

Panel determination of rezoning review

On 20 September 2024, the Southern Regional Planning Panel (Panel) consisting of A/Chair Stephen O'Connor, Cinnamon Dunsford, Stephen Leathley and Luke Musgrave considered the planning proposal which seeks to amend the Kiama LEP 2011 to facilitate a residential development that incorporates a mix of dwellings, commercial uses, recreation, and conservation outcomes.

Next Steps

The PPA team sort comments from Kiama Council on the revised planning proposal and have provided an assessment against Council's comments – see Table 1 below.

The PPA team considers that the comments raised by Council have been adequately addressed to this stage of the planning proposal process, subject to some recommendations.

Table 1

Council Officer Comment	PPA Assessment
Appropriate road, pedestrian & public transport networks/connections - Rezoning of this site should not occur until the Structure Plan has been developed. - Council are committed to working with the applicant and State Government to ensure suitable road, pedestrian and public transport connectivity is provided for the future residents. - Consideration should be given to the appropriate boundary for the PP, and to potentially include adjoining land (highlighted in pink) to ensure there are no small pockets / slithers of RU2 land and to ensure State infrastructure can be appropriately provided.	See Section 4 of the pre-Gateway report to the Panel for further discussions, however in summary it is considered that: - the proposal can proceed while a structure planning process occurs; - the planning proposal can be amended to adequately address recommendations and outcomes of the structure planning process, including: - revisions to the quantum of employment land; - revisions to the movement and road network to align with any required sub arterial road required by TfNSW; and - inclusions of additional sites as appropriate to give effect to the outcomes of the structure plan. It is considered that any additional land that is included in the planning proposal would likely be limited with impacts of inclusion needing careful consideration.
Sydney Water System has capacity A situation where land is zoned but cannot be serviced by Sydney Water must be avoided. This is a non-negotiable.	As discussed in Attachment C of this report, Sydney Water has not raised any concerns with the proposal, noting that negotiations about contributions/commercial agreement with the proponent are required. The proponent has advised these discussions are ongoing.

Assessment Against Council Officer Comments



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Council Officer Comment	PPA Assessment
Mix of land use controls to ensure a diversity of housing typologies - The Height of Buildings for R2 should be 8.5m and R3 should be 11m. A FSR should be identified. Riparian land and watercourses should be zoned appropriately. - This proposed clause allowing exceptions to the minimum lot size is not supported. Where land is suitable for smaller lots this should be identified as part of the PP and a minimum lot size of 300sqm applied. There are existing provisions (clauses 4.1D, 4.1E and 4.1F) in the Kiama LEP 2011 which enable the creation of Torrens title lots less than the prescribed min lot size. - The proposed additional permitted uses are not supported. 1. Permit a place of public worship on Lot 102 DP 1176643, 103 Jamberoo Road Kiama. 2. Attached dwellings in the R2 Low Density Residential zone. - Residue RU2 land is not suitable for subdivision and or a dwelling entitlement. - Identification of the developable part of the site as a URA is supported.	See Section 4 of the pre-Gateway report to the Panel for further discussions, but in summary the following recommendations are made to revise the planning proposal: - include the following additional requirements in the LEP clause which requires the preparation of a site-specific DCP: - delivery of appropriate built form controls which respond to the site characteristics, site layout and topography; and - principles for the provision, design and location of open spaces. <i>Rural Land</i> With the broader structure planning process occurring, it's considered appropriate to retain a 40ha minimum lot size for proposed RU2 zoned land as this will prevent land fragmentation in the context of the structure planning process and proposed broader Kiama URA. Future zoning of this land can then be considered wholistically within the broader context of the Kiama URA and structure planning process. The proponent is also seeking to pursue a R5 zoning on the limited portion of land south of Greyleigh House. This proposed zoning and 1,000sq.m minimum lot size does provide for a transition to the RU2 land to the south of the site and should be retained. Council's concerns about the proposed 'place of public worship' on the proposed RU2 land are noted. However, this is considered an acceptable outcome with impacts that can be further considered and informed by the public exhibition process.
Employment lands are provided in accordance with Employment Lands Strategy The employment land area and location should be reviewed and updated.	See Section 4 of the pre-Gateway report to the Panel for further discussions <i>Employment Land</i> Council is in the process of revising their Local Employment Strategy in response to feedback from the DPHI. It is understood that Council will re-exhibition this local strategy before reconsidering further. It's understood this revised strategy is proposing approximately 0.5ha of commercial area and 1ha of

