DECISION**

The Strategic Planning Panel of the Southern Regional Planning Panel (Panel) met with the Department of Planning, Housing and Infrastructure (Department), Shoalhaven City Council (Council) and the proponent (PMR Architects & Town Planners) for a Pre-Gateway briefing.

The purpose of the briefing was to consider whether the revised Planning Proposal and additional information provided by the proponent had addressed the Panel’s conditions from the Rezoning Review held on the 5 October 2023. These conditions were as follows:

- All proposed development works including proposed roads are to be retained on the subject land and the masterplan and other supporting plans revised accordingly;
- Proposed Lot A on the Preliminary Earthworks Plan (dated 22/11/2020) is to be zoned R1 General Residential whilst proposed Lot B on the Plan is to be zoned R2 Low Density Residential;
- Insert a maximum building height of 8.5m for both the R1 and R2 zoned lands;
- Reduce the minimum lot size from 40ha to 500m<sup>2</sup> for both the R1 and R2 zoned lands;
- The drainage lines and triangular parcel of land between these two lines are to be zoned C3 Environmental Management;
- The drainage lot secured for development immediately to the south under separate development consent should be unencumbered by any works associated with this Planning Proposal;
- An Urban Design Report is to be prepared to identify and address built form outcomes having regard to flooding, earthworks – cut and fill, bushfire management and Asset Protection Zones (APZs), and subdivision layout and road design. The Urban Design Report should also identify the need for any site-specific provisions that should be applied to the site;

- If required, prepare a site-specific development control plan (DCP) for the site to support the proposal, which is to be exhibited with the Planning Proposal;
- Provide certainty around the transfer of the conservation lands to public ownership including the mechanism and timing. This detail should accompany the Planning Proposal should it proceed to public exhibition; and
- The Planning Proposal's supporting studies including the biodiversity assessment, flood study, integrated water quality management assessment, Aboriginal cultural heritage assessment, traffic study, Stage 1 preliminary contaminated site assessment and bushfire hazard risk assessment are to be updated where required to reflect the revisions to the Planning Proposal.

The Panel noted that most of the Panel's Rezoning Review conditions had been met. However, the Panel does not support the Proponent's continued reliance on locating parts of the perimeter road and APZ on Council land. This has not been justified and remains inconsistent with the Panel's original decision made in response to the Rezoning Review.

As the Planning Proposal Authority (PPA), the Panel determined to:

1. Support the preliminary subdivision layout depicted in Option B outlined in PMR Architects & Town Planners letter of 12 February 2024, given it is consistent with the conditions established by the Panel. This support is subject to the following amendments:
  - The minimum lot size map and height of building map are to be updated to ensure the boundary of the development matches the footprint represented in the zoning map; and
  - The minimum lot size map is to be updated to accurately depict the existing Shoalhaven LEP 2014 controls as they apply to the area of the site zoned C2 Environmental Conservation.
2. Require the proponent to update the Planning Proposal and supporting reports and studies including updating the Urban Design Report, in accordance with point one above and the LEP Making Guidelines (August 2023);
3. Require the proponent to submit the revised Planning Proposal and supporting reports and studies to the Panel within 3 months of the date of this determination;
4. Submit the revised planning proposal package for a Gateway determination; and
5. Reconvene to consider the planning proposal package following the receipt of a Gateway determination and prior to public exhibition.

The Panel's decision was unanimous.

### **REASONS FOR THE DECISION**

The Panel discussed the Department's Pre-Gateway Determination Briefing Report, the proponent's revised Planning Proposal, supporting reports and the letter of 12 February 2024, and Council's letter of 18 March 2024. Concerns raised by both the proponent and Council were discussed extensively especially in relation to the use of the council road reserve and stormwater drainage infrastructure, the location and management of APZs, the management of the drainage line, and the proposed site development controls.

The Panel recognised the positive community benefit arising from protecting the environmentally sensitive land and provision of additional housing on serviced land. The Panel was also cognisant of the need to avoid reliance on land beyond the subject site to satisfy future bushfire protection requirements.

As stated above, the Panel does not support the Proponent's continued reliance on locating parts of the perimeter road and APZ on Council land. Consequently, the Panel supports Option B subject to revisions for the reasons set out above and supported the revised Planning Proposal proceeding to a Gateway determination.

