



KIAMA MUNICIPAL COUNCIL
your council, your community

Phone enquiries:
(02) 4232 0444

Reference:
JS:CB - 24/84431

14 August 2024

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By email: alexander.Galea@dpie.nsw.gov.au
And to: shruthi.sriram@dpie.nsw.gov.au

Dear Alexander

Request for a rezoning review – Springside Hill (RR-2024-21)

Thank you for your letter dated 19 July 2024 advising that a request for a rezoning review (RR-2024-21) has been submitted by Mecone Group for consideration by the Southern Regional Planning Panel.

The rezoning review relates to Council's decision to not proceed with PP-2023-2833 which sought to amend the Kiama Local Environmental Plan 2011 to rezone land at 177 Long Brush Road, Jerrara and 33 Greyleigh Drives and 103 Jamberoo Road, Kiama.

Council has been invited to provide comment on:

- Why Council resolved not to progress with Planning Proposal PP-2023-2833, and
- Whether the proposal which has been submitted for a rezoning review is the same proposal that was considered by Council.

In response to this we advise:

- **Why Council resolved not to progress with Planning Proposal PP-2023-2833**

At their ordinary April 2024 meeting, Council unanimously resolved as follows:

1. *Not support the Planning Proposal (PP-2023-2833) (PP) for the rezoning of land at 177 Long Brush Road, Jerrara, 33 Greyleigh Drive, Kiama and 103 Jamberoo Drive, Kiama, as it is inconsistent with the Kiama Local Strategic Planning Statement 2020 and the Illawarra and Shoalhaven Regional Plan 2041 and therefore does not satisfy the strategic merit and site-specific merit tests*
2. *Not send the proposal to the Department of Planning for Gateway Determination.*
3. *Actively work with the proponent through the Growth and Housing Strategy process to consider this land, along with other sites for future potential urban expansion, in conjunction with the Urban Development Program*

As outlined in the attached Council Report, the core reasons for which led to this resolution included:

- This site has not been strategically identified as a potential greenfield urban expansion area within any existing strategic planning documents or frameworks including the Kiama Local Strategic Planning Statement 2020, the Illawarra and Shoalhaven Regional Plan 2041 or the Kiama Urban Strategy 2011.
- The proposal relies on standalone infrastructure systems and supply.
- There is a lack of support for the proposal from key government agencies.
- There are information gaps and omissions in the documentation provided this needs to be addressed prior to Gateway determination.
- There are impacts on Council relating to acquisition and maintenance of land and riparian corridors, which have not been considered, planned for, or analysed properly through the process followed by the applicant.
- The proposed timeframe for delivery remains at a 10 to 15 years meaning the proposal does not provide immediate or short-term solution for housing supply for the Kiama LGA.
- The PP does not demonstrate compliance with the Section 9.1 Ministerial Directions, Kiama Local Strategic Planning Statement 2020, or the Illawarra Shoalhaven Regional Plan 2041.
- There are several technical studies that are required to be updated.
- There is a lack of contributions plans and financial contribution mechanisms for supporting infrastructure for this site. This may result in increased risks for the existing ratepayers who would bear the cost burden of the future development's required infrastructure, services, and facilities.
- There has been no strategic indication that this is the most suitable and only site available for future expansion and development in the Kiama LGA. Council is aware of several other landowners that have indicated interest in providing land for future development. A number of these landowners have indicated a willingness to wait for the Growth and Housing Strategy to be completed and to include consideration of their landholdings as part of this process.
- Supporting the planning proposal at this point in time pre-empts any process currently being followed by Council and in essence places the strategic planning process and decision making in a landowner's hands rather than Council or the community. Local Government's role in leading planning and development should not be undermined by private landowners right to seek development, but the processes for managing and planning growth ought to be followed.

As outlined in the Council Report, a number of issues associated with agency comments, incomplete/outdate reports, servicing arrangements would have been addressed if the proponent had followed the scoping study process as outlined by the Department's LEP Making Guidelines.

- **Whether the proposal which has been submitted for a rezoning review is the same proposal that was considered by Council.**

Yes, the proposal that has been submitted for a rezoning review is the same proposal that was considered by Council.

As outlined by the Department's LEP Making Guidelines we look forward to providing additional details to the Panel when/if convened to determine this Rezoning Review. As outlined in the Council Report, it is Council's intent to finalise its Growth and Housing Strategy to determine the most appropriate locations for additional housing growth required to meet the Department's five-year housing targets and to ensure the Municipality does its part in meeting the National Housing Accord requirements. Ad hoc rezonings outside of the strategic planning processes, as prescribed by Division 3.1 of the *Environmental Planning and Assessment Act 1979*, rarely provide the best outcomes for the community.

Additional information regarding the Draft Growth and Housing Strategy can be found on Council's website: www.kiama.nsw.gov.au/growth.

Please contact myself or Melissa Ballinger on 4232 0444 if you would like to discuss.

Yours faithfully



Jessica Rippon
Director Planning, Environment and Communities

Attachments

- Extract of 16 April 2024 Agenda – Item 15.1 Kiama West Planning Proposal
- Extract of 16 April 2024 Agenda – Item 17.9 Petition – Kiama West rezoning
- Draft Kiama Growth and Housing Strategy