

SC18/38 COFFS HARBOUR CITY CENTRE - REVIEW OF HEIGHT AND BUILT FORM CONTROLS

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MyCoffs:	B.1 A thriving and sustainable local economy
Attachments:	ATT1 SC18/38 Coffs Harbour CBD - Review of Height and Built Form Controls - Final Study Report - July 2018 ATT2 SC18/38 Planning Proposal (version 1 - Gateway Determination) ATT3 SC18/38 Draft Development Control Plan Amendment 11 (CBD Height Review) ATT4 SC18/38 Submission Responses Summary ATT5 SC18/38 CONFIDENTIAL Submissions <i>Confidential in accordance with Section 10A(2)(e) of the Local Government Act as it contains information that would, if disclosed, prejudice the maintenance of law.</i>

EXECUTIVE SUMMARY

At its Ordinary Meeting of 9 February 2017, Council resolved to undertake a review of building heights in the Coffs Harbour City Centre. Consultants were engaged and a draft report for the building heights review was presented to Council at its Ordinary Meeting of 7 December 2017. Council resolved to endorse and publicly exhibit the report in 2018. The results of the public exhibition were reported to Council on 9 August 2018, where Council deferred the progression of the review subject to a workshop being held with Councillors. The workshop occurred on 21 September 2018 and the building heights review is now being presented back to Council.

The purpose of this report is therefore to present the outcomes of the public exhibition process and the *Coffs Harbour CBD – Review of Height and Built Form Controls Final Study Report – July 2018* (Attachment 1) to Council. The report states that an increase in the maximum height of buildings and floor space ratio controls within the city centre can be achieved without impacting on the amenity of key public spaces, provided that such changes are supported by additional local built form controls. The proposed draft amendments to *Coffs Harbour Local Environmental Plan 2013* and *Coffs Harbour Development Control Plan 2015* (Attachments 2 and 3) have been developed in accordance with recommendations of the review process.

RECOMMENDATION:**That Council:**

- 1. Adopt the *Coffs Harbour CBD – Review of Height and Built Form Controls Final Study Report – July 2018* (Attachment 1).**
- 2. Endorse and forward a Planning Proposal (Attachment 2) to amend the Height and Built Form Controls of *Coffs Harbour Local Environmental Plan 2013*, to NSW Planning and Environment seeking a “Gateway Determination”.**
- 3. Request that the Secretary of the NSW Department of Planning and Environment issue a written authorisation to Council to exercise delegation of the plan making functions under section 3.36(2) of the *Environmental Planning and Assessment Act 1979* in respect of the Planning Proposal.**
- 4. Publicly exhibit the Planning Proposal and undertake government agency consultation subject to the terms of the Gateway Determination issued by the NSW Department of Planning and Environment.**

5. Publicly exhibit *Draft Coffs Harbour Development Control Plan 2015 Amendment Number 11 (CBD Height Review)* (Attachment 3) concurrently with the associated Planning Proposal.
6. Note that a further report will be brought back to Council for consideration following the public exhibition of the Planning Proposal and draft Development Control Plan amendment.

REPORT

Description of Item:

At its meeting of 9 February 2017, Council considered a Notice of Motion regarding Coffs Harbour City Centre height restrictions and resolved the following:

1. *That Council commence urgently a review of the building heights in the CBD of Coffs Harbour (as defined in the CBD Masterplan) with a view to seeking an amendment to the LEP based on the findings.*
2. *That a funding report to commence the review be presented to Council at the next meeting.*

At its meeting of 23 March 2017, Council subsequently resolved:

That Council endorse the Project Plan (Attachment 1) and Consultant Brief (Attachment 2) for the Review of the Coffs Harbour CBD Height and Built Form Controls.