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	industrial land – located on the southern portion of the site. The revised proposal is supported by a economic analysis prepared by GapAdvisory which seeks to demonstrate the suitability of the consolidated town centre and approximately 1ha of E1 land. This also seeks to align with TfNSW feedback seeking to ensure that travel to services in either Kiama or neighbouring centres is limited to reduce trips on the Princes Highway. Noting the earlier discussion in this report, it is considered that: - the development proposal can be accommodated within the existing road network; - broader structure planning work is proposed to be undertaken; and - Council is yet to finalise its Employment Land Strategy. Should this structure planning work identify a need for further commercial/employment floor space in response to the development of the broader Kiama URA the proposal is capable of being updated to address such a finding. Similarly, the proposal is also capable of being updated to appropriately address a finalised Employment Land Strategy.
Financial liability to Council is minimised - The Land Reservation Acquisition map layer is not supported and should be removed. - We are committed to working with the applicant to negotiate a Planning Agreement as part of the Planning Agreement to ensure that infrastructure is delivered and funded.	See Section 4 of the pre-Gateway report to the Panel for further discussions. In summary: - the PPA team agree with Council and are requiring the removal of the land reservation acquisition map; and - Both the proponent and Council have indicated they are in discussions on a voluntary planning agreement. This voluntary planning agreement seeks to address open space delivery, management of conservation lands and provision of affordable housing.
Useable open space that meets both quantum and quality is provided For this site, four local parks, one district park and some form of active open space is required, ie	See Section 4 of the pre-Gateway report to the Panel for further discussions In summary the PPA team note that Council does not object to the proposed open space locations, with these

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either formal sporting fields, or for example an outdoor basketball court, skate park, tennis/pickleball courts will be required (approx. 7ha in total). - The indicative location of open space, ie five formal open space areas as shown at Figure 19, is supported, subject to extension of land area and suitability of the land. - We are committed to working with the applicant to identify suitable land for formal open space and ensure that the future residents will have access to suitable open space.	achieving 400m catchments to more than 80% of proposed dwellings. Both the proponent and Council have indicated they are in discussions on a voluntary planning agreement. This voluntary planning agreement seeks to address open space delivery, including quantum and ongoing management.
Heritage places etc. preserved as appropriate - The site includes the Greyleigh Homestead which is currently zoned RU2. - It is noted that there is no proposed amendment to the planning controls for this portion of the site. Consideration should be given to the current and future intended use, and the PP should ensure that the planning controls are appropriate. - For example, zone, minimum lot size and any additional permitted uses. - Suggest review the current and intended use of the site and ensure the controls align.	The proponent has advised that the existing functions of Greyleigh House are not intended to change because of this proposal. Hence, no amendments are proposed to this part of the site. The PPA team considers this the existing LEP provisions applying to this site are adequate. The required site-specific DCP can address any necessary refinements to development controls with proposed surrounding residential development to manage amenity impacts. These can then be implemented through the development application process.
Areas of high environmental and scenic landscape value retained and managed as appropriate A review of the proposed RE1 zone is required, as it appears that the majority of this land is environmental conservation, and	See Attachment C of the pre-Gateway report to the Panel for further discussions In summary: the proponent is preparing a BCAR in response to the feedback received from CPHR which is the certification method for land on the site with biodiversity significance;

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may be more suited to be zoned C3. The proposed C2 and C3 land should be reviewed and identified appropriately. The proposed additional permitted uses are not supported.	CPHR will be further consulted as part of the planning proposal and BCAR processes. This will further inform the extent and application of conservation and recreation zones across the site.
Provision of social and affordable housing has been adequately considered The proposal must include 5% social and 10% affordable housing delivered on site and this must be secured by an appropriate mechanism as part of the planning proposal.	See Attachment C of the pre-Gateway report to the Panel for further discussion. In summary: - DPHI's housing policy team has reviewed the proponent's proposed provision of affordable housing with supporting feasibility analysis and hasn't raised any concerns; and - PPA team agrees that any references to 5% reserved for first home buyers and 10% for locals identified in postcodes 2533 and 2534 be removed. This does not preclude the proponent from pursuing this approach through subsequent development stages.