

Planning Services

Gateway Determination Report

LGA	Shoalhaven
PPA	Shoalhaven City Council
NAME	Nowra CBD Fringe Area (139 homes, zero jobs)
NUMBER	PP_2018_SHOAL_006_00
LEP TO BE AMENDED	Shoalhaven LEP 2014
ADDRESS	Nowra CBD Fringe Area
DESCRIPTION	The proposal applies to 1,081 lots.
RECEIVED	8 August 2018
FILE NO.	IRF18/4852 (EF18/32124)
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal.

INTRODUCTION

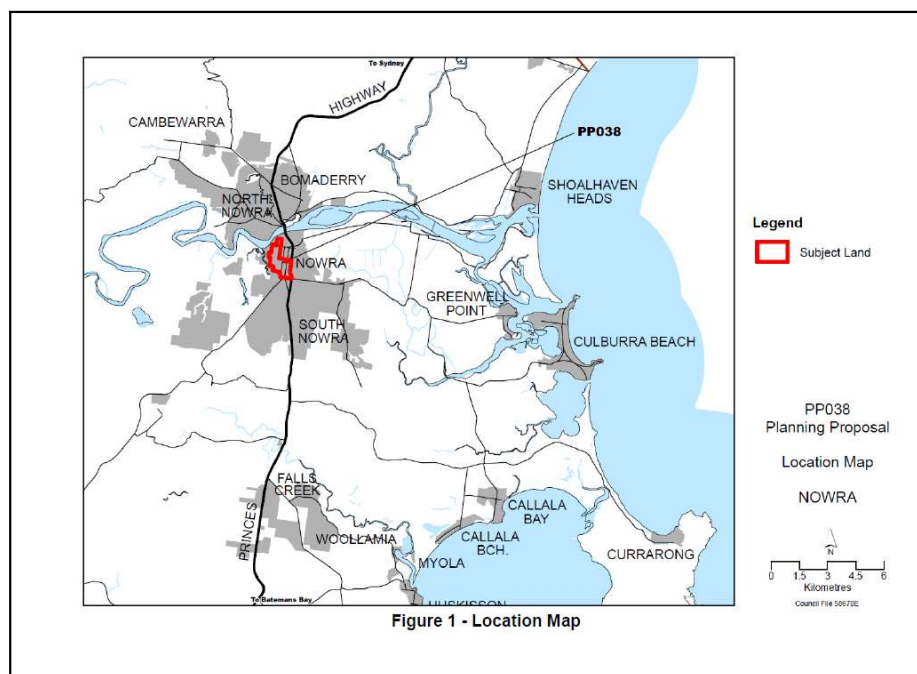
Description of planning proposal

The Planning Proposal aims to amend the Shoalhaven LEP 2014 to ensure that future development in the Nowra CBD Fringe Area considers, and is designed to respond appropriately to, the recognised heritage character of the area.

Site description

The subject land covers approximately 125ha and is located to the west and south of the Nowra CBD in the Shoalhaven LGA as shown on Figure 1 – Location Map.

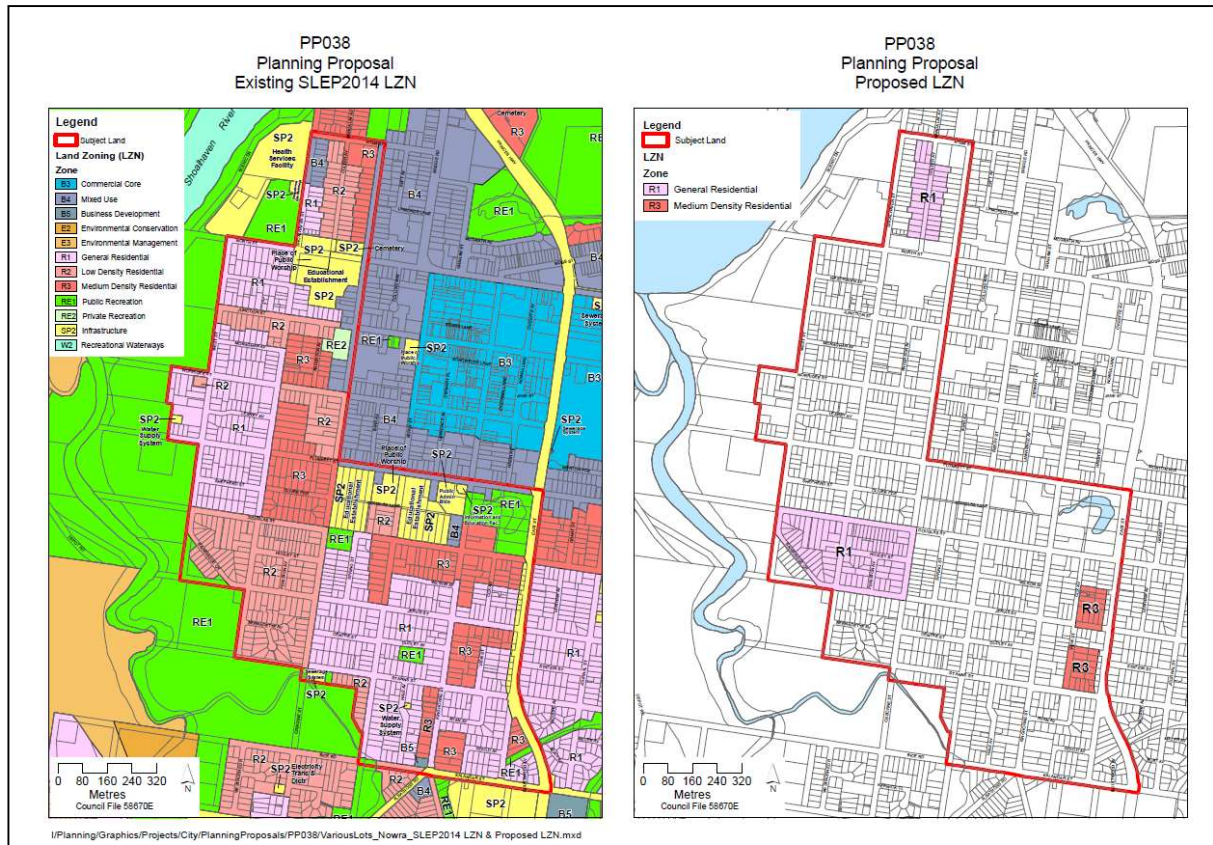
Figure 1 – Location Map (source: Shoalhaven City Council Nowra CBD Fringe Planning Proposal)