Consultants, Conybeare Morrison were subsequently engaged to undertake this review. A draft report for the building heights review was presented to Council at its Ordinary Meeting of 7 December 2017, with the following resolution:

1. *Endorse the draft Review of the Coffs Harbour CBD Height and Built Form Controls (Attachment 1) and place the draft Review on public exhibition until mid-February 2018.*
2. *Note that a further report will be brought back to Council for consideration of any submissions following the public exhibition of the draft Review.*

The results of the public exhibition were reported to Council on 9 August 2018, where it was resolved:

That Council defer Item SC18/29 subject to a further workshop with Councillors.

The workshop was held with Councillors on 21 September 2018. The building heights review is now being presented back to Council.

The purpose of this report is therefore to present the outcomes of the public exhibition process and to seek Council's endorsement to proceed with amendments to local planning controls based on recommendations contained within the *Coffs Harbour CBD – Review of Height and Built Form Controls Final Study Report – July 2018* (Attachment 1). These recommendations are for a significant increase to the height of buildings and floor space ratio controls for the 'Central Business District (CBD) core area' which was refined in the early stages of the review. The 'CBD core area' is bounded by the Pacific Highway, Vernon Street, Earl Street and Park Avenue and corresponds with the existing mapped 17m (4 storey) height limit as stipulated in *Coffs Harbour Local Environmental Plan (LEP) 2013*.

The final report recommends that the maximum height of buildings is significantly increased within the 'CBD Core area' from 17m to 44m. Similarly, the final report recommends that the maximum floor space ratio for buildings within the 'CBD core area' is significantly increased from 2.5:1 to 4.5:1, with the exception of key sites that will directly affect City Square and key public parks.

The recommendations of the final report (Attachment 1) are supported by specific testing and analysis that has been undertaken for a number of land parcels within the 'CBD core area'. This additional analysis demonstrates that an increase in the maximum height of buildings and an increase to the floor space ratio controls can be achieved without impacting on the amenity of key

public spaces provided that such changes are supported by additional local built form controls. This is discussed further in the issues sections of the report.

The proposed draft amendments for *Coffs Harbour LEP 2013* and *Coffs Harbour Development Control Plan (DCP) 2015* (Attachments 2 and 3) have been developed in accordance with recommendations of the review process.

Issues:

- **Coffs Harbour City Centre Masterplan 2031**

The vision of the *Coffs Harbour City Centre Masterplan 2031* is to be the key retail, commercial and entertainment precinct for the region, with an attractive urban environment. A significant increase in building heights and more flexible floor space ratio controls will assist in facilitating new retail, commercial and residential development in the city centre. To ensure that this development aligns within the Masterplan vision to create an attractive urban environment, additional planning controls are also proposed to ensure that design excellence in built form outcomes is realised.

- **Activation of the City Centre**

One of the main objectives of zone B3 Commercial Core under *Coffs Harbour LEP 2013* is to ensure that the scale and nature of future development reinforces the role of the CBD as the primary commercial, employment and retail centre in the region. Another is to ensure that the design of new buildings makes a positive contribution to the streetscape via the retention and creation of view corridors and the provision of a safe public domain.

The recommendations contained within the final report (Attachment 1) align with these existing objectives contained within *Coffs Harbour LEP 2013*. Increased building heights and more flexible floor space ratio controls will assist to facilitate commercial, employment and retail development within the city centre, whilst the proposed new built form local provisions will ensure that street amenity and solar access outcomes are protected.

- **Floor Space Ratios**

Modifications to floor space ratio controls within the 'CBD core area' are recommended in the final report (Attachment 1) to encourage the amalgamation of sites to a size which permits a good built form outcome and efficient development of prime city centre properties. An increase to the floor space ratio controls for buildings within the 'CBD core area' is recommended from 2.5:1 to 4.5:1, with the exception of key sites that will directly affect city square and key public parks. A lower floor space ratio for buildings on these key sites is required to reduce building bulk and associated amenity impacts.

Yield calculations that have been generated as part of the review show that an additional 115,700 m² of commercial gross floor area could be generated within the 'CBD core area'. It is estimated that this would satisfy commercial floor space demand for 80 plus years, based on current market conditions.

