

LATE REPORT NO. 1 MCC ORDINARY MEETING 28 JUNE 2017

LATE REPORT - PLANNING PROPOSAL - CIVIC PRECINCT PROJECT, LAKE AND WEST STREETS FORSTER

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File No. / ECM Index SP-PP-37

Date of Meeting 28 June 2017

SUMMARY OF REPORT

At the Extraordinary Council Meeting held on 14 March 2017, Council resolved to seek a Gateway Determination from the Department of Planning and Environment for the Planning Proposal - Civic Precinct Project, Lake and West Streets, Forster. The intent of the Planning Proposal is to amend Great Lakes Local Environmental Plan 2014 Height of Building Map and Floor Space Ratio Map affecting Lots 11 to 13 DP 479876 Lake and West Streets Forster. The intended outcome of the Planning Proposal is to increase height and floor space ratio controls applying to the subject site.

It was also resolved at the Extraordinary Council Meeting held on 14 March 2017 to place the Planning Proposal on public exhibition in accordance with the Gateway Determination.

A Gateway Determination was received from the Department of Planning and Environment on 6 April 2017 and the Planning Proposal was placed on public exhibition for the period from 17 May 2017 to 16 June 2017. Exhibition of the Development Application (DA 521/2017) for development of the subject site occurred at the same time.

The purpose of this report is to address the thirteen (13) public submissions received during the exhibition period. No changes to the Planning Proposal, other than minor administrative changes, are recommended as a result of these submissions.

This report seeks Council's endorsement of the final Planning Proposal to enable drafting of the planning instrument.

SUMMARY OF RECOMMENDATION

That Council endorse the Planning Proposal, as amended where necessary to reflect details of the community engagement and how submissions have been considered, and submit it to the Department of Planning and Environment for drafting and making of the corresponding Local Environmental Plan.

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 has been 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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BACKGROUND

At the Extraordinary Council Meeting held on 14 March 2017, Council resolved to:

- 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 6,000m² 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.

The intended outcome of the Planning Proposal is to increase height and floor space ratio controls applying to the subject site.

The location of the land subject of the Planning Proposal is shown in the Figure in Annexure A. The Planning Proposal will increase the possible maximum height of buildings across the site to heights as illustrated in Annexure B. Likewise the Planning Proposal will increase the floor space ratio across the site to ratios as shown in Annexure C.

Community engagement

The Planning Proposal was placed on public exhibition throughout the period from 17 May 2017 to 16 June 2017. Public exhibition of a Development Application (DA 521/2017) for development of the subject site occurred at the same time.

During the exhibition period, Council undertook three community consultation drop-in sessions. The drop-in times were advertised in local papers, on the Council website, in a mail-out to all neighbouring properties and also in a flyer that was handed out to all local businesses including the Forster CBD. The session times were also advertised at the Forster Tuncurry Business Chamber meetings.

The intent of the drop-in sessions was to enable community and local businesses to drop in when convenient to view the large-scale model of DA 521/2017 and talk through the project (the Planning Proposal and DA 521/2017) generally. Hard copy plans, diagrams and reports were also available for review.

It has been estimated that approximately sixty (60) people attended the drop-in sessions in total. A broad cross section of the community was represented including:

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- Local businesses;
- Local professionals (e.g. building designers);
- Property investors and prospective seniors living unit purchasers;
- Youth;
- Local not-for-profit organisations; and
- Members of the Friends of Great Lakes Library.

Submission forms were made available at the sessions.

Copies of the Planning Proposal were available at Council's office at Breese Parade, Forster and also available on Council's website.

Thirteen (13) public submissions were received during the exhibition period. Many submissions did not clearly specify whether the submission was being made in connection with the Planning Proposal or DA 521/2017. On that basis, each submission has been reviewed in respect of both elements of the project (Planning Proposal and DA 521/2017). Issues specific to the Planning Proposal, and a response to each, are provided below. Issues specific to the development application (DA 521/2017) will be addressed in a separate development application assessment report.