Existing planning controls

The subject land is predominantly zoned R1 General Residential and Low Density Residential as shown on Figure 2 – Current and Proposed Zonings. There are also some areas zoned RE1 Public Recreation, RE2 Private Recreation, SP2 Infrastructure and B4 Mixed Use.

Figure 2 – Current and Proposed Zonings (source: Shoalhaven City Council Nowra CBD Fringe Planning Proposal)



Most of the subject land has an 11 metre building height control provided under clause 4.3 of the Shoalhaven LEP 2014. Several specific areas have a 7.5 m, 8.5 m or 12 m building height control provided under the applicable Height of Building Map as shown on Figure 3 – Current and Proposed Height of Building Controls.

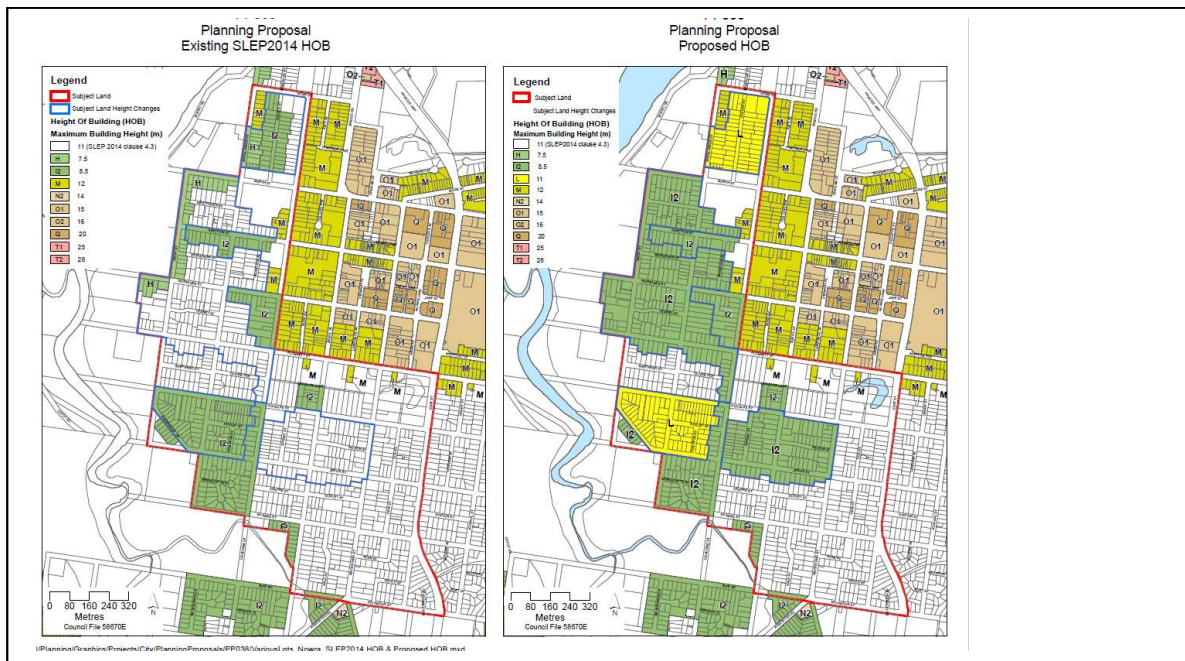


Figure 3 – Current and Proposed Height of Building Controls (source: Shoalhaven City Council Nowra CBD Fringe Planning Proposal)

The subject land contains 29 properties which are identified as local heritage items on the Shoalhaven LEP 2014 as shown on Figure 4 – Local Heritage Items. There is a heritage conservation area located along Plunkett Street, part of which is located within the area affected by the proposal.

