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## **REPORT OF GENERAL MANAGER**

### **DEVELOPMENT COMMITTEE**

**MONDAY, 18 JULY 2016**

#### **PLANNING AND DEVELOPMENT**

##### ***ITEMS TO BE DEALT WITH UNDER DELEGATED AUTHORITY***

1. **Planning Proposal (Rezoning) - Lot 1, 29 & 30 DP 25114 Albatross Road & Kinghorne, Street Nowra (Lee Carmichael Town Planning) File 53177e (PDR)**

**SECTION MANAGER: Gordon Clark.**

#### **PURPOSE:**

To obtain direction on a Planning Proposal (PP) that has been received for Lot 1, 29 and 30 DP25114 Albatross Rd and Kinghorne St, Nowra.

**RECOMMENDED, in accordance with the Committee's delegated authority from Council, that the Committee:**

- a) **Give in principle support for the proposed rezoning and increase in building height for Lot 1, 29 and 30 DP25114 Albatross Road & Kinghorne Street, Nowra; and submit a Planning Proposal to the NSW Department of Planning and Environment for Gateway determination.**
- b) **Request that a character assessment of the site and surrounds be required as a condition of the Gateway determination, with the possibility of stepping the building heights down towards the adjoining properties to be considered as part of the assessment.**
- c) **Advise the proponent, adjacent land owners and relevant community groups of this decision, noting the opportunity for formal consultation later in the process.**
- d) **If necessary, receive a further report following receipt of the Gateway determination.**

#### **OPTIONS**

1. **Support the PP as per the recommendation - this will enable staff to prepare and submit the PP to the Department of Planning & Environment (DP&E) for the initial Gateway determination.**
2. **Support the proposed rezoning, but maintain an 11 metre maximum height of building control. While this option would reduce the impact of the proposed development on adjoining properties, it may impact on the development feasibility.**

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3. Not support the PP. This option is not preferred, as the proposed rezoning will potentially allow for a better development outcome that is more in keeping with the surrounding development.

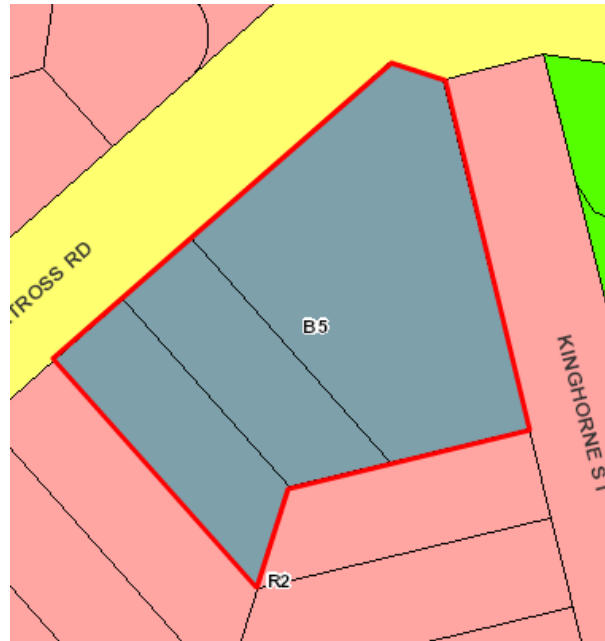
## **DETAILS**

### **Background**

Council has received a PP from Lee Carmichael Town Planning on behalf of the landowner (Mr B Zervos) to rezone Lots 1, 29 and 30 Albatross Road and Kinghorne Street, Nowra (as outlined in red in Figure 1) from B5 Business Development to B4 Mixed Use to enable a mixed use development including a residential flat building and commercial units on the ground level. The PP proposes to increase the maximum building height from 11 metres (current generic maximum) to 15 metres (proposed specific mapped height for this site) to facilitate the proposed development.



**Figure 1 - Aerial Map**



**Figure 2 – Current Zoning**

Prior to receiving the PP, a pre-lodgement meeting was held between the proponent and Council staff. Staff advised that the proposed rezoning and increase in maximum height could be considered subject to the lodgement of a formal PP and that consideration of the increase in the height of building control would need to be justified in the context of the site and surrounding area.

### **Planning Proposal**

The PP seeks to rezone the subject land from B5 Business Development to B4 Mixed Use under the Shoalhaven Local Environmental Plan (LEP) 2014 to enable a mixed use development including a residential flat building with a number of ground floor commercial units and basement car parking. While the current B5 zoning of the site permits mixed use developments as 'shop top housing', it would require the entire ground floor to be commercial uses, which is now not considered appropriate in this location. Development of the site in this way would result in an excessive quantity of commercial floor space that would potentially compete with Nowra CBD, and the proponent has argued that it would impact on the viability of the development itself. It is considered a more appropriate outcome for a mixed use development with only a limited amount of commercial floor space that complements the residential development in the area.