What issues were raised in the public submissions?

1. Concern about congestion crossing the bridge and through Forster/Tuncurry and general concern regarding traffic congestion and parking.

Response:

Great Lakes Section 94 Contributions Plan (Forster District) was adopted by Council on 28 October 2014. The Major Works Program within the document identifies the Wallis Lake Bridge duplication as a scheduled work item. The document notes that there is no need for any Council contributions towards the funding of the bridge's major duplication as it was and still is quite adequate for the traffic generated by the existing population at the start and subsequent review points of the Contributions Plan (Forster District). Cost for the bridge duplication will be recovered, up to 50% of total cost, through Section 94 contributions with the balance likely to be funded by NSW Roads and Maritime Service and other government sources.

The Planning Proposal, via the proposed increase in height of buildings and proposed increase in floor space ratio, will provide a modest increase in yield of residential, commercial and community uses on site. The increases however are not considered to be such that they will trigger the need for the duplication of the Wallis Lake Bridge alone.

The site is currently zoned B4 Mixed Use under the Great Lakes LEP 2014 and the proposed use being contemplated, in parallel with DA 521/2017 is permissible with consent under this zone. The Planning Proposal does not seek to make changes to the traffic management and car parking arrangements in the vicinity of the site. Both on-site and on-street car parking will be assessed via future DA's including DA 521/2017. All development applications will be assessed against traffic management and car parking provisions contained within the Great Lakes Development Control Plan 2014.

No changes to the Planning Proposal are considered necessary as a result of the submissions raising this issue.

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2. Concern regarding level of interest in luxury housing in light of limited public health facilities, public transport, few long term job prospects and contested traffic conditions around the bridge and Forster town centre. Is there any provision for affordable/low cost housing?

Response:

The site is currently zoned B4 Mixed Use under the Great Lakes LEP 2014. It is considered that the Planning Proposal will result in social and economic benefits for the residents of Forster and the region. It will facilitate 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. Development resulting from the endorsement of the Planning Proposal will have a number of direct positive impacts during construction and operation including jobs created during construction operation.

The Planning Proposal does not contain any provision to require the developer to contribute or set aside a proportion of future development for more affordable / low cost housing. Council is currently preparing a project brief for a Housing Diversity and Affordability Strategy. The future Strategy is likely to be prepared by industry consultants and may include provisions that require changes to Great Lakes LEP 2014 to facilitate greater housing diversity and affordability. Any changes to Great Lakes LEP 2014 requiring provision of more affordable / low cost housing in future developments will be made through future Planning Proposals as required.

No changes to the Planning Proposal are considered necessary as a result of the submissions raising this issue.

3. Community space lacking performance space capabilities (e.g. backstage areas and room to store acoustic piano). Space does not provide a venue for live performances. Concern regarding the location of the planter boxes. No rear access and back access inadequate. No green room. No space for town band storage or rehearsal. Not adequate replacement of Old School of Arts building.

Response:

Comments are noted and relate more specifically to the proposed building design provided in DA 521/2017. However it is noted that the community space, as shown in the DA, will consist of large multi-purpose activity rooms that will be able to be booked through Council for a variety of uses including meetings, performances, conferences, social gatherings and exhibitions.

Previous Council consultation with community organisations and clubs determined that a dedicated 'performance space' was not the most beneficial use of this area nor was there sufficient evidence for demand to warrant the increased costs and floor space required to accommodate a stage, green room, performer rest rooms and storage area. Accordingly, the community space, as illustrated in DA 521/2017 has been designed to cater for a greater range of more general uses. Consideration was also given to the fact that a dedicated entertainment centre is available less than 40kms from Forster.

No changes to the Planning Proposal are considered necessary as a result of the submissions raising this issue.