- **Additional Local Built Form Controls**

Workshopping of different scenarios with the community during 2017 identified a difference of opinion about whether built form controls should be imposed. Opinions ranged from increasing maximum building heights and floor space ratios with no amenity controls; to introduction of additional built form controls if additional height is allowed, so as to protect the amenity of the city centre.

Public exhibition of the draft building heights review report attracted only two written submissions, both seeking a maximised approach. In response to this, additional testing and analysis was undertaken for randomly selected sites within the city centre. This analysis looked at the development potential for each site; with and without any additional amenity and built form local planning controls.

This analysis demonstrated the need for, and the subsequent inclusion of, the additional local planning controls to ensure that a positive urban design outcome is realised for the city centre. For buildings above eight stories in height, improved urban design outcomes result when a podium and tower building is provided as opposed to a perimeter-block building which concentrates the building mass at the street frontage. If perimeter-block building types extended over eight stories in height, they would create large continuous walls of buildings of significant mass and of inappropriate scale, would block solar access to streets throughout the day and limit opportunities for the sharing of views. A podium and tower building above eight stories will provide a better built form outcome by providing improved solar access, natural ventilation and opening up opportunities for views from upper levels of buildings.

The final report (Attachment 1) recommends the introduction of additional local provisions to ensure that the amenity currently enjoyed within the city centre is maintained and enhanced; thereby encouraging people to live and work in the city centre. The recommendations seek to facilitate a built form outcome that maximises development potential, whilst also maintaining important urban amenity, such as streets with buildings which have a comfortable human scale and which incorporate city plazas, city parks and footpaths that have adequate sunlight during winter. Additional built form controls are proposed as follows:

- Solar Access

The proposed addition of a new local provision within *Coffs Harbour LEP 2013* and amended front setback requirements within draft *Coffs Harbour DCP 2015* will ensure solar access will be maintained to important public spaces and at the key lunchtime hours of the day in the middle of winter. City square, the southern footpaths of the city's spine and city parks are seen as important public places to protect.

- Street Frontage

Many small and narrow allotments exist in the city centre and these sites, when considered in isolation, are unsuitable for the development of tall buildings (of 13 or 14 storeys height). In acknowledging the existence of numerous long and narrow allotments within the city centre, the final report (Attachment 1) recommends consolidation of narrow sites and a minimum street frontage for each resulting development. The final report and the additional testing analysis demonstrate that the introduction of this new local planning control is necessary to ensure that visually, buildings have an appropriate overall horizontal proportion compared to their vertical proportions and to prevent the creation of unviable floor plates and extensive blank side boundary walls.

The recommended minimum frontage requirement will only apply to buildings greater than 28m in height within zone B3 Commercial Core under *Coffs Harbour LEP 2013*. The minimum frontage requirement will not apply to buildings less than 28m in height, as the existing setback requirements and floor space ratio controls will provide a satisfactory urban design outcome for buildings of this height.

- **Parking**

During the consultation phase of the building heights review, Council's parking requirements and associated development contributions were identified as potentially stifling development within the city centre. This issue is outside the scope of the current review. Council is aware of this matter and has identified a project within its Delivery Program to undertake a review of parking requirements and development contributions within the city centre. Timing of this project is uncertain at this stage as it remains unfunded.

Options:

Council has two options in relation to this matter as follows:

1. Resolve to adopt the final report (Attachment 1) and proceed with amendments to local planning controls based on the recommendations within the final report. This option would provide a pathway for a significant uplift in allowable building height and floor space ratios within the 'CBD core area'.

2. Resolve not to adopt the final building heights review report (Attachment 1) or to proceed with amendments to local planning controls based on the final report. This option would result in the existing building height and floor space ratio controls applying to land within the CBD core area.

This report recommends that Council pursue Option 1 as outlined.

Sustainability Assessment:

- **Environment**

The recommendations contained within this report are unlikely to result in adverse environmental impacts.

