

Development Committee

Meeting Date: Tuesday, 12 September, 2017
Location: Council Chambers, City Administrative Building, Bridge Road, Nowra
Time: 5.00pm

Membership (Quorum - 5)
Clr Patricia White - Chairperson
All Councillors
General Manager or nominee

Please note: Council's Code of Meeting Practice permits the electronic recording and broadcast of the proceedings of meetings of the Council which are open to the public. Your attendance at this meeting is taken as consent to the possibility that your image and/or voice may be recorded and broadcast to the public.

Agenda

1. **Apologies / Leave of Absence**
2. **Confirmation of Minutes**
 - Development Committee - 8 August 2017 1
3. **Declarations of Interest**
4. **Mayoral Minute**
5. **Deputations and Presentations**
6. **Notices of Motion / Questions on Notice**

Nil
7. **Reports**
 - DE17.61 Planning Proposal (Rezoning) - Albatross Road & Kinghorne Street, Nowra - Post Exhibition Consideration and Finalisation 15
 - DE17.62 Planning Proposal (Rezoning) - Halloran Trust Lands - Progression in Parts 20
 - DE17.63 Nowra CBD Contributions Discount Subsidy Policy - Review 25
 - DE17.64 Petition - Crown Land - Shoalhaven Heads - Rezoning Request..... 31
 - DE17.65 Nowra-Bomaderry Retail Hierarchy Review - Consultants Report - Consideration 41

8. Confidential Reports

Nil

Development Committee

Delegation:

Pursuant to s377 (1) of the Local Government Act 1993 the Committee is delegated the functions conferred on Council by the Environmental Planning & Assessment Act 1979 (EPA Act), Local Government Act 1993 (LG Act) or any other Act or delegated to Council, as are specified in the attached Schedule, subject to the following limitations:

- i. The Committee cannot make a decision to make a local environmental plan to classify or reclassify public land under Division 1 of Part 2 of Chapter 6 of the LG Act;
- ii. The Committee cannot review a s82A or s96AB EPA Act determination made by the Council or by the Committee itself;
- iii. The Committee cannot exercise any function delegated to the Council which by the terms of that delegation cannot be sub-delegated;
- iv. The Committee cannot exercise any function which s377(1) of the LG Act provides cannot be delegated by Council; and
- v. The Committee cannot exercise a function which is expressly required by the LG Act or any other Act to be exercised by resolution of the Council.

Schedule:

1. All functions relating to the preparation, making, and review of local environmental plans (LEPs) and development control plans (DCPs) under Part 3 of the EPA Act.
2. All functions relating to the preparation, making, and review of contributions plans and the preparation, entry into, and review of voluntary planning agreements under Part 4 of the EPA Act.
3. The preparation, adoption, and review of policies and strategies of the Council in respect of town planning and environmental matters and the variation of such policies.
4. Determination of variations to development standards related to development applications under the EPA Act where the development application involves a development which breaches a development standard by more than 10% and the application is accompanied by a request to vary the development standard under clause 4.6 of Shoalhaven Local Environmental Plan 2014 or an objection to the application of the development standard under State Environmental Planning Policy No. 1 – Development Standards.
5. Determination of variations from the acceptable solutions and/or other numerical standards contained within the DCP or a Council Policy that the General Manager requires to be determined by the Committee
6. Determination of development applications that Council requires to be determined by the Committee on a case by case basis.
7. Review of all determinations of development applications under sections 82A and 96AB of the EP&A Act.
8. Preparation, review, and adoption of policies and guidelines in respect of the determination of development applications by other delegates of the Council.

MINUTES OF THE DEVELOPMENT COMMITTEE

Meeting Date: Tuesday, 8 August 2017
Location: Council Chambers, City Administrative Building, Bridge Road, Nowra
Time: 5.00pm

The following members were present:

Clr Patricia White - Chairperson
Clr Joanna Gash
Clr John Wells
Clr Amanda Findley
Clr Nina Cheyne
Clr Annette Alldrick
Clr Kaye Gartner
Clr Andrew Guile
Clr Mitchell Pakes
Clr Greg Watson
Clr Mark Kitchener
Clr Bob Proudfoot
Mr Russ Pigg - General Manager

Apologies / Leave of Absence

An apology was received from Clr Levett.

Confirmation of the Minutes

RESOLVED (Clr Gartner / Clr Alldrick) MIN17.675

That the Minutes of the Development Committee held on Monday 17 July 2017 be confirmed.

CARRIED

Declarations of Interest

Clr Watson – DE17.59 - Exhibition outcomes - Planning Proposal LP406 and DCP Chapter N16 - Falls Creek / Woollamia Deferred Areas - pecuniary interest declaration – as he and his wife own a property at 23 Seasongood Road, Woollamia and the decision of the Committee may impact on the value of his property – will leave the room and will not take part in discussion or vote.

Clr Watson – DE17.60 - Development Application – 23 Seasongood Road, Woollamia – Lot 113A DP 15266 - pecuniary interest declaration – as he and his wife own the property at 23 Seasongood Road, Woollamia and the decision of the Committee may impact on the value of his property – will leave the room and will not take part in discussion or vote.

Clr Gash – DE17.60 - Development Application – 23 Seasongood Road, Woollamia – Lot 113A DP 15266 – non pecuniary less than significant interest declaration – she was a candidate in the recent Council elections with Clr Watson and Clr Watson issued a code of conduct against her which has been dealt with by an independent reviewer – will remain in the room and will take part in discussion and vote.

Clr Proudfoot – DE17.59 - Exhibition outcomes - Planning Proposal LP406 and DCP Chapter N16 - Falls Creek / Woollamia Deferred Areas – non pecuniary less than significant interest declaration – Clr Watson and he are both members of the Shoalhaven Independents – will remain in the room and will take part in discussion and vote.

Clr Proudfoot – DE17.60 - Development Application – 23 Seasongood Road, Woollamia – Lot 113A DP 15266 – non pecuniary less than significant interest declaration – Clr Watson and he are both members of the Shoalhaven Independents – will remain in the room and will take part in discussion and vote.

Clr Pakes – DE17.60 - Development Application – 23 Seasongood Road, Woollamia – Lot 113A DP 15266 – non pecuniary less than significant interest declaration – Clr Watson and he are both members of the Shoalhaven Independents – will remain in the room and will take part in discussion and vote.

Clr Guile – DE17.59 - Exhibition outcomes - Planning Proposal LP406 and DCP Chapter N16 - Falls Creek / Woollamia Deferred Areas – non pecuniary less than significant interest declaration – as he and Clr Watson were both candidates on the ticket in the 2016 Council elections – will remain in the room and will take part in discussion and vote.

Clr Guile – DE17.60 - Development Application – 23 Seasongood Road, Woollamia – Lot 113A DP 15266 – non pecuniary less than significant interest declaration – as he and Clr Watson were both candidates on the ticket in the 2016 Council elections – will remain in the room and will take part in discussion and vote.

Clr Kitchener – DE17.59 - Exhibition outcomes - Planning Proposal LP406 and DCP Chapter N16 - Falls Creek / Woollamia Deferred Areas – non pecuniary less than significant interest declaration – Clr Watson and he are both members of the Shoalhaven Independents – will remain in the room and will take part in discussion and vote.

Clr Kitchener – DE17.60 - Development Application – 23 Seasongood Road, Woollamia – Lot 113A DP 15266 – non pecuniary less than significant interest declaration – Clr Watson and he are both members of the Shoalhaven Independents – will remain in the room and will take part in discussion and vote.

DEPUTATIONS AND PRESENTATIONS

Ms Samantha Wilson, representing URBIS Town Planners, addressed the Committee in relation to DE17.55 Planning Proposal (Rezoning) - Warrarah Road Bangalee - Finalisation of Development Footprint.

Mr Dennis Johnson, representing the North Nowra Precinct Committee addressed the Committee in relation to DE17.55 Planning Proposal (Rezoning) - Warrarah Road Bangalee - Finalisation of Development Footprint.

Stephen Nall addressed the Committee in relation to DE17.56 Moss Vale Road North Urban Release Area - Resourcing and Funding.

Note - Clr Watson left meeting at 5.46pm for the following deputations due to his declarations of interest.

Mr David Cannon, SET Consultants and representing the owner of 111 Woollamia Road addressed the Committee in relation to DE17.59 Exhibition outcomes - Planning Proposal LP406 and DCP Chapter N16 - Falls Creek / Woollamia Deferred Areas.

Clr Guile raised a Point of Order against Clr Findley asking her to withdraw the question with respect to Clr Watson's involvement in the DCP negotiations.

The Chair advised that she had been present when Clr Watson had made declarations of interest and excluded himself from discussions on this matter and advised that the meeting will move on.

Ms Lori Field, PDC Lawyers, addressed the Committee in relation to DE17.60 Development Application – 23 Seasongood Road, Woollamia – Lot 113A DP 15266.

Note - Clr Watson returned to the meeting at 6.24pm.

Procedural Motion - Bring Item Forward

RESOLVED (Clr Gash / Clr Pakes)

MIN17.676

That the following items be brought forward for consideration:

- DE17.55 - Planning Proposal (Rezoning) - Warrah Road Bangalee - Finalisation of Development Footprint
- DE17.56 - Moss Vale Road North Urban Release Area - Resourcing and Funding
- DE17.59 - Exhibition outcomes - Planning Proposal LP406 and DCP Chapter N16 - Falls Creek / Woollamia Deferred Areas
- DE17.60 - Development Application – 23 Seasongood Road, Woollamia – Lot 113A DP 15266

CARRIED

REPORTS

DE17.55 Planning Proposal (Rezoning) - Warrah Road Bangalee - Finalisation of Development Footprint

HPERM Ref: D17/213879

Recommendation (Item to be determined under delegated authority)

That Council

1. Adopt the attached Land Use Zone (Attachment 5) and Lot Size (Attachment 6) maps as the basis for preparing the specialist studies required to enable public exhibition of the Planning Proposal.
2. Forward these maps to the NSW Department of Planning and Environment with a request to revise the Gateway determination that:
 - a. Reflects the proposed new development footprint;
 - b. Removes condition 1, which is covered by the new footprint;
 - c. Removes items (c) and (d) from condition 2 in the current determination; and
 - d. Adds a condition allowing the minimum lot size of 1500 m² to be revised if appropriately supported by the traffic and bushfire assessments undertaken for the planning proposal.

3. That the proposal be reported back to Council prior to exhibition.

RESOLVED (Clr Guile / Clr Watson)

MIN17.677

That Council

1. Adopt the attached Land Use Zone (Attachment 5) and Lot Size (Attachment 6) maps as the basis for preparing the specialist studies required to enable public exhibition of the Planning Proposal.
2. Forward these maps to the NSW Department of Planning and Environment with a request to revise the Gateway determination that:
 - a. Reflects the proposed new development footprint;
 - b. Removes condition 1, which is covered by the new footprint;
 - c. Removes items (c) and (d) from condition 2 in the current determination; and
 - d. Adds a condition allowing the minimum lot size of 1500 m² to be revised if appropriately supported by the traffic and bushfire assessments undertaken for the planning proposal.
3. That the proposal be reported back to Council prior to exhibition.

FOR: Clr Gash, Clr Wells, Clr Findley, Clr Cheyne, Clr Alldrick, Clr Guile, Clr Pakes, Clr Watson, Clr Kitchener, Clr Proudfoot, Russ Pigg and Warwick Papworth

AGAINST: Clr White and Clr Gartner

CARRIED

Note: Clr Guile left the meeting at 6:46pm

DE17.56 Moss Vale Road North Urban Release Area - Resourcing and Funding

HPERM Ref: D17/216422

Note: Clr Guile returned to the meeting at 6:49pm

Recommendation

That Council:

1. Formally commence the process required under Part 6 of Shoalhaven Local Environmental Plan 2017 for Moss Vale Road North (MVRN) Urban Release Area (URA).
2. Revise the indicative development phasing plan (contained in the Nowra-Bomaderry Structure Plan) for the Nowra Bomaderry URAs as follows:
 - a. Phase 1 – Mundamia and Worrigea
 - b. Phase 2 – Moss Vale Road South and Moss Vale Road North
 - c. Phase 3 – Cabbage Tree Lane
 - d. Phase 4 – Crams Road
3. Consult with the landowners of MVRN URA regularly to ensure they are provided with opportunities to be involved in the planning process and offer feedback
4. Support the establishment of a Project Control Group to facilitate the progression of the planning for the URA and its role at the development stage to ensure satisfactory provision of public infrastructure.
5. Commit the required staff resources and set a budget of \$165,000 in 2017/18 (as per Table 1

in the report) to undertake the detailed planning requirements and delivery of infrastructure and identify a funding source in the September Quarterly Review.

6. Continue to seek opportunities for grant funding to reduce the cost of technical investigations and infrastructure, which would ordinarily be imposed on landowners/developers through Section 94 Contributions.
7. Advise all landowners within the Nowra-Bomaderry URAs of this resolution.