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4. Library and visitor information centre poorly located - entrances need to be more prominent (preferably facing West Street or bring library and visitor information centre to the front and café/restaurant to the back. After hours library return chute located poorly.

Response:

Comments are noted and relate more specifically to the proposed building design provided in DA 521/2017. However it should be noted that the location of the Council facilities (library/visitor information centre/community space) within the site subject of DA 521/2017 were carefully considered at the initial design phase. The benefits and disadvantages of each possible location within the site were carefully weighed up, and on balance, it was determined by Council that the net advantages of the current arrangement outweighed the net advantages of having those facilities in any other location within the site (including the corner of West and Lake Streets).

No changes to the Planning Proposal are considered necessary as a result of the submissions raising this issue.

5. Inclusion of a cinema will impact cinema and local businesses in Tuncurry.

Response:

Comments are noted and relate more specifically to DA 521/2017.

The site is currently zoned B4 Mixed Use under the Great Lakes LEP 2014 and a cinema is a permitted use with consent from Council. The Planning Proposal will not change the list of permissible and prohibited uses on the site. The economic and social impacts of the proposed cinema within DA 521/2017 on the existing Great Lakes Cinema 3 at Tuncurry and local businesses in Tuncurry and Forster will be considered as part of the assessment of the DA.

No changes to the Planning Proposal are considered necessary as a result of the submissions raising this issue.

6. Query whether frequent shuttle bus will run from the site to Stockland/Breese Parade. Public transport in Forster is non-existent.

Response:

Comments are noted and relate more specifically to DA 521/2017. At this stage Council does not have plans to encourage the establishment of a shuttle bus between the site and Stockland/Breese Parade. The viability and operation of such a service rests with private bus operators.

No changes to the Planning Proposal are considered necessary as a result of the submissions raising this issue.

7. Impact on neighbouring property in relation to impacts from proposed earthworks result noise impacts, car parking design and overshadowing.

Response:

Comments are noted and relate more specifically to DA 521/2017.

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The site is currently zoned B4 Mixed Use under the Great Lakes LEP 2014 and the proposed development being contemplated (DA 521/2017) is permissible with consent under this zone. All development applications, including DA 521/2017, will be assessed against relevant provisions contained within the Great Lakes Development Control Plan 2014 relating to these matters.

No changes to the Planning Proposal are considered necessary as a result of the submissions raising this issue.

8. Old School of Arts site should stay as Open Space (essential for the continued beauty of Forster and good place for tourists to visit).

Response:

Comment is noted. The former School of Arts site is currently zoned SP2 Infrastructure (Public Facility) under the Great Lakes LEP 2014. The Planning Proposal will enable the Visitor Information Centre to be relocated from the existing site to the new site.

At this point Council has no immediate plans or commitments for the SP2 zoned land. Community consultation will occur at the appropriate time to help inform Council of future use options for the land. Any future activities on the land will require further investigation and community consultation and will be considered in light of the SP2 zoning and its two objectives which are to provide for infrastructure and related uses, and to prevent development that is not compatible with or that may detract from the provision of infrastructure.

Use of the land for open space will be an option for consideration at time of further community engagement.

No changes to the Planning Proposal are considered necessary as a result of the submission raising this issue.

9. Project is not a "civic precinct", it is a luxury housing complex; Council has overlooked the concept of civic; Council has not embraced an opportunity to create a 'Community heart' for Forster-Tuncurry, Library had an overhaul 3 years ago; this Project is another white elephant high rise development; retailers will not be able to afford the high rent; high rise in Forster has been a failure; suggestion of activation and landscaping features in the design; introduction of a training café for disadvantaged people; Will the proposal be a real community centre?; and will the development be a ghetto for seniors?

Response:

Comments are noted and relate more specifically to DA 521/2017.

In more general terms 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. Taller buildings have been considered appropriate to the site based upon an Urban Design Analysis report contained within the Planning Proposal. The site will contribute to the CBD's legibility and create a gateway at the southern end of the CBD.

