

PLANNING PROPOSAL – LP 410

Shoalhaven Local Environmental Plan 2014 Planning Proposal Nowra CBD Building Heights

Prepared by
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1 Introduction

This Planning Proposal (PP) seeks to establish new height of building controls for the Nowra Central Business District (CBD) to reinforce Nowra as a regional centre. The PP is supported by a set of more detailed Urban Design Development Controls (which will be part of the Shoalhaven DCP 2014) to ensure new development reflects the desired future character of the Nowra CBD, and minimise any impacts associated with the increase in building heights.

1.1 Subject Land

This PP applies to commercial zoned land in the Nowra CBD, within the Shoalhaven Local Government Area (LGA), as shown in **Figure 1** below.

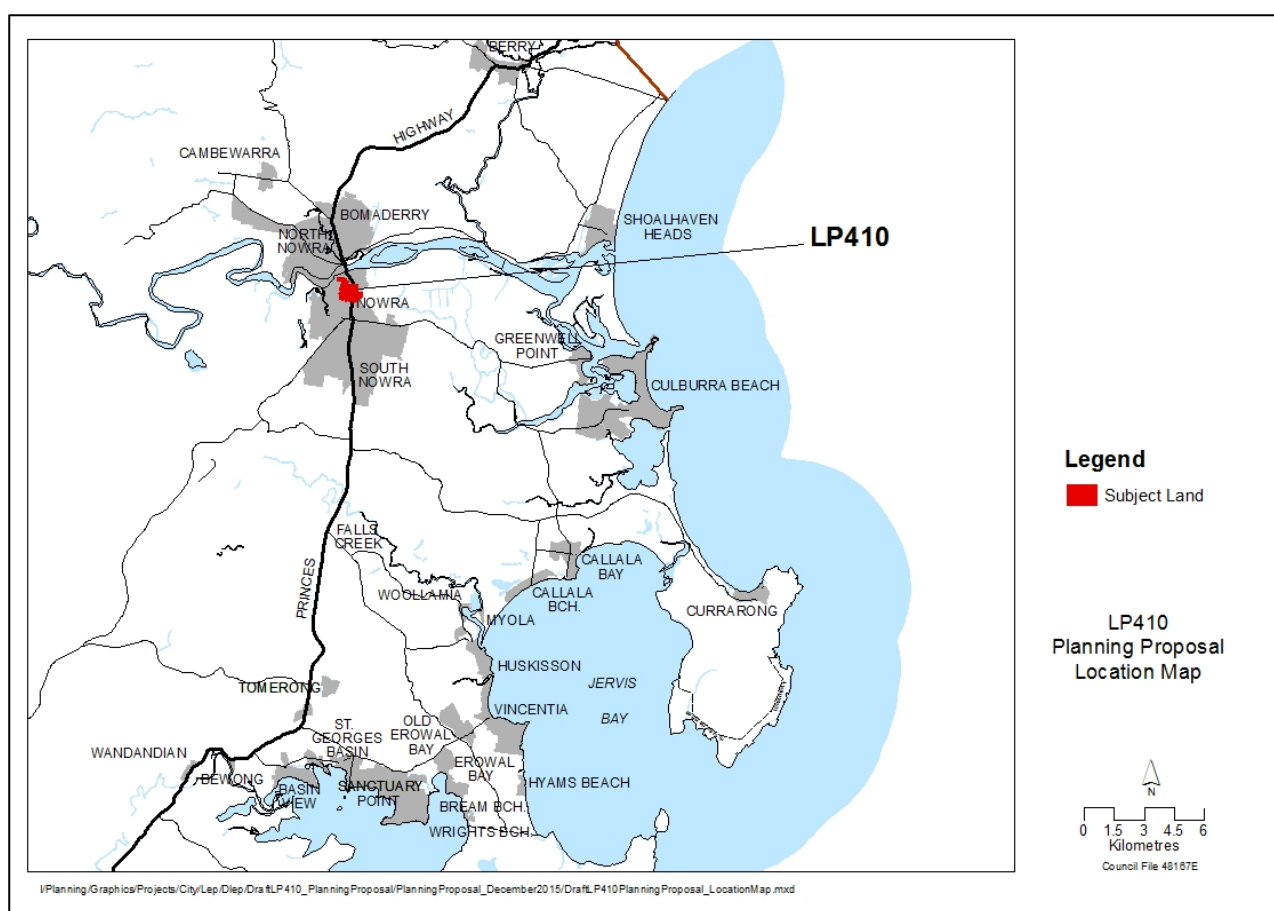


Figure 1 - Location Map

The Nowra CBD has an area of approximately 92 ha and is generally bounded by Hyam Street to the north, Plunkett Street to the south, Osborne Street to the west and Brereton Street to the east as shown in **Figures 2 & 3**. The CBD is largely currently zoned B3 Commercial Core and B4 Mixed Use under Shoalhaven Local Environmental Plan (LEP) 2014 which permit a range of commercial and other related uses (**Figure 4**).

