

## **DE18.46 Public Exhibition Outcomes and Next Steps - Nowra CBD Fringe Medium Density Study Recommendations Report**

**HPERM Ref:** D18/174784

**Group:** Planning Environment & Development Group  
**Section:** Strategic Planning

**Attachments:**

1. Summary of Submissions (under separate cover)
2. Submission from NSW Roads and Maritime Services
3. Response from NSW Department of Planning and Environment
4. Advice from Council's Heritage Advisor
5. Background Report (under separate cover)
6. Recommendations Report (under separate cover)

### **Purpose / Summary**

Provide the outcomes of the recent public exhibition of the Nowra CBD Fringe Medium Density Study – Background Report and Recommendations Report and recommend the potential next steps regarding this project.

### **Recommendation (Item to be determined under delegated authority)**

That Council:

1. Receive the submissions provided on the Nowra CBD Fringe Medium Density Study for information.
2. Adopt the Nowra CBD Fringe Medium Density Study – Background Report and Recommendations Report as exhibited, with the following minor changes to the Recommendations Report:
  - a. Page 10: Amend Figure 4 to change the key for buildings on Jarvis Street that are early 20<sup>th</sup> century buildings.
  - b. Page 20: Replace Jarvis with Jervis and replace west with east.
  - c. Page 36: Remove references to FSR (not included in recommendations).
3. Prepare a Planning Proposal to establish a Heritage Conservation Area and amend land use zonings and building heights, as recommended in the Nowra CBD Fringe Medium Density Study Recommendations Report and submit to the NSW Department of Planning and Environment for initial Gateway determination.
4. Prepare an area specific Development Control Plan Chapter based on the consultant's Recommendations Report (as exhibited) with the following additions:
  - a. Controls relating to lots located adjacent to the Princes Highway to require access via the local road network or alternatively the aggregation or reduction of existing access points.
5. Advise the NSW Department of Planning and Environment and those who made submissions on the Nowra CBD Fringe Medium Density Study of Council's resolution in this regard.
6. Receive a further report following the public exhibition of the resulting Planning Proposal and Shoalhaven Development Control Plan 2014 Chapter.

## Options

1. Adopt the recommendation.

Implications: This is preferred option as it enables this important project and its outcomes, including the Planning Proposal (PP), to progress and establishes a clear policy direction for the area, providing certainty to landowners/developers.

2. Adopt the recommendations of this report with an extended Heritage Conservation Area (HCA) to include (a) the entire Study Area or (b) the addition of the area to the south-west of the study area.

Implications: At this stage, this option is not favoured as further detailed heritage advice has not yet been sought/obtained. Once this is undertaken following a Gateway determination from the NSW Department of Planning and Environment (DP&E), the boundaries of the HCA could be reconsidered to include a wider HCA, should there be sufficient justification.

3. Adopt an alternative recommendation and/or additional changes to the Nowra CBD Fringe Medium Density Study Background Report and Recommendations Report.

Implications: This option is not favoured. Comments relating to suggested changes are addressed in the Submissions Summary. The consultant's recommendations have been developed through extensive testing and community consultation and are a positive outcome for the area. Any further changes at this point are unconsidered and may require a re-exhibition.

4. Not adopt the recommendation.

Implications: This option is not favoured. By not adopting the recommendation, there is a risk that the existing character of the Nowra CBD Fringe area, including substantially intact streetscapes and evidence of key historical periods, will be lost or damaged. It is important to establish a clear set of balanced development controls that will provide certainty and direction to future development proposals. The adoption of local character considerations are the basis for seeking deferment of the application of State Environmental Planning Policy – Low Rise Medium Density Development.

## Background

The Nowra CBD Medium Density Fringe Medium Density Study was initially reported to Council's Development Committee meeting of 13 March 2018 to enable it to proceed to public exhibition. It was however resolved:

*That the matter be deferred for one month to allow for a full briefing of Councillors.*  
(MIN18.161)

The required Council Briefing was held on 22 March 2018 where the project consultants (Studio GL) provided a detailed presentation on the background and recommendations of the study.