It is acknowledged that the existing B5 zone essentially reflects the previous zoning of the site under Shoalhaven LEP 1985 as Business 3 (b) (transitional) and its use as a car yard and showroom.

The PP also proposes to increase the maximum building height limit of 11 metres to 15 metres to enable the development to achieve a more desirable outcome for the proponent. A copy of the proponents PP document is provided in the Councillor's Information Folder for today's meeting.

The proponent has also supplied a Phase 2 Site Investigation (Contamination) Report, shadow diagrams and a photomontages of the street view elevation of the proposed

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building. The Contamination Report concludes that the site is acceptable for redevelopment in respect of potential site contamination issues. This issue will need to be considered further as part of the development application. The shadow diagrams and photomontages have been supplied to justify the increase in maximum height, which the proponent states, demonstrates that the impacts of the proposed development are acceptable.

Note: Council has also received a Development Application (DA16/1465) for the proposal. As such should the PP be supported then the two matters will need to be managed concurrently and the development application cannot be determined until the PP is resolved.

### **Relevant Strategies**

The following existing planning strategies are relevant to this location and the consistency of the PP with them is discussed below.

#### *Nowra Bomaderry Structure Plan (NBSP)*

This plan applies to the Nowra-Bomaderry area and establishes a set of principles to manage growth in the area. It identifies Nowra as the primary commercial and administrative centre and supports an increase in people living in higher densities in existing areas, in a range of dwelling types, which are in close proximity to the Nowra CBD.

In addition, the limiting of commercial floor space in the proposal will assist in maintaining and enhancing the commercial primacy and vibrancy of the Nowra CBD. The PP is thus considered to be broadly consistent with the NBSP.

#### *Illawarra-Shoalhaven Regional Plan (ISRP)*

This plan aims to encourage a variety of housing choices to meet the changing housing demands over the next 20 years. Direction 2.2 of the Plan seeks to 'support housing opportunities close to existing services, jobs and infrastructure in the region's centres' and the PP is consistent with this direction. The Plan also identifies the need to protect the Nowra CBD as the major regional centre and limiting commercial floor space in the proposal will assist in maintaining and enhancing the commercial primacy of the Nowra CBD. The PP is considered to be broadly consistent with the ISRP.

#### *Community Strategic Plan, Shoalhaven 2023 (CSP)*

This Plan identifies objectives and strategies for prosperity in Shoalhaven and creating opportunities for growth to existing services. The proponent's PP notes that the rezoning of the land will satisfy the following objectives and strategy:

*Objective 2.2 Population and urban settlement growth that is ecologically sustainable and carefully planned and managed*

*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,*

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*also carefully considering community concerns and the character of unique historic townships. The PP is not inconsistent with the CSP.*

## **Key Issues**

The initial review of the PP has identified the following key issues related to amenity, traffic and economic impacts. These issues will need to be further addressed or outlined in detail in the Gateway submission should Council support the advancement of the PP.

### *Amenity Impact*

The site is surrounded by low density residential development, which is interspersed with a variety of commercial developments such as a tyre service centre and a motel. These uses essentially relate to the previous historic alignment of the Highway that is now Kinghorne Street. It is acknowledged that the change in one business zone to another to enable a residential flat development with ground floor commercial space would be more complementary to the surrounding residential area than the current motor vehicle servicing business on the site. However, the increase in height is likely to impact on the streetscape and character of the surrounding residential area, and will potentially have a significant impact on adjoining low density residential properties that have a maximum building height of 8.5 metres.

The proponent has attempted to justify the increase in height with the provision of shadow diagrams and photomontages which demonstrate that the impacts would be acceptable, and states that the bulk and scale of the development will have minimal impacts as most of the building sits below the 15 metre height limit with only lift overruns and the like proposed to be 15 metres. In addition, they have stated that the increase building height will allow for a viable, well-designed 4 storey development that can proceed in a logical way and addresses the public domain without the need to excessively cut into the higher areas of the site.

The proponents PP provides photomontages but does not provide any discussion on the impact of the increase in height on the streetscape and character of the adjoining area. It is recommended that Council request that a character assessment of the site and surrounds be required as part of the Gateway determination (i.e. undertaken post the Gateway). This assessment should consider the impact of the increased building height in the context of the character of the site and the adjoining low density residential zone, with a view to looking at stepping the proposed building height down to improve the transition between the two zones.

### *Traffic Impact*

Council staff have identified that the PP needs to consider parking impacts and the location of car park access. The proponent has submitted a traffic impact study for assessment with the development application that has also been lodged. As the site is already a business zone and therefore already has significant development potential, the rezoning to another business zone would have similar potential for traffic generation from the suite of uses available in other business zones; and therefore it would be more appropriate to consider these impacts as part of the detailed development application.

