

## **Explanatory Statement**

### **DRAFT LOCAL ENVIRONMENTAL PLAN NO. LP 401**

#### **Civic Precinct, Bridge Road, Nowra and Owen Street Carpark, Huskisson**

#### **Background**

Council has prepared the draft Local Environmental Plan (LEP) which affects:

- ▶ Lots 9 and 10 DP 607132, Lots 8 and 9 DP 605984, Lots 7 and 8 DP 600782, Lot 6 DP 975062, Lot 1 DP 513571, Lot A DP 161574, Lot 5 DP 975062, Lots 10 and 11 DP 606121, Lots 5 and 6 DP 813461, Lot 1 DP 194884, Lots A and B DP 158942, Lots 4 and 5 DP 1112482, Lots 2 and 3 DP 552527, Part of Part Lot 51 DP 209245 and Part of Part Lot 52 DP 209295 – commonly referred to as the **Civic Precinct, Bridge Road, Nowra**; and
- ▶ Lot 1 DP 7196, Lot 23 DP 7196 and Lot B DP 348180 – commonly referred to as the **Owen Street Carpark, Huskisson**

The two sites are illustrated on the attached plans, forming part of this exhibition. The draft LEP has been prepared to enable Council to sell and/ or deal on the subject land parcels as further described below

#### Civic Precinct, Bridge Road, Nowra

Under the Shoalhaven LEP 1985, there is uncertainty over the classification of land in the Civic Precinct, Nowra. It has been conservatively assumed for the purpose of this draft LEP that it is currently classified as "Community" land under the Local Government Act 1993 (LG Act). The land was rezoned in 2006 to facilitate the creation of a "Civic Precinct" including the recently completed Shoalhaven Entertainment Centre. Council acquired the various parcels of land between 1980 and 1992 to be used for the civic administration centre and future civic purposes. Council initiated negotiations to sell part of the Civic Precinct to facilitate the development of a hotel to complement the recently opened Shoalhaven Entertainment Centre. This proposal is consistent with the land's Business 3(g) zoning. In order to proceed with the sale of the land and the possible subsequent construction of the hotel/ mixed use development, the land must be reclassified to "Operational" land under the LG Act.

The proposed reclassification is consistent with the business zoning under the LEP and the vision and strategic objectives of the Nowra Bombaderry Structure Plan which identifies the desire to activate the town's frontage to the Shoalhaven River (River) and strengthen the linkage between the current CBD and the River. It is also consistent with the objectives of the Northern Gateway and Civic Precincts contained in the Nowra CBD Review. The reclassification of the land will not change the zoning or the planning controls for the site, which includes Development Control Plan 119 which is currently under review.

#### Owen Street Carpark, Huskisson

Under the Shoalhaven LEP 1985, there is also uncertainty over the classification of the land known as Owen Street Carpark, Huskisson. For the purpose of this draft LEP it has been conservatively assumed that the land is currently classified as "Community" land under the Local Government Act 1993 (LG Act). The subject parcels were purchased by Council in 1982-83 for the purpose of providing car parking to serve the commercial/retail area of Huskisson. It is zoned Business 3(f) (Village) and forms part of the

Huskisson Town Centre (under Development Control Plan 54) Council has commenced a process to sell the land, seeking a public private partnership process to facilitate the redevelopment of the site while retaining an equivalent number of public car parking spaces to replace those which currently exist on the site. In order to complete the land sale, and the possible subsequent redevelopment, the land must be reclassified to "Operational" land under the LG Act. The reclassification of the land will not change the zoning or the planning controls for the site.

**General Requirements for classification and reclassification of land through Local Environmental Plans and Planning Proposals – Attachment 2 – Department of Planning Practice Note PN09-03 ("the Practice Note")**