Following the Council briefing, the matter was reported back to the Development Committee meeting of 10 April 2018. It was resolved, under delegation, to:

1. *Receive the attached Nowra CBD Fringe Medium Density Study - Recommendations Report prepared by Studio GL for information and endorse it being placed on public exhibition for a minimum period of 28 days to enable community comment.*
2. *Consider a further report following the exhibition of the Nowra CBD Fringe Medium Density Study Recommendations Report on any comment received, with a view to*

*proceeding to: prepare a Planning Proposal for submission for initial Gateway determination to revise relevant Local Environmental Plan provisions; and a supporting Area Specific Chapter to be inserted in Shoalhaven Development Control Plan 2014.*

3. *Write to all affected residents as part of the consultation.*

As such the matter proceeded to public exhibition and the purpose of this report is to respond to Part 2 of the resolution, by providing the outcomes of the exhibition, seeking endorsement of the exhibited study and proceeding to prepare a PP and Development Control Plan (DCP) Chapter to implement the recommendations within the Study.

### **Nowra CBD Fringe Medium Density Study - Community Consultation**

In accordance with Part 1 of the Council resolution, the Nowra CBD Fringe Medium Density Study – Background Report and Recommendations Report were placed on public exhibition for community comment from 18 April to 18 May 2018 (inclusive).

In accordance with Part 3 of the Council resolution, Council wrote to over 870 landowners within the study area advising of the public exhibition arrangement, including a community workshop. The proposals were also notified on Councils web page and local media.

The exhibited Nowra CBD Fringe Medium Density Study – Background Report and Recommendations Report contains a range of suggested planning/development controls to assist with maintaining the existing character of the area, whilst encouraging a mix of densities and high-quality housing which could be incorporated into Shoalhaven Local Environmental Plan (LEP) 2014 and Shoalhaven Development Control Plan (DCP) 2014.

During the consultation period, a community workshop was held on 26 April 2018 at Council's City Administrative Centre. This workshop provided further information about the study and the consultant's recommendations. There were 29 registrations for the workshop, however only 12 individuals attended, of which the majority were landowners in the study area.

During the community consultation period, a total of 15 written submissions were received, including one pro-forma letter from 'Old Houses Our Heritage' (OHOH), signed by 70 individuals. Copies of the submissions received are available in the Councillor's Room for review prior to the meeting. A summary of the submissions is provided in **Attachment 1**.

The major issues and key themes raised in the submissions are discussed below.

### **Submissions Overview**

#### **1. Heritage Conservation Area (HCA) – Proposed Extent**

Several submissions supported the consultant's recommendations including the introduction of a HCA. However, some of the submissions suggested the HCA be extended beyond that currently suggested by the consultants, as follows:

- Entire study area;
- Area to the south-west of the study area bounded by West Street, Bainbridge Crescent, Jervis Street, Osborne Street and Plunkett Street;
- Properties on either side of boundary streets to ensure streetscapes are not fragmented at the edge of the HCA;
- Entire "old Nowra" area bounded by Kinghorne Street to the east, the Shoalhaven River to the north, the Showground and Nowra Creek to the west, and Jervis Street to the south; or

- Other areas characterised by specific housing design such as Walsh Crescent in North Nowra with some architect designed houses of the 60's and 70's.

#### *Staff Comment*

The HCA extent currently suggested by the consultants generally captures the area with the highest concentration of older dwellings, substantially intact streetscapes and evidence of key historical periods in the development of Nowra. The recommended HCA seeks to achieve a balance in protecting the existing character of Nowra whilst facilitating an appropriate mix of densities and high-quality housing. Approximately 482 out of 1,081 lots in the study area would be included in the HCA if pursued.

At this stage, it is considered that there is sufficient merit and justification to support the HCA as recommended by the consultant. The HCA should however include properties on both sides of the street at its edges, following advice from Council's Heritage Advisor. While Studio GL in their Recommendations Report noted that this may have additional impacts on adjoining properties to the rear, Council's Heritage Advisor noted that this would not impact adjoining properties, as "a heritage impact statement is not usually required for properties in the vicinity of a HCA unless the development is of such scale and bulk that it would impact the HCA."