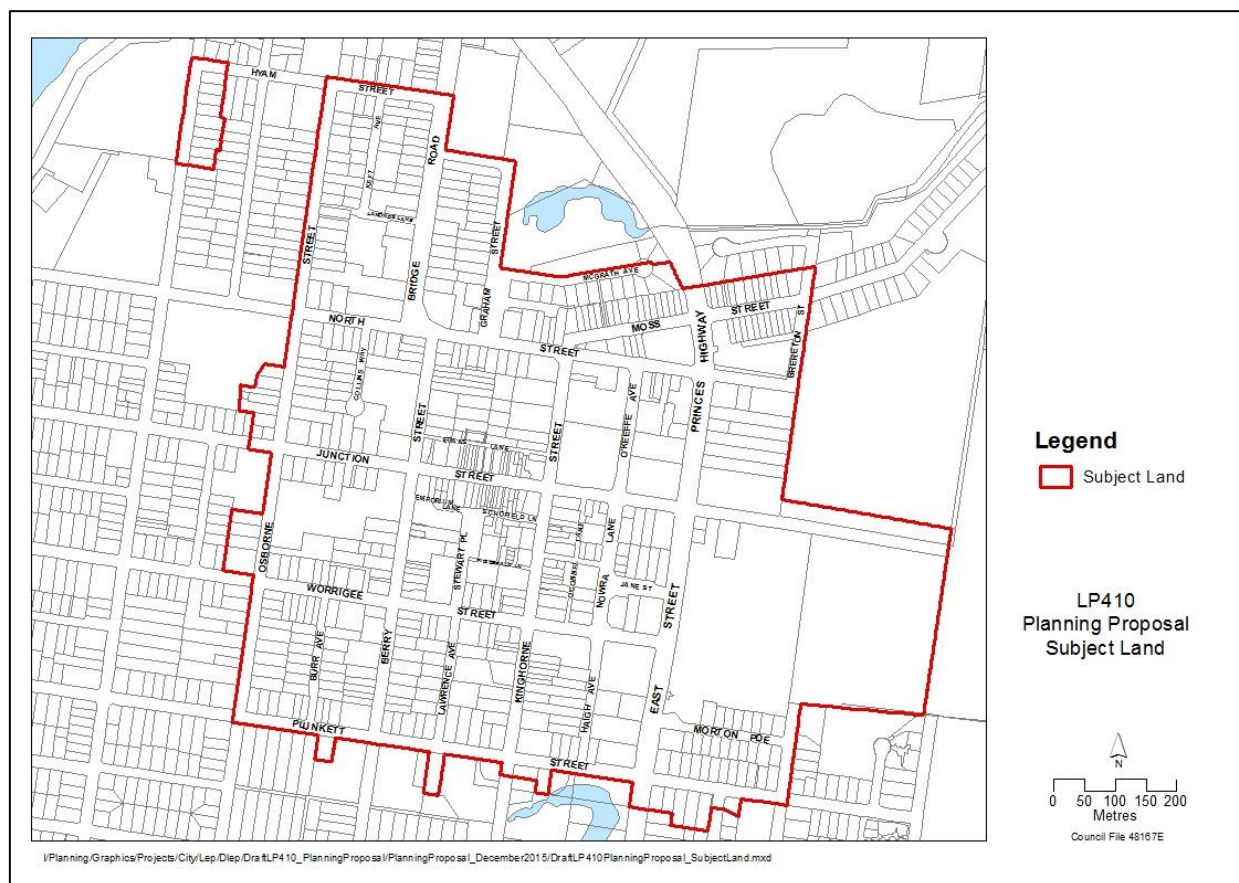


Figure 2 - Subject Land



Figure 3 - Aerial Photo

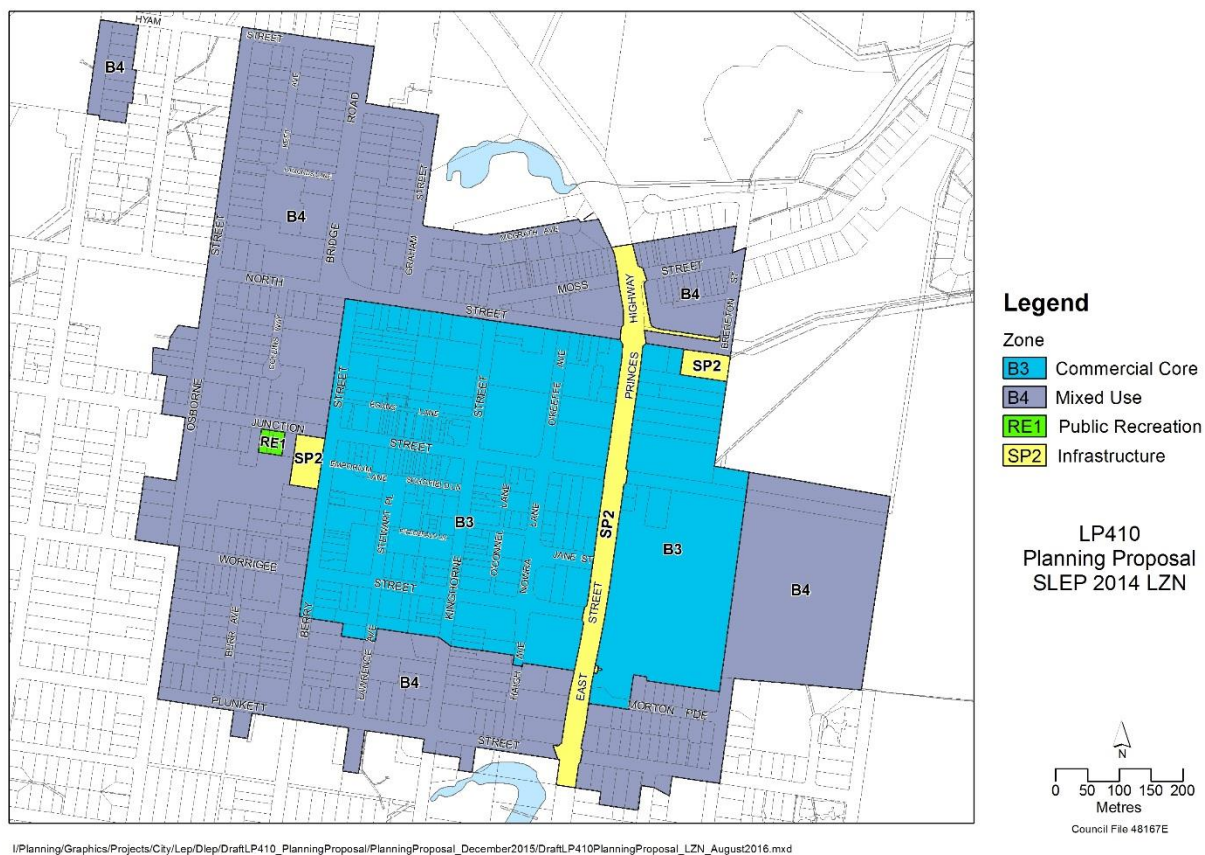


Figure 4 - Current Land Use Zones

1.2 Background

In October 2013, Council adopted the Nowra CBD Building Height and FSR Study which identified a range of desired building heights and FSR's for the Nowra CBD. The Study was prepared for Council by Jackson Teece Pty Ltd and is provided as **Attachment A**.

In adopting the Study, Council also resolved to prepare a PP to incorporate the adopted heights and FSR's into Shoalhaven LEP 2014; and to prepare a set of Urban Design Development Controls to guide the built form in the Nowra CBD consistent with the adopted heights and FSR's.

Nowra CBD Urban Design Development Controls

Subsequently in November 2014, Council engaged Studio GL Pty Ltd (Studio GL) to prepare the Urban Design Development Controls (**Attachment B**) to be incorporated into a chapter of Shoalhaven DCP 2014.

In preparing the Development Controls, Studio GL tested the building heights and FSR's adopted in 2013 and recommended a number of adjustments:

- Provide for the highest buildings around the core of the CBD rather than along the Princes Highway;
- Reduce in the proposed 15m building heights along Junction Street to 3 storeys to maintain its existing 'main street' character; and
- Not include FSRs for the CBD in the Shoalhaven LEP 2014 as Nowra is a diverse regional centre for which FSRs could over inflate expectations of the development capacity of the site and hence expected value as well as discouraging good quality design that responds to the site and surrounds. Development controls such as building setbacks, height limits and other controls can still provide flexibility and set robust parameters for future development.