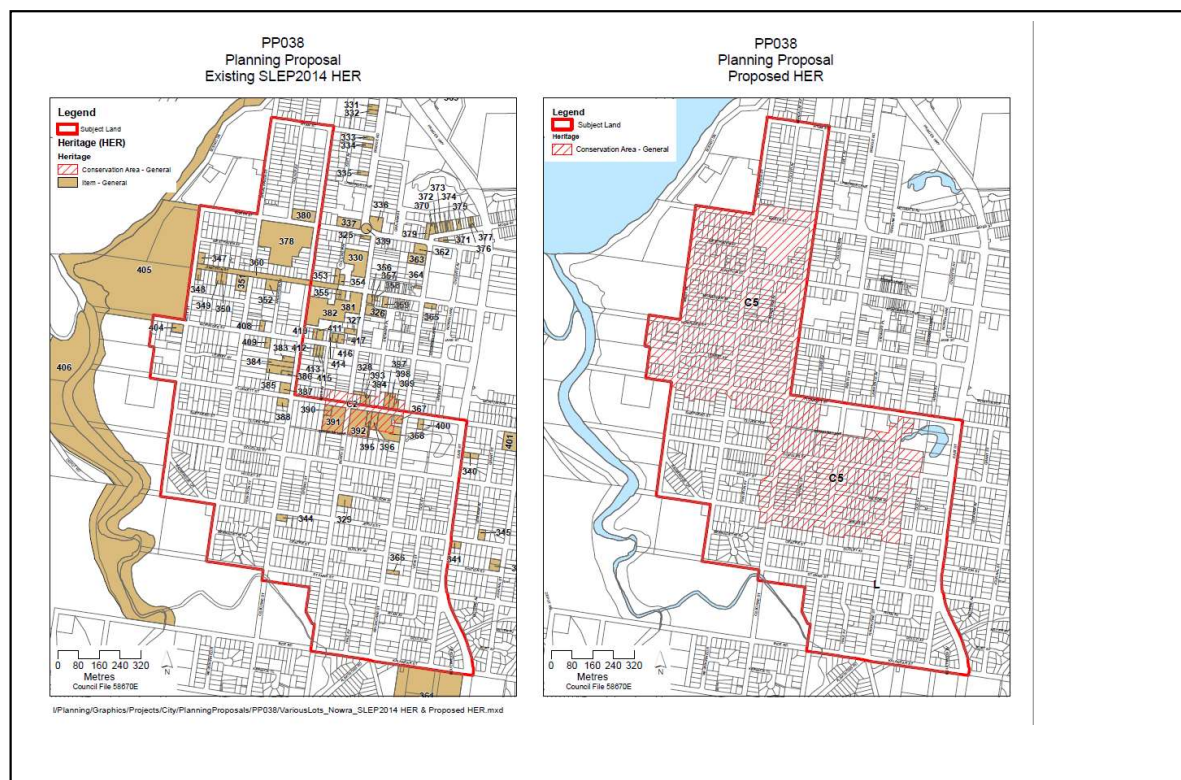
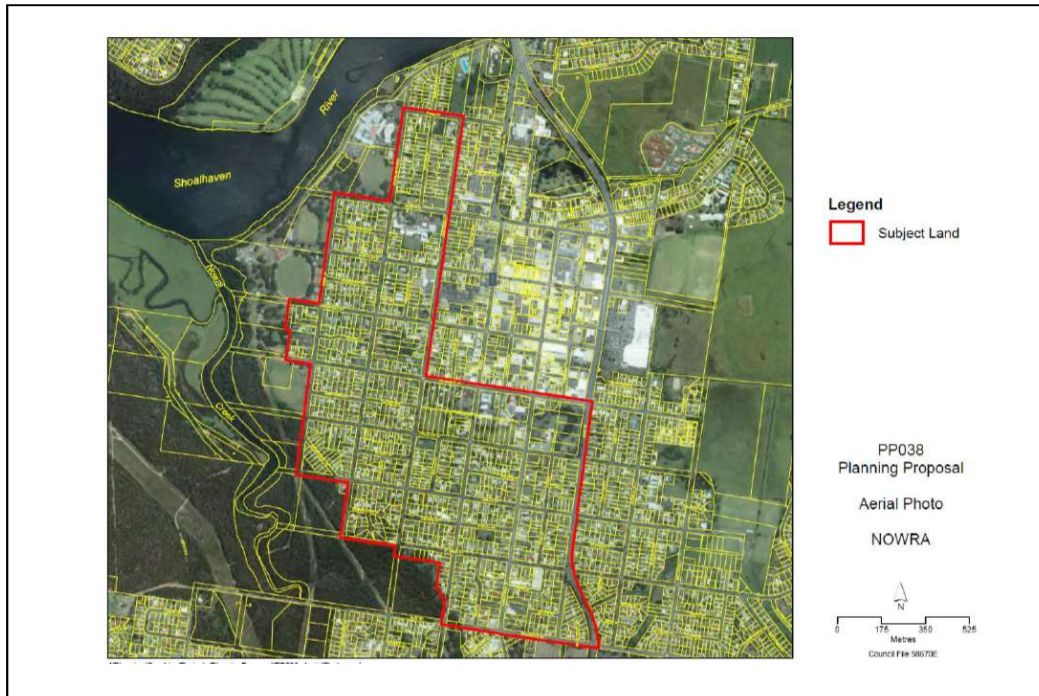