DA 521/2017 provides units for seniors housing in an apartment fashion which proposes greater housing diversity in the area and promotes housing suitable for ageing in place for seniors which are a key demographic in the local area.

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No changes to the Planning Proposal are considered necessary as a result of the submissions raising this issue.

10. A number of submissions supported the Planning Proposal and DA 521/2017 including comments such as: It offers excellent footprint on the future of Forster (development is exciting and supermarket is much needed in town centre, the hotel offering quality accommodation); delighted that new library is being built; library and visitor information centre are an excellent feature; has good merits overall except the height; and proposal is innovative and support the idea of collaboration with commercial interest.

Response:

Comments are noted and relate more specifically to DA 521/2017. Taller buildings have been considered appropriate to the site based upon an Urban Design Analysis report contained within the Planning Proposal.

No changes to the Planning Proposal are considered necessary as a result of the submissions raising these issues.

11. Council funding a Civic Precinct in Forster and rates could be better spent (e.g. road reconstruction/restoration). Additionally, Main Beach needs funding. Money would be best spent on something that affects all rate payers and visitors to the area questioning whether this project is the reason for the proposed rate increases?

Response:

Council acquired the site in 2014 with the intention to use the land to develop a new library and other community facilities and also explore options for the residual land to be 'sold' for private development with proceeds being put towards Council's project costs of the library and community facility. Proposals for the new Council facilities have been considered for many years - having regard to the fact that the Old School of Arts was demolished and required replacing, and the current Great Lakes Library no longer meets State Library requirements.

The project represents a significant development for the Forster town centre, providing high quality facilities capable of meeting the expectations and requirements of visitors and residents. Provision of Council facilities will also serve as a catalyst for further residential and commercial development, both within the site and across the broader town centre. It is considered the project will provide an enhanced aesthetic and more vibrant town centre.

It should be noted that the proposed rate increases by MidCoast Council are not tied or related to the Planning Proposal.

No changes to the Planning Proposal are considered necessary as a result of the submissions raising these issues.

What issues were raised in the Government submissions?

Gateway Determination Condition 4 required Council to consult with the Office of Local Government under section 56(2)(d) of the EP&A Act. The Office of Local Government was provided with a copy of the Planning Proposal on 15 May 2017, including relevant supporting material. Whilst Council has made repeated efforts to illicit a response, as at the time of writing no formal response from the Office of Local Government had been received.

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Mid Coast Water has advised that there is suitable capacity in the water and sewer systems for the area to cater for the requirements for the site.

Other issues relevant to the Planning Proposal

A number of issues raised by attendees at the drop-in sessions were noted but were not expressed in the formal submissions received. These issues and response to them are provided below.

1. Potential for a decline in business for the neighbouring Wharf Street traders.

Response:

A key issue identified in Council's previous studies and strategies is the need for services and activities in and around the town centre to support the large tourist population in the area. In 2014 the B4 Mixed Use zone was applied to the land, and other land, on the periphery of the Forster town centre to deliver this outcome and to provide for a range of housing close to the town centre. The proposed civic facilities and entertainment facilities provide activities that support tourism in the area, whilst the proposed small retail components (including express supermarket) provide for low scale retail which can provide essential everyday items for tourists staying in the area.

It should be noted that the zoning of the site does not change as a result of the Planning Proposal. All uses proposed in DA 521/2017 can be developed under the current controls and as with any development within the immediate area there is a potential for a decline in business for neighbouring traders.

The Planning Proposal is supported by an economic impact statement which outlines the positive and negative impacts of the Planning Proposal and resultant development. Based upon the economic impact statement the Planning Proposal is likely to stimulate further interest and investment in Forster-Tuncurry, will activate the site surrounds with retail, commercial and community uses, and will result in 'transit oriented development' within walking distance of Wharf Street.

No changes to the Planning Proposal are considered necessary as a result of consideration this issue.

