



How High?

Community faces critical decision on Nelson Bay building heights



2017 is shaping up as a critical year for the future of Nelson Bay, with a Council Discussion Paper due to go on exhibition in February making a case for a complete relaxation of height controls in Nelson Bay town centre and surrounding ridges.

Most people would agree that Nelson Bay needs more investment, and that of the few apartments that have been built in the last 20 years, most have been uninspiring if not downright ugly. But the one thing the town does retain is its unique low rise 'coastal village' character, with the built form following the natural bowl set between wooded hills. With quality low-medium rise developments, this natural asset can be preserved and promoted as a 'unique selling point' for Nelson Bay both as a tourist destination and as an attractive place to live and work. These points were central to the vision agreed in the 2012 Town Centre and Foreshore Strategy, and supported by independent research.

The official height limit for most of the town centre has been 15 metres for many years, although some 6 storey apartment buildings up to 18 metres high have been approved, and some built. A hard fought community consensus was reached back in 2012 that the default height limit should be 17.5 metres (5 storeys), with up to 24.5 metres (7 storeys) allowed in *exceptional* cases where a developer could demonstrate 'design excellence' and 'strategic public benefit'. Unfortunately this consensus was never translated into revised height limits or promoted as an incentive for property owners to invest.

Now, in the draft paper adopted by Council in December 2017, it is suggested that in order to attract investment, much higher buildings be allowed anywhere in an extended town centre – with 7 storeys (24.5m) *as the starting point*. Heights above that would be allowed if approved by a supposedly independent design panel, but with *no maximum limit*. Examples are given of four sites, including the Council car park at Donald St West, where redevelopment would only be commercially viable if buildings of at least 8 storeys were allowed, according to economic modelling, but this is of course dependent on the inputs and assumptions in the model, which has not been released.



The model suggests that the Council owned Donald St East car park site would not be 'commercially viable' even at 17 storeys (60 metres). This invites the question – how high is Council willing to go?

Two proposals for new apartment buildings are currently under assessment by Council – one for a 6 storey, 19 metre building on the corner of Donald and Church Streets, and the other for a unit tower at 11-13 Church St which while 'only' 8 storeys, is actually 33 metres high – more than twice the current limit.

Many in the community will feel that *absolute heights* of new buildings in Nelson Bay town centre, and on adjacent ridges, need to be limited to maintain the town's character. The number of storeys or levels that a developer wishes to fit into agreed height limits is a matter for them, subject to the normal consultation and assessment processes.

The Discussion Paper covers many other important issues, including design standards, public spaces and infrastructure, and parking. It provides a good opportunity for the community to re-visit the 'vision' for the future of Nelson Bay agreed and adopted in 2012, but never actively pursued by Council.

However, building heights will clearly be a key issue, not least because once 'high rise' buildings are allowed in the town centre there is no going back – the character of the town will be changed for ever. Even if Council tried to limit extra height approvals to exceptional cases, developers are likely to be able to use the 'precedent' argument to challenge any refusals.

Council's Discussion Paper assumes that lifting height limits will lead to new developments which will somehow ensure greater permanent residency. Unfortunately, experience suggests that a high proportion of any new apartments will remain vacant for most of the year – and neither Council nor the State government has any tools or incentives available to increase the proportion of units occupied year round. That objective, which is widely shared, can only be achieved by making the town centre a more desirable place to live, and this could be jeopardised by high rise buildings which changed the character of the town.

Council is proposing only four weeks consultation on the Discussion Paper once it is published. Interested parties have called for this to be extended, as experience shows that it takes time to activate community interest.

Council planners will present to a General Meeting of Tomaree Ratepayers and Residents Association on Tuesday 21 February at 7pm at Nelson Bay Bowling Club (the views from which will be affected by any change in town centre height limits!) – the meeting is open to the public and TRRA will welcome anyone with an interest in the future of the town.

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Tomaree Ratepayers and Residents Association Inc.
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Link to Draft Discussion Paper

'Strategic planning staff of Port Stephens Council will attend the TRRA General Meeting on Tuesday 21 February (7pm Nelson Bay Bowling Club) for an item on the Nelson Bay Strategy Review Discussion Paper, which will be on formal public exhibition in February and March, but is already available as an attachment to papers for the 13 December Council meeting – see: [DISCUSSION PAPER – PROGRESS OF THE NELSON BAY TOWN CENTRE & FORESHORE STRATEGY \(9MB\)](#)