

# NOTICE OF EXTRAORDINARY MEETING

Notice is hereby given that a meeting of

**MidCoast Council**

**Will be held at the Forster Administration Centre, 4 Breese Parade, Forster**

**14 MARCH 2017 AT 2.00 PM**

The order of the business will be as detailed below (subject to variation by Council)

1. Acknowledgement of Country
2. Declaration of Pecuniary or Conflicts of Interest (nature of Interest to be Disclosed)
3. Confirmation of Minutes - 8 March 2017
4. Matters for Information
5. Close of Meeting

**Glenn Handford**  
**INTERIM GENERAL MANAGER**

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## **CONSIDERATION OF OFFICERS' REPORTS:**

### **DIRECTOR CORPORATE & BUSINESS SYSTEMS**

#### **1. PLANNING PROPOSAL – CIVIC PRECINCT PROJECT, LAKE & WEST STS FORSTER**

**Report Author** Rob Dwyer, RPS Australia East Pty Ltd

**File No. / ECM Index** Civic Precinct, Library Forster

**Date of Meeting** 14 March 2017

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### **SUMMARY OF REPORT**

This report outlines the strategic merit of the recently submitted Planning Proposal – Civic Precinct Project, Lake and West Streets Forster. The report outlines the community and developmental benefits associated with pursuing the Planning Proposal which seeks to amend the height of building and floor space ratio controls over Council owned land at the corner Lake and West Streets, Forster.

### **SUMMARY OF RECOMMENDATION**

That Council support lodgement of the Planning Proposal – Civic Precinct Project, Lake and West Streets, Forster with the Department of Planning and Environment for a Gateway Determination and public exhibition process in accordance with that determination.

### **FINANCIAL/RESOURCE IMPLICATIONS**

The Planning Proposal has been lodged as a developer-funded application in accordance with MidCoast Council's Draft Planning Proposal and Development Control Plan Policy exhibited in October - November 2016. The work undertaken to progress this application is undertaken by Council officers and any associated consultants on a cost-recovery basis.

### **LEGAL IMPLICATIONS**

There is always the possibility that a gazetted Local Environmental Plan stemming from the Planning Proposal could be legally challenged.

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### **PROPOSAL**

The Planning Proposal affects land known as Lots 11 to 13 in DP 47987 as illustrated in Figure 1.

The site is approximately 1.21 hectares in size and is owned by Mid Coast Council.

The Planning Proposal seeks to amend Great Lakes Local Environmental Plan 2014 to:

1. Increase maximum height of building controls applying to the land to a height of 33 metres on approximately 6,000m<sup>2</sup> of the site with the remainder of the site increasing to a maximum building height limit of 26 metres. Current maximum height of building controls over the site are 24 metres, 21 metres and 18 metres; and
  2. Increase maximum floor space ratio controls applying to the site to a maximum floor space control of 3:1, where current provisions only provide for a maximum floor space control of 2:1.
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Figure 1 – Planning Proposal site

## BACKGROUND

The site is located on the southern side of the Forster Town Centre and is currently zoned B4 Mixed Use under Great Lakes Local Environmental Plan 2014. The Planning Proposal does not propose to amend the B4 Mixed Use zone that applies to the site.

The site formerly accommodated the Forster Public School and is now vacant other than an existing 'bubbler shed' and some trees both within the site and along the street boundaries. The site is adjacent to a number of existing community services located along Little Street and West Street, which includes the Police Station, Visitor Information Centre, 'CWA Rooms' (accommodating several community groups and services) and the Community Garden.

Council has considered the development of a Civic Precinct on many occasions over the past ten years. At its meeting on 28 April 2015 Council resolved to examine the location of a new civic building incorporating uses such as a new library, visitor information centre, flexible meeting and performance space on the subject site and to investigate the potential to engage with a private partner to deliver the community facilities in return for development of the remainder of the site to compliment the civic facilities and help to fully activate this high profile site. In these negotiations, it was determined that it would be feasible to develop the subject site in such a manner but only with the increased yields for the land which would necessitate changes to the building height and floor space controls over the land.

MidCoast Council is entering into a development contract with a private sector developer which requires delivery of the Civic Centre Precinct facilities in Stage 1 of the site development. These facilities include a library, visitor information centre, flexible community space to accommodate meetings, activities and performances. The proposed development will be subject to a development application which will be exhibited and considered concurrently with the Planning Proposal.

## DISCUSSION

The Planning Proposal has been prepared to facilitate development of a significant site which is part of the Forster town centre. The Planning Proposal includes a comprehensive urban design analysis report and economic impact assessment. The Planning Proposal, including the urban design analysis report and economic impact assessment is found as Attachment A.

An independent review of the Planning Proposal has been carried out by RPS and the review document is found as Attachment B. The review concludes that the Planning Proposal to increase the building heights and floor space ratio on the site displays strategic merit and complies with the NSW Department of Planning and Environment guideline titled "*Planning Proposals: A guide to preparing planning proposals*". The independent review suggests that the Planning Proposal should be supported for the following reasons.