- **Social**

The introduction of additional local planning controls will address issues raised by the community during the building heights review process in relation to quality built form outcomes, solar access to key public spaces, and amenity/visual impacts. It will also promote a positive pedestrian experience that will assist to activate and increase the vibrancy of the city centre. This reflects Council's long-term strategic vision for the city as endorsed in its Local Growth Management Strategy; *MyCoffs Community Strategic Plan*, *Coffs Harbour City Centre Masterplan 2031*, *Coffs Harbour LEP 2013* and *Coffs Harbour DCP 2015*.

- **Civic Leadership**

The recommendations contained within this report are influenced by the following objectives of the MyCoffs CSP:

- B1.2 - We attract people to work, live and visit in the Coffs Harbour local government area.
- C1.1 - We create liveable spaces that are beautiful and appealing.
- D1.1 - We foster informed and inspired leadership in our community.
- D1.2 - We undertake effective engagement and are informed.
- D2.2 - We collaborate to achieve the best possible future for all the Coffs Harbour area.

- **Economic – Broader Economic Implications**

The recommendations contained within this report endeavour to increase the capacity of the city centre to foster economic growth and to meet the demographic needs of the Coffs Harbour Local Government Area which is characterised by a high population growth rate and an ageing population.

- **Economic - Delivery Program/Operational Plan Implications**

The recommendations contained within the final report (Attachment 1) are unlikely to impact on Council's Delivery Program or Operational Plan. The building heights review has been funded through Council's 2016/17 Operational Plan. Subsequent amendments to local planning controls, if endorsed by Council, would be undertaken as a business as usual process.

Risk Analysis:

By not proceeding with the recommendations contained within the final report (Attachment 1), development opportunities for higher buildings in the 'CBD core area' may not be realised. Further risk analysis would be undertaken during the local planning controls amendment process, should Council choose to support the recommendations of this report.

Consultation:

The community, key stakeholders and businesses within the city centre were consulted during the building height review process. Input to the review was invited through a variety of channels at various stages as outlined in the final report (Attachment 1).

Public exhibition of the draft building heights review report attracted two written submissions. A submission response document has been prepared (Attachment 4) and a confidential copy of all submissions received is provided (Attachment 5).

Should Council resolve to amend local planning controls, additional public consultation is required to be undertaken in accordance with the relevant provisions of the *Environmental Planning and Assessment Act 1979* ('EP&A Act').

Related Policy, Precedents and / or Statutory Requirements:

The following policies and statutory documents have been considered in the preparation of this report: *North Coast Regional Plan 2036*; EP&A Act 1979 and Regulations; *Coffs Harbour Local Growth Management Strategy*; *MyCoffs Community Strategic Plan*; *Coffs Harbour City Centre Masterplan 2031*; *Coffs Harbour Local Environmental Plan 2013* and *Coffs Harbour Development Control Plan 2015*.

Implementation Date / Priority:

Should Council resolve to support the recommendations within the final report (Attachment 1) and proceed with amendments to local planning controls, the timeframes for completion is governed by the EP&A Act 1979 and will be determined by the NSW Department of Planning and Environment. The anticipated overall projected timeline is summarised within the Planning Proposal (Attachment 2).

Conclusion:

The purpose of this report is to present the outcomes of the public exhibition process and the *Coffs Harbour CBD – Review of Height and Built Form Controls Final Study Report – July 2018* (Attachment 1) to Council; and to seek Council's endorsement to proceed with amendments to local planning controls within the Coffs Harbour City Centre. The proposed amendments will result in a significant increase to height of building and floor space ratio controls.

The recommendations are supported by specific testing and analysis that has been undertaken for randomly selected land parcels within the CBD core which demonstrated that an increase in the maximum height of buildings and an increase to the floor space ratio controls can be achieved without impacting on the amenity of key public spaces, provided that such changes are supported by additional local built form controls.

The proposed draft amendments for *Coffs Harbour LEP 2013* and *Coffs Harbour Development Control Plan (DCP) 2015* (Attachments 2 and 3) have been developed in accordance with recommendations of the review process.