2. A number of aged library users expressed concern about underground parking for aged community members – they are hesitant to use such parking and quoted some examples of crime/incidents in these sorts of areas. These individuals also raised concerns about the overhang design of the entrance to council facilities – security concerns.

Response:

Comments are noted and relate more specifically to DA 521/2017. No changes to the Planning Proposal are considered necessary as a result of consideration of this issue.

3. What connections were proposed to connect the site to Wharf Street?

Response:

In April 2017 Council made application for funding from Regional Growth - Environment & Tourism Fund (Rebuilding NSW). The application is for the 'Forster Tuncurry Lake to Ocean (L2O) Trail' which will provide an enhanced network of walking and cycling trails along the edge of the Forster/Tuncurry Foreshores.

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Amongst other objectives the 'Forster Tuncurry Lake to Ocean (L2O) Trail' is designed to provide a link between major tourism accommodation facilities and assets located in the Forster and Tuncurry CBDs. This infrastructure project will assist in positioning Forster Tuncurry as a holiday destination for both traditional and new target markets of visitors and help to break down the 'hyper-seasonality' that currently sees tourism visitation reach saturation point during December/January each year.

Council and the Roads & Maritime Services have been negotiating the construction of a 2.5m shared path proposed to be located on the opposite side of the road to the Planning Proposal / proposed development site on Lake Street continuing to Little Street. This shared path way would then link into the Memorial Drive Little Street Shared Path coastal walk into Forster CBD.

No changes to the Planning Proposal are considered necessary as a result of consideration of this issue.

What changes are proposed to the Planning Proposal post-exhibition?

No changes to the Planning Proposal are proposed. It is recommended that the proposed amendments to Great Lakes LEP 2014 as contained in the Planning Proposal remain as publicly exhibited.

CONCLUSION

The site is located on the southern side of the Forster Town Centre and is 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. However the Planning Proposal seeks to amend the Height of Building control map and Floor Space Ratio control map by increasing height and floor space ratio controls applying to the subject site.

The Planning Proposal includes a comprehensive urban design analysis report and economic impact assessment. It is considered that the Planning Proposal displays strategic merit for reasons including:

- 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. For this reason an urban design review and economic impact assessment were warranted and the recommendations from these documents support the amendments to the Height of Building and Floor Space Ratio controls.
- 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.

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- 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.

As identified earlier within this report a number of concerns and issues were raised in the public submissions. These concerns and issues have been weighed against the potential benefits of the Planning Proposal as outlined in the dot points immediately above.

The Planning Proposal has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* and all conditions of the Gateway Determination relating to the proposal have been adhered to.

On balance, the Planning Proposal should proceed without the need for any amendment.

Council's endorsement of the Planning Proposal, as contained in Attachment A, is now required in order for it to be forwarded to the Department of Planning & Environment so the planning instrument can be drafted and the resultant LEP amendment made.

RECOMMENDATION

That in relation to Lots 11 to 13 DP 479876 Lake and West Streets Forster, Council:

1. Pursuant to s59 of the *Environmental Planning and Assessment Act, 1979*, endorse the Planning Proposal as contained in Attachment A.
2. Submit the Planning Proposal to the Minister for Planning and Environment so that the associated local environmental plan can be drafted and made under s59 of the *Environmental Planning and Assessment Act, 1979*.