Recommendation (Clr Findley / Clr Wells)

That Council:

1. Formally commence the process required under Part 6 of Shoalhaven Local Environmental Plan 2017 for Moss Vale Road North (MVRN) Urban Release Area (URA).
2. Revise the indicative development phasing plan (contained in the Nowra-Bomaderry Structure Plan) for the Nowra Bomaderry URAs as follows:
 - a. Phase 1 – Mundamia and Worrigea
 - b. Phase 2 – Moss Vale Road South and Moss Vale Road North
 - c. Phase 3 – Cabbage Tree Lane
 - d. Phase 4 – Crams Road
3. Consult with the landowners of MVRN URA regularly to ensure they are provided with opportunities to be involved in the planning process and offer feedback
4. Support the establishment of a Project Control Group to facilitate the progression of the planning for the URA and its role at the development stage to ensure satisfactory provision of public infrastructure.
5. Commit the required staff resources and set a budget of \$165,000 in 2017/18 (as per Table 1 in the report) to undertake the detailed planning requirements and delivery of infrastructure and identify a funding source in the September Quarterly Review.
6. Continue to seek opportunities for grant funding to reduce the cost of technical investigations and infrastructure, which would ordinarily be imposed on landowners/developers through Section 94 Contributions.
7. Advise all landowners within the Nowra-Bomaderry URAs of this resolution.

FOR: Clr White, Clr Gash, Clr Wells, Clr Findley, Clr Cheyne, Clr Alldrick, Clr Gartner, Clr Guile, Clr Pakes, Clr Watson, Clr Kitchener, Clr Proudfoot, Russ Pigg

AGAINST: Nil

CARRIED

DE17.59 Exhibition outcomes - Planning Proposal LP406 and DCP Chapter N16 - Falls Creek / Woollamia Deferred Areas

HPERM Ref: D17/187131

Clr Watson – DE17.59 - Exhibition outcomes - Planning Proposal LP406 and DCP Chapter N16 - Falls Creek / Woollamia Deferred Areas - pecuniary interest declaration – as he and his wife own a property at 23 Seasongood Road, Woollamia and the decision of the Committee may impact on the value of his property – left the room and did not take part in discussion or vote.

Clr Proudfoot – DE17.59 - Exhibition outcomes - Planning Proposal LP406 and DCP Chapter N16 - Falls Creek / Woollamia Deferred Areas – non pecuniary less than significant interest declaration – Clr Watson and he are both members of the Shoalhaven Independents – remained in the room and took part in discussion and vote.

Clr Guile – DE17.59 - Exhibition outcomes - Planning Proposal LP406 and DCP Chapter N16 - Falls Creek / Woollamia Deferred Areas – non pecuniary less than significant interest declaration – as he and Clr Watson were both candidates on the ticket in the 2016 Council elections – remained in the room and did not take part in discussion and vote.

Clr Kitchener – DE17.59 - Exhibition outcomes - Planning Proposal LP406 and DCP Chapter N16 - Falls Creek / Woollamia Deferred Areas – non pecuniary less than significant interest declaration – Clr Watson and he are both members of the Shoalhaven Independents – remained in the room and took part in discussion and vote.

Recommendation

That:

1. Council adopt the Falls Creek / Woollamia Deferred Areas Planning Proposal (LP406) as exhibited, with the minor changes outlined in this report and issue the second (and final) invoice to landowners, subject to confirmation that:
 - a. The owner of No. 111 Woollamia Road has surrendered the consent for three tourist cabins (DA00/2847) in accordance with MIN16.945 (part 1.b).
 - b. If the consent for DA00/2847 is not surrendered by 5 September, amend LP406 and DCP Chapter N16 to reduce the number of lots that can be subdivided from three to two in line with the other properties within the subject land.
 - c. The two invoices issued to landowners to recoup costs incurred by Council in preparing the planning proposal have been paid in full.
2. If part 1c is not fully resolved within 60 days of issuing the second invoice, remove the relevant properties from the LEP amendment and the draft Chapter N16 - Shoalhaven Development Control Plan (DCP) 2014 and refund any monies paid by the owner(s).
3. Subject to the outcome of parts 1 and 2:
 - a. Liaise with the NSW Department of Planning and Environment regarding the finalisation of the required amendment to the Shoalhaven Local Environmental Plan 2014.
 - b. Adopt the attached version of Chapter N16 of the Shoalhaven Development Control Plan 2014 and give public notice in the appropriate local newspaper/s to enable it to become effective upon commencement of the LEP amendment.
4. Ensure that funding improvements at the Jervis Bay Road / Seasongood Road intersection are considered in the FY18/19 budget.

Recommendation (Clr Guile / Clr Wells)

That:

1. Council adopt the Falls Creek / Woollamia Deferred Areas Planning Proposal (LP406) as exhibited, with the minor changes outlined in this report and issue the second (and final) invoice to landowners, subject to confirmation that:
 - a. Enable a maximum two lot subdivision at No. 111 Woollamia Road via the planning proposal by changing the exhibited 1 ha. minimum lot size to 2 ha.
 - b. Revise the DCP as follows:
 - i. Amend the suggested subdivision boundary consistent with the revised lot size
 - ii. Remove the property access road and vegetation screening details from the supporting map
 - iii. Replace acceptable solution A3.5 with a general requirement that access roads be sealed and/or screened as appropriate to mitigate impacts on adjoining residences.

- c. The two invoices issued to landowners to recoup costs incurred by Council in preparing the planning proposal have been paid in full.
2. If part 1c is not fully resolved within 60 days of issuing the second invoice, remove the relevant properties from the LEP amendment and the draft Chapter N16 - Shoalhaven Development Control Plan (DCP) 2014 and refund any monies paid by the owner(s).
3. Subject to the outcome of parts 1 and 2:
 - a. Liaise with the NSW Department of Planning and Environment regarding the finalisation of the required amendment to the Shoalhaven Local Environmental Plan 2014.
 - b. Adopt the attached version of Chapter N16 of the Shoalhaven Development Control Plan 2014 and give public notice in the appropriate local newspaper/s to enable it to become effective upon commencement of the LEP amendment.
4. Ensure that funding improvements at the Jervis Bay Road / Seasingood Road intersection are considered in the FY18/19 budget.

FOR: Clr White, Clr Gash, Clr Wells, Clr Findley, Clr Cheyne, Clr Aldrick, Clr Gartner, Clr Guile, Clr Pakes, Clr Kitchener, Clr Proudfoot and Russ Pigg

Against: Nil

CARRIED

Procedural Motion - Bring Item Forward

RESOLVED (Clr Wells / Clr Gash)

MIN17.678

That the matter of item DE17.53 Draft Planning Agreement - Enterprise Avenue, South Nowra - Public Exhibition Outcomes and Finalisation/Execution be brought forward for consideration.

CARRIED

DE17.53 Draft Planning Agreement - Enterprise Avenue, South Nowra - Public Exhibition Outcomes and Finalisation/Execution

HPERM Ref: D17/199418

Note: Clr Watson returned to the meeting at 7:04pm

Recommendation (Item to be determined under delegated authority)

That Council:

1. Finalise and execute the Planning Agreement with the following changes:
 - a. Inclusion of contact details for Council and Palmira Holdings Pty Ltd;
 - b. Amend to Clause 36.3.1 of the Draft Planning Agreement to reference an additional development consent that the applicant as obtained;
 - c. Include the cost of drafting the Planning Agreement, including revisions; and
 - d. Include the Council processes to fund a portion of the project as agreed.
2. Prepare a draft amendment to the Shoalhaven Contributions Plan 2010 to reflect the revised costings and design for 01ROAD2149 (Enterprise Avenue) and receive a further report prior to public exhibition.
3. Continue and complete the process to acquire part of Lot 2 DP 1170503 to enable the construction works to be undertaken.

RESOLVED (Clr Wells / Clr Gash)

MIN17.679

That Council:

1. Finalise and execute the Planning Agreement with the following changes:
 - a. Inclusion of contact details for Council and Palmira Holdings Pty Ltd;
 - b. Amend to Clause 36.3.1 of the Draft Planning Agreement to reference an additional development consent that the applicant has obtained;
 - c. Include the cost of drafting the Planning Agreement, including revisions; and
 - d. Include the Council processes to fund a portion of the project as agreed.
2. Prepare a draft amendment to the Shoalhaven Contributions Plan 2010 to reflect the revised costings and design for 01ROAD2149 (Enterprise Avenue) and receive a further report prior to public exhibition.
3. Continue and complete the process to acquire part of Lot 2 DP 1170503 to enable the construction works to be undertaken.

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

Against: Nil

CARRIED

Procedural Motion - Adjournment of Meeting

RESOLVED (Clr White / Clr Guile)

MIN17.680

That the meeting be adjourned for a period of 15 minutes.

CARRIED

Note: The meeting adjourned, the time being 7.10pm

Procedural Motion - Resumption of Meeting

RESOLVED (Clr White)

MIN17.681

That Committee proceed with the business of the meeting the time being 7.30pm.

CARRIED

The following members were present:

Clr Patricia White - Chairperson

Clr Amanda Findley

Clr Joanna Gash

Clr John Wells

Clr Nina Cheyne

Clr Kaye Gartner

Clr Andrew Guile

Clr Mitchell Pakes

Clr Greg Watson

Clr Mark Kitchener

Clr Bob Proudfoot

Mr Russ Pigg

Procedural Motion - Bring Item Forward

RESOLVED (Clr Pakes / Clr Wells) MIN17.682

That the matter of item DE17.57 Clause 4.6 Variation Report - 71 Meroo St, Bomaderry - Lot 1 DP 732712 be brought forward for consideration.

CARRIED

DE17.57 Clause 4.6 Variation Report - 71 Meroo St, Bomaderry - Lot 1 DP 732712

HPERM Ref: D17/234650

Recommendation (Item to be determined under delegated authority)

That the Committee:

1. Confirms that pursuant to Clause 4.6 (Variation to development standards) of SLEP 2014, it supports the applicant's request to vary the maximum height of buildings limit of 11m to 12.8m; and
2. Refer the development application (DA16/2440) back to staff for determination.

RESOLVED (Clr Wells / Clr White)

MIN17.683

That the Committee:

1. Confirms that pursuant to Clause 4.6 (Variation to development standards) of SLEP 2014, it supports the applicant's request to vary the maximum height of buildings limit of 11m to 12.8m; and
2. Refer the development application (DA16/2440) back to staff for determination.

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

Against: Nil

CARRIED

Note: Clr Watson left the meeting at 7:25pm

DE17.60 Development Application – 23 Seasongood Road, Woollamia – Lot 113A DP 15266

HPERM Ref: D17/230792

Clr Watson – DE17.60 - Development Application – 23 Seasongood Road, Woollamia – Lot 113A DP 15266 - pecuniary interest declaration – as he and his wife own the property at 23 Seasongood Road, Woollamia and the decision of the Committee may impact on the value of his property – left the room and did not take part in discussion or vote.

Clr Gash – DE17.60 - Development Application – 23 Seasongood Road, Woollamia – Lot 113A DP 15266 – non pecuniary less than significant interest declaration – she was a candidate in the recent Council elections with Clr Watson – and Clr Watson issued a code of conduct against her which has been dealt with by an independent reviewer remained in the room and took part in discussion and vote.

Clr Proudfoot – DE17.60 - Development Application – 23 Seasongood Road, Woollamia – Lot 113A DP 15266 – non pecuniary less than significant interest declaration – Clr Watson and he are both members of the Shoalhaven Independents – remained in the room and took part in discussion

and vote.

Clr Pakes – DE17.60 - Development Application – 23 Seasongood Road, Woollamia – Lot 113A DP 15266 – non pecuniary less than significant interest declaration – Clr Watson and he are both members of the Shoalhaven Independents – remained in the room and took part in discussion and vote.

Clr Guile – DE17.60 - Development Application – 23 Seasongood Road, Woollamia – Lot 113A DP 15266 – non pecuniary less than significant interest declaration – as he and Clr Watson were both candidates on the ticket in the 2016 Council elections – remained in the room and took part in discussion and vote.

Clr Kitchener – DE17.60 - Development Application – 23 Seasongood Road, Woollamia – Lot 113A DP 15266 – non pecuniary less than significant interest declaration – Clr Watson and he are both members of the Shoalhaven Independents – remained in the room and took part in discussion and vote.

Recommendation (Item to be determined under delegated authority)

That Council resolve to refuse Development Application DA16/1433 for the Staged Construction of a Replacement Dwelling House – Stage 1 Nomination of Building Envelope and Demolition of Existing Dwelling House at Lot 113A DP 15266 No.23 Seasongood Road, Woollamia for reasons relating to:

1. The proposed building envelope is not consistent with the provisions of *Planning for Bushfire Protection 2006*;
2. The NSW Rural Fire Service does not support the building envelope in its proposed location;
3. Based on the proposal's inconsistency with *Planning for Bushfire Protection 2006* and the NSW Rural Fire Service's opposition to the development proposal, the development application is unsatisfactory with regard to Section 79BA of the Environmental Planning and Assessment Act, 1979; and
4. The development proposal is inconsistent with the draft Shoalhaven Local Environmental Plan (Planning Proposal LP406) and provisions of supporting draft Shoalhaven Development Control Plan 2014 – Amendment No.17 – draft Chapter N16 *Falls Creek / Woollamia Rural Residential Areas*.

PROCEDURAL MOTION (Clr Proudfoot / Clr Aldrick)

That the consultant, Mr Lee Carmichael be asked to address the Committee.

CARRIED

Mr Carmichael responded to statements made during the meeting by Mr Papworth in relation to the qualifications of the persons who provided a report to Council on this matter.

RESOLVED (Clr Wells / Clr Guile)

MIN17.684

That the matter be deferred until the Ordinary meeting to be held on 22 August 2017 to allow a report on an alternative solution from an appropriately accredited (BPAD – Level 3) consultant and further deliberation by the Rural Fire Service.