As part of a PP to establish a HCA, it is recommended that a heritage assessment to formalise the HCA boundaries and develop an overall statement of significance for the area be undertaken following receipt of a Gateway determination from DP&E.

The study area did not extend to include an analysis of the character of other parts of Nowra including Walsh Crescent, North Nowra and the suggestion/request in this regard is outside the scope of this project.

## *2. HCA – Non-Contributory Items*

Some submissions raised concern that identifying 'non-contributory items' within the HCA would allow the redevelopment of these sites, thereby creating an idealised version of what the past looked like.

#### *Staff Comment*

Generally, an HCA is an area with some overall historic significance and typically a distinctive character of heritage significance that is worth protecting. The elements contributing to the character are not just limited to the buildings, but also potentially include the historical subdivision pattern, consistency of building style, siting and scale, materials or common age of building stock and landscaping that reflect a particular period or periods in the history and growth of an area.

It is not the role of a HCA to conserve a precinct in its entirety so that everything remains 'as is'. The purpose of a HCA is to conserve the unique features and overall character of an area, to ensure that new buildings and alterations are designed with close reference to their context and the identified character of the area.

If development is proposed on a site of a non-contributory item within the proposed HCA, the development will need to be designed in accordance with the detailed controls set out in the Recommendations Report. The detailed controls ensure that new development is sympathetic to the character of the HCA, whilst not replicating or producing faux-heritage development outcomes.

### 3. *Medium density development*

Several submissions were concerned that the Central Nowra area is inappropriate for medium density housing as it contains most of Nowra's older, historic houses. It was suggested that Council identify suitable areas for medium density development, away from the CBD, e.g. the eastern side of the highway between Nowra High School through to Kalandar Street or the area south of Albatross Road in the McDonald Avenue area.

#### *Staff Comment*

Medium density development generally includes development types containing more than one dwelling on one lot of land such as: terraces, manor houses, dual occupancies, residential flat buildings and multi dwelling housing. These development types are already permissible in large parts of the Central Nowra area, including some of the areas suggested, and development over the past few years has seen an increasing uptake of these forms of development generally.

Nowra is identified as a 'major regional centre' in the NSW Governments Illawarra-Shoalhaven Regional Plan and its planning principles include the following:

- Increase housing density around centres that have access to jobs and transport and are already appealing to residents; and
- Encourage urban design that reduces car dependency, improves the public domain, promotes energy efficiency and supports healthier environments.

As such there is a need in ongoing planning to ensure development opportunities close to centres. This will ensure affordable housing, seniors housing etc. opportunities close to a range of services. The suggestion that additional medium density development should be located away from the CBD directly conflicts with these key planning principles. It also needs to be acknowledged that the zones that allow medium density development already exist in areas adjoining the CBD and it is unlikely that the NSW Government would allow them to be 'back-zoned'.

The exhibited Recommendations Report seeks to achieve a balance in protecting the existing character of Nowra whilst also facilitating an appropriate mix of densities and high-quality housing to support future growth. This can be achieved through implementing the recommended planning controls to ensure that future development considers and is designed to respect the existing character, through the introduction of a HCA, reduced building heights within the HCA from 11m to 8.5m and identifying well located areas outside the HCA in which medium density development may be undertaken. Locations that the consultant has identified as being suitable for greater development are those that generally contain fewer individual heritage items, including:

- The area along Colyer Avenue between North Street and Hyam Street to the north;
- The area bounded by Bainbridge Crescent, Douglas Street, Osborne Street and Jervis Street to the south-west; and
- The area directly west of the Princes Highway around Cox Ave and View Street to the east.

### 4. *Concern that many older homes will be knocked down*

Some submissions raised concern that many older homes in Nowra will be knocked down to support medium density building.

*Staff Comment*

Under current planning controls, unless a building is individually heritage listed, many 'older' homes in Nowra could potentially be demolished and replaced with medium density development that has no regard to the character of the area. This is essentially the issue that triggered this project/review

To provide greater protection for older homes (not necessarily heritage items), which are evidence of key historical periods in Nowra's development, the consultant has recommended that a HCA be established over part of the study area. The establishment of a HCA will remove the opportunity for demolition of buildings without heritage listing, via the Complying Development process.