	<b>Civic Precinct Nowra</b>	<b>Owen Street car park Huskisson</b>
<b>Reasons why the draft LEP is being prepared</b>	The Council intends to dispose of the land to achieve its planning objectives for the area. Council is only entitled to sell operational land. Adopting the conservative view that the land is presently community land, the Council needs to reclassify the land to effect the sale. This may only be done by a Local Environmental Plan (See Part 2 of Chapter 6 of the Local Government Act 1993).	The Council intends to dispose of the land to achieve its planning objectives for the area. Council is only entitled to sell operational land. Adopting the conservative view that the land is presently community land, the Council needs to reclassify the land to effect the sale. This may only be done by a Local Environmental Plan (See Part 2 of Chapter 6 of the Local Government Act 1993).
<b>Current Classification</b>	Community (uncertain)	Community (uncertain)
<b>Proposed Classification</b>	Operational	Operational
<b>Reasons for – Reclassification, proposed future use, site specific requirements</b>	Council initiated negotiations to sell part of the Civic Precinct to facilitate the possible development of a four star hotel to complement the recently opened Shoalhaven Entertainment Centre, consistent with the Business 3(g) zone that was placed over the land in 2006. This is consistent with the strategic direction for the site contained in the Nowra Bomaderry Structure Plan which includes the subject site as part of Nowra CBD. It is also consistent with the Masterplan prepared for the Civic Precinct prior to the construction of the Shoalhaven Entertainment Centre.	Council is seeking a public private partnership to allow redevelopment of the site to include the same number of public car parking spaces under Council's ownership. This is consistent with the Jervis Bay Settlement Strategy which identifies Huskisson as a major tourism precinct where there is demand for development sites to accommodate tourist and residential uses. Development Control Plan (DCP) 54 – <i>Huskisson Town Centre</i> identifies the subject site for retail/ mixed use/ tourist accommodation development.
<b>Ownership</b>	Shoalhaven City Council	Shoalhaven City Council
<b>Council's interests in land - when how and why acquired</b>	Council acquired the various parcels of land via general fund revenue between 1980 and 1992 to be used for the civic administration centre and future civic purposes. Lots 5 & 6 DP 813461 were compulsorily acquired by the RTA for road purposes but has now been sold to the Council.	The subject land was acquired via general fund revenue by Council in 1982-83 for the purpose of providing car parking. Section 94 funds have been collected to recoup some of the funds spent on the acquisition.
<b>Any Agreements over the land (duration, terms, controls, agreements to dispose of the land)</b>	None	None
<b>Financial loss or gain of reclassification and benefits that may arise</b>	The site has an area of approximately 9,517sq.m. The value of the land is currently unknown and would be limited by its classification as community land. Comparable developable land zoned 3(g) is valued at about \$225 - \$250/sq.m. If the land	The site has an area of 2,978 23sq.m. The value of the land is currently unknown and would be limited by its classification as community land but is thought to be in the order of \$655/sq.m. Nearby developable land zoned 3(f) is valued at about

	<b>Civic Precinct Nowra</b>	<b>Owen Street car park Huskisson</b>
	is sold to enable development of a 4 star motel this may produce significant social and economic benefits for Nowra as a result of increased tourism.	\$1,100/sq.m If a public private partnership is achieved for the site the 87 public car spaces will be retained and there are likely to be other material public benefits in the form of additional infrastructure and 'works in kind' provided by the developer
<b>Asset management objectives</b>	Reclassifying the land will promote, develop and foster the retention and growth of sustainable economic development within the City.	Reclassifying the land will promote, develop and foster the retention and growth of sustainable economic development within the City.
<b>Any agreements for sale or lease of land</b>	Negotiations for sale/development of the land have been suspended since Council resolved to prepare a draft LEP to reclassify the subject site.	Negotiations for sale/development of the land have been suspended since Council resolved to prepare a draft LEP to reclassify the subject site.

### **SEPPs, LEPs, DCPs and Section 117 Directions**

The following Environmental Planning Instruments and other government policies form the context for the draft LEP:

- Written Authorisation to Exercise Delegation from the Director General of the Department of Planning;
- LEPs and Council Land Best Practice Guidelines;
- LEP Practice Note – Classification and reclassification of public land through a local environmental plan;
- South Coast Regional Strategy;
- Development Control Plan 119 – Nowra Hotel Site & Civic Precinct (under review);
- Development Control Plan 54 – Huskisson Town Centre (under review);
- Shoalhaven LEP 1985;
- State Environmental Planning Policies (SEPPs): 71
- Illawarra Regional Environmental Plan No. 1 Clauses: 74 and 77 (now a deemed SEPP);
- Jervis Bay Regional Environmental Plan (now a deemed SEPP);
- Ministerial Directions under Section 117 of the *Environmental Planning & Assessment Act 1979*, 1.1, 2.1, 2.2, 2.3, 2.4, 3.2, 3.3, 4.1, 4.3, 5.1, 6.1, and 6.2; and,
- Environmental Planning & Assessment Model Provisions.

Please note that the left hand column in Attachment 1 of the attached Department of Planning Practice Note applies to Draft LEP No. LP 401

These abovementioned documents are available for viewing with the draft LEP and any submissions made to Council during the exhibition period should take these documents into consideration.

  
Ernie Royston

**Director Strategic Planning & Infrastructure**