FOR: Clr White, Clr Gash, Clr Wells, Clr Findley, Clr Cheyne, Clr Aldrick, Clr Gartner, Clr Guile, Clr Pakes, Clr Kitchener, Clr Proudfoot and Russ Pigg

Against: Nil

CARRIED

DE17.53 Draft Planning Agreement - Enterprise Avenue, South Nowra - Public Exhibition Outcomes And Finalisation/Execution

HPERM REF: D17/199418

Item dealt with earlier in the meeting see MIN17.679

DE17.54 Nowra CBD Urban Design Planning Controls - Planning Proposal and Development Control Plan Chapter - Adoption and Finalisation

HPERM Ref: D17/96445

Note: Cllr Watson returned to the meeting at 8:00pm

Recommendation (Item to be determined under delegated authority)

That the Committee:-

1. Adopt the Nowra CBD Height of Buildings Planning Proposal as exhibited, with the following change:
 - a. Amend the Planning Proposal Report in respect to the number of storeys possible with a 15 metre building height limit to 4 storeys.
2. Submit the amended Planning Proposal for the Nowra CBD Height of Buildings to the NSW Parliamentary Counsel Office with instructions to prepare an amendment to Shoalhaven Local Environmental Plan 2014 under Section 59(1) of the Environmental Planning and Assessment Act 1979.
3. Adopt the draft Shoalhaven Development Control Plan 2014 – Nowra CBD Urban Design Development Controls Chapter as exhibited with the following changes:
 - a. Remove the ‘Council owned land’ key from the Area Specific Controls Maps;
 - b. Reduce the area shown as “indicative consolidated deep soil zone” for the Council owned site on the corner of Worrigeer Street and Berry Street in Figure 11;
 - c. Remove the proposed ‘desired future connection’ shown over privately owned land in Figure 13;
 - d. Include clarification that site coverage is calculated across a development site and on a lot by lot basis in relation to Area E1;
 - e. Amend the maximum building depth in Area E1 to 180m;
 - f. Revise the character area description of Area E1 to reflect the land uses permissible in the zone;
 - g. Revise the map ‘key’ in Figure 14 to clarify that the desired link is over privately owned land; and
 - h. Include the additional controls outlined in Attachment 3 to address active frontages and amend numbering of controls accordingly.
4. Notify the adoption of Shoalhaven Development Control Plan 2014 – Nowra CBD Urban Design Development Controls Chapter in the local newspaper in accordance with the requirement of the Environmental Planning and Assessment Act 1979 and its Regulations, noting that it will commence when the related LEP Amendment is notified.
5. Repeal Chapters N8 – Nowra CBD Urban Fringe and N9 – Bulky Goods Precinct East Street Nowra in the Shoalhaven Development Control Plan 2014 in association with the commencement of the new Chapter in the DCP.
6. Advise the NSW Department of Planning and Environment (DP&E) and the people/agencies who made submissions on the Planning Proposal of Council’s resolution.

7. Separately consider the establishment of a Design Review Panel to assist in the assessment of Development Applications for certain land uses and scales within Shoalhaven through a separate report to Council.
8. Council receive a further report to consider a wider Heritage Conservation Area to the west of the Nowra CBD Commercial Core Area as part of the project that is underway in this regard.

RESOLVED (Clr Wells / Clr Gash)

MIN17.685

That the Committee:

1. Adopt the Nowra CBD Height of Buildings Planning Proposal as exhibited, with the following change:
 - a. Amend the Planning Proposal Report in respect to the number of storeys possible with a 15 metre building height limit to 4 storeys.
2. Submit the amended Planning Proposal for the Nowra CBD Height of Buildings to the NSW Parliamentary Counsel Office with instructions to prepare an amendment to Shoalhaven Local Environmental Plan 2014 under Section 59(1) of the Environmental Planning and Assessment Act 1979.
3. Adopt the draft Shoalhaven Development Control Plan 2014 – Nowra CBD Urban Design Development Controls Chapter as exhibited with the following changes:
 - a. Remove the ‘Council owned land’ key from the Area Specific Controls Maps;
 - b. Reduce the area shown as “indicative consolidated deep soil zone” for the Council owned site on the corner of Worrigea Street and Berry Street in Figure 11;
 - c. Remove the proposed ‘desired future connection’ shown over privately owned land in Figure 13;
 - d. Include clarification that site coverage is calculated across a development site and on a lot by lot basis in relation to Area E1;
 - e. Amend the maximum building depth in Area E1 to 180m;
 - f. Revise the character area description of Area E1 to reflect the land uses permissible in the zone;
 - g. Revise the map ‘key’ in Figure 14 to clarify that the desired link is over privately owned land; and
 - h. Include the additional controls outlined in Attachment 3 to address active frontages and amend numbering of controls accordingly.
4. Notify the adoption of Shoalhaven Development Control Plan 2014 – Nowra CBD Urban Design Development Controls Chapter in the local newspaper in accordance with the requirement of the Environmental Planning and Assessment Act 1979 and its Regulations, noting that it will commence when the related LEP Amendment is notified.
5. Repeal Chapters N8 – Nowra CBD Urban Fringe and N9 – Bulky Goods Precinct East Street Nowra in the Shoalhaven Development Control Plan 2014 in association with the commencement of the new Chapter in the DCP.
6. Advise the NSW Department of Planning and Environment (DP&E) and the people/agencies who made submissions on the Planning Proposal of Council’s resolution.
7. Separately consider the establishment of a Design Review Panel to assist in the assessment of Development Applications for certain land uses and scales within Shoalhaven through a separate report to Council.
8. Council receive a further report to consider a wider Heritage Conservation Area to the west of the Nowra CBD Commercial Core Area as part of the project that is underway in this regard.

9. In adopting the urban design controls embodied in the current planning proposal and development control plan chapter, Council recognises the need to potentially revisit these controls should proposals come forward that have merit and are sufficiently justified.

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

AGAINST: Nil

CARRIED

DE17.55 Planning Proposal (Rezoning) - Warrah Road Bangalee - Finalisation Of Development Footprint	HPERM REF: D17/213879
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Item dealt with earlier in the meeting see MIN17.677.

DE17.56 Moss Vale Road North Urban Release Area - Resourcing And Funding	HPERM REF: D17/216422
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Item dealt with earlier in the meeting.

DE17.57 Clause 4.6 Variation Report - 71 Meroo St, Bomaderry - Lot 1 DP 732712	HPERM REF: D17/234650
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Item dealt with earlier in the meeting see MIN17.683

DE17.58 Development Application – 123 Forster Drive Bawley Point – Lot 3 DP 527264	HPERM Ref: D17/240746
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Recommendation (Item to be determined under delegated authority)

That Council:

1. Confirm that it supports the proposed variation, under clause 4.6 of Shoalhaven Local Environment Plan 2014, to the 11m maximum building height to allow for the metal sculpture 13m in height and for the stockyards/camping area entry 11.7m in height;
2. Refer the application back to staff for determination by delegation;

RESOLVED (Clr Wells / Clr Gartner) MIN17.686

That Council:

1. Confirm that it supports the proposed variation, under clause 4.6 of Shoalhaven Local Environment Plan 2014, to the 11m maximum building height to allow for the metal sculpture 13m in height and for the stockyards/camping area entry 11.7m in height;
2. Refer the application back to staff for determination by delegation;

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

Against: Nil

CARRIED

**DE17.59 Exhibition Outcomes - Planning Proposal LP406 and
DCP Chapter N16 - Falls Creek / Woollamia Deferred
Areas**

**HPERM REF:
D17/187131**

Item dealt with earlier in the meeting.

**DE17.60 Development Application – 23 Seasongood Road,
Woollamia – Lot 113A DP 15266**

**HPERM REF:
D17/230792**

Item dealt with earlier in the meeting see MIN17.684.

There being no further business, the meeting concluded, the time being 8.19pm.

Clr White
CHAIRPERSON

DE17.61 Planning Proposal (Rezoning) - Albatross Road & Kinghorne Street, Nowra - Post Exhibition Consideration and Finalisation

HPERM Ref: D17/254334

Group: Planning Environment & Development Group
Section: Strategic Planning

Attachments:

1. Gateway determination - 7 November 2016 (under separate cover) [⇒](#)
2. Character Assessment (Urbanac) (under separate cover) [⇒](#)
3. Planning Proposal PP019 - Exhibition Version - June 2017 (under separate cover) [⇒](#)
4. Explanatory Statement (under separate cover) [⇒](#)
5. Summary of Submissions (under separate cover) [⇒](#)
6. Rural Fire Service Response (under separate cover) [⇒](#)

Purpose / Summary

- a) To consider submissions received during the public exhibition of the Planning Proposal (PP); and
- b) Adopt the PP and undertake the required steps to enable finalisation of the amendment to Shoalhaven Local Environmental Plan (LEP) 2014.

Recommendation (Item to be determined under delegated authority)

That Council:

1. Adopt the Planning Proposal as exhibited with the following addition:
 - a. To avoid uncertainty, the width of the part of the site with an 8.5m maximum building height is 9m, as measured from the southern boundaries of Lot 1 and Lot 30 DP 25114, and south-eastern and south-western boundaries of Lot 29 DP 25114.
2. Under Council's delegation as Relevant Planning Authority, forward the Planning Proposal to NSW Parliamentary Counsel to draft the amendment to Shoalhaven Local Environmental Plan 2014 under Section 59(1) of the *Environmental Planning and Assessment Act 1979*.
3. Advise those who made a submission, the Rural Fire Service, proponent and surrounding landowners of this resolution and again when the LEP Amendment is notified.

Options

1. Adopt the recommendation and finalise the PP as exhibited.

Implications: This is the preferred option, as it will enable the finalisation of the PP.

It will also ultimately enable the subsequent determination of the proposed development application for a residential flat building with ground floor commercial space and basement parking (DA16/1465).

2. Adopt an alternative or revised recommendation.

Implications: This may result in changes to the PP that could complicate its intent or delay its finalisation. Council may also not be able to meet the finalisation timeframe set by the Department of Planning and Environment (DP&E) and/or the PP may need to be re-exhibited.

3. Not proceed with the PP.

Implications: This option is not preferred as the proposed rezoning may allow a better development outcome for the site. The proposed development (DA16/1465) would remain prohibited, as residential accommodation (other than as part of a shop top housing) is not permitted in the B5 zone.

Background

In April 2016, Council received a PP from Lee Carmichael Town Planning on behalf of the landowner (Mr B Zervos) to rezone land at the intersection of Albatross Road and Kinghorne Street, Nowra (Lot 1, 29 & 30 DP 25114) from B5 Business Development to B4 Mixed Use under Shoalhaven LEP 2014.

The PP included a corresponding amendment to the Height of Buildings Map to increase the height from up to 11m (via Clause 4.2(2A)) to maximum of 15m.

A Development Application was also submitted over the site in April 2016 for a four storey residential flat building with an element of commercial space at the ground level and basement car parking (DA16/1465). The Development Application is being considered concurrently with the PP.

Council's Development Committee resolved (under delegation) in July 2016 (MIN16.532) to:

- 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;*
- e) *Request the applicant give consideration that a portion of affordable housing be included in the project.*

Council's PP (Gateway Version) was submitted to DP&E in September 2016 and a Gateway determination was received in November 2016 (**Attachment 1**). The Gateway determination reflected Council's request for a character assessment and the consideration of stepping the building heights down towards the adjoining properties.

Consistent with this condition, a Character Assessment was prepared on the proponents behalf by Urbanac (**Attachment 2**) which recommended a graduation in height, transitioning from two storeys at the southern interface to four storeys to the north. The approach considers the amenity and visual impact of the proposed development in a broad context, and specifically in relation to the adjoining residential zone to the south.

Following the Character Assessment, it was considered that a maximum building height of 8.5m was appropriate to achieve development within the two storey section of the site. A 14m maximum building height was considered most appropriate for the 4 storey component of the site for the following reasons:

- A height limit of 14.5m or 15m could effectively enable a fifth storey to be accommodated in certain parts of the site, which is considered inconsistent with the intent of the Character Assessment.
- The Character Assessment depicts lift overruns that are the same general height as a standard storey (approximately 3m floor to floor). It is recognised that all lifts require a minimum overrun of approximately 0.5m, however most overruns can easily be accommodated within a height of approximately 1-1.5m.
- The application of a 14.5m or 15m height over part of the site would require this new height to be included in the Height of Building map legend citywide. This would require an amendment to all 40 existing Height of Building maps, which is considered unnecessarily onerous. The 14m maximum building height is already included in the Height of Building map legend.

The proposed maximum building heights of 8.5m and 14m for the site, as exhibited, are detailed in Figure 1 below.