If supported, an Area-Specific DCP Chapter for the study area would identify specific buildings, places and elements that are either 'contributory' or 'non-contributory'. Contributory items contribute to the overall significance of the area and must be kept, while items non-contributory items may be replaced if the new building or infill is designed sympathetically.

*5. Discrepancies with the built form, age and materials map*

One submission noted discrepancies in the built form, age and materials map (Figure 4 in the consultant's Background Report), incorrectly showing houses around 23 Jervis St as mostly fibro construction and late 20<sup>th</sup> century, when they are early 20<sup>th</sup> century homes.

*Staff Comment*

These discrepancies are noted. The map provides an indicative age of buildings only, based on a visual (not detailed) assessment by the consultant.

An amendment will be made to Figure 4 in the Recommendations Report to change the key for buildings on Jervis Street that are early 20<sup>th</sup> century buildings.

*6. DCP controls*

One submission made specific comments on some of the recommended DCP controls, including the absence of any FSR recommendations and the proposal that where a third storey is permissible, it must not extend further than 22m in depth measured from the street boundary.

*Staff comment*

Suggestions for floor space ratio (FSR) controls were not included in the consultant's report as these are undergoing a separate DCP review (Draft Amendment No 9 – Chapter G13 Medium Density Development & Other Residential Development). This amendment was exhibited from 30 May to 29 June 2018 (inclusive) and proposes the introduction of more appropriate FSR provisions for medium density development of 0.5:1 to 0.7:1, depending on the land use and zone.

The consultants, Studio GL, conducted further site testing on the control relating to third storeys not extending beyond 22m in depth on both large and small corner sites. The 22m control for 3 storey development does not appear to be an issue for the development feasibility of corner sites and the tested sites can be developed to a 0.7 FSR within the allowed building envelope. The limitation on the third storey ensures that development is concentrated along the street frontage and not in the rear of lots, contributing to overshadowing and privacy issues. While the control of 22m does not take into account / is not linked to how deep to the lot is, the 45-degree plane from the rear boundary effectively creates an 8.5-9.5m setback from the rear boundary for three storey development regardless

of the depth of the lot. Large corner sites may also find terraces under complying development attractive. The scenarios tested by the consultant are provided at the end of the submission table in Attachment 1.

#### *7. Lack of public knowledge about the consultation*

Several submissions raised concern that many people were unaware of the consultation opportunity. One submission thought the letter was Council junk mail as it was not concise enough and suggested better wording of future letters and wider notification in the media. Another submission also stated that one community workshop was not enough for those living in the area.

#### *Staff Comment*

As part of the specific notification of the consultation, direct letters were sent to over 870 landowners within the study area. The letter was sent approximately one week before the exhibition commenced and was not intended to be complex, but included the following information:

- Council resolution from Tuesday 10 April 2018.
- Public Exhibition dates for the consultant's Reports and how to view these.
- Outline of the purpose of the consultant's report – to review the existing character of the area and suggest potential development options including the possible establishment of a Heritage Conservation Area.
- How to make a submission.
- Advice of the community workshop on 26 April 2018 and its purpose: to discuss and test the consultant's recommendations and consider how they could encourage a mix of density and high-quality housing, whilst respecting the existing character of the area.
- Staff contact details for further information.

A direct link was included in the letter to the full suite of exhibition materials on Council's website. The letter also advised that the exhibition materials would be available at Council's Nowra Administration Centre during normal business hours.

In addition to the specific letters to landowners, wider publicity included:

- Media release dated 12 April 2018;
- Advertisement in the South Coast Register on 18 April 2018; and
- Engagement on Council's Facebook page on 18 April 2018.

Insights into the Facebook post showed that it reached 4,275 people through their newsfeed and received 471 post clicks. Comments on the Facebook post addressed the current affordability issue, lack of new infrastructure, prevailing loss of character, and the benefit of mixture of housing types and increased densities in Nowra and Nowra CBD providing significant buildings are preserved.

