

Planning Proposal - Nowra CBD Building Heights

Proposal Title : **Planning Proposal - Nowra CBD Building Heights**

Proposal Summary : **The Planning Proposal (PP) seeks to establish new height of building controls in the Nowra Central Business District (CBD) to facilitate and provide certainty for future development, improve amenity, and strengthen Nowra as a Major Regional Centre.**

PP Number : **PP_2016_SHOAL_003_00** Dop File No : **16/11400**

Proposal Details

Date Planning Proposal Received : **26-Aug-2016** LGA covered : **Shoalhaven**

Region : **Southern** RPA : **Shoalhaven City Council**

State Electorate : **SOUTH COAST** Section of the Act : **55 - Planning Proposal**

LEP Type : **Policy**

Location Details

Street :

Suburb : City : Postcode :

Land Parcel : **Commercial zoned land in the Nowra CBD within the Shoalhaven LGA (refer to Figure 1 map in the PP)**

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

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Land Release Data

Growth Centre : **N/A** Release Area Name : **N/A**

Regional / Sub Regional Strategy : **Illawarra Regional Strategy** Consistent with Strategy : **Yes**

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MDP Number :

Date of Release :

Area of Release (Ha) **0.00**

Type of Release (eg **N/A**

Residential /
Employment land) :

No. of Lots : **0**

No. of Dwellings **0**

(where relevant) :

Gross Floor Area : **0**

No of Jobs Created : **0**

The NSW Government **Yes**

Lobbyists Code of
Conduct has been
complied with :

If No, comment :

Have there been **No**

meetings or
communications with
registered lobbyists? :

If Yes, comment :

Supporting notes

Internal Supporting
Notes :

The current building height for the Nowra CBD in the SLEP 2014 is 11 metres. This control was derived from the former Illawarra Regional Environmental Plan No.1 which required that any building proposed to be more than 11 metres required the concurrence of the Department of Planning.

During the finalisation of the SLEP 2014, the Department requested that detailed building height controls be established in due course for the Nowra CBD.

Subsequently, Council has commissioned a number of studies to inform the preparation of urban design development controls, namely:

- Nowra CBD Building Heights and FSR Report (Jackson Teece, 2013)
- Nowra CBD Urban Design Development Controls Report (Studio GL, 2014).

In preparing the development controls, Studio GL tested the building heights and FSRs adopted in 2013 and recommended a number of adjustments which were subsequently adopted by Council, notably:

- Provide for the highest buildings around the core of the CBD rather than along the Princes Highway.
- Reduction in the proposed 15m building heights along Junction Street to 3 storeys (12 metres) to maintain its existing main street character; and
- Not include floor space ratios for the CBD to provide for flexibility and good quality urban design.

The Nowra CBD Urban Design Development Controls Report and revised building heights were adopted by Council on 5 April 2016 at which Council resolved to prepare a PP to incorporate the revised building heights into the Shoalhaven LEP 2014.

External Supporting
Notes :

It is proposed to increase building heights in the Nowra CBD from 11m to 12, 15 or 20 metres.

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : The PP aims to establish new height of building controls in the Nowra CBD, to facilitate and provide certainty for future development, improve amenity and strengthen the Nowra CBD as a major regional centre consistent with the Illawarra-Shoalhaven Regional Plan.

The statement of the objectives is considered adequate and meets the requirements of the Department's guide to preparing planning proposals.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : The explanation of the provisions provided is to amend the Height of Buildings Map in the Shoalhaven LEP 2014 to provide building heights for the Nowra CBD ranging from 20 metres on key sites, 15 metres in and surrounding the core and 12 metres on the main street and the edge of the CBD area.

The current height of building control for the Nowra CBD under the SLEP 2009 is 11 metres, which is based on the 11 metre building height concurrence requirement provided under the former Illawarra REP No.1. The proposed new 12-20 metre building heights for the Nowra CBD are considered appropriate to support the development of the CBD as a Major Regional Centre.

