

18/03/2024

Strategic Planning Panel,
Southern Region Planning Panel
C/- Planning Panels Team
NSW Department of Planning, Housing and Infrastructure
PO Box 5475
WOLLONGONG NSW 2500

By email only: lisa.kennedy@planning.nsw.gov.au

Attention: Chris Wilson, Panel Chair,
Strategic Planning Panel - Southern Regional Planning Panel

Dear Chris

**Submission on Rezoning Review RR-2023-10
Lot 5 DP 1225356, Sealark Road, Callala Bay, PP-2022-4162**

I refer to the Department's email to Council dated 13 March 2024, regarding a rezoning review underway for Lot 5 DP 1225356, Sealark Road, Callala Bay.

The Department's letter invites Council to attend a planning proposal briefing for the rezoning review (RR-2023-10) on Tuesday 19 March 2024. The email contains attachments that outline the extent of amendments made to the planning proposal by the proponent, PRM Architects, in response to the Rezoning Review Record of Decision dated 5 October 2023. These matters are addressed later in this response submission.

Background

The land is currently zoned *C3 Environmental Management* under the Shoalhaven Local Environmental Plan (LEP) 2014 and is the residual land from a residential subdivision to the south which resulted in the creation of Monarch Place.

The proponent's PP request was considered at Council's Ordinary Meeting on 13 March 2023. Council's assessment of the proponent's PP request is contained within the staff report which concluded the PP request lacks the required strategic merit and should therefore not be supported. A copy of the 13 March 2023 staff report is attached.

In response, Council resolved on 13 March 2023 to "**Not support the proponents' Planning Proposal request for Lot 5 DP 1225356, Sealark Road, Callala Bay because it lacks the required strategic justification.**" (MIN23.106)

The proponent was advised of Council's decision on 21 March 2023.

A rezoning review was subsequently lodged by the proponent on 24 April 2023. Council made a submission during the process on 28 July 2023 which outlined the reasons for the PP being unsupported, including a lack of required strategic merit and a range site merit concerns including flooding risk, extent of proposed earthworks and stormwater issues.

Revised Planning Proposal

The amended Planning Proposal by PRM Architects dated December 2023 appears to address the conditions set out in the Rezoning Review Record of Decision in part. The inconsistencies identified with Conditions 1, 2 and 6 remain dismissive of Council's resolved position. As referenced in the DPHI's Assessment Against Panel's Condition document, Council reaffirms that there is no commitment from Council to support the location and/or maintenance of the road or APZ on Council owned land. Through the *Creation of an Asset Protection Zone (APZ) over Council Owned or Managed Land Policy (POL22/103)*, Council maintains an established position that the establishment of an APZ over Council owned or managed lands is not supported.

Rezoning Review Process

It is noted that a comprehensive review of the submitted material was unable to be undertaken due to the delays associated with receiving the amended documentation. Despite earlier advice that the amended suite of documentations would be provided one week prior to the panel meeting, documents were not provided until after business hours on 13 March 2024. This leaves only 3 business days for staff to review and consult with the relevant specialist staff to provide a written response by close of business on Monday 18 March. This follows previously iterated concerns associated with the inconsistent application of timeframe adherence throughout the planning proposal and rezoning process, whereby strict compliance is enforced for Council related tasks but is otherwise disregarded for agency and proponent tasks.

Per the LEP Making Guidelines, rezoning review applications have a target of 100 days to achieve an outcome. It is noted that the rezoning review was formally commenced on 24 April 2023. It would be appreciated if the panel could advise if the proponents will be provided with a further opportunity to address the outstanding conditions and, if they are, confirm if Council will be consulted on any further amendment(s) to the proposal which attempt to meet the conditions.

If you need further information about this matter, please contact Kaitlin Aldous, City Futures on (02) 4429 3570. Please quote Council's reference 72542E/1 (D24/106963).

Yours faithfully



Kaitlin Aldous
Strategic Planner