As such, there were various methods utilised to publicise the community consultation period for the subject project. It should be noted that the exhibition of this Study goes beyond Council's legislative obligations to consult with the community. It is also noted that through the life of this current project there have been ongoing opportunities for community input and engagement, not just the more formal recent exhibition.

Should Council resolve to proceed to prepare a PP and Area-Specific DCP Chapter based on the Recommendations Report, there will be further opportunities for community consultation.

## 8. Car Parking

A number of the submissions raised concern over the impacts of increased densities on traffic and car parking. One submitter highlighted that these issues are predominately in relation to code compliant development not under Council's control. Some concerns were also raised regarding the recommendation to allow stacked (tandem) parking in future DCP controls for the study area, including the potential to be blocked in, manoeuvring and reversing difficulties, difficult access for disabled or elderly residents.

### *Staff Comment*

The consultant's Report does not suggest any reduction in the number of car parking spaces, below what is currently required, however does suggest allowing stack/tandem parking if the following is met:

- Both spaces are assigned to the same dwelling;
- No more than 2 vehicles parked behind each other; and
- If visible from the street only one stacked parking arrangement is permissible for every 20m of lot frontage, ideally towards the side boundary.

Scenario testing by the consultants in the Background Report showed that stacked parking can create a better design outcome overall, without reducing the number of car parking spaces required. Benefits of allowing stacked parking as evidenced in the 'scenario testing' include:

- Moderate to significant increase in usable landscaped area, private open space and area for deep soil planting and larger trees;
- Improved visual amenity from the street due to less obtrusive car parking and hardstand area for vehicle manoeuvring;
- Reduced stormwater runoff and increase in permeable areas;
- Better passive surveillance through dwellings facing the street; and
- Increase in overall dwelling size through a more efficient layout.

In addition, providing increased densities close to (within walking distance) the CBD will hopefully encourage individuals who live in these areas to walk, rather than utilise private vehicles for travelling to the CBD. This is consistent with the key planning principles of the Illawarra-Shoalhaven Regional Plan, as addressed previously in this report.

## **State Government Agency Consultation**

Some State Government agencies own land within the study area and they were invited to comment including NSW Roads and Maritime Service (RMS), NSW Housing and Crown Lands.

During the community consultation period, a submission (**Attachment 2**) was received from the RMS and summarised below:

### *RMS*

- Comments focused on impacts of the recommendations on the state road network, being the Princes Highway, which adjoins the study area to the east.
- SEPP (Infrastructure) 2007 contains requirements relating to practicable access being gained from a road other than a classified road. SEPP specifies that development must not adversely affect the safety, efficiency and ongoing operation of the classified road.

- The change in zoning of land from R1 General Residential to R3 Medium Density Residential on the western side of the Highway was noted, specifically in relation to potential future access from the Highway.
- The existing SP2 zoning along the western side of the Highway between Plunkett Street and Kalandar Street should be maintained to enable future Highway upgrades. This is likely to result in surplus land which will require consolidation of sites to enable the intended development potential of an R3 zoning.
- New or additional access points on the Highway should be discouraged as per the SEPP. Controls should avoid establishing additional access to the Highway because of new development. For those lots adjoining the Highway, Council should consider the inclusion of controls requiring:
  - Consolidation of lots to enable access from the local road network; and
  - If access via the local road network is not practicable, the aggregation or reduction of existing accesses onto the Highway should be required.

#### *Staff Comment*

It is recommended that as part of the preparation of an Area-Specific DCP Chapter for the study area, that appropriate controls be investigated and included in relation to consolidation of lots with a frontage to Princes Highway to achieve access via local streets.

#### *Previous Consultation Advice – NSW Department of Planning and Environment (DP&E)*

Comments from DP&E were previously provided to the Development Committee on 13 March 2018. A copy of their letter is provided in **Attachment 3**.

DP&E referred to the Planning Circular '*Stepping up planning and designing for better places: respecting and enhancing local character*' released on 16 January 2018. The circular advises that DP&E will prepare amendments to the Standard Instrument LEP for consultation to establish overlays for additional consideration of local character in areas of significance. Character overlays would be permitted in exceptional areas as part of LEPs where the Council has:

- Demonstrated the significance of the character area in accordance with guidelines to be issued by DP&E; and
- Ensured the LGA will meet the dwelling targets for future growth as established by the relevant regional or district plan.