The Nowra CBD Urban Design Development Controls Report and revised building heights were reported to Council on 5 April 2016. At this meeting Council resolved to prepare a PP to incorporate the revised building heights into Shoalhaven LEP 2014. A copy of the Council report is provided as **Attachment C**.

It is intended that following Gateway determination, this PP and the new Shoalhaven DCP 2014 chapter will be exhibited at the same time.

The proposed building heights will typically allow for the following:

- Height of 20 metres - allow for a five storey commercial building or a six storey building with retail on the ground floor and residential above.
- Height of 15 metres - allow for a four storey commercial building or a five storey building with retail on the ground floor and residential above.
- Height of 12 metres - allow for a three storey commercial building or a three storey building with retail on the ground floor and residential above.

4 Part 3 – Justification

4.1 Need for the Planning Proposal (Section A)

4.1.1 Is the Planning Proposal a result of any strategic study or report?

Nowra is identified as a 'Major Regional Centre' in the Illawarra-Shoalhaven Regional Plan and the Nowra-Bomaderry Structure Plan. At present Shoalhaven LEP 2014 has no mapped building height controls for the Nowra CBD. The current generic maximum height control of 11 metres referred to in *Clause 4.3 Height of Buildings Shoalhaven LEP 2014* was derived from the former Illawarra Regional Environmental Plan. The previous REP control required that any building proposed to be more than 11 metres required the concurrence of the State Government.

During the preparations of the new Standard LEP Instrument for Shoalhaven (Shoalhaven LEP 2014) the NSW Government requested that detailed building height controls be established in due course for the Nowra CBD.

As noted above, Studio GL prepared an Urban Design Development Controls Report for the Nowra CBD which recommended revised building heights. The heights were adopted by Council on 5 April 2016 and are reflected in this PP.

The PP is a direct result of the adopted Urban Design Development Controls Report and reflects the CBD's role as a major regional centre, as identified in the Illawarra Shoalhaven Regional Plan.

4.1.2 Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The PP is the only means of establishing a clear set of building height requirements for the Nowra CBD to provide certainty for any future development proposals.

4.2 Relationship to strategic planning framework (Section B)

4.2.1 Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Illawarra-Shoalhaven Regional Plan (2015)

The Illawarra-Shoalhaven Regional Plan identifies the Nowra CBD as a major regional centre, and the business, retail and services hub of Shoalhaven. The Regional Plan specifically aims to maximise the growth potential of the Nowra CBD through investment, coordination and the review of planning and development controls.

The proposed increase in building heights in the Nowra CBD is consistent with the aims, directions and actions of the Regional Plan; and will strengthen Nowra's position as a major regional centre and support the renewal and revitalisation of the CBD.

4.2.2 Is the Planning Proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

Shoalhaven City Council's Community Strategic Plan, Shoalhaven 2020

The Proposal is consistent with Council's Community Strategy Plan and the relevant objective and strategies below:

Objective 2.5	Major town centres that are attractive, vibrant and popular destinations
Strategy 2.4.2	Develop land use and related plans for the sustainable growth of the City which use the core principles of the Growth Management Strategy and ESD principles, also carefully considering community concerns and the character of unique historic townships
Strategy 2.5.1	Develop the City's major town centres of Nowra, Ulladulla and Vincentia to include attractive public spaces, retail shopping, entertainment and recreation options for the community
Strategy 2.5.2	Improve the urban design and landscape appearance of City and town entrances and major thoroughfares
Objective 3.1	An economy with growing employment opportunities based on Shoalhaven's distinct characteristics, advantages and natural qualities
Strategy 3.3.1	Promote a positive image of Shoalhaven and the work, investment and lifestyle opportunities that it provides

Nowra Bomaderry Structure Plan (2008)

The Nowra-Bomaderry Structure Plan (Structure Plan) includes principles to guide the development of the Nowra CBD area to ensure Nowra remains as the primary urban centre within the region, accommodating much of Shoalhaven's predicted growth. The Structure Plan aims to maintain and enhance the commercial role of the Nowra CBD as a Major Regional Centre and to expand employment opportunities and economic diversification.

The proposed establishment of building heights for the Nowra CBD is consistent with the aims and objectives of the Structure Plan; and will strengthen Nowra's position as a major regional centre.