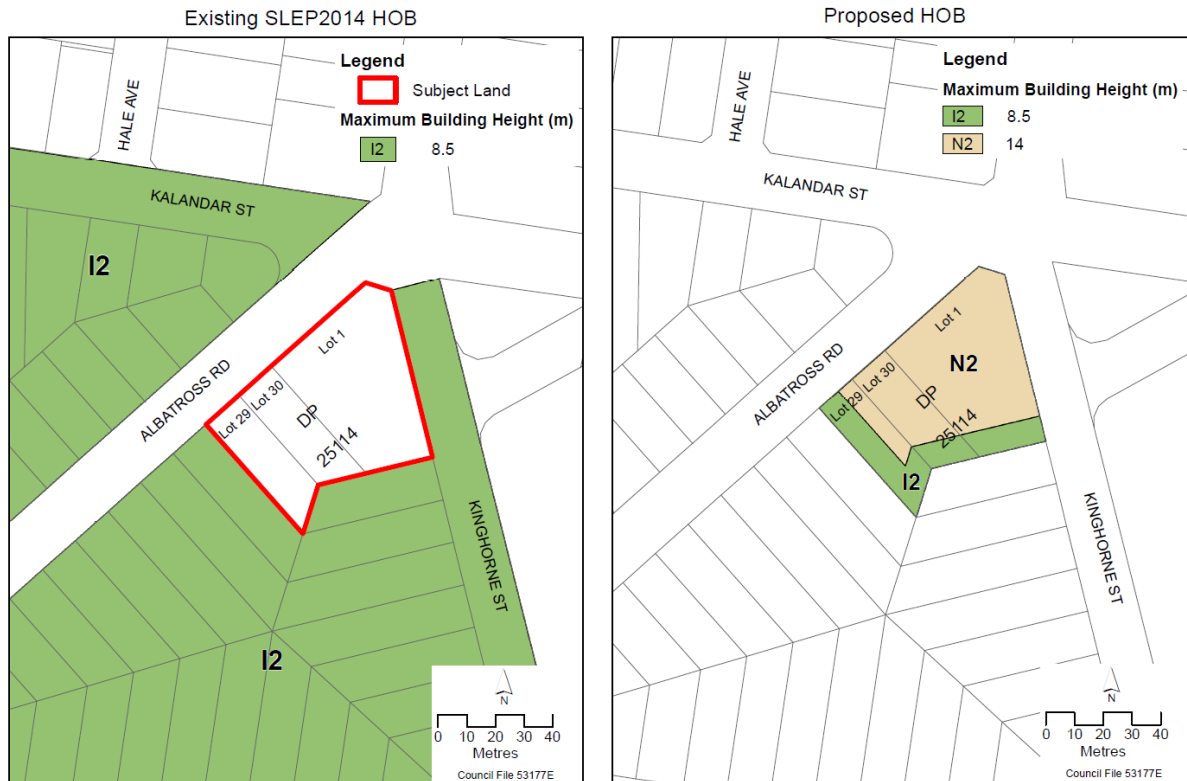


Figure 1: Existing and Proposed Maximum Building Heights

The Standard Instrument LEP and related Mapping Guidelines do not enable split heights to be dimensioned on the height of building map. To avoid uncertainty, the width of the part of the site with an 8.5m maximum building height is 9m, as measured from the southern site boundaries of Lot 1 and Lot 30 DP 25114, and south-eastern and south-western boundaries of Lot 29 DP 25114. This will be noted in the final PP submitted to NSW Parliamentary Counsel as recommended.

Community Engagement - Public Exhibition

Consistent with the Gateway determination, the PP was exhibited for a period of 30 days from Wednesday 14 June to Friday 14 July 2017. All adjoining landowners and the NSW Rural Fire Service were notified in writing.

The PP was exhibited at Council's Administrative Office, Bridge Road, Nowra during business hours and on Council's website. The exhibition material remains available on Council's website (<http://shoalhaven.nsw.gov.au/My-Council/Public-exhibition/Documents-on-exhibition>) and includes:

- Planning Proposal (PP019) – Exhibition Version - June 2017 (**Attachment 3**).
- Gateway determination - 7 November 2016.
- Character Assessment - Urbanac – May 2017.
- Explanatory Statement (**Attachment 4**) summarising the proposed rezoning, amendment to the Height of Buildings Map and also detail relating to the concurrent PP and Development Application.
- Existing/Proposed Land Zone and Height of Building Maps.
- Newspaper advertisement.

Submissions

Eight (8) submissions were received as a result of the public exhibition - three (3) were in support of the proposal and five (5) raised concerns. The key issues raised and the Council

staff comments in response are summarised at **Attachment 5**. The proponent/landowner, despite being directly notified of the exhibition arrangements, made no submission.

The three (3) submissions in support were from business representatives in Nowra who consider the proposal to be of general benefit to the community, compatible with the surrounding local area and increases opportunity for affordable residential housing in the Nowra area. The proposal sets a manageable precedent for similar developments and an increase in height up to 15m was acceptable subject to the building being appropriately set back from neighbouring houses

Five (5) submissions were received that raised concerns relating to the proposed development being out of character with the surrounding residential area (bulk and scale), impacts of light and noise pollution, adequate off street parking, traffic congestion, and a general over development of the site. Generally, an increase in height from up to 11m (existing) was not supported, nor was the location of the proposed development, being outside the broader Nowra CBD area.

Many of the issues raised in the submissions relate to the design of the proposed building detailed in the development application, not the PP. These issues will be considered as part of the assessment of the development application.

Consultation – Rural Fire Service

As required by the Gateway determination, Council undertook consultation with the Rural Fire Service (RFS) prior to public exhibition. The RFS have raised no concerns or issues in relation to bushfire (**Attachment 6**).

Conclusion

The PP proposes to amend Shoalhaven LEP 2014 as follows:

- Rezone the land from B5 Business Development to B4 Mixed Use.
- Map the land on the relevant Height of Buildings map as part 8.5m and part 14m.
- Insert an exception to Clause 1.8A 'Savings provision relating to development applications' to enable the concurrent development application (DA16/1465) to be determined in accordance with the provisions of the PP. Council's instructions to NSW Parliamentary Counsel will specify the desired outcome in this regard, which will be drafted accordingly.

The PP will allow for a proposed residential flat building with a component of ground floor commercial space and basement car parking, the detail of which will be considered through the development application process.

General concerns were raised during the public exhibition relating to amenity, visual impact and relationship to the residential zone. It is considered that the Character Assessment has considered matters of amenity and visual impact at an appropriate level to Council's satisfaction for a rezoning and which is reflected in the proposed part 8.5m and part 14m maximum building height for the land.

As such, it is recommended that Council adopt the PP and forward it to NSW Parliamentary Counsel for finalisation.

Financial Implications

The proponent has paid the relevant fees and charges required to cover the cost of staff resources for the completion of the post exhibition assessment and finalisation process.

DE17.62 Planning Proposal (Rezoning) - Halloran Trust Lands - Progression in Parts

HPERM Ref: D17/254610

Group: Planning Environment & Development Group
Section: Strategic Planning

Attachments: 1. Initial Groundwater Investigation for Lake Wollumboola (under separate cover) [↔](#)

Purpose / Summary

Provide an update on the timing of the groundwater investigation for Lake Wollumboola and seek Council's endorsement to split the Halloran Planning Proposal (PP) into two parts.

Recommendation (Item to be determined under delegated authority)

That Council

1. Receive the initial groundwater investigation report prepared by HGEO consultants for information (**Attachment 1** – under separate cover).
2. Support splitting the Planning Proposal into two parts to allow the land at Callala Bay and Kinghorne Point to be progressed ahead of the land at Culburra Beach, with the mechanism to achieve this to be determined in consultation with NSW Department of Environment & Planning.
3. Support any necessary additional Planning Proposals that need to be prepared to achieve item 2 above.
4. Advise the proponent, relevant CCB's, interest groups and those who previously made submissions of this resolution.

Options

1. Separate the Planning Proposal (PP) into two parts

Implications: This option is recommended as it will allow the Callala Bay and Kinghorne Point components of the PP to be progressed separately while the groundwater catchment for Lake Wollumboola is thoroughly investigated. It will also enable more targeted community engagement particularly in respect of the Callala Bay and Kinghorne Point sites.

2. Not separate the Planning Proposal into two parts and continue to progress as a single PP.

Implications: This option is not recommended as the work to resolve Callala Bay and Kinghorne Point sites will be delayed unnecessarily while the groundwater investigations continue for the Lake Wollumboola catchment. It will also mean that the community engagement for the overall large PP will need to be undertaken over three somewhat separate sites.

3. Abandon the current PP and adopt the Shoalhaven Local Environment Plan (LEP) 2014 maps that were originally exhibited for the sites.

Implications: The NSW Department of Environment & Planning (DP&E) have previously advised that if this PP were abandoned they would proceed to make the LEP provisions that were previously “deferred” as part of the finalisation of Shoalhaven LEP 2014. This option is not recommended as it may produce a less than desirable outcome, not reflect the outcome of recent work and also not ultimately resolve the longer term future of this land. Under this option, the proponent would also have the option to seek the intervention of the DP&E and Joint Regional Planning Panel (JRPP), which could result in the proposal being taken out of Council’s control.

Overview

Part of the subject land covered by this PP drains into Lake Wollumboola. The Lake has significant environmental values and it has been the subject of a number of significant government inquiries.

The Gateway determination that issued for the PP requires, as an initial investigation outcome, that the Lake Wollumboola catchment boundaries be confirmed, particularly north of Culburra Road.

An initial investigation into the Lake’s groundwater conditions has now been completed. This investigation found that groundwater will need to be monitored for 2 years to properly understand the impacts the PP could have on the lake and establish the required catchment boundaries.

The groundwater monitoring will delay the advancement and resolution of the Culburra Beach part of the PP. To prevent this delay from impacting on the other land covered by the PP it is now proposed to amend the Gateway determination to allow the Callala Bay and Kinghorne Point sites to proceed independently of the Culburra Beach site.

Councillors were briefed on this matter and the proposal to progress it in two parts on 27th July 2017.

Background

The Halloran Trust Lands Planning Proposal

Council received a PP request from Allen Price & Scarratts Pty Ltd on 4 August 2014, for land at Culburra Beach, Callala Bay and Kinghorne Point (near Currarong) owned by the Halloran Trust. The Halloran Trust land was “deferred” from the Shoalhaven LEP 2014 and is shown on Figure 1 below.



Figure 1: Site Identification Map and Aerial Photograph

DE17.62

Council resolved to support the PP “in principle” and it was submitted to DP&E for Gateway determination in October 2014.

The Gateway determination was received on 16 November 2015, enabling the PP to proceed further subject to conditions.

Lake Wollumboola

Lake Wollumboola is a coastal lake that is intermittently open to the ocean. The lake is part of Jervis Bay National Park and has significant environmental value. It has been assessed in three separate NSW Government Inquiries:

- The Commission of Enquiry into Subdivision at Longbow Point (2000)
- The Healthy Rivers Commission Independent Inquiry into Coastal Lakes (2002)
- The South Coast Sensitive Urban Lands Review (2006)

These Inquiries consistently found that the Lake is a sensitive environment. This conclusion was reflected most recently in the Illawarra-Shoalhaven Regional Plan which describes the Lake as an “*ecological jewel that must be protected*”. It then states that “*the lands within the catchment (of the Lake) are considered unsuitable for urban development because of potential negative impacts on the lake*”.

All three areas of land covered by the PP have some land within the catchment of the Lake. The land at Callala Bay and Kinghorne Point within and near the boundary of the catchment is however proposed to be zoned for environmental protection purposes and ultimately will most likely be transferred to the NSW Government for addition to the National Park.

The proponent’s PP seeks to enable urban development at the Culburra Beach site in the immediate vicinity of the Lake. The potential urban development at Callala Bay is not within the catchment of the Lake.

The Gateway determination included a number of conditions relating to the water quality and catchment issues. As a result, a detailed groundwater and geomorphic investigation is underway to define and characterise groundwater behaviour, so that potential impacts on Lake Wollumboola can be properly assessed as part of the PP.

The Groundwater Investigation

The geotechnical consulting firm HGEO have been commissioned to undertake the required groundwater investigation.

HGEO's initial investigation report has been received and is provided as **Attachment 1** (under separate cover). The report recommends that the groundwater now be monitored over a two year period. This extended period is proposed based on the requirements of the NSW Aquifer Interference Policy and the ANZECC Guidelines for Fresh and Marine Water Quality. It is also considered necessary because the sites underlying rock layers have low permeability for water and this will result in the groundwater moving very slowly.

This recommendation was subsequently discussed with the NSW Office of Environment & Heritage (OEH) and the DP&E who both confirmed that the two years of monitoring is necessary and appropriate.

In total, 23 monitoring bores are proposed to be installed on the site to enable the monitoring. This includes four (4) existing bores that were drilled as part of previous investigations undertaken by the proponent. At the time of preparing this report, the drilling of the remaining 19 bores was imminent subject to funding arrangements being finalised with the proponent.

Possible mechanisms to separate the PP

The groundwater investigation is primarily intended to determine if an additional buffer is needed to protect the lake from groundwater impacts associated with the proposed development at Culburra Beach. This is not relevant to the Callala Bay and Kinghorne Point sites.

Thus it is proposed to seek a variation to the Gateway determination to allow the Callala Bay and Kinghorne Point sites to proceed separately and ahead of the Culburra Beach site. This will allow the PP for the Callala Bay and Kinghorne Point sites to be progressed while the groundwater monitoring for the Lake is being undertaken. This will mean that rezoning of additional residential land at Callala Bay will not be delayed unnecessarily. Similarly, land that at Kinghorne Point and at Callala Bay that is not suitable for development can be rezoned for conservation purposes without unnecessary delay.

While amending Gateway determination will minimise any delays, the precise mechanism to achieve this will require further discussions with DP&E. It may be necessary to prepare new procedural PP's to facilitate this.

The biodiversity certification of the site will still proceed as a single application with OEH and will be finalised before any land is rezoned to permit urban development.

The proposal to split the PP has been discussed with the proponents and they are generally agreeable, subject to it not impacting on the biodiversity certification application. OEH have confirmed that splitting the PP will not impact on the biodiversity certification application

Community Engagement

Splitting the PP into two distinct geographical areas will facilitate more effective community engagement as:

- Each component of the PP will be the subject of a separate, more focused exhibition process. The volume of information in each exhibition package will be more manageable / digestible, which in turn will reduce confusion.
- Each community impacted by the PP will have a fair and equal opportunity to provide feedback on the PP. If the PP is not separated, there may be a perception that community consultation on the Callala Bay site has been overshadowed by consultation on the Culburra Beach site.