It is understood that character overlays will be statutory maps that will apply in addition to the standard zoning of an area and will trigger additional consideration of local character in significant areas.

DP&E indicated that they would be willing to consider many of the changes detailed in the Recommendations Report, subject to adequate justification being provided through any future PP.

#### *Staff Comment*

Depending on the approach taken by Council the future Standard Instrument LEP 'character overlay' that is being considered may be of use in implementing the outcomes of this project. However, the timing of this is uncertain. The general comments from DP&E on considering any changes arising from this project are noted.

### Heritage Advisor Comments

Council's Heritage Adviser provided advice on the Nowra CBD Fringe Medium Density Study (**Attachment 4**). This notes the importance and timeliness of the study as increased medium density development has begun to have an impact on the CBD fringe area.

The response notes that there are properties outside the study area for the project on the eastern side of Osborne Street between Plunkett and Worrigee Streets which should also be included in the HCA. The comments also noted that the study does not include a full assessment of the cultural landscape.

#### *Specific Feedback – LEP Related Recommendations*

The Heritage Advisor made the following specific comments on the LEP related recommendations:

- Heritage assessment of the study area will be required to define/confirm the actual boundary of the recommended HCA and prepare a statement of significance for the area. Boundaries of the HCA should follow property boundaries as a heritage impact statement is not usually required for properties adjoining or within the vicinity of a HCA.
- R3 zonings within the HCA should be reconsidered as these can be difficult to control and are a greater indication of Council's intent than a HCA.
- Increasing height of buildings in Shoalhaven Street between North and Hyam Streets may need to be further explored. This area contains a collection of single storey bungalows on the eastern side which additional development could pose adverse impacts to.

#### *Staff comment*

At this stage, it is considered that there is merit in now preparing a PP and Area-Specific DCP Chapter to incorporate the recommendations contained in the consultants Recommendations Report. Further heritage assessment to clarify and refine/define the actual HCA boundaries and preparation of a statement of significance is recommended following receipt of a Gateway determination from DP&E should Council support this approach.

Existing R3 Medium Density Residential areas are not proposed to be back zoned as this is unlikely to be supported by DP&E. It is considered that by reducing building heights for R3 zoned land within the HCA from 11m (up to 3 storeys) to 8.5m (up to 2 storeys), medium density development can still occur, however the reduced heights would enable the design to consider and respect the existing heritage character of the area.

The area north of North Street has been identified as suitable for further development due to its proximity to the hospital and as it has relatively few older buildings. Overall, the recommendations seek to achieve a balance in protecting the existing character of Nowra whilst facilitating an appropriate mix of densities and high-quality housing. The recommendation to increase heights in this location from 7.5/8.5m to 11m ensures consistency with the adjoining mixed-use area to the north.

#### *Specific Feedback - DCP Related Recommendations*

The Heritage Advisor made the following specific comments on the DCP related recommendations:

- Recommended controls are too generic.
- DCP objectives and controls would need to be specifically prepared for the HCA.

- 4.5m front setback may not be appropriate in some cases given varying setbacks of contributory and heritage buildings.
- Suggested additional controls:
  - garages/car ports are not located forward of the front building line.
  - private open space is not located on ground level and forward of the front building line.
  - front fences are a maximum height of 1200-1500mm.
  - public domain, existing landscaping and pavement treatment.
- Identification of contributory, neutral or significant landscaping.
- Key views and vistas within the area should be defined.

#### *Staff comment*

The detailed design controls in the Recommendations Report are not complete planning controls and it is considered that they will need to be further refined before they can be included in any Area-Specific DCP chapter. Should Council resolve to prepare an Area-Specific DCP Chapter for the study area, consideration and incorporation of the suggested additional controls as suggested by Council's Heritage Advisor can be undertaken.

The Heritage Assessment which is proposed to be undertaken as part of the PP process, post-Gateway, would also investigate the appropriateness of the controls within the Recommendations Report, and the need for additional development controls.