4.2.3 Is the Planning Proposal consistent with applicable state environmental planning policies?

The State Environmental Planning Policies (SEPPs) are considered in **Attachment D** and the relevant SEPPs are discussed below.

SEPP 71 Coastal Protection

This SEPP applies as parts of the Nowra CBD are within the coastal zone. The PP is considered consistent with the SEPP in that the proposed building heights and supporting development controls ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area.

4.2.4 Is the Planning Proposal consistent with applicable Ministerial Directions (s.117 directions)?

The Ministerial Directions are considered in **Attachment E** and those that are relevant are discussed below.

1.1 Business and Industrial zones

This Direction applies as the PP affects land within an existing business zone. The proposal is consistent with this direction as it encourages growth in a suitable location and supports the viability of the Nowra CBD as an identified major regional centre.

3.1 Residential zones

This Direction applies as the PP affects land in a zone in which significant residential development is permitted. The PP is consistent with the Direction as it will encourage a variety and choice of housing types in the form of higher density housing options and make efficient use of existing infrastructure and services located in the Nowra CBD.

3.4 Integrating Land Use and Transport

The land is zoned for business purposes and the PP aims to increase building height controls in the Nowra CBD. The PP is consistent with this direction in that it will encourage the consolidation of businesses, services and higher density living within the Nowra CBD and therefore reduce travel demand by car and encourage walking, cycling and public transport services.

5.10 Implementation of Regional Plans

The Illawarra-Shoalhaven Regional Plan identifies the Nowra CBD as a major regional centre, and the business, retail and services hub of Shoalhaven. The Regional Plan specifically aims to maximise the growth potential of the Nowra CBD through investment, coordination and the review of planning and development controls.

The proposed increase in building heights in the Nowra CBD is consistent with the aims, directions and actions of the Regional Plan; and will strengthen Nowra's position as a major regional centre and support the renewal and revitalisation of the CBD.

4.3 Environmental, Social and Economic Impact (Section C)

4.3.1 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The proposed amendment will not impact on any critical habitat or threatened species, populations or ecological communities, or their habitats.

4.3.2 Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

The proposed amendment is anticipated to have minimal environmental impacts. However, the Urban Design Development Controls to be incorporated into Shoalhaven DCP 2014 will support the proposed building heights and assist in mitigating any environmental effects that the increase in building heights might have.

4.3.3 How has the Planning Proposal adequately addressed any social and economic effects?

Incorporating building heights into 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. The supporting development controls will also assist in controlling or mitigating any amenity impacts that may emerge.

4.4 State and Commonwealth Interests (Section D)

4.4.1 Is there adequate public infrastructure for the Planning Proposal?

The proposed increase in building heights is located in the Nowra CBD where there is already generally adequate infrastructure and services to support the increased development potential of the area. This issue will also be specifically considered and if necessary addressed through future development proposals.

4.4.2 What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

Council will consult with relevant public authorities in accordance with the conditions of the Gateway determination. The PP will be updated prior to public exhibition, if required, to incorporate the view of any public authority.

5 Part 4 – Mapping

The Shoalhaven LEP 2014 Height of Buildings Map will be amended as per the building heights identified in Figure 5.

6 Part 5 - Community Consultation

The Nowra CBD Urban Design Development Controls Report was developed in consultation with a community advisory group and included community workshops and a formal public exhibition. The Urban Design Development Controls Report and proposed building heights proposed under this PP were publicly exhibited from 25 November 2015 to 8 January 2016.

Following the Gateway determination, Council proposes to publicly exhibit the PP and the associated amendment (new Chapter) to Shoalhaven DCP 2014 as a package. The PP will be exhibited in accordance with the requirements of Section 57 of the Environmental Planning and Assessment Act 1979 (EP&A Act) and any other requirements as determined by the Gateway process. It is intended that an exhibition with a minimum period of 28 days apply, acknowledging the extensive exhibition/consultation that has gone into the Urban Design Development Controls Report.

7 Part 6 – Project Timeline

The anticipated timeline for the Planning Proposal is outlined in Table 1 below.