Stakeholders interested in both areas/stages will be able to participate in both public exhibition processes if they wish and as such will not be disadvantaged.

Financial Implications

The PP is funded by the proponent on a 100% cost recovery basis in accordance with Council's Fees and Charges. Splitting the PP into two parts will not affect the cost of the proposal to Council.

Conclusion

Lake Wollumboola is recognised as a significant environmental asset. Its protection is required by the Illawarra-Shoalhaven Regional Plan.

The Gateway determination for the Halloran Trust Lands PP requires an initial detailed groundwater investigation to be completed to inform planning outcomes for the Culburra Beach component of the PP. The monitoring for this investigation will take two years to complete.

Thus, splitting the PP will allow the Callala Bay and Kinghorne Point components to be progressed while the groundwater modelling for Lake Wollumboola is completed. It will also enable more effective and targeted community engagement. As a result, it is recommended that the PP be progressed into two parts with the mechanism to achieve this being determined in consultation with DP&E.

DE17.63 Nowra CBD Contributions Discount Subsidy Policy - Review

HPERM Ref: D17/260722

Group: Planning Environment & Development Group
Section: Strategic Planning

Attachments: 1. Nowra CBD Contributions Discount Subsidy [↓](#)

Purpose / Summary

Obtain direction in relation to the review of the Nowra CBD Contributions Discount Subsidy given that the extended trial period is due to end. Council needs to determine whether they wish to continue with the Subsidy Policy.

Recommendation (Item to be determined under delegated authority)

That Council

1. Rescind the Nowra CBD Contributions Discount Subsidy Policy; and
2. Advise the Nowra CBD Revitalisation Committee members, Nowra CBD Business Chamber, and the Shoalhaven Business Chamber of the Development Committee resolution.

Options

1. Rescind the Nowra CBD Contributions Discount Subsidy Policy.

Implications: The policy will be rescinded and will no longer apply. This is unlikely to be a key factor in discouraging new development given the low take up of the policy to date.

2. Continue the operation of the Nowra CBD Contributions Discount Subsidy Policy and provide a funding source from within Council's Budget for the period of the subsidy.

Implications: The policy does not appear to have had its desired effect of encouraging development in the Nowra CBD in its three years of operation so is unlikely to be a key factor in encouraging new development going forward. Council needs to identify a funding source in its annual Budget for the policy if it is to be retained and continue.

3. Defer consideration of this report and seek feedback from the Nowra CBD Revitalisation Committee members, Nowra CBD Business Chamber, and the Shoalhaven Business Chamber on this matter before making a decision.

Implications: This would delay a decision on the renewal or rescinding of this policy, however any feedback received may be relevant to Council's decision and could possibly improve the policy and its operation should it ultimately be retained.

Background

The Nowra CBD Contributions Discount Subsidy Policy (**Attachment 1**) was intended to encourage redevelopment within the Nowra CBD by providing a discount subsidy for the cost of car parking contributions for small to medium developments.

The Shoalhaven Contributions Plan 2010 allows Council to levy contributions on new development for the provision of essential community infrastructure. Where a commercial development cannot meet all of their parking requirements on-site, a developer has the option of paying a monetary contribution in lieu of providing on-site parking. In the Nowra CBD, the current contribution rate for car parking is \$26,278.26 per space.

The subsidy was first introduced in response to concerns raised by the development industry and others that the cost of current car parking contributions is inhibiting development in the Nowra CBD. Council resolved to subsidise car parking contributions by 50% as a trial measure, to hopefully stimulate new development. This was intended to encourage redevelopment within the Nowra CBD through the provision of a short term discount subsidy applied to the Nowra Car Parking Contributions Project. Council initially adopted the Nowra CBD Contributions Discount Subsidy Policy on 28 October 2014.

The policy is primarily aimed at small to medium development scenarios that generally have a net development area of less than 1,500m² and excludes supermarkets, clubs, and hotel and motel developments. The policy operates separately, and in isolation of, Council's Contributions Plan and the discount subsidy is to be paid from Council's general revenue funds and not from the contribution projects funds.

A dedicated budget has not been allocated for the policy, and if Council is to continue its operation, a funding source will need to be identified in its annual Budget for the period of the subsidy. The amount required cannot be accurately predicted, as it is dependent on take up, therefore, the status of the subsidy can be monitored through Council's quarterly budget reviews.

A review was set two years from the date of adoption (October 2014) to analyse the uptake of the policy, its effectiveness in encouraging development in the Nowra CBD, and financial implications to Council. This was extended for an additional 12 months at the Development Committee meeting held on 6 December 2016.

Analysis

During the nearly three years of operation, the policy has been utilised twice. The first was for a development that had already been completed with the subsidy being applied retrospectively. The second was a recent application for an expansion of an existing medical centre. The cost of the policy to date has been \$37,397.45.

As such, the policy has not had the desired outcome of encouraging new development within the CBD. The two instances where the subsidy has been issued were of a relatively minor nature, with the first being a retrospective application of the policy i.e. the development had already been approved and was under construction, and so the policy did not act as an incentive.

Policy Implications

Chapter G21: Car Parking and Traffic in the Shoalhaven Development Control Plan (DCP) 2014 contains a related Clause 5.17 Nowra CBD – Development Incentive. This was introduced at the same time as the policy and the status of the clause will be reviewed as part of the wider review of the DCP chapter. As such depending on Council's decision in this regard, a future adjustment to the DCP Chapter may be required.

Financial Implications

If the policy is continued, Council needs to provide a funding source for the period of the policy. The amount required however cannot be accurately predicted given the nature of the policy, however, it should at least be a similar amount to the current expenditure.

DE17.63



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For more information contact the Planning, Environment & Development Group

Nowra CBD Contributions Discount Subsidy

Policy Number: POL17/69 • **Adopted:** 28/10/2014 • **Amended:** 6/12/2016 • **Reaffirmed:** 9/05/2017 • **Minute Number:** MIN14.777, MIN16.947, MIN17.378 • **File:** 48884E • **Produced By:** Planning, Environment & Development Group • **Review Date:** 28/10/2017

1. PURPOSE

To encourage the delivery of redevelopment within the Nowra CBD through the provision of a short term discount subsidy that is applied to the following contributions projects:

- Nowra Car Parking Contributions Project

2. STATEMENT

In accordance with Council's Contributions Plan, contributions are levied on development (including redevelopment) where community / public infrastructure (identified in a contributions project) is required as a consequence of this development. The identification of a nexus and apportionment related to the infrastructure cost determines the amount that development will be levied per contributions project (i.e. it is a user pays system). The specific contributions project which development is levied and supporting information can be viewed in the Contributions Plan at: <http://s94.shoalhaven.nsw.gov.au/> .

Within the Nowra CBD the current contributions amounts levied on development have been identified as a potential hindering factor in regard to the delivery of development. Therefore, a lower contributions amount may stimulate new development within the Nowra CBD. The application of contributions discount subsidy is an incentive to attract the delivery of development within the Nowra CBD for a defined period.

3. PROVISIONS

The application of this policy is primarily aimed at small to medium development scenarios that generally have a net development area of less than 1,500m² and excludes supermarkets, clubs, hotel and motel developments.

This policy applies to Development Applications (including section 96 applications) received after the exhibition period for the draft of this Policy commenced (i.e. 30 July 2014) where the development is not complete and an Occupation Certificate has not been issued.

The policy requires full payment of the contributions applicable to a Development Consent within the Nowra CBD (as shown in the attached plan) and for Council to pay a discount subsidy after this payment is received.

The discount subsidy applied to the contributions projects listed in this policy is 50% of the amount paid for a period of 2 years which commences on Council adoption of this policy. The policy was extended for another 12 months [MIN16.947].

Payment of the subsidy will be made upon provision of a tax invoice to Council from the identity which made the related contribution payment to Council.

4. IMPLEMENTATION

This policy operates separately and in isolation to Council's Contributions Plan. Therefore any discount subsidy is paid from Council's General Revenue funds and not from the contribution projects funds. Therefore, Council will retain all contributions funds for the purpose that they were collected.

The application of the policy results in the requirement for Council to provide a funding source in its annual Management Plan for the period of the subsidy. The amount of subsidy paid per financial year is estimated to be \$100,000 however this amount cannot be accurately predicted. Therefore, the status of the remaining subsidy will be monitored every 3 months in Council's quarterly budget reviews.

5. REVIEW

The application of a discount subsidy will be monitored in Council's quarterly budget reviews. Depending on the uptake and financial implications of Council applying such a policy, Council reserves the right to review or amend the policy within its intended 2 year period. The policy was extended for another 12 months [MIN16.947]. Any future review may involve rescinding the policy with 21 days notice.

6. APPLICATION OF ESD PRINCIPLES

The application of the policy is aimed at encouraging the delivery of development in the short term within the Nowra CBD. The outcome of such development is to provide greater employment and retail opportunities in Nowra CBD and the associated community benefit.



DE17.63 - Attachment 1

DE17.64 Petition - Crown Land - Shoalhaven Heads - Rezoning Request

HPERM Ref: D17/265867

Group: Planning Environment & Development Group
Section: Strategic Planning

Attachments: 1. Report - Proposal for the Development of an Aged Care Facility [↓](#)
2. Notice of Motion - Shoalhaven Heads Crown Land [↓](#)

Purpose / Summary

Consider a petition received from residents and visitors of Shoalhaven Heads that calls on the NSW Government to rezone an area of Crown Land at Shoalhaven Heads to National Park or E2 Environmental Conservation.

Recommendation (Item to be determined under delegated authority)

That Council contact the Member for Kiama, Mr Gareth Ward MP, to obtain his views in regard to the petition that requests the rezoning of the Crown Land at Shoalhaven Heads to an appropriate environment protection zone, prior to considering the request further.

Options

1. Receive for information.

Implications: Given the nature of this petition, specifically the fact that it is calling on the NSW Government to rezone the land, Council may wish to receive the petition for information at this point. There is still the opportunity to reconsider this matter in future once the NSW Government's position on it is known.

2. Approach the Member for South Coast, Gareth Ward MP, to obtain his views on this request, prior to reconsidering Council's position on it.

Implications: Before formalising a position, it may be appropriate to contact the Local Member given his previous involvement in this site, its ownership and given that the petition requests the NSW Government to take steps to rezone the subject land.

3. Request the NSW Government to consider the petition and if appropriate take steps to rezone the subject land.

Implications: Council could choose to support the intent of the petition and formally request the NSW Government to take steps to rezone the subject land, noting that it is Crown Land and as such, the Government first needs to decide what its future use should be.

4. Resolve to prepare a Planning Proposal (PP) to rezone the subject land to an appropriate environment protection zone, after consultation with the Shoalhaven Heads Community Forum.

Implications: Council could resolve to prepare a PP to rezone the subject land to E2 Environmental Conservation and submit this to the NSW Government for initial

consideration. This should be done after consultation with the Shoalhaven Heads Community Forum given their interest in the subject land. Council cannot pursue a PP to rezone the land to E1 National Park without the involvement of agreement of the NSW Government. The priority of this project (Council initiated PP) would also need to be considered in the context of the overall Strategic Planning Works Program.

Background

Petition – Detail

In early July 2017, Council received a copy of a petition that was signed by four hundred and eighty (480) people that contains the following text:

Call to rezone the Crown land in Shoalhaven Heads, bounded by Shackleton Street, Bass Street, Scott Street & The Golf Course, to National Park or E2 (Environment Protection)

Petition to: Greens NSW Upper House Member – Justin Field

Local State Members – Gareth Wards

Mayor – Amanda Findley

*We, the residents of Shoalhaven Heads and Visitors, call on the NSW Government to rezone the Crown Land in Shoalhaven heads (bounded by Shackleton Street, Bass Street, Scott Street & The Golf Course) to National Park or E2 (Environment Protection), as it is comprised of **two** Endangered Ecological Communities (EEC), being Bangalay Sand Forest & Littoral Rain Forest. It is also a habitat for many Native Animals, some of which area endangered. This EEC should never be cleared or built on. We need to preserve & protect the small amount have left, for future generations to enjoy.*

A copy of the petition will be available for review in the Councillors Room prior to the meeting.

Subject Land - Overview

The land to which the petition relates is part of Lot 7010 DP1035145 at Shoalhaven Heads. Lot 7010 is a large parcel of Crown Land which the Shoalhaven Heads Golf Club also has an interest in, given that part of the existing Shoalhaven Heads golf course is located on the lot. The remainder of the lot contains an area of existing bushland.

The following aerial photography and map show the subject land (Lot 7010) and its existing zoning.



Subject Land – Lot 7010 (orange outline)



Subject Land - Lot 7010 (orange outline) – Existing Zoning

Under the Shoalhaven Local Environmental Plan (LEP) 2014, the overall lot is zoned part R1 General Residential and part RE1 Public Recreation. The vegetated part of the subject land is also mapped on the LEP's biodiversity overlay as it contains a known Endangered Ecological Community (EEC) – *Bangalay Sand Forest*.

The subject land has a complex zoning and conservation history. It was originally identified in the Shoalhaven LEP 1985 as a Residential 2(c) zone to provide for a future residential expansion opportunity. At different points after 1985, it was proposed for rezoning to an environment protection zone given its environmental characteristics, but this did not proceed.

DE17.64

Part of the subject land was subsequently development as part of the Shoalhaven Heads Golf Course (part now zoned RE1). Through the Shoalhaven LEP 2014 process, the decision was made to retain the undeveloped vegetated part of the subject land in a residential zone (part now zoned R1).