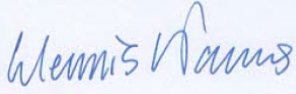
PANEL MEMBERS



Chris Wilson (Chair)



Juliet Grant



Glennis James

SCHEDULE 1		
1	LGA – ADDRESS	PP-2022-4162 – Shoalhaven LGA - Lot 5 Sealark Road, Callala Bay
2	LEP TO BE AMENDED	Shoalhaven Local Environmental Plan (LEP) 2014
3	PROPOSED INSTRUMENT	<p>The proposal seeks to:</p> <ul style="list-style-type: none"> <li>• Rezone the land from C3 Environmental Management to part R1 General Residential, part R2 Low Density Residential, part C2 Environmental Conservation and part C3 Environmental Management;</li> <li>• Reduce the minimum lot size from 40ha to 500m<sup>2</sup> (R1 and R2 zoned lands); and</li> <li>• Insert a maximum building height of 8.5m (R1 &amp; R2 zoned lands)</li> </ul>
4	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>• Pre-Gateway Briefing Report Department of Planning, Housing and Infrastructure, 12 March 2024</li> <li>• Revised Planning Proposal, December 2023 and supporting reports</li> <li>• PMR Architects &amp; Town Planners letter to Panel, 12 February 2024</li> <li>• Shoalhaven City Council letter to Panel, 18 March 2024</li> <li>• DPHI Pre Gateway Presentation, 18 March 2023</li> </ul>
5	BRIEFINGS BY THE PANEL	<ul style="list-style-type: none"> <li>• <b>Briefing from Department of Planning, Housing and Infrastructure 2.00pm – 2.51pm, 19 March 2024</b> <ul style="list-style-type: none"> <li>○ <b>Panel members in attendance:</b> Chris Wilson (Chair), Juliet Grant and Glennis James</li> <li>○ <b>Department of Planning, Housing and Infrastructure (DPHI) staff in attendance:</b> Graham Towers, Steph Wood, Ewan Reid, Louise McMahon, Doug Cunningham, Kimberley Beencke, Michael Tran, Aoife Wynter, Lisa Kennedy and Adam Williams</li> <li>○ <b>Key issues discussed:</b> <ul style="list-style-type: none"> <li>• Proponent’s proposed Options A &amp; B for the planning proposal in response to the Panel’s recommended revisions</li> <li>• Road reserve &amp; proposed subdivision works – APZs</li> <li>• Drainage lines – proposed piping &amp; filling of southern channel; management of northern channel</li> <li>• Delays by the proponent in revising the planning proposal and providing information</li> <li>• Need for proponent to update maps to reflect correct boundaries</li> <li>• Further work required on the urban design study</li> </ul> </li> </ul> </li> <li>• <b>Panel discussions with Proponent and Council: 3.00pm – 3.34pm, 19 March 2024</b> <ul style="list-style-type: none"> <li>○ <b>Panel members in attendance:</b> Chris Wilson (Chair), Juliet Grant and Glennis James</li> <li>○ <b>Department of Planning, Housing and Infrastructure (DPHI) staff in attendance:</b> Graham Towers, Steph Wood, Ewan Reid, Louise McMahon, Doug Cunningham, Kimberley Beencke, Michael Tran, Aoife Wynter, Lisa Kennedy and Adam Williams</li> </ul> </li> </ul>

- **Council staff in attendance:** Coralie McCarthy, Kaitlin Aldous, Alexander Aronsson and Trevor Dando
- **Proponent members in attendance:** Michael Mantei, Patrick Mahedy and Ashley Bond
- **Key issues discussed by Proponent:**
  - Proponent's preference for planning proposal option A with subdivision road located outside of development footprint
  - Road reserve – proposed subdivision road & existing drainage works for adjoining subdivision
  - Drainage lines – flood modelling, piping of southern channel, long term management of northern channel
  - Urban design report and DCP – APZ, roads, flood management, cut & fill
- **Key issues discussed by Council:**
  - Council policy that public lands are not available to support private development
  - Road reserve – intent of drainage works for adjoining subdivision; water quality works are now a council asset
  - Council policy is that APZs are not permitted on Council roads or other council lands. Council does not undertake maintenance of APZ.
  - Drainage lines - no issues with piping southern channel and only having northern channel
  - Urban design report and DCP – visual impacts, flood management, cut & fill
- **Panel Determination:** 3.34pm – 3.57pm, 19 March 2024
- **Panel members in attendance:** Chris Wilson (Chair), Juliet Grant and Glennis James
- **Department of Planning, Housing and Infrastructure (DPHI) staff in attendance:** Graham Towers, Steph Wood, Ewan Reid, Louise McMahon, Doug Cunningham, Kimberley Beencke, Michael Tran, Aoife Wynter, Lisa Kennedy and Adam Williams