Table 1 - Project Timeline

Task	Anticipated Timeframe
Commencement date (date of Gateway determination)	September 2016
Completion of Gateway determination requirements	October 2016
Public exhibition	November 2016
Consideration of submissions	January 2017
Post exhibition consideration of PP	March 2017
Finalisation and notification of Plan	May 2017

Attachments

- a. Nowra CBD Building Heights and FSR Report (Jackson Teece)
- b. Nowra CBD Urban Design Development Controls Report
- c. Development Committee Report and Minute
- d. SEPP Checklist
- e. S117 Checklist

Attachment D – SEPP Checklist

SEPP	Date	Name	Applicable	Not inconsistent
1	17.05.02	Development Standards	✗	n/a
14	12.12.85	Coastal wetlands	✗	n/a
19	22.02.14	Bushland in Urban Areas	✗	n/a
21	24.04.92	Caravan parks	✗	n/a
26	05.02.88	Littoral rainforests	✗	n/a
30	08.12.89	Intensive agriculture	✗	n/a
33	13.03.92	Hazardous and Offensive development	✗	n/a
36	16.07.93	Manufactured home estates	✗	n/a
44	06.01.95	Koala habitat protection	✗	n/a
50	10.11.97	Canal estate development	✗	n/a
52	22.02.14	Farm Dams and Other Works in Land and Water Management Plan Areas	✗	n/a
55	28.08.98	Remediation of land	✗	n/a
62	25.09.00	Sustainable aquaculture	✗	n/a
64	16.03.01	Advertising and signage	✗	n/a
65	26.07.02	Design quality of residential apartment development	✗	n/a
70	31.07.09	Affordable Housing (Revised Schemes)	✗	n/a
71	01.11.02	Coastal protection	✓	✓
--	31.03.04	Housing for Seniors or People with a Disability 2004	✗	n/a
--	25.06.04	BASIX : 2004	✗	n/a
--	16.02.07	Mining, Petroleum Production and Extractive Industries 2007	✗	n/a
--	26.10.07	Miscellaneous Consent Provisions 2007	✗	n/a
--	01.01.08	Infrastructure 2007	✗	n/a
--	09.05.08	Rural Lands 2008	✗	n/a
--	12.12.08	Exempt and Complying Development Codes 2008	✗	n/a
--	31.07.09	Affordable Rental Housing 2009	✗	n/a
--	15.12.10	Urban Renewal 2010	✗	n/a
--	21.01.11	Sydney Drinking Water Catchment 2011	✗	n/a
--	28.09.11	State and Regional Development 2011	✗	n/a

Attachment E – S117 Checklist

Direction No:	Applies	Relevant	Consistent	Comment
1 Employment and Resources				
1.1 Business and Industrial Zones	✓	✓	✓	Refer to Section 4.2.4
1.2 Rural Zones	x	x	N/A	
1.3 Mining, Petroleum Production and Extractive Industries	x	x	N/A	
1.4 Oyster Aquaculture	x	x	N/A	
1.5 Rural lands	x	x	N/A	
2 Environment and Heritage				
2.1 Environmental Protection Zones	x	x	N/A	
2.2 Coastal Protection	x	x	N/A	
2.3 Heritage Conservation	x	x	N/A	
2.4 Recreation Vehicle Area	x	x	N/A	
3 Housing, Infrastructure and Urban Development				
3.1 Residential Zones	✓	✓	✓	Refer to Section 4.2.4
3.2 Caravan Parks and Manufactured Home Estates	x	x	N/A	
3.3 Home Occupations	x	x	N/A	
3.4 Integrating Land Use and Transport	✓	✓	✓	Refer to Section 4.2.4
3.5 Development Near Licensed Aerodromes	x	x	N/A	
3.6 Shooting Ranges	N/A	N/A	N/A	
4 Hazard and Risk				
4.1 Acid Sulphate Soils	✓	x	N/A	
4.2 Mine Subsidence and Unstable Land	x	x	N/A	
4.3 Flood Prone Land	✓	x	N/A	
4.4 Planning for Bushfire Protection	x	x	N/A	
5 Regional Planning				
5.1 Implementation of Regional Strategies	x	x	N/A	
5.2 Sydney Drinking Water Catchments	x	x	N/A	
5.3 Farmland of State & Regional Significance on Far North Coast	x	x	N/A	
5.4 Commercial & Retail Development, Pacific Hwy	x	x	N/A	
5.8 2 nd Sydney Airport: Badgerys Creek	x	x	N/A	
5.9 North West Rail Link Corridor Strategy	x	x	N/A	

5.10 Implementation of Regional Plans	✓	✓	✓	Refer to Section 4.2.4
6 Local Plan Making				
6.1 Approval and Referral Requirements	✓	✓	✓	
6.2 Reserving Land for Public Purposes	✓	x	N/A	
6.3 Site Specific Provisions	✓	x	N/A	