Subject Land – Recent History

The subject land (the R1 zoned part) has been the subject of recent deliberations regarding a possible retirement village and children's centre.

The subject land was initially identified by the Shoalhaven Heads Retirement Village Working Group as their preferred location for the proposed use. Council made a range of resolutions regarding this site and the proposed use. Most recently on 23 May 2017, it was resolved that:

1. *The advice from the Minister for Lands and Forestry to Gareth Ward MP (Attachment 1) in relation to the Crown land at Shoalhaven Heads be noted.*
2. *Shoalhaven Heads CCB be advised that Council does not intend to pursue this matter any further on the basis of such advice.*

The report that relates to this resolution is provided as **Attachment 1**. The report concluded that the development of any facility on the subject land is not likely to eventuate based on advice received from the NSW Government.

The Shoalhaven Heads Community Forum are now investigating the possible use of Lot 96 DP1069334, which is a business zoned lot in the centre of the village that is owned by the Jerrinja Local Aboriginal Land Council, for the possible retirement village and children's centre.

Council's Development Committee also considered a Notice of Motion relating to the subject land on 14 February 2017 – see **Attachment 2**. The Notice of Motion was received for information.

The General Manager's note on the Notice of Motion provides comment on the EEC's that exist on the subject land. The Species Impact Statement (SIS) that was prepared over the land at the time of the golf course development application verified the subject land as the EEC *Bangalay Sand Forest*. However, the verified information held by Council does not identify this area as containing *Littoral Rainforest*. This is relevant given that the petition suggests that two EEC's exist on the subject land.

Conclusion

Council needs to consider the petition and decide how it may wish to respond to it, noting that the petition itself calls on the NSW Government to take steps to rezone the subject land.

Should Council decide to pursue a PP to rezone the subject land this needs to be considered in the context of the recently adopted Strategic Planning Works Program and what priority to give to this project.

Community Engagement

Depending on the option that is taken in this regard community engagement will be required if Council decides to pursue a PP to rezone the land. It is also suggested that early consultation should be undertaken with the Shoalhaven Heads Community Forum given their interest in the subject land, depending on the option pursued.

Policy Implications

The land that is currently zoned R1 General Residential under the Shoalhaven LEP2014 provides a potential expansion opportunity for the village of Shoalhaven Heads. Given the nature of this village, this is perhaps the only potential urban expansion opportunity that

currently exists. If the area is rezoned to a conservation zone, this opportunity will be removed. However, given the biodiversity profile of the area, its future development for urban uses would be difficult to pursue.

Financial Implications

Should Council resolve to pursue a PP over the subject land, then the staff cost of this will be managed within the existing Strategic Planning budget. However if any studies are required to support the PP then funding for these may need to be separately considered by Council.

DE17.64

CL17.134 Proposal for the Development of an Aged Care Facility on Crown Land at Shoalhaven Heads

HPERM Ref: D17/142348

Group: Assets & Works Group
Section: Business & Property

Attachments: 1. Letters from Gareth Ward MP & Minister for Lands and Forestry
2. Proposed Site for Retirement Village

Purpose / Summary

To receive advice from Gareth Ward MP, Member for Kiama and Paul Toole MP, Minister for Lands and Forestry about the availability of Crown land at Shoalhaven Heads for development of an Aged Care Facility (also referred to as an “Aged Care Retirement Lifestyle Facility” and a “Senior Living and Children Centre Development”).

Recommendation

That:

1. The advice from the Minister for Lands and Forestry to Gareth Ward MP (Attachment 1) in relation to the Crown land at Shoalhaven Heads be noted.
2. Shoalhaven Heads CCB be advised that Council does not intend to pursue this matter any further on the basis of such advice.

Options

1. Adopt the recommendation.

Implications: Council will not pursue the development of an aged care facility on Crown land at Shoalhaven Heads.

2. Propose an alternative and provide further direction to staff.

Background

A proposal for the development of an aged care facility at Shoalhaven Heads has been actively pursued by community groups and in particular by the Shoalhaven Heads CCB for a number of years.

On 8 December 2015, it was resolved that in accordance with the Committee’s delegated authority from Council, the Strategy & Assets committee request the General Manager:

- a) *To commence discussions with the Minister for Crown Lands with a view to secure control of the 10ha Crown land site situated north of Scott Street, Shoalhaven heads for the use of an Aged Care Retirement Lifestyle Facility.*

- b) *Along with the Mayor and Deputy Mayor meet with the Member for Kiama Gareth Ward to discuss the future proposal of an Aged Care Retirement lifestyle Facility at Shoalhaven Heads on Crown Land. Following this meeting a Councillor Briefing be held.*

Numerous meetings to discuss this proposed development have since been held with members of the Shoalhaven Heads CCB, successive Mayors, Councillors and staff together with Gareth Ward as Member for Kiama, representing the part of his constituency at Shoalhaven Heads.

As a result of those meetings, at least two separate representations were made to the Minister responsible for administration of the Crown Lands Act seeking an agreement to transfer the subject land to Council free of cost to facilitate the development of the Aged Care facility.

The latest advice from the Minister for Lands and Forestry (Attachment 1) is summarised as follows:

- Crown land may be vested in Council where the proposed use of the land will facilitate core Council functions.
- The development of a "Senior Living and Children Centre" is not considered to be a core Council function.
- Council's best prospect of gaining control of the land is by compulsory acquisition – **compensation required** (emphasis added).
- Department of Industry – Lands would have difficulty in supporting an application for landowner's consent to lodge a development application for Council's proposal, **or that of any third party** (emphasis added).
- Department of Industry – Lands would also not consent to a lease over the subject Crown land for development purposes as the proposed development would not be consistent with Section 11 of the Crown Lands Act (S11 deals with the principles of Crown land management).

In light of this advice, the development of any facility on the subject land is not likely to eventuate.

In the circumstances, the proposed aged care facility on Crown land at Shoalhaven Heads (Attachment 2) should not be further considered and the Shoalhaven Heads CCB should be advised accordingly.

DE17.13 Notice of Motion - Crown Land adjacent to Shoalhaven Heads Golf Course

HPERM Ref: D17/40293

Submitted by: Cllr Nina Cheyne

Purpose / Summary

The following Notice of Motion, of which due notice has been given, is submitted for Council's consideration.

Recommendation (Item to be determined under delegated authority)

That

1. The General Manager report back to Council on the botanical status of the land at Lot 7010 DP 1035145, Scott Street, Shoalhaven Heads, and
2. If it is confirmed that it is littoral rainforest, council consider submitting making an additional submission to have the land identified in the final State Environmental Planning Policy (Coastal Management) 2016, maps as a coastal wetland and littoral rainforest area.

Background

A recent walk with ecologists through bushland adjacent to Shoalhaven Heads Golf Course revealed that the south eastern part of the land in question (refer to attached map) consists of Endangered Ecological Community (EEC) littoral rainforest with EEC bangalay sand forest over story.

The draft State Environmental Planning Policy (Coastal Management) 2016 sets out to protect coastal wetlands and littoral rainforest within the coastal zone.

Recently the NSW Department of Planning & Environment sought submissions to assist in the mapping of coastal wetland and littoral rainforest and other areas identified in this Plan.

If it is confirmed that the land in question is in fact littoral rainforest then Council has a responsibility to ensure this endangered coastal rainforest vegetation is recognised and identified within this Plan.



Note by the General Manager

The subject land is a piece of Crown Land at Shoalhaven Heads that is currently zoned R1 General Residential under Shoalhaven Local Environmental Plan 2016.

Community representations have been received regarding the possible establishment of a retirement village and children's facility on part of the subject land and Council resolved on 4 October 2016 to investigate the acquisition of the land from the Crown. Work is ongoing in this regard.

The draft State Environmental Planning Policy (Coastal Management) 2016, including its associated draft maps, was on public exhibition for comment from 11 November 2016 to 20 January 2017. Council resolved on 23 January 2017 to make a submission on the draft SEPP. This matter at Shoalhaven Heads did not form part of Council's submission dated 30 January 2017 (note we had an extension of time).

In Council's submission to the Draft SEPP, it was noted that the associated mapping for littoral rainforests needs to be amended to be consistent with areas that had been verified. Council has provided data to the Department in this regard and the submission specifically highlighted examples at Mollymook, Comerong Island, Currarong, Ulladulla and possibly Bawley Point that needed to be refined or added. The highlighted area at Shoalhaven Heads was however not one of the areas identified in Council's submission and in this regard it is noted that the Species Impact Statement (SIS) that was prepared as part of the Shoalhaven

Heads Golf Course development, verified the subject land as the EEC Bangalay Sand Forest. The SIS did not however identify the subject land as littoral rainforest. It is also noted that the SIS also identified that, at least part of, the identified area was affected by heavy Lantana infestations.

As such the verified information currently held by Council does not identify this area as littoral rainforest.

DE17.65 Nowra-Bomaderry Retail Hierarchy Review - Consultants Report - Consideration

HPERM Ref: D17/279940

Group: Planning Environment & Development Group
Section: Strategic Planning

Attachments: 1. Nowra Bomaderry Centres - Retail & Centres Planning Assessment - Report (under separate cover) [⇨](#)
2. Executive Summary - Nowra Bomaderry Centres - Retail & Centres Planning Assessment [↓](#)

Purpose / Summary

To present the findings of the consultant's report *Nowra-Bomaderry Centres – Retail & Centres Planning Assessment* (David Broyd Consulting Services & Urbacity, August 2017) for consideration and to determine the next steps in this review.

Recommendation (Item to be determined under delegated authority)

That Council

1. Release the *Nowra-Bomaderry Centres – Retail & Centres Planning Assessment* report prepared by David Broyd Consulting Services & Urbacity for community comment.
2. Consider a further report on this matter following the community consultation.

Options

1. Provide an opportunity for interested members of the community and others to review and comment on the consultant's report, prior to Council determining how to proceed.

Implications: This is the preferred option, as it will enable Council to be fully aware of the broader community view on the findings and the report and its recommendations before determining how to proceed.

2. Accept the consultant's report and proceed to implement its recommendations or the recommendations from it that are supported.

Implications: This options is not recommended as it does not provide the opportunity for community input prior to determining how to proceed, noting that some of the recommendations are likely to be difficult to implement or could be resisted.

3. Not proceed further with the requested retail planning review and retain the existing provisions that exist.

Implications: This option is also not recommended given that Council has now received a detailed consultant's report that highlights a range of matters and issues that should be considered.

Background

Council considered a development application for a retail development (supermarket) on the Princes Highway at Bomaderry and resolved in April 2016 to

- a) *Approve Development Application 14/2579 subject to conditions for the following reasons:*
 - i) *The development is permissible in the zone and the economic impact is not of such a degree that would undermine the variability of the existing centres and as such would not warrant refusal.*
 - ii) *Improved convenience to the broader public and future residents out-weighs the potential negative impact on existing businesses/centres*
 - iii) *The benefits of providing a full-line supermarket addresses the unsatisfied and under-supply of supermarket floor space in the area and north of the Shoalhaven River.*
- b) *Request the General Manager to prepare an additional report to Council with draft conditions of consent to the next Development Committee Meeting.*
- c) *Undertake a review of the strategic planning framework as it applies to retail and business in the northern Shoalhaven, in particular in the context of the Nowra Bomaderry Structure Plan and the SLEP 2014 zoning provisions to be completed by December 2016.*
- d) *As part of the retail and business review landowners be consulted.*

Consistent with part (c) of the resolution, David Broyd Consulting Services & Urbacity were engaged by Council to undertake the requested review.

As part of the review initial consultation was undertaken with relevant landowners and interest groups consistent with part (d) of the resolution. Depending on the option Council resolves to follow, there will be further consultation opportunities for affected landowners and interest groups.

Unfortunately, due to a range of factors, the review could not be completed by the identified December 2016 deadline. The project consultants briefed Councillors on the findings of their review on 22 June 2017 and Council is now in receipt of their final review report.

The report entitled *Nowra-Bomaderry Centres – Retail & Centres Planning Assessment* (David Broyd Consulting Services & Urbacity, August 2017) is provided under separate cover as **Attachment 1**.

Overview - Retail & Centres Planning Assessment

The consultant's report provides a detailed overview of the existing strategic context and statutory provisions related to retail development and associated centres. It also provides an analysis of other comparable centres (Maitland, Coffs Harbour, Port Macquarie and Shellharbour) and a review of the Nowra Central Business District (CBD) and other retail/commercial centres within Nowra-Bomaderry, both existing and proposed. The full report provides a wide range of conclusions/suggested strategic directions and recommendations. The consultants Executive Summary is provided as **Attachment 2** to this report.