### *Economic Impact*

The subject land is approximately 1 km south of Nowra CBD. The proposal to rezone the property from B5 Business Development to B4 Mixed Use will enable a proposed residential flat building with commercial ground floor space. The limited ground floor

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commercial space proposed should not negatively impact on the commercial viability of the Nowra CBD.

#### *Potential Site Contamination*

The site is identified as a potentially contaminated site due to its current use as a motor vehicle servicing centre which has a fuel bowser and underground fuel tank. The proponent has provided a Phase 2 Contamination Assessment for the proposed development of a residential complex with single level basement which concludes that the site is acceptable for redevelopment in respect of potential site contamination issues. This issue will need to be appropriately considered as part of the development application.

#### **CONCLUSION:**

The proponents PP seeks to rezone the subject land from B5 Business Development to B4 Mixed Use under Shoalhaven LEP 2014. The PP also seeks to increase the maximum height from the generic 11 metres to a specific mapped height of 15 metres.

The proposal is generally consistent with the relevant strategies and will enable the development of a residential flat building with ground floor commercial space. The change from one business zone to another is supported. Support for the increase in maximum building height from 11 metres to 15 metres needs to be considered in the context of the site and its surroundings and therefore it would be appropriate to provide a character assessment to support this change or tailor the mapped building height as the PP advances.

#### **FINANCIAL IMPLICATIONS:**

The proponent has paid the initial PP lodgement fee in accordance with Council's Fees and charges. The proponent is also required to fund or undertake any studies associated with the PP following the Gateway determination. Staff resources are also required to progress the proposal.

Fees for the remaining stages of the PP will be charged in accordance with Council's fees and charges.

#### **COMMUNITY ENGAGEMENT:**

The PP was posted on Council's pre-Gateway Planning Proposal website for information purposes and the surrounding neighbours were notified of this. No submissions were received at the time of writing this report.

If the PP receives Gateway determination, the determination will outline the statutory exhibition requirements in accordance with the relevant legislation. This will involve notifying all adjoining landowners, relevant community groups and other interested parties.

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**MINUTES OF THE DEVELOPMENT COMMITTEE MEETING HELD ON MONDAY, 18 JULY, 2016 IN THE COUNCIL CHAMBERS, CITY ADMINISTRATIVE CENTRE, BRIDGE ROAD, NOWRA COMMENCING AT 4.02PM**

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1. Planning Proposal (Rezoning) - Lot 1, 29 & 30 DP 25114 Albatross Road & Kinghorne, Street Nowra (Lee Carmichael Town Planning) File 53177e (PDR)

MOTION:

Moved: Guile / Second: Kitchener

That, in accordance with the Committee's delegated authority from Council, that the Committee:

- a) Support the proposed rezoning, but maintain an 11 metre maximum height of building control. While this option would reduce the impact of the proposed development on adjoining properties, it may impact on the development feasibility.
- b) Request that a character assessment of the site and surrounds be required as a condition of the Gateway determination, with the possibility of stepping the building heights down towards the adjoining properties to be considered as part of the assessment.
- c) Advise the proponent, adjacent land owners and relevant community groups of this decision, noting the opportunity for formal consultation later in the process.
- d) If necessary, receive a further report following receipt of the Gateway determination.

LOST

FOR: Robertson, Findley, Guile, Watson, Kitchener

AGAINST: Tribe, Kearney, Anstiss, Gash, Wells, Baptist, White and Russ Pigg

FORESHADOWED MOTION:

Moved: Wells / Second: Gash

**(MIN16.532) RESOLVED that, in accordance with the Committee's delegated authority from Council, that the Committee:**

- a) **Give in principle support for the proposed rezoning and increase in building height for Lot 1, 29 and 30 DP25114 Albatross Road & Kinghorne Street, Nowra; and submit a Planning Proposal to the NSW Department of Planning and Environment for Gateway determination.**
- b) **Request that a character assessment of the site and surrounds be required as a condition of the Gateway determination, with the possibility of stepping the building heights down towards the adjoining properties to be considered as part of the assessment.**
- c) **Advise the proponent, adjacent land owners and relevant community groups of this decision, noting the opportunity for formal consultation later in the process.**

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- d) If necessary, receive a further report following receipt of the Gateway determination;**
  - e) Request the applicant give consideration that a portion of affordable housing be included in the project.**

CARRIED

FOR: Tribe, Robertson, Kearney, Anstiss, Gash, Wells, Baptist, White and Russ Pigg

AGAINST: Findley, Guile, Watson, Kitchener

Note: Cllr Guile left the meeting.