Figure 4 – Current and proposed Local Heritage Items (source: Shoalhaven City Council Nowra CBD Fringe Planning Proposal)

Surrounding area

The subject land is surrounded by the Nowra CBD to the north east, Shoalhaven River, Nowra Creek and public open space to the west and residential development to the south and south east as shown on Figure 5 – Aerial photo.

Figure 5 – Aerial photo (source: Shoalhaven City Council Nowra CBD Fringe Planning Proposal)



Summary of recommendation

It is recommended that the planning proposal proceed with conditions. It is considered to have strategic merit because it:

- is consistent with the adopted local and regional strategic planning for the area.
- will provide positive social, economic and environmental benefits by:
 - conserving the identified cultural and historic heritage and local character of the Nowra CBD Fringe Area,
 - facilitating increased dwelling and population density and;
 - supporting jobs and existing infrastructure and services.

PROPOSAL

Objectives or intended outcomes

The stated intended outcome of the PP is to amend Shoalhaven LEP 2014 to ensure that future development in the area considers, and is designed to respond appropriately to, the recognised heritage character of the area.

Comment: It is considered that the intended outcome of the PP is adequate.

Explanation of provisions

The stated explanation of provisions of the PP are:

1. to amend the Heritage Map Sheet in Shoalhaven LEP 2014 to introduce a new Heritage Conservation Area (HCA) to the west and south of the Nowra CBD.
2. To amend the Height of Buildings Map in the Shoalhaven LEP 2014 to:
 - a) introduce a maximum building height of 8.5m within the HCA over part of Central Nowra to the west and south of the Nowra CBD (*currently 7.5m and 11m*).
 - b) increase the maximum building height along Shoalhaven and Colyer Street between North and Hyam Street to 11m (*currently 7.5 & 8.5 m*).
 - c) increase the maximum building height of the area bound by Bainbridge Crescent, Douglas Street, Osborne Street and Jervis Street to 11 m (*currently 8.5m*).
3. To amend the Land Zoning Map in Shoalhaven LEP 2014 to:
 - a) Change the zone of the lots bound by Bainbridge Crescent, Douglas, Osborne and Jervis Streets to R1 General Residential Zone (*currently R2 Zone*).
 - b) Change the zoning of the block to the west of the Princes Highway from R1 General Residential to R3 Medium Density.
 - c) Change the zoning of the block to the north of North Street, south of Hyam Street and west of the Hospital to R1 to enable a broader range of land uses in this well-located area close to the hospital (*currently R2 Zone*).

It is considered that the explanation of the provisions is generally clear. They could, however, be improved by referring to the current controls (shown above in italics). The current and proposed controls are clearly shown on maps provided in the PP.

The explanation of the provisions does not refer to the amendment of Schedule 5 – Environmental Heritage to list the Nowra Town Centre West Heritage Conservation Area on Part 2 – Heritage Conservation Areas of the Schedule. It is recommended that Council is required to update the explanation of the provisions to address this matter as a condition of the Gateway determination.

Recommendation: That the explanation of the provisions section of the planning proposal is updated to include the amendment of Schedule 5 Environmental Heritage to list the Nowra Town Centre West Heritage Conservation Area on Part 2 – Heritage Conservation Areas of the Schedule.

Mapping

The PP provides a location and subject land map and aerial photograph as well as current and proposed heritage, zoning and height of building maps.

NEED FOR THE PLANNING PROPOSAL

The PP states that the proposal is the direct result of the Nowra CBD Fringe Medium Density Study which was prepared by consultants Studio GL for Shoalhaven City Council and adopted by Council. The PP also states that the proposal has been reviewed/endorsed by Council's Heritage Advisor.

The PP states that the PP is the only means of ensuring that new development considers and respects identified local heritage of the area whilst enabling additional development in these well-located areas.

Comment: It is considered that the PP is required to implement the outcomes of Council's adopted Nowra CBD Fringe Medium Density Study which will:

- Facilitate the protection of the identified historic heritage of the area; and
- Facilitate the compatible development to help deliver increased housing and population density in the Nowra area.