The following are some of the relevant conclusions and strategic directions contained in the consultant's report:

- *Strategic policies should be reaffirmed and statutory changes should be initiated to implement the Nowra-Bomaderry Structure Plan (NBSP) objective that the Nowra CBD / commercial core should be planned for, and protected as, the major regional retail and commercial centre.*
- *Short term expediency - particularly giving consent to retail developments outside of the CBD which undermine the latter's viability - should not detract from the above long-term opportunities for very positive growth and "liveable town status" for Nowra Bomaderry and the economic, social and cultural role and capacity of existing and new centres to enhance this status.*
- *The crucial importance – as emphasised in the NBSP - of facilitating a Discount Department Store (DDS) in the Nowra CBD is reaffirmed.*
- *There are development opportunities that need to be promoted by strategic policies facilitated by the strategic framework and the organisational implementation thereof - notably a DDS and a state-of-the-art Multiplex cinema in the Nowra Town Centre. These developments would have major, positive spin-offs.*
- *Council should utilise some or all of its three key land holdings in Nowra CBD to facilitate crucial new development opportunities which will contribute to rejuvenation of the Nowra CBD – this should include the promotion and facilitation of a DDS (This, of course, needs to be facilitated within the appropriate legal and probity parameters by Council in utilising its three key land holdings in the Nowra CBD).*
- *Other development opportunities to explore include the development of a modern multiplex cinema – for which there is an adequate catchment population.*
- *The revitalisation of Bomaderry centre should be planned and promoted by Council and the local Bomaderry business and broader community.*
- *Planning for future urban release areas need to be reviewed - within an overall review of relevant sections of the NBSP. Priority areas should be assessed (if Council has the resources) for the scale (extent of zoned area), timing and locations (are they in the right place?) for Business zones to serve these urban release areas.*
- *The area of land zoned B4 in Bomaderry (south and north-west of the intersection of the Princes Highway and Moss Vale Road) is around 12.3 ha, excluding the ALDI site (approximately 3.9 ha) on which the development application for a supermarket was approved in November 2016. This area has the potential to greatly undermine the future economic sustainability of the Nowra CBD, particularly given that Commercial Premises (.i.e. including retail premises/shops) are permissible in the B4 zone. There is also a demonstrable benefit in providing more land for residential development in this location. The scale - individually and cumulatively of potential retail premises/shops within this zoned area could also mean very high pedestrian movement across the Princes Highway given the future Woolworths supermarket and bulky goods retailing on the eastern side of the Highway. These factors lead to the conclusion that there is a crucial need to rezone this 12.3 ha site to part R3 Medium Density residential and part B5 Business development.*

- *The implications of the program of development releases for the areas zoned Neighbourhood Business at Moss Vale North and Moss Vale South are significant in terms of:*
 - *Location;*
 - *The scale of the areas zoned and the potential area therefore of supply of retail and commercial land relative to projected demand and viability, now in the context of approved Woolworths and ALDI developments;*
 - *With retail, personal and community services and professional services it is likely that the size of this centre will be less than 5,000 square metres GLA. This also means that irrespective of location of the future site for the centre, the currently zoned area is too large for the new role. The new centre would require around 1.2-1.5 ha. However, the area zoned appears to be between 6 and 7 hectares.*
 - *Equity; in relation to the recent purchase of the land and consequent expectations of retail and commercial development given the Neighbourhood Business zoning (B1) in LEP 2014 and its derivation from the NBSP – and, therefore, this proposed Business zoning essentially being the policy of Council for approximately 10 years;*

- *The risk to the sustained viability of the Nowra CBD of retaining permissibility for the development of shops within the extensive land zoned B5 in Bomaderry and South Nowra is high and shops therefore should be prohibited in the B5 zone or other controlling mechanisms implemented.*

- *Strategic policy directions and statutory framework should encourage redevelopment opportunities for medium density residential in selected sectors between the Nowra CBD and the river.*

- *The University of Wollongong Nowra campus is a 15 minute bus ride from the Nowra CBD and 25 minutes from Bomaderry railway station and therefore there may be related student residential accommodation development and other opportunities around Bomaderry.*

- *To achieve rigour of strategic and statutory positions, there should be enhanced application/evaluation of:*
 - *“Local Strategic Planning Statements” as proposed for inclusion in the draft Planning Bill with increased status*
 - *Primacy clauses and objectives – similar to in the Coffs Harbour, Wagga Wagga, Wollongong (Part 8 of Wollongong LEP 2011) and the City of Sydney (LEP 2012) - i.e. - LEP’s are valid and pivotal for managing a hierarchy of centres in an LGA;*
 - *The judgement of the Land and Environment Court (10430 of 1994): Almona Pty Ltd v Newcastle City Council wherein the LEP 1987 objective “to maintain and reinforce the Newcastle CBD as the Hunter region’s major commercial, administrative, cultural and entertainment centre” - together with the relevant provisions of the Newcastle Strategy 1997 and the Hunter Regional Environmental Plan 1987 were held to carry such weight as to sustain the dismissal of an appeal regarding a refusal of development for a major bulky goods and retail shopping centre at Kotara.*

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The report makes nineteen (19) detailed recommendations for consideration related to:

- Proposed vision for the future of Nowra CBD
- The need for a Centres Policy to be developed as a high priority
- Reviewing sections of the NBSP to be a “Local Strategic Planning Statement”
- Zoning of existing centres and business zoned land in a range of locations in Nowra-Bomaderry
- Including a Local Provision in the LEP to give ‘primacy’ to the Nowra commercial core
- Revising the LEP objectives and land use tables for various business zones
- Amending the Shoalhaven DCP 2014 to include additional provisions related to Nowra CBD (note: some of which has already recently occurred)
- Pursuing the development potential of key Council held development sites in the CBD for a DDS, university presence and cinema complex
- Reviewing the commercial zones in and adjacent to the Moss Vale Road Urban Release Areas
- Revitalisation of the Bomaderry centre

The detailed recommendations are provided at the end of **Attachment 2**.

Next Steps

The consultant’s report is detailed and contains wide-ranging conclusions/strategic directions and recommendations. It is likely to be welcomed by some, but will be of concern for others. As such before Council determines a direction in this regard, it is recommended that the consultant’s report be released for review and comment so that affected landowner’s, community groups, business groups and others can make comment in it. This will ensure that Council is aware of the range of views that are likely to exist on its findings before making a decision on how to respond to the findings of the consultant’s report.

Community Engagement

Given the significance of the consultant’s report, it is intended to release it for community comment for a minimum period of six (6) weeks. The availability of the report will publicised widely and via direct mail out to:

- Relevant Community Consultative Bodies (CCB’s).
- Interest groups (including Shoalhaven Business Chamber, Nowra CBD Business Chamber and Councils Nowra CBD Revitalisation Strategy Committee).
- Owners of affected land.
- Business owners and others who participated in the early consultation sessions with the project consultants.

The report will also be referred to the NSW Department of Planning & Environment for comment given that it recommends changes that will require their feedback.

Policy Implications

Depending on the direction that Council takes in this regard there are likely to be a wide range of policy implications.

Financial Implications

This project is currently being managed within the existing Strategic Planning budget.

EXECUTIVE SUMMARY

Context

Nowra-Bomaderry and Shoalhaven will grow significantly over the next twenty years. Hence, planning controls that grow and enhance a highly liveable, attractive, expanding town centre that serves this growing region is vital.

The role of the Nowra Central Business District (CBD) in contributing to regional liveability and enhanced economic capacity is crucial. This role is challenged by precedents that may have been set by recent development approvals for Woolworths and ALDI adjacent to the Princes Highway in Bomaderry. In addition, land zoned B4 Mixed Use in Bomaderry has potential to be developed for retail and commercial development that could further challenge the economic viability and role of the CBD. Extensive areas of land (zoned B5 Business Development) in South Nowra is also a risk in that shops can potentially be approved at a scale that could also threaten the integrity of the CBD. These potential outcomes pose challenges for the CBD and question current planning controls for all centres in Nowra-Bomaderry and Shoalhaven as a whole.

The Purposes of the Review

Given that context, the essential purpose of this Review is to ensure that planning strategy, policy and legal provisions (in the Shoalhaven LEP 2014 and Shoalhaven DCP 2014) for centres in Nowra- Bomaderry are clear, strong and well directed to achieve the outcomes sought by the Council and community for the long-term future. This specifically includes a primary focus on the future of Nowra CBD and a review of the planned location, scale and urban condition of new centres in Nowra-Bomaderry urban release areas.

The Regional Plan

NSW Government released the Illawarra-Shoalhaven Regional Plan (ISRP) in November 2015 and this included the relevant policy that Nowra should be a 'major regional centre' (defining "a larger scale centre" as a centre that "that services a number of districts providing a wide range of business, retail and entertainment uses including discount department stores, warehouses and transport logistics and bulky goods operations including high density, residential development in the centre"). Major regional centres are also described as being "focal points for sub-regional road and transport networks and servicing for a number of districts."

Action 1.3.1 in the ISRP specifically identifies the need to "renew and revitalise the Nowra CBD by coordinating State agency input into precinct planning and reviewing capacity for expanded health related uses".

The Nowra-Bomaderry Structure Plan – 2008 (NBSP)

The NBSP (approved by State Government in 2008 following adoption by Council in 2007) is still current and includes the objective "maintaining and enhancing the commercial primacy of the Nowra CBD as a major sub-regional centre".

The NBSP identified the projected demand for traditional retail floor space in Nowra-Bomaderry to increase by 41,560 square metres (69%) between 2006 and 2021 - from 60,440 square metres in 2006 to over 102,000 square metres by 2021 – including the allowance for the development of an anchoring discount department store and associated shops in Nowra CBD. Expenditure was projected to increase by some \$148 million in the same period.

The NBSP states that:

"Nowra is the main centre for Shoalhaven and has an estimated catchment of around 76,000 people. It is clearly able to service a discount department store, which currently is missing in the CBD. Such a store would assist in the transition of the centre's retail role from a relatively utilitarian "necessities" centre to a lifestyle centre comprising wider aspects of fashion and fashion accessories and food and beverage services. Also, important in this transition is a new focus on controls over architecture that improve the visual qualities of the CBD and enhances the value of the public realm".

In relation to the Nowra CBD the objectives in the NBSP for further development are: -

- a) To provide the main focus for Shoalhaven's residents and visitors for shopping community, cultural,



- entertainment and recreation facilities;*
- b) Providing opportunities for business investment and employment;*
- c) Encouraging a mix of land uses including residential uses which contribute to an active and diverse character;*
- d) Provide an urban character which is simple, legible and flexible;*
- e) Maintain and enhance environmental amenity and encourage a standard of urban design consistent with the function of the centre; and*
- f) Encourage activities particularly at street level which contribute to pedestrian activity and social interaction.*

Thus, Council's policy is also effectively to support Nowra CBD as the prime centre for Nowra-Bomaderry and Shoalhaven. Another key centre is Bomaderry, which has progressively declined in economic viability and retail and commercial offerings and such decline will potentially be further exacerbated should Woolworths and ALDI proceed with their supermarkets within this centre's catchment.

Growth Forecasts

The latest population and dwelling forecasts for 2016- 2036 for Nowra-Bomaderry (id the population experts) are:

- 11565 population in 4652 households and 4915 new dwellings; and
- Potential capacity of an additional 10165 residential lots (including the urban release areas) with 4086 lots on land already zoned urban and 6079 within the urban release areas.

However, growth in Bomaderry, North Nowra and Nowra has been largely static, with projected future growth to come primarily from the new growth areas of Moss Vale Road to the north of the river and Mundamia / Cabbage Tree Lane to the south.

Nowra CBD can also legitimately be considered to serve the whole of Shoalhaven Local Government Area (LGA). Hence, population trends on a broader scale are valid for analysis. Shoalhaven LGA has been experiencing growth of an average of 600 dwellings per annum (2010 to 2015 inclusive)

Nowra - Bomaderry also has significant potential for growth given:

- State Government policy within the Illawarra Shoalhaven Regional Plan is that Nowra should retain status as a regional centre.
- Land development capacity;
- Increasing accessibility (the first set of traffic lights south of Sydney on the Princes Highway will be in Bomaderry when committed road-works are completed);
- Increasing emphasis on lifestyle in decision-making about where to live;
- Opportunities for residential development in the Nowra CBD and close by (walking distances of the CBD) in sectors between the CBD and the Shoalhaven River;
- Comparative property prices;
- The potential to locate quality Seniors Living developments in the CBD – benefitting from the accessibility to medical, retail, commercial businesses, education, cultural activities, entertainment and recreational facilities (seniors' housing is a permissible use in the B 3 zone); and
- Potentially in the longer-term an increased University presence;

These influences strongly reinforce the importance of planning for a very "liveable" city, and opportunities for Nowra CBD to grow into a strong centre - economically and socially - for retail and, commercial businesses, education, cultural activities, entertainment and recreational facilities.

Comparable Centres

The review included research of other comparable strategies, policies and LEP's of Councils within which planning for centres was considered highly important. These Councils were Coffs Harbour, Port Macquarie/ Hastings, Shellharbour, Wagga Wagga and Maitland.

The main conclusions were that these Councils had developed Centres Policies and primacy clauses in LEP's to protect, strengthen and grow their main city/town centre (CBDs) to the benefit of their respective regions.