The proposal is not seeking to incorporate floor space ratio controls in the Nowra CBD based on the recommendations of Council's "Urban Design Development Controls for the Nowra CBD study prepared by Studio GL in 2015 that FSRs could over inflate expectations of the development capacity of sites within the Nowra CBD and hence expected value as well as discourage good quality design that responds to the site and surrounds. Council, however, proposes to incorporate building setback controls in its DCP to complement the building height controls in the LEP to ensure suitable urban design outcomes are achieved at the development stage.

Council's rationale and preference for not including FSR controls for the Nowra CBD is noted and is considered reasonable.

It is considered that the explanation of provisions provided for the PP is adequate and meets the Department's guide to preparing planning proposals.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

1.1 Business and Industrial Zones

* May need the Director General's agreement

3.1 Residential Zones

3.4 Integrating Land Use and Transport

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 71—Coastal Protection

e) List any other matters that need to be considered :

The PP identifies that it is consistent with relevant 117's (1.1, 3.1 and 3.4) by encouraging growth within the Nowra centre and encouraging a diversity of housing supply in proximity to services.

The PP identifies that it is also consistent with Section 117 Direction 5.10 Implementation of Regional Plans. The applicable Regional Plan is the Illawarra-Shoalhaven Regional Plan which identifies Nowra as having significant growth potential. Council's assessment of the consistency of the PP with the Direction is supported.

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Council has requested plan-making delegations for the PP. Given that the proposal is consistent with adopted strategic planning for the Nowra CBD, it is considered appropriate to agree to Council's request.

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain : Council has not identified any inconsistencies between the PP and Council's local strategies (namely the Nowra-Bomaderry Structure Plan and Community Strategic Plan), relevant SEPPs and Section 117 Directions. Council's assessment of the consistency of the PP with these policies is supported.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : The PP provides a location map, subject land map, aerial photo, current landuse zones map and a proposed height of building map. The maps are considered to be suitable for exhibition purposes. A final Height of Building Map will need to be prepared to meet the requirements of the Department's "Standard Technical Requirements for Spatial Datasets and Maps 2015" prior to the finalisation of the PP.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : It is noted that the Nowra CBD Urban Design Development Controls Report, which has informed the preparation of the PP, was developed in consultation with a community advisory group and included community workshops and a formal public exhibition during November 2015 to January 2016.

Council proposes to public exhibit the PP, background studies and the associated DCP amendment for a 28 day period.

It is considered that the community consultation proposed for the PP is adequate.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment : The proposal is considered to meet all six parts of a planning proposal as required by the Department's guide to preparing planning proposals.

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : The applicable Principal LEP for the Shoalhaven LGA is the Shoalhaven LEP 2014.

As previously mentioned, during the finalisation of the SLEP 2014, the Department requested that detailed building height controls be established in due course for the Nowra CBD.

Assessment Criteria

Need for planning proposal :

The PP is needed to facilitate the amendment of the Shoalhaven LEP 2014 to provide suitable height of building controls for the Nowra CBD thereby enabling the area to achieve its intended role as a Major Regional Centre.

Consistency with strategic planning framework :

The PP states that it is consistent with the Illawarra-Shoalhaven Regional Plan as it identifies the Nowra CBD as a Major Regional Centre and that it aims to maximise the growth potential of the CBD through investment, coordination and the review of planning and development controls. Council considers that the PP will strengthen Nowra's position as a Major Regional Centre and support the renewal and revitalisation of the CBD.

The Regional Plan identifies that maximising the growth potential of the Nowra centre as a major priority. It is considered that this outcome will be supported by the proposed new building height controls sought by the PP.

The Regional Plan also identifies the need to consider opportunities to accommodate future expansion of the Shoalhaven District Memorial Hospital, which adjoins the CBD to the north west. There would therefore be merit for Council to consult with NSW Health/the Hospital on the Planning Proposal to identify any relevant issues.

The PP states that it is also consistent with the Shoalhaven Community Strategic Plan and the Nowra-Bomaderry Structure Plan which identifies Nowra-Bomaderry area as the major growth area for the Shoalhaven LGA. The NBSP also identifies Nowra as having the potential to accommodate additional medium density development.