It is considered that the PP is the appropriate mechanism to facilitate an amendment to the Shoalhaven LEP 2014 to introduce the proposed heritage, zoning and height of building controls for the subject land.

STRATEGIC ASSESSMENT

Regional

Illawarra-Shoalhaven Regional Plan 2015

The PP states that the proposal is consistent with the aims, directions and actions of the Illawarra-Shoalhaven Regional Plan for the following reasons:

- Nowra is identified as a 'major regional centre' in the Illawarra-Shoalhaven Regional Plan (Regional Plan). The PP will deliver the planning principles for major regional centres identified in the Regional Plan, namely:
 - 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.
- The Regional Plan acknowledges the need to protect cultural heritage of importance to the region's communities, identity and character. The Nowra CBD West Fringe area has been identified by Council's heritage consultant as having important historic, architectural and cultural heritage values. The PP will facilitate protection of this area via a heritage conservation area.

Comment

The Nowra CBD Fringe is located within the Nowra Centre as identified in the Regional Plan. It is considered that the PP is consistent with the following key directions and actions of the Regional Plan:

- Direction 1.3 Grow regional strategic assets to support economic growth across the region.

- Action 1.3.1 Renew and revitalise Nowra Centre by coordinating State agency input into precinct planning and reviewing capacity for expanded health-related uses.
- Direction 3.3 Building socially inclusive, safe and healthy communities
- Action 3.3.2 Support Council-led revitalisation of centres
- Direction 3.4 Protect the region's cultural heritage.
- Action 3.4.1 Conserve heritage sites when preparing local planning controls.

The PP is considered to be consistent with the above directions and actions for the following reasons:

- The PP will facilitate the protection of an area of identified historic, architectural and cultural heritage of the Nowra CBD fringe area. The proposed heritage conservation area would cover 40% or 428 of the 1081 total properties subject to the PP.

The draft heritage statement of significance for the proposed Nowra Town Centre West Heritage Conservation Area, which has been prepared by Council's heritage consultant, identifies that the area is of local historic and aesthetic significance as a good and largely intact residential precinct characterised by substantially intact streetscapes with attractive character. It also identifies that the area has local heritage value for the following reasons:

- It includes a high number of predominantly single storey detached houses from the Victorian, Federation, Inter-war and Post War periods.
- The underlying grid subdivision structure which was laid out in 1852 by surveyor Thomas Mann, is based on Governor Darling's set of rules for laying out of towns. The subdivision pattern reviews the terrain and elevated natural setting of the town of Nowra which was established as the dominant urban and administrative centre for the region following the devastating flooding of Numbaa and Terara in 1862 and 1870.
- The area is one of the oldest residential areas of Nowra and retains considerable evidence of Nowra's settlement and early expansion during the late 19th and 20th centuries.
- The area is a highly valued part of Nowra's social, cultural and economic history and is reflective of more than a century of historical development through its mosaic of overlapping development phases, substantially intact buildings and streetscapes.
- The PP will facilitate appropriate development and architecture within the proposed HCA.
- The PP will facilitate increased dwelling/population density as a result the proposed change in zone from R2 Low Density Residential Zone to R1 General Residential Zone and R3 Medium Density Residential Zone and proposed increased height of building controls from 7.5m & 8.5m to 11m in certain areas. Notably, higher density development such as multi-dwelling housing and residential flat buildings are permissible uses in the R1 and R3 zones in the Shoalhaven LEP 2014 (refer to Figure 6 – Permissible uses in the Residential R1, R2 and R3 Zones under the Shoalhaven LEP 2014).

Council has advised that based on current DCP controls for medium density development the PP could result in an increase of 139 new dwellings in the Nowra CBD Fringe Area. Council's analysis of the PP is provided in Figure 7 - Potential dwelling numbers.

- Council has estimated that 60% of the Nowra CBD Fringe Area (652 properties) will be able to access the Low Rise Medium Density Housing Code under the SEPP (Exempt and Complying Development) 2008.
- The area proposed to be covered by a heritage conservation area (comprising 428 of the 1,081 properties or 40% of the Nowra CBD Fringe Area) would, however, be excluded from the Low Rise Medium Density Housing Code. It is considered appropriate that development in this area is required to be subject to the development assessment process to protect the identified heritage of the area.