- The strategic planning for this part of the Forster CBD, including the site, has changed since the town centre master planning undertaken in 2008/2009 and the subsequent implementation of the Great Lakes Local Environmental Plan 2014 and the Great Lakes Development Control Plan.
- Council requires the site to incorporate some key community facilities and public infrastructure to form part of the Civic Precinct.
- The site is one of the largest vacant sites in the one ownership within the Forster CBD and provides the opportunity to create a well-designed mixed use development incorporating a range of community facilities.
- The site will be a landmark site in the Forster town centre connected with the waterfront and CBD and as a landmark site, taller buildings can be considered and the site will contribute to the CBD's legibility and create a gateway at the southern end of the CBD;
- The Planning Proposal and resultant development should act as a catalyst for further development in the southern part of the CBD.
- The Planning Proposal and resultant development is likely to meet the relevant objectives of the site specific DCP, notwithstanding that the DCP concept master plan did not propose community facilities on this site. To that extent the existing site specific DCP is no longer relevant given Council's intentions for the site.
- Increases in height and FSR are justified where it allows development to incorporate a wide range of community facilities and infrastructure including extensive outdoor spaces at street level.
- An increase in height for the site still meets the height objectives under the Great Lakes Local Environmental Plan 2014 in that the scale of the proposed buildings is compatible with the desired future urban character of the locality as indicated in the Urban Design Analysis report contained within the Planning Proposal.
- The proposed maximum height of 33m represents a height applicable to other sites within the CBD. The increase in height has been adequately justified within the Urban Design Analysis report.
- The proposed floor space ratio of 3:1 (currently 2:1) is the same as the B4 Mixed Use Zone on the northern side of Lake Street (adjacent to the subject site).
- An increase in the FSR for the site still meets the FSR objectives under the GL LEP 2014 in that it is compatible with the desired future urban character of the locality. The proposal will also provide a broad range of uses that will benefit the public.

- There will be some overshadowing on land to the south and southeast on 21 June, however most properties will receive a minimum of 3 hours solar access.
- The resultant development will retain the existing trees along Lake Street including the Norfolk pines.

## **CONSULTATION**

Community consultation on the Planning Proposal will be undertaken following the receipt of, and in accordance with, the requirements of a Gateway Determination from the Department of Planning & Environment.

Consultation will be required with public agencies as specified by the Department of Planning and Environment.

## **COMMUNITY IMPACTS**

The Planning Proposal will result in social and economic benefits for the residents of Forster and the region. The Planning Proposal facilitates development of significant and high quality civic precinct facilities. This social infrastructure will be of benefit to the entire community and will deliver positive impacts for the local community. The Planning Proposal is likely to have a number of direct positive impacts during construction and operation. In addition the Planning Proposal will stimulate further interest and investment in Forster-Tuncurry and the streets affected will be activated with retail, commercial and community uses.

It is unlikely that the Planning Proposal will result in any significant environmental impacts. The Planning Proposal and subsequent development is not likely to impact on critical habitat, threatened species, populations or ecological communities.

## **ALIGNMENT WITH COMMUNITY PLAN/OPERATIONAL PLAN**

The Planning Proposal is consistent with the former Great Lakes Council's Community Strategic Plan 2010-2030 (Great Lakes 2030). The community plan represents the long term aspirations for the area and encompasses an overarching vision developed by the community, and objectives and strategies to achieve community goals namely:

*Vision: a unique and sustainably managed environment balanced with quality lifestyle opportunities created through appropriate development, infrastructure and services.*

The Planning Proposal is also consistent with the Great Lakes Active Ageing Strategy and the Forster Tuncurry Employment Lands Strategy.

## **TIMEFRAME**

The anticipated timeframe for completion of the Planning Proposal is August 2017.

## **BUDGET IMPLICATIONS**

The Planning Proposal has been lodged as a developer-funded application. Therefore the processing of this application by Council officers and engagement of any independent consultancies will be undertaken on a full cost-recovery basis, in accordance with the Draft Planning Proposal and Development Control Plan Policy, exhibited in October-November 2016.

## **RISK CONSIDERATION**

The Planning Proposal is based upon the intention that the developer who has a development contract with Council will lodge a development application concurrently with the public exhibition of the Planning Proposal.

As a precautionary measure and because of Council's ownership of the site and independent review of the Planning Proposal has occurred.

## **RECOMMENDATION**

That Council:

- A. Support lodgement to the Department of Planning and Environment of the Planning Proposal - Civic Precinct Project, Lake and West Streets, Forster which has the intent of:
    - a) Amending Great Lakes Local Environmental Plan 2014 Height of Building control map affecting Lots 11 to 13 DP 479876 Lake and West Streets Forster by increasing height to 33 metres on approximately 6,000m<sup>2</sup> of the site with the remainder of the site increasing to a maximum building height limit of 26 metres; and
    - b) Amending Great Lakes Local Environmental Plan 2014 Floor Space Ratio control map affecting Lots 11 to 13 DP 479876 Lake and West Streets Forster by increasing maximum floor space ratio control applying to the site to a maximum floor space control of 3:1.
  - B. Request a Gateway Determination from the Department of Planning and Environment, pursuant to the Environmental Planning & Assessment (EP&A) Act 1979, in relation to the Planning Proposal.
  - C. Undertake consultation with State Government agencies and service authorities in accordance with the Gateway Determination.
  - D. Place the Planning Proposal on public exhibition in accordance with the Gateway Determination.
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## **ATTACHMENTS**

A: Planning Proposal - Civic Precinct Project, Lake and West Streets, Forster.

B: Independent Review of the Planning Proposal - Civic Precinct Project, Lake and West Streets, Forster.

Due to the large size of the documents, Attachments A and B have been circulated in hard copy to the Administrator only as a paper conservation measure.

Glenn Handford  
**INTERIM GENERAL MANAGER**