



DATE OF DETERMINATION	22 February 2024
DATE OF DECISION	14 February 2024
PANEL MEMBERS	Chris Wilson (Chair), Juliet Grant and Blake Cansdale
APOLOGIES	Note: Shoalhaven City Council do not have nominated local council members
DECLARATIONS OF INTEREST	None

REZONING REVIEW

RR-2023-26 - 29 Sheraton Circuit, Bomaderry (PP-2023-1567) (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 90/115 days after the proponent submitted a request to prepare a planning proposal.
- ☐ The council has not submitted the planning proposal for a Gateway determination within 28 days of indicating its support for the proposal.

PANEL CONSIDERATION AND DECISION

The Panel considered the material listed at item 4 and the matters raised and/or observed at the site inspections and briefings listed at item 5 in Schedule 1.

Based on this review, the Panel recommends 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
 - ☐ 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 had Strategic Merit given that:

- 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 2041 (May 2021), Shoalhaven 2040, Local Strategic Planning Statement (July 2020) and the Nowra Bomaderry Structure Plan 2006.

- There is an identified housing crisis in the region and delivering housing supply is a priority issue for NSW across all levels of Government.
- The Panel accepts that the provision of an additional dwelling in this location has strategic merit.

Site Specific Merit




The Panel agreed that the planning proposal had Site Specific Merit given that:

- Residential development on the site would be contiguous with existing residential development.
- Any dwelling built on the additional lot could be appropriately serviced.
- The impacts relative to the construction of an additional dwelling could easily be managed due to the site's relatively low environmental values.
- The planning proposal would not set a precedent given the unique circumstances which includes the existing provision of a separate vehicular access directly onto the Princess Highway.

The Panel accepts Transport for NSW's advice that the additional lot should only accommodate one additional dwelling and not more intensive development such as group homes. The Panel does not share Shoalhaven City Council's concerns that the planning system lacks the safeguards to deliver this outcome on the basis that subdivision would require development consent and hence a merit assessment of all relevant matters (including traffic and safety) under the *Environmental Planning and Assessment Act*. The suitability of conditions to mitigate impacts would be considered as part of the assessment process.

Shoalhaven City Council has previously refused to progress the planning proposal as submitted to Council. 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.

Should the proponent fail to pay the PPA fee by the designated date, then the Panel will no longer proceed with the planning proposal and the making of a local environmental plan amendment.

PANEL MEMBERS	
 Chris Wilson (Chair)	 Juliet Grant
 Blake Cansdale	

Planning Panels Team

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SCHEDULE 1		
1	REZONING REVIEW REF – ADDRESS – PLANNING PROPOSAL REF	RR-2023-26 at 29 Sheraton Circuit, Bomaderry – PP-2023-1567
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"> Reduce the minimum lot size from 10, 000m² to 4, 000m²
4	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Rezoning review request documentation Briefing report from Department of Planning Housing and Infrastructure, 18 January 2024
5	SITE INSPECTIONS AND BRIEFINGS BY THE PANEL	<ul style="list-style-type: none"> Site inspections were undertaken individually: <ul style="list-style-type: none"> Chris Wilson – 21 January 2024 Briefing with Department of Planning, Housing and Infrastructure (DPHI): 9:00am – 9:30am, 14 February 2024 <ul style="list-style-type: none"> Panel members in attendance: Chris Wilson (Chair), Juliet Grant and Blake Cansdale DPHI staff in attendance: George Curtis, Steph Wood, Doug Cunningham, Ian Woods, Lisa Kennedy & Adam Williams Key issues discussed: <ul style="list-style-type: none"> Site access from Sheraton Circuit, Princes Highway & Transport for NSW advice Adjoining lots and potential precedence for increasing residential development Potential planning controls to address intent of planning proposal and Council's concerns Briefing with Shoalhaven City Council: 9.31am - 10:05am, 14 February 2024 <ul style="list-style-type: none"> Panel members in attendance: Chris Wilson (Chair), Juliet Grant and Blake Cansdale DPHI staff in attendance: George Curtis, Steph Wood, Doug Cunningham, Ian Woods, Lisa Kennedy & Adam Williams Council representatives in attendance: Eric Hollinger & Kaitlin Aldous Key issues discussed: <ul style="list-style-type: none"> Council's decision on planning proposal request and modification to use an additional permitted use for a dual occupancy (detached) Site description and planning history

		<ul style="list-style-type: none"> • Site access from Sheraton Circuit, Princes Highway & Transport for NSW advice • Post–subdivision potential development outcomes & range of permitted uses • Assessment of planning proposal for strategic merit <ul style="list-style-type: none"> • Briefing with Jervis Bay Town Planning (Proponent) and Sue & Jeff Hodges (Landholder): 10:06am – 10:45am, 14 February 2024 <ul style="list-style-type: none"> ○ Panel members in attendance: Chris Wilson (Chair), Juliet Grant and Blake Cansdale ○ DPHI staff in attendance: George Curtis, Steph Wood, Doug Cunningham, Ian Woods, Lisa Kennedy & Adam Williams ○ Proponent representatives in attendance: Lee Carmichael, Sue Hodges & Jeff Hodges ○ Key issues discussed: <ul style="list-style-type: none"> • History and intent of the planning proposal • Site access from Sheraton Circuit, Princes Highway & Transport for NSW advice • Council’s decision not to support planning proposal and instead modify the proposal • Post–subdivision potential development outcomes & range of permitted uses • Characteristics of adjoining lots and potential precedence for increasing residential development • Existing development in the locality and along the Princes Highway <p>Panel Discussion: 10:45am – 11:08am, 14 February 2024</p> <ul style="list-style-type: none"> ○ Panel members in attendance: Chris Wilson (Chair), Juliet Grant and Blake Cansdale ○ DPHI staff in attendance: George Curtis, Steph Wood, Doug Cunningham, Ian Woods, Lisa Kennedy & Adam Williams
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