Figure 6 - Permissible residential uses in the Residential R1, R2 and R3 Zones under the Shoalhaven LEP 2014

Permitted Uses	R1 General Residential	R2 Low Density Residential	R3 Medium Density Residential
Dwelling houses	✓	✓	
Dual occupancies	✓	✓	✓
Attached dwellings	✓		✓
Semi-detached dwellings	✓		
Multi-dwelling housing	✓		✓
Residential flat buildings	✓		✓

Figure 7 – Potential dwelling numbers

Site	Proposed zone change	Current max yield (No. dwellings)	Potential max yield (No. dwellings)	Difference (No. dwellings)
Colyer Street	R2 to R1	74	120	46
Bainbridge Street	R2 to R1	175	268	93
Princes Highway	R1 to R3	104	104	0
	Total	353	493	139

Local

Shoalhaven City Council Community Strategic Plan 2020

The PP states that the PP is consistent with Council's Community Strategic Plan and specifically with the following objectives and strategies:

- Objective 2.1 A city which values, maintains and enhances its natural and cultural environments.
- Strategy 2.1.2 Ensure that the natural ecological and biological environments and the built and cultural heritage of the Shoalhaven are protected and valued through careful management.
- 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.
- Objective 2.5 Major town centres that are attractive, vibrant and popular destinations.
- Strategy 2.5.2 Improve the urban design and landscape appearance of City and town entrances and major thoroughfares.
- Objective 3.2 An economy that supports and is supported by growing, diverse and changing communities.

Comment: It is considered that the PP is consistent with Council's Community Strategic Plan because it will facilitate:

- protection of the identified historic heritage of part of the Nowra CBD Fringe Area via a heritage conservation area which will ensure that development of this area is well designed and sympathetic. Council has advised that heritage conservation of this part of the Nowra CBD Fringe is generally supported by the local community and landholders as evidenced by submissions received by Council during the May-April 2018 exhibition of the draft Nowra CBD Fringe Medium Density Study.
- revitalisation and increased residential/population density in the Nowra Centre via the proposed increase in height controls (from 7.5/8.5m to 11m) and change in zone from R2 Low Density Residential to R1 General Residential and R3 Medium Density zones along Shoalhaven, Colyer, Douglas, Osborne and Jervis Streets and Bambridge Crescent.

Nowra Bomaderry Structure Plan (2008)

The PP states that it is consistent with the aims and objectives of the Nowra Bomaderry Structure Plan (NBSP) and will achieve a balance in protecting the existing character and heritage significance of the area whilst facilitating an appropriate mix of densities and high-quality housing close to the Nowra CBD.

Comment: It is considered that the PP is consistent with the objectives of the Nowra CBD identified in the NBSP which are to:

- Provide the main focus for Shoalhaven's residents and visitors for shopping, community, cultural, entertainment and recreation facilities.
- Provide opportunities for business investment and employment.
- Provide an urban structure which is simple, legible and flexible.
- Maintain and enhance environmental amenity and encourage a standard of urban design consistent with the function of the centre.

- Encourage activities particularly at street level which contribute to pedestrian activity and social interaction.

It is considered that the PP will help achieve the above objectives by protecting the local historic heritage character in the Nowra CBD Fringe Area and facilitate compatible development and investment in the proposed heritage conservation area. The PP will also facilitate increased dwelling/population density which will support jobs, shops and businesses in the Nowra CBD and nearby Shoalhaven Hospital.

Recommendation: That the Secretary's delegate can be satisfied that the planning proposal is consistent with applicable regional and local strategic plans.

Section 9.1 Ministerial Directions

Council has identified that the following Ministerial Directions are relevant to the PP:

Direction 1.1 Business and Industrial Zones

Council considers that the Direction applies because the PP affects land within an existing business zone. Council considers that the PP is consistent with the terms of the Direction.

Comment: The Direction applies to the PP because land covered by the PP includes land zoned B4 Mixed Use as shown in Figure 2 – Current and Proposed Zonings Map. It is considered that the PP is consistent with the Direction because it does not seek to change any of the planning controls in any of the areas that are zoned B4.

Direction 2.2 Coastal Management

Council considers that the Direction applies as the PP affects land within the Coastal Environment Area and Coastal Use Area as defined by SEPP (Coastal Management) 2018. Council considers that the PP is consistent with the terms of the Direction.

Comment: It is considered that the PP is consistent with the Direction because it does not seek to include provisions that are inconsistent with the Coastal Management Act 2016, NSW Coastal Management Manual, NSW Coastal Design Guidelines 2003 or Council's Coastal Zone Management Plan. The subject land is also not identified as a Coastal Vulnerability Area either in the Coastal Management SEPP or in Council's Coastal Zone Management Plan.

Direction 2.3 Heritage Conservation

Council has identified that the Direction applies to the PP and that the PP is consistent with the Direction because the PP will facilitate conservation of precincts of environmental significance in Nowra.

Comment: As previously discussed, Council's heritage consultant has identified that the Nowra Town Centre West area is of local historic and aesthetic significance as a good and largely intact residential precinct characterised by substantially intact streetscapes with an attractive character. The area is a highly valued part of Nowra's social, cultural and economic history. It is considered that the PP is consistent with the Direction because it contains provisions ie inclusion of a heritage conservation area in the Shoalhaven LEP 2014, that will facilitate the conservation of this area. The Office of Environment and Heritage was consulted by the Department in relation to the PP. The OEH has not raised any issues or objections at this stage.