#### **PP (LEP Amendment) and DCP Chapter**

The Nowra CBD Fringe Medium Density Study Background Report and Recommendations Report recommends planning controls which could be incorporated into Shoalhaven LEP 2014 and Shoalhaven DCP 2014 (as a new Area-Specific Chapter).

Copies of the final Background Report and Recommendations Report are provided in **Attachment 5** and **Attachment 6** respectively.

The objective of the subsequent PP would be to amend Shoalhaven LEP 2014 to introduce mechanisms to maintain the character of the Nowra CBD fringe area (study area), including substantially intact streetscapes and evidence of key historical periods, whilst also facilitating an appropriate mix of densities and high-quality housing. This would be achieved through amending the Land Zoning, Height of Building and Heritage maps within Shoalhaven LEP 2014.

The Recommendations Report suggests that the LEP controls for a HCA, amended heights and zoning may require further advice from heritage and bushfire consultants and the RMS. At this stage, it is considered that there is sufficient justification and strategic merit for a PP to be prepared based on the work completed thus far. Further detailed advice should be sought following the issue of a Gateway determination from DP&E via a heritage assessment by a qualified consultant. Undertaking the study at that stage will provide greater certainty that the recommendations are supported by the NSW Government and minimise overall delay and risk to Council.

The establishment of the HCA is also considered to be prudent to protect the character of the area by "switching-off" complying development. This is considered important with the expansion of complying development via the Low Rise Medium Density Housing Code. It is noted that on 5 June 2018 Council resolved to seek deferral from the implementation of the Low Rise Medium Density Housing Code for a 12-month period to enable Council to prepare character profiles/statements for existing residential zones. Should the request be

successful, this will help minimise the potential risk that unsympathetic and uncharacteristic dual occupancies, manor houses and terraces being approved and built in the area under a complying development process.

Despite the potential for deferral from the Low Rise Medium Density Housing Code till mid-2019, the process to date has highlighted the need to establish controls in the study area to achieve the overall objective of protecting character facilitating an appropriate mix of densities and high-quality housing. On this basis, it is considered that Council should resolve to proceed to prepare a PP and Area-Specific DCP as per the Recommendations Report in **Attachment 6**.

### **Policy Implications**

This is a 'high priority' project on the 2018-2019 Strategic Planning Works Program that was adopted by Council in June 2018.

The adoption of the Nowra CBD Fringe Medium Density Study Background Report and Recommendations Report will result in amendments to Shoalhaven LEP 2014 and Shoalhaven DCP 2014.

### **Financial Implications**

The Nowra CBD Fringe Medium Density Study work has been managed with the existing Strategic Planning Budget.

### **Risk Implications**

If the consultant's reports are not adopted and the recommendations implemented through the preparation of a PP and Area-Specific DCP chapter, there is a risk that the character of the Nowra CBD fringe area will not be considered in the development process, and substantially intact streetscapes and evidence of key historical periods may be lost or damaged.

# INFORMATION ONLY

## DEVELOPMENT COMMITTEE

03/07/2018

TO: Strategic Planning Manager (Clark, Gordon)

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**Subject:** Nowra CBD Fringe Medium Density Study - Background / Recommendations Report - Adoption - Planning Proposal / DCP preparation

**Target Date:**

**Notes:** This item has been assigned to Molly Porter for action. This action has been automatically completed in Infocouncil & TRIM.

**HPERM Reference** 48168E D18/174784

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**RESOLVED** (Clr Wells / Clr White)

MIN18.523

That Council:

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5. Advise the NSW Department of Planning and Environment and those who made submissions on the Nowra CBD Fringe Medium Density Study of Council's resolution in this regard.
6. Receive a further report following the public exhibition of the resulting Planning Proposal and Shoalhaven Development Control Plan 2014 Chapter.

**FOR:** Clr Gash, Clr Findley, Clr White, Clr Wells, Clr Cheyne, Clr Gartner, Clr Watson, Clr Kitchener, Clr Proudfoot and Russ Pigg

**AGAINST:** Nil

**CARRIED**