CONCLUSIONS

The main conclusions of this report are that:

1. The policy for the primacy of the Nowra CBD currently in the NBSP should be reaffirmed and strongly stated in the LEP;
2. Strategic policies and legal provisions should implement the NBSP objective that Nowra CBD / commercial core be planned for, and protected as, the major regional retail and commercial centre;
3. The economic integrity and viability of the CBD could be further undermined by opportunities for retail development of a significant scale on land zoned and available elsewhere in Nowra-Bomaderry and short-term expediency should not undermine that integrity and viability of the Nowra CBD.
4. The crucial importance – as emphasised in the NBSP - of facilitating a Discount Department Store (DDS) in the Nowra CBD is reaffirmed;
5. Development opportunities- notably a DDS and a state-of-the-art Multiplex cinema in the Nowra CBD - need to be promoted. (These developments would encourage the further transition of the CBD as a social destination and a place to visit and not just a needs-based destination or service centre);
6. Council should review its three key land holdings in Nowra CBD to facilitate crucial new development opportunities which will contribute to the rejuvenation of the Nowra CBD – this should include the promotion and facilitation of a DDS and modern cinema complex;
7. The revitalisation of the Bomaderry centre should be planned and promoted by Council in collaboration with the local Bomaderry business and broader community.
8. The area of land currently zoned B4 in Bomaderry (south and north-west of the intersection of the Princes Highway and Moss Vale Road) is around 12.3 ha, excluding the site (approximately 3.9 ha) on which the ALDI supermarket development application was approved. This area has the potential to undermine the future economic sustainability of the Nowra CBD, particularly given that Commercial Premises (. i.e. including retail premises/shops) are permissible in this zone. There is a demonstrable benefit in providing more land for residential development in this location. The scale - individually and cumulatively of potential retail premises/shops within this zone would also mean potentially, and undesirably, very high pedestrian movement across the Princes Highway given the approval of the Woolworths supermarket and bulky goods retailing on the eastern side of the Highway;
9. The implications of the program of urban land releases for the areas zoned Neighbourhood Business at Moss Vale North and Moss Vale South are significant in terms of: -
 - Location;
 - The scale of the areas zoned and retail and commercial capability relative to projected demand and viability, now in the context of approved Woolworths and ALDI developments;
 - With retail, personal and community services and professional services it is likely that the size of a centre for this area will be much less than 5,000 square metres GLA. This also means that irrespective of location of the future site for the centre, the currently zoned area on Moss Vale Road is too large for its now reduced role. The new centre would require around 1.2-1.5 ha of land. However, the area zoned for this centre appears to be between 6 and 7 hectares. There is additional centre-zoned land in the growth area north of Moss Vale Road. These “centre” zones should be combined in a single centre that is relevant and accessible for the two growth areas north and south of Moss Vale Road. Timing of the determination of centre location may also be influenced by the status of the proposed bypass (whether it is retained).
 - Equity given that:
 - The land has been recently purchased with the expectation of retail and commercial development;
 - The Neighbourhood Business zoning (B1) in LEP 2014 and its derivation from the NBSP of 2008; – and, therefore,
 - That the Business zoning of the site has been the policy of Council for approximately 10 years.
10. The risk to the sustained viability of the Nowra CBD of retaining ‘shops’ – particularly a supermarket(s) and/or a DDS – as a permissible use within the extensive land zoned B5 in Bomaderry and South Nowra is high. Therefore ‘shops’ should be prohibited in the B5 zone;
11. The strategic policy directions and statutory framework should encourage redevelopment opportunities for medium density residential in selected locations that are currently zoned B4 Mixed Use between Nowra CBD and the river.



RECOMMENDATIONS

1. Vision

It has been proven that if there is broad ownership of a vision for a place - by the community with Council leadership - there is much higher potential for realisation of that vision. The following vision is suggested for the Nowra CBD for 2030 for Council and community consideration:

"The Nowra CBD is a centre and place which is economically strong and has grown in economic strength and social value over the last twenty years or so as a centre for retail, commercial businesses, education, cultural activities, entertainment and recreational facilities";

2. Centres Policy and Review the Nowra-Bomaderry Structure Plan

That Council gives high priority to the preparation of a Centre's Policy to reaffirm that the Nowra CBD commercial core is the regional centre and therefore to give planning and legal effect to this.

That Council resolves to review relevant sections of the NBSP –with particular focus on:

- The program for Urban Release Areas;
- Integration of development and infrastructure planning; and
- Implementing the recommendations of this Review for the retail and commercial hierarchy;
- Street frontage controls for all new centres in a similar manner to those in the Urban Design Development Controls in Nowra CBD, so to enable future centres to be an amenity as well as functional focus for urban villages and also promote integration with the surrounding neighbourhoods and improve/promote walkability.

3. Local Provisions: Primacy of Zone B3: Nowra Commercial Core/CBD

That Council prepares a Planning Proposal to add a Part 8 to the Shoalhaven LEP 2014 that includes:

- a) Stating the following objectives:
 - To promote, strengthen and grow the primacy of zone B3 Nowra Commercial Core/CBD as the principal regional centre for business, retail and commercial premises and for tourism, commerce, education, health care, culture and the arts;
 - To create economic vitality and employment opportunities for tourism, commerce, education, health care, culture and the arts; and
 - To minimise conflicts between development in the Commercial Core/CBD and the hierarchy of commercial centres;
- b) Controlling the potential development of shops in the B4 Mixed Use zone as follows:
 - The objective of this clause is to limit the size of shops in the B4 Mixed Use zone to ensure that land within the CBD's B3 Commercial Core zone remains the principal retail area.
 - Development consent must not be granted for development for the purpose of a shop on land in the B4 Mixed Use zone if the gross floor area of the shop is to be more than 400 square metres.
 - Development consent must not be granted shops or business premises in excess of 2000m² on any land zoned B4 external to the Nowra Commercial Core/CBD unless an Economic Impact Analysis – including analysis of cumulative impacts - is submitted with that application and which satisfies the consent authority that the development maintains the primacy of the CBD's B3 Commercial Core zone as the principal business, retail, commercial and cultural centre.
- c) That the objectives for the Zone B3: Nowra Commercial Core/CBD be amended as follows:
 - To promote, strengthen and grow the primacy the CBD's B3 Nowra Commercial Core/ zone as the principal regional centre for business, retail and commercial premises and for tourism, commerce, education, health care, culture and the arts;
 - To create economic vitality and employment opportunities for tourism, commerce, education, health care, culture and the arts; and
 - To minimise conflicts between development in the Commercial Core/CBD, the hierarchy of commercial centres as well as non-urban and non-centre based retail activities;
 - To provide a wide range of retail, business, office, entertainment, community and other suitable

- land uses that serve the needs of the local and wider regional community;
- To support and recognise the inter-dependency between retail vitality in the public realm of Nowra CBD; and
- To maximise public transport patronage and encourage walking and cycling”;

4. Enabling a Discount Department Store in the CBD and Cinema

That Council undertake a review of the development potential of the three (3) key sites in its ownership within the commercial core to facilitate the development of a DDS as a priority as part of optimising the primacy of the CBD.

That Council initiate development promotion opportunities for a Multiplex cinema in the Nowra CBD – (for which there is adequate population catchment) and plan for a related precinct of restaurants, cafes etc.;

5. Shops in the B5: Business Development zone

That shops be explicitly prohibited in the B5 zones in Shoalhaven LEP 2014.

6. Objectives for the B2: Local Centre zone

That the objectives of the B2 Local Centre zone be amended to read:

- “To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area;
- To encourage employment opportunities in accessible locations;
- To Capitalise on the themed promotion and tourism potential of the Bomaderry centre; and
- To maximise public transport patronage and encourage walking and cycling”.

7. Rezone land on Princes Highway, Bomaderry

That the current B4 Mixed Use zoned land (approximately 12.3 ha) in Bomaderry (south and north-west of the intersection of the Princes Highway and Moss Vale Road) be re-zoned to R3 Residential and B5 Business Development – indicatively 9 ha for R3 and 3.3 ha for B5 with visibility and safe access and egress to and from the Princes Highway;

8. Moss Vale Road North and Moss Vale Road South Release Areas

That Council:

- Undertake a strategic analysis of the preferred relocation of the Business centre serving Moss Vale Road North and South release area which is more integral to the connectivity of the road, footpath and cycleway systems than is currently the case. Ideally this analysis should be undertaken in an integrated fashion (ideally via a planning and urban design workshop) with the relevant land owners and all affected and responsible State Government agencies;
- Areas currently zoned B1 Neighbourhood Business at Moss Vale Road North and Moss Vale Road South be rezoned to R1 General Residential with the zoning of the business area resultant from the strategic analysis referenced above to be rezoned B2 Local Centre; and
- That the site consequently zoned B2 Local Centre be a maximum of 1.5 hectares – providing for a centre of a maximum of 5000 square metres Gross Lettable Area.

9. Bomaderry Centre

The revitalisation of Bomaderry centre should be planned and promoted by:

- Redefining the area zoned for Business;
- Modifying the B4 zone to be split at the mid-block between Meroo Street and Coomea Street: B2 Local Centre;
- Rezoning the remaining B4 zone (facing Coomea Street) to R3 Medium Density Residential;
- Promoting and integrating themes and artifacts around War memorial, Park and trains and bring more meaningfully these elements into the centre;
- Considering the purchase of the property that is a de facto park in the Bomaderry but which is currently in private ownership.
- Working with the Department of Transport to review the bus transport arrangements to integrate with train times and to connect with the commercial bus services.



- Finding another economic basis or catalyst (albeit of limited impact) for the centre – re-zone the area adjacent and around the centre to enable medium density housing (R3 zone).

10. Summarised Recommendations for Business Zones for Centres in Nowra-Bomaderry

A summary of the recommended zonings of centres in Nowra-Bomaderry is as follows:

- Moss Vale Road North (planned shopping centre) – reduced scale and relocation of the B1 Neighbourhood Centre and retention of the B7 Business Park zone;
- Moss Vale Road South (planned shopping centre) – reduced scale and relocation of the B1 Neighbourhood Centre;
- North Nowra (existing centre) – retain as B1 Neighbourhood Centre;
- Lyndhurst (existing small shopping centre) – retain as B1 Neighbourhood Centre;
- Site on the south-eastern corner of the intersection of the Princes Highway and Cambewarra Road (the site subject of the consent for the Woolworths supermarket and bulky goods retailing) – retain as B5 Business Development with shops (as stated above) prohibited;
- Site on north and south-western corner of the intersection of the Princes Highway and Moss Vale Road (the site subject of the consent for the ALDI supermarket) – that there be:
 1. Significant reduction in the scale of business zoning,
 2. Rezoning of part of the site from B4 Mixed Use to a limited area of B5 Business Development with the majority of the site being rezoned to R3 Medium Density Residential;
 3. A site-specific planning and design study to determine the apportionment of these two zones on the site
- Bomaderry (existing centre) – rezone from B4 Mixed Use to B2 Local Centre and R3 Medium Density;
- Nowra CBD – retain as B3 Commercial Core with significant Primacy clauses added and part of extensive surrounding areas particularly to the north and north-west now zoned B4 Mixed Use being subject of more detailed evaluation for rezoning in part to R3: Medium Density residential – particularly for the sector between the CBD and the river;
- South Nowra – retain as B5 Business Development with shops being made prohibited;
- East Nowra – retain as B1 Neighbourhood Centre.
- Cabbage Tree Lane (planned shopping centre) – retain as B1 Neighbourhood Centre but engage landowners in a process around possibly repositioning the centre to the “way home” side of the road, to better ensure its viability and better connect it to the majority of the growth area population.

LOCAL GOVERNMENT AMENDMENT (GOVERNANCE & PLANNING) ACT 2016

Chapter 3, Section 8A Guiding principles for councils

(1) Exercise of functions generally

The following general principles apply to the exercise of functions by councils:

- (a) Councils should provide strong and effective representation, leadership, planning and decision-making.
- (b) Councils should carry out functions in a way that provides the best possible value for residents and ratepayers.
- (c) Councils should plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services and regulation to meet the diverse needs of the local community.
- (d) Councils should apply the integrated planning and reporting framework in carrying out their functions so as to achieve desired outcomes and continuous improvements.
- (e) Councils should work co-operatively with other councils and the State government to achieve desired outcomes for the local community.
- (f) Councils should manage lands and other assets so that current and future local community needs can be met in an affordable way.
- (g) Councils should work with others to secure appropriate services for local community needs.
- (h) Councils should act fairly, ethically and without bias in the interests of the local community.
- (i) Councils should be responsible employers and provide a consultative and supportive working environment for staff.

(2) Decision-making

The following principles apply to decision-making by councils (subject to any other applicable law):

- (a) Councils should recognise diverse local community needs and interests.
- (b) Councils should consider social justice principles.
- (c) Councils should consider the long term and cumulative effects of actions on future generations.
- (d) Councils should consider the principles of ecologically sustainable development.
- (e) Council decision-making should be transparent and decision-makers are to be accountable for decisions and omissions.

(3) Community participation

Councils should actively engage with their local communities, through the use of the integrated planning and reporting framework and other measures.

Chapter 3, Section 8B Principles of sound financial management

The following principles of sound financial management apply to councils:

- (a) Council spending should be responsible and sustainable, aligning general revenue and expenses.
- (b) Councils should invest in responsible and sustainable infrastructure for the benefit of the local community.
- (c) Councils should have effective financial and asset management, including sound policies and processes for the following:
 - (i) performance management and reporting,
 - (ii) asset maintenance and enhancement,
 - (iii) funding decisions,
 - (iv) risk management practices.
- (d) Councils should have regard to achieving intergenerational equity, including ensuring the following:
 - (i) policy decisions are made after considering their financial effects on future generations,
 - (ii) the current generation funds the cost of its services

Chapter 3, 8C Integrated planning and reporting principles that apply to councils

The following principles for strategic planning apply to the development of the integrated planning and reporting framework by councils:

- (a) Councils should identify and prioritise key local community needs and aspirations and consider regional priorities.
- (b) Councils should identify strategic goals to meet those needs and aspirations.
- (c) Councils should develop activities, and prioritise actions, to work towards the strategic goals.
- (d) Councils should ensure that the strategic goals and activities to work towards them may be achieved within council resources.
- (e) Councils should regularly review and evaluate progress towards achieving strategic goals.
- (f) Councils should maintain an integrated approach to planning, delivering, monitoring and reporting on strategic goals.
- (g) Councils should collaborate with others to maximise achievement of strategic goals.
- (h) Councils should manage risks to the local community or area or to the council effectively and proactively.
- (i) Councils should make appropriate evidence-based adaptations to meet changing needs and circumstances.