Direction 3.1 - Residential Zones

Council has identified that the Direction applies because the PP affects land in a zone in which significant residential development is permitted. Council considers that the PP is consistent with the Direction because it will facilitate greater population densities in proximity to the Nowra CBD and therefore reduce travel demand by car and encourage walking, cycling and public transport services.

Comment: It is considered that the PP is potentially inconsistent with the Direction because it seeks to reduce the height of building control within the proposed heritage conservation area over part of central Nowra to the west and south of the Nowra CBD from 11m to 8.5m. This could reduce the potential residential density of dwellings in this area by approximately 1 storey (refer to Figure 3).

It is considered that any inconsistency with the Direction is justified by the “Nowra CBD Fringe Medium Density Study” June 2018 which was prepared for Council by Studio GL in support of the PP. Notably page 18 of the study recommends that Council:

1. Reduce the maximum building height to the west of the CBD between North Street and Plunkett Street to a maximum of 8.5m as this area has the highest concentration of older dwellings.
2. Reduce the maximum building height to the south of the CBD between Plunkett, Jervis, Osborne and Kinghorne Streets to 8.5m as this area also has a concentration of older dwellings.

A previously discussed the proposal to rezone land from R1 General Residential to R3 Medium Density Zone, for land not covered by the proposed HCA, will not reduce the permissible residential density as multi-dwelling housing and residential flat buildings are permissible uses within both zones (refer to Figure 6).

3.4 Integrating Land Use and Transport

The PP states that the Direction applies as the proposal seeks to alter zones relating to urban land. The PP states that the proposal is consistent with the Direction in that it will facilitate greater population densities in proximity to the Nowra CBD and therefore reduce travel demand by car and encourage walking, cycling and public transport services.

Comment: It is considered that the PP is consistent with the Direction because it will facilitate increased housing/population densities close to the Nowra CBD which will improve access to housing, jobs and services by walking, cycling and public transport and increase demand for and viability of public transport.

Direction 4.4 – Planning for Bushfire Protection

The PP states that the Direction applies as the proposal affects land mapped as bushfire prone. Council proposes to consult with the Rural Fire Service following receipt of a Gateway determination to address the requirements of the Direction.

Comment: It is considered that the consistency with section 9.1 Direction 1.5 Planning for Bushfire Protection is unresolved and will require justification once Council has consulted with the Rural Fire Service and has addressed any issues raised by the RFS.

Direction 5.10 – Implementation of Regional Plans

The PP states that the proposal is consistent with the aims, directions and actions of the Regional Plan and will achieve a balance in facilitating an appropriate mix of densities and high-quality housing close to the Nowra CBD, whilst protecting the existing character and heritage significance of the area.

Comment: As previously discussed, it is considered that the PP is consistent with the Illawarra Shoalhaven Regional Plan.

Recommendation: The Secretary's delegate can be satisfied that:

1. The planning proposal is consistent with Directions 1.1 Business and Industrial Zones, 2.2 Coastal Management, 2.3 Heritage Conservation, 3.4 Integrating Land Use and Transport and 5.10 Implementation of Regional Plans.
2. Any inconsistency with Direction 3.1 Residential Zones is justified by the terms of the Direction.
3. The consistency with section 9.1 Direction 4.4 Planning for Bushfire Protection is unresolved and will require justification once Council has consulted with the Rural Fire Service and has addressed any issues raised by the RFS.
4. The Planning Proposal is consistent with all other Directions or any inconsistency is of a minor significance.

State environmental planning policies

SEPP (Coastal Management) 2018

The PP identifies that the SEPP applies to the proposal because parts of the Nowra CBD Fringe Area are located within the mapped Coastal Use and Coastal Environment Areas. Council considers that the PP is consistent with the SEPP because the proposed controls will ensure that the type, bulk, scale and size of development is appropriate for the location and will protect and improve the natural scenic quality of the surrounding area.

Comment: It is considered that the PP is consistent with the SEPP (Coastal Management) because the proposed changes to height, zoning and heritage controls will facilitate development that is sympathetic to the Shoalhaven River, foreshore/public open space area, particularly in relation to preserving view corridors and public/pedestrian access to these areas.

SEPP (Exempt and Complying Development Codes) 2008

The PP states that the proposed heritage conservation area will effectively turn off most forms of complying development under the SEPP, meaning development that is not exempt would require a full merit assessment by Council, and may add to the cost and duration of the development process.

Comment: Under clause 1.19 of the SEPP, to be complying development specified for the Housing Code, the Low Rise Medium Density Housing Code, the Rural Housing Code or the Greenfield Housing Code, the development must not be carried

out on land within a heritage conservation area or a draft heritage conservation area, unless the development is a detached outbuilding, detached development (other than a detached studio) or swimming pool.