Although not mentioned in the PP, it is also considered that the PP is consistent with the endorsed Shoalhaven Growth Management Strategy which identifies the potential for medium density development in the existing Nowra urban area to meet future housing needs for the area.

As previously mentioned, it is considered that the PP is consistent with relevant SEPPs and Section 117 Directions.

Council's view that the PP is consistent with the strategic planning framework is supported for the reasons provided in the PP.

Environmental social economic impacts :

The PP states that the proposed amendment will have minimal environmental impacts and that the Urban Design Development Controls to be incorporated into the Shoalhaven DCP 2014 will assist in mitigating any environmental/amenity effects that the increase in building heights may have.

With regard to potential noise, traffic and access issues associated with the Princes Highway, it is recommended that Council should consult with the Roads and Maritime Service.

The PP states that incorporating new building heights in the Shoalhaven LEP 2014 will promote and strengthen the Nowra CBD's economic and social development by providing opportunities for the expansion of employment generating development such as offices, improving the provision of centrally located services, retail and higher density residential buildings.

Council's assessment of the likely environmental, social and economic impacts of the proposed amendment are supported for the reasons provided.

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Assessment Process

Proposal type : **Consistent** Community Consultation Period : **28 Days**

Timeframe to make LEP : **12 months** Delegation : **RPA**

Public Authority **Department of Health**
Consultation - 56(2)(d) **Transport for NSW - Roads and Maritime Services**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons : **The PP is consistent with adopted strategic planning for the Nowra CBD and will facilitate the revitalisation and economic growth of the Nowra area.**

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :
No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Shoalhaven City Council cover letter.pdf	Proposal Covering Letter	Yes
Planning Proposal - Nowra CBD Building Heights.pdf	Proposal	Yes
April 2016 - Development Committee Report.pdf	Determination Document	Yes
Nowra CBD Building Height and FSR Study - Jackson Teece.pdf	Study	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **1.1 Business and Industrial Zones**
3.1 Residential Zones
3.4 Integrating Land Use and Transport

Additional Information : **It is RECOMMENDED that the Acting Director, Southern Region, as delegate of the Minister for Planning, determine under section 56(2) of the EP&A Act that an amendment to the Shoalhaven LEP 2014 to establish new height of building controls in the Nowra CBD to facilitate and provide certainty for future development, improve amenity and strengthen the Nowra CBD as a Major Regional Centre should progress subject to the following conditions:**

1. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

- (a) the planning proposal must be made publicly available for 28 days; and
- (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of 'A guide to preparing local environmental plans (Planning and Infrastructure, 2013)'.

2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- * Roads and Maritime Service
- * NSW Heath/Shoalhaven District Memorial Hospital

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

3. No public hearing is required to be held into the matter under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example in response to a submission or if reclassifying land).

4. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

5. Council be authorised to use the Minister's plan making functions under sections 59(2),(3)&(4) of the Environmental Planning and Assessment Act 1979.

6. SECTION 117 DIRECTIONS - It is recommended that:

(a) The Secretary's delegate can be satisfied that the planning proposal is consistent with s117 Directions:

- 1.1 Business and Industrial Zones
- 3.1 Residential Zones
- 3.4 Integrating Land Use and Transport
- 5.10 Implementation of Regional Plans

(b) The Secretary's delegate can be satisfied that the planning proposal is consistent with all other relevant s117 Directions or that any inconsistencies are of minor significance; and

(c) No further consultation or referral is required in relation to s117 Directions while the planning proposal remains in its current form.

7. The planning proposal is considered to be consistent with all relevant SEPPs.

Supporting Reasons :

Agency consultation is recommended to identify any issues associated with the adjoining Shoalhaven District Memorial Hospital and the Princes Highway.

The proposal will encourage growth within a major regional centre, providing economic and housing benefits.

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Signature:

Graham Towers, Team Leader

Printed Name:

GRAHAM TOWERS

Date:

6/9/16.