ATTACHMENTS

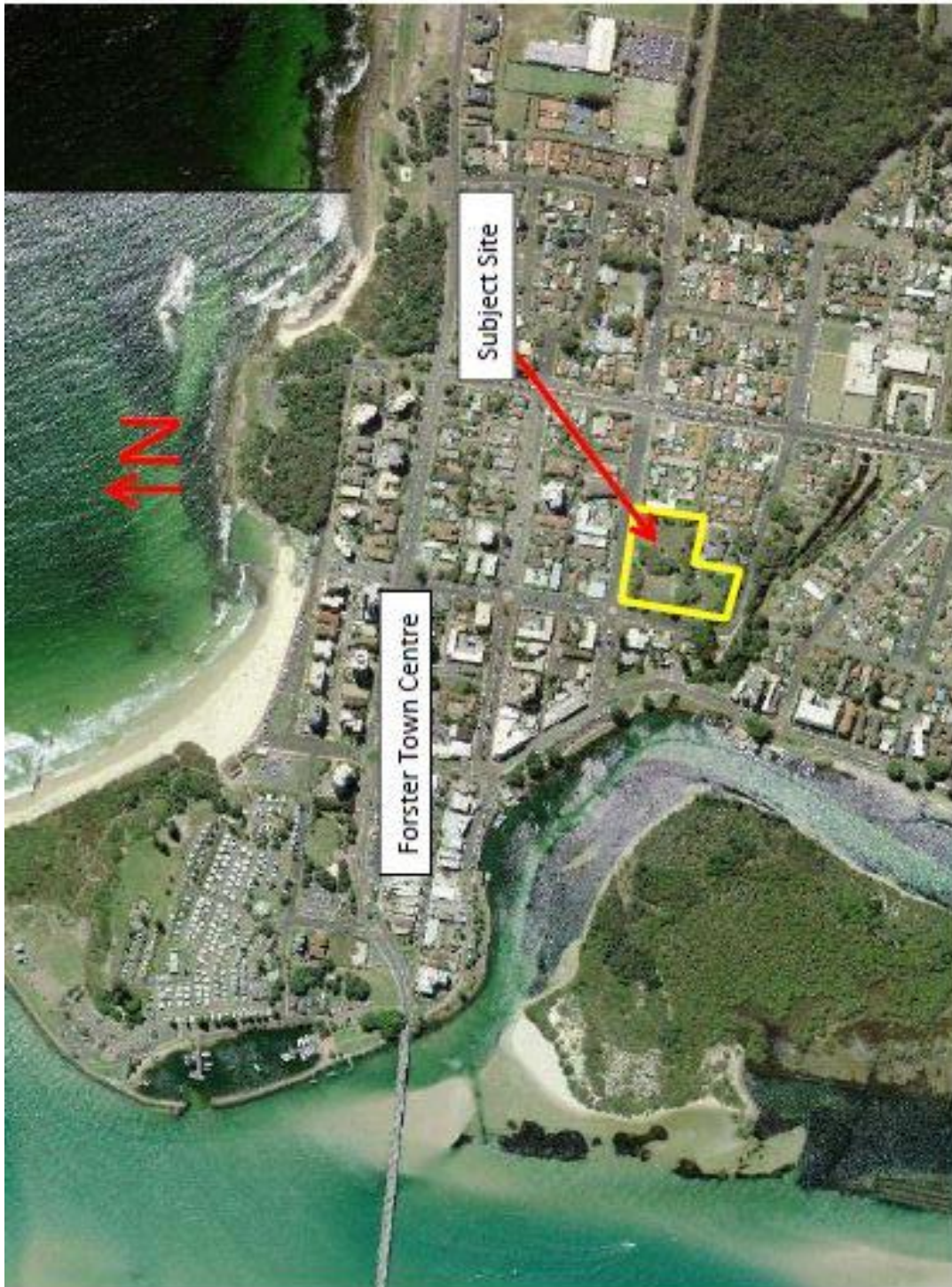
A: Planning Proposal (PP_2017_MCOAS_004_00) - Civic Precinct Project, Lake and West Streets, Forster (Version 6.0)

Due to its large size, Attachment A has been circulated in hard copy to the Administrator only as a paper conservation measure. However, this Attachment is publicly available on Council's Website, copies are available at Council offices and copies are available on request.