Council has advised that the proposed heritage conservation area would apply to 40% (or 428 properties) of the Nowra CBD Fringe Area and which will not be able to utilise the complying development pathway. However, the remaining 60% (653 properties) of the Nowra CBD Fringe Area will be able to access the complying development pathway, including the medium density housing code. It is considered that the PP is consistent with the intent of the SEPP and will provide a balance between conserving identified heritage and local character and facilitating complying development in the area including medium density housing.

SITE-SPECIFIC ASSESSMENT

Social

The PP states that the proposal will have positive social effects in:

- recognising and protecting the local cultural heritage significance of Nowra;
- facilitating appropriate medium density development in proximity to the existing Nowra town centre, contributing to greater housing choice to meet the needs of Nowra's changing population.

Council considers that the proposed heritage conservation area will not be a significant constraint to development and will be less restrictive than heritage listing individual properties. The HCA will still allow for new subdivision, buildings and alterations in the HCA but will ensure these are designed with close reference to their context and the identified character of the area. Council has advised that initial consultation has revealed strong support for the proposed heritage conservation area from landowners in the area.

Comment: It is considered that, although the proposed heritage conservation area may increase the cost and duration of development for landowners, on balance the PP will have positive social impacts. It will protect the identified heritage of the area and facilitate sympathetic development of this area as well as increased dwelling and population density close to the Nowra CBD.

Environmental

The PP states that the proposal will not impact on any critical habitat or threatened species, populations or ecological communities or their habitats. The PP identifies the subject land as bushfire prone and the Rural Fire Service would be consulted in relation to the PP.

Comment: It is considered that the PP will have minimal environmental impacts as the subject land is an existing urban area. Any environmental impacts can be addressed at the development application stage. The PP is considered to be compatible/complementary with the adjoining Nowra CBD, Shoalhaven River and public open space area.

Economic

The PP states that the proposal is not expected to result in adverse economic impacts and that studies show that the effect of inclusion within a heritage conservation area on the value of houses is negligible and can lead to an increase in property value. The PP will also have positive economic impacts by facilitating appropriate medium density development in proximity to the existing Nowra town centre, contributing to greater housing choice to meet the needs of Nowra's changing population. The subject land has adequate infrastructure and services to support increased development of the area.

Comment: It is considered that on balance, the PP will provide positive economic effects by conserving the identified heritage and local character of the Nowra CBD Fringe Area, facilitating increased dwelling and population density and by supporting jobs, existing infrastructure and services.

CONSULTATION

Community

The PP states that Council has already consulted with the local community in the preparation of the Nowra CBD Fringe Medium Density Study which was placed on public exhibition in April and May 2018.

Council intends to exhibit the PP and associated amendment to the Shoalhaven DCP over a 28 day period. The exhibition is proposed to be notified in the local media and via Council's website and offices in Nowra and Ulladulla.

Comment: It is considered that Council's proposed community consultation on the PP is appropriate.

Agencies

Council intends to consult with relevant public authorities in accordance with the conditions of Gateway determination. The PP identifies that it will consult with the Rural Fire Services and update the PP prior to public exhibition if necessary.

Comment: It is considered that NSW Heritage Office (OEH) and the Rural Fire Service should be consulted on the PP.

TIME FRAME

The PP indicates that an LEP would be finalised and notified by May 2019 (9 month timeframe). It is considered that a 12 month timeframe to complete the LEP would be more appropriate to enable the plan to be made.

LOCAL PLAN-MAKING AUTHORITY

Council has requested to be the local plan-making authority for the PP. It is considered that Council should be authorised to be the local plan-making authority because the proposal is consistent with the adopted local and regional strategic planning for the area.

CONCLUSION

The planning proposal is supported to proceed with conditions for the following reasons:

- the PP is consistent with the adopted local and regional strategic planning for the area.
- the PP will provide positive social, economic and environmental benefits by:
 - conserving the identified cultural and historic heritage and local character of part of the Nowra CBD Fringe Area,
 - facilitating increased dwelling and population density and;
 - supporting jobs and existing infrastructure and services.

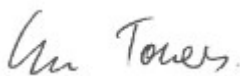
RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. agree that any inconsistencies with section 9.1 Direction 3.1 Residential Zones is minor or justified; and
2. note that the consistency with section 9.1 Direction 4.4 Planning for Bushfire Protection is unresolved and will require justification.

It is recommended that the delegate of the Minister for Planning, determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal should be made available for community consultation for a minimum of 28 days.
2. Consultation is required with the following public authorities:
 - Rural Fire Service.
 - NSW Heritage Office (OEH)
3. The time frame for completing the LEP is to be 12 months from the date of the Gateway determination.
4. Given the nature of the planning proposal, Council should be the local plan-making authority.
5. The Explanation of the Provisions section of the planning proposal is to be updated prior to consultation to include amendment of Schedule 5 – “Environmental Heritage” of the Shoalhaven LEP 2014 to add the Nowra CBD Fringe West Heritage Conservation Area to Part 2 – Heritage Conservation Areas of Schedule 5.



10/09/18

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11/09/18

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