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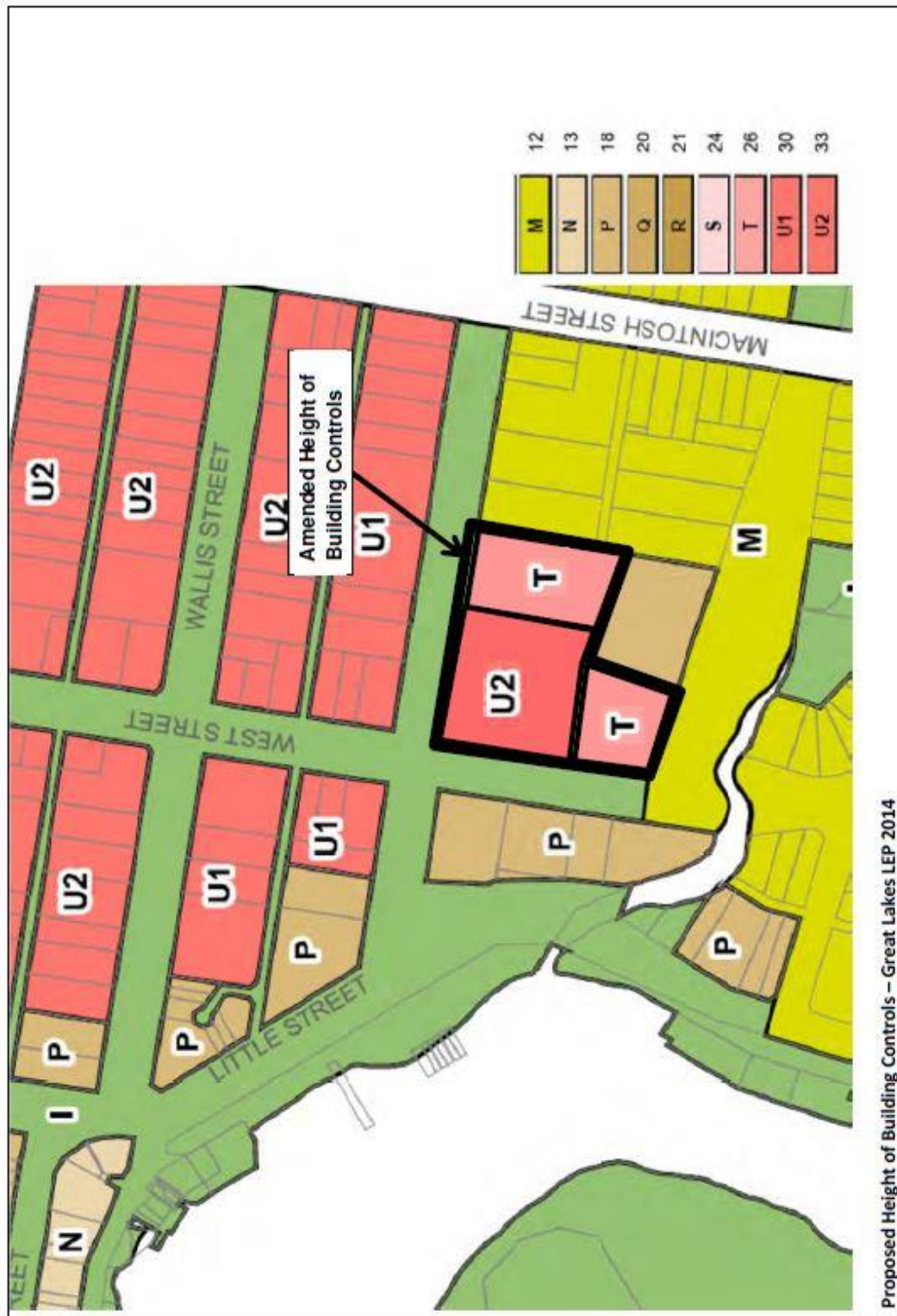
ANNEXURES

A: Locality map



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B: Proposed Height of Building Control Map



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C: Proposed Floor Space Ratio Control Map

