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Discussion Paper – Progress of the Nelson Bay Town Centre and Foreshore Strategy: TRRA Inc. Submission

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Overall reaction

1. We welcome the review and the opportunity to revise and update the 2012 Strategy, although we strongly argue that the Strategy which was the consensus emerging from a lengthy and intensive consultation process (in which TRRA was closely involved), is still fundamentally sound – the major problem has been a complete failure by Council to implement and promote it over the last four years.



2. However, we are very disappointed overall with the content of the Discussion Paper (DP), which appears to have been written with a primary objective of supporting the lifting of height controls. Heavy emphasis on 'independent' 'design excellence' and 'public benefit' assessments is offered as re-assurance, when we know that these concepts are notoriously subjective, and routinely abused throughout NSW (and more widely) to justify mediocre buildings that breach development standards. (See <https://www.commercialrealestate.com.au/news/vic-planning-minister-ignores-expert-advice-opens-door-to-huge-developers-gains/>).
3. We can have little confidence that even the proposed 'independent' panel would put any sort of brake on developer ambitions, especially when **no limit** is proposed on how much extra height could be allowed under the clause 4.6 variation policy.
4. At the end of this submission, we respond briefly to the 20 specific 'Suggested changes' in the DP. But we firstly address the main issues, and six 'key themes', in narrative form, as we do not feel the suggested changes alone are the only variations on which decisions, and potential changes, are required.

Objectives

5. The DP does not propose any change to the overall aims and objectives of the 2012 Strategy, and we re-iterate our support for these.
6. We submit that Nelson Bay's recent development 'slump' is not unique but, in common to many other NSW coastal towns, due largely to wider economic factors outside local control.
7. We believe that Nelson Bay's future prosperity will depend critically on maintaining its 'coastal village' and 'natural amphitheatre' character, and making it an attractive place to visit and for locals to shop and play. This view was clear in the surveys conducted for the 2012 Strategy, and recent reaction – including from the 200 people attending our public meeting on 21 February – suggests that it remains a strongly held opinion, which even the local business community appears to share.
8. Nelson Bay, which is identified in the Hunter Regional Plan 2036, as the only Strategic Centre east of Newcastle airport, needs to complement, not compete with, the retail focussed Salamander Centre, with speciality shops, entertainment and services, and with its unique visual and scenic character differentiating it from most other NSW coastal tourist towns.
9. We are surprised that the DP does not revisit the expected population growth and demand for dwellings from the 2012 Strategy. There is only one reference (p.14) to expected increase in the population of the entire Tomaree peninsula by 2036 which is unclear but seems to suggest only a

4000 increase in the next 20 years. Spread over the entire peninsula this hardly suggests major demand for new apartment living in the Nelson Bay town centre. The discussion of population and dwelling trends in the 2012 Strategy was confused (not least in imprecise definition of Nelson Bay), but only referred to a need for 1200 new dwellings in the whole peninsula by 2031 (p.30).

10. We submit that a final revised Strategy needs to start with a much clearer, and updated, discussion of anticipated population and dwelling trends – without this is difficult to see on what basis the DP appears to assume significant demand for new town centre apartments.

More apartments not necessarily a solution

11. The DP focuses on facilitating more apartment developments in the town centre. We question whether this is either a necessary or desirable objective. While it would be good to see more permanent residents living in the town centre, there can be no guarantee that simply allowing more apartments to be built would achieve this aim. Census statistics¹ and local market surveys suggest that up to 75% of most existing apartments are not permanently occupied. The HillPDA report supports the conclusion that the market for permanent occupancy in town centre apartments is and will remain weak, and no level of government currently has policy levers that can ensure that apartments are lived in and not just 'holiday let' or even left vacant in the hope of capital gains.
12. We submit that the expected population growth in the next 20 years in the Tomaree peninsula can and will be accommodated mostly by continued subdivision and infill in low rise 'suburban' residential areas. The HillPDA report confirms a market preference for stand-alone dwellings.
13. We submit that rather than relying on apartment building, Council should focus on ways in which the town centre can be made a more attractive destination – both for local residents and for visitors, and promoting retail, commercial and service activity that is differentiated from the role played by the Salamander Centre. If, as a result of increased economic activity, the town centre becomes a more attractive place to live, then residential apartment buildings may follow, but that should be a desirable secondary objective, not the main focus of the Strategy.
14. We reject what appears to be a 'build and they will come' approach taken by the DP. We submit that there is no guarantee that removing what are perceived as constraints will lead either developers to invest or more people to live in the town centre.

¹ ABS, 2011

Building Height

15. Building height, and related density, are clearly the most contentious issue, going to the heart of the aims and objectives of the 2012 Strategy which included the following statements:

‘The visual appearance and amenity of the Town Centre and Foreshore are important elements in providing a unique high quality destination’ (p.4)

‘A planning strategy for Nelson Bay is required to ... Facilitate a distinctive town centre character’ and ... ‘Preserve the natural environment, which is critical to Nelson Bay’s economy and liveability (pp.4&9)

‘It is critical that the wooded ridge and headlands that surround the Bay be visible and not eclipsed by buildings’ (p.6)

‘There was a high level of community agreement on ... maintaining clear views of the ridgeline’ (p.13)

‘Nelson Bay has a picturesque natural setting that draws residents and tourists to the LGA’ (p.20)

16. The paper misleadingly suggests (at p5) that the ‘existing and adopted’ starting point is a 7 storey limit *throughout* the town centre, when this was only ever agreed, in the 2012 Strategy, as a variation possibility *in exceptional circumstances*, in exchange for BOTH ***outstanding design excellence*** AND² ***strategic public benefit***. The Strategy states that ‘***the use of the variations ... should be rare and should only made in exceptional circumstances***’).

17. This variation option has also never been fully implemented – either in the non-binding DCP 2014 which has a Nelson Bay specific chapter, or in the new LEP 2013, which retains the 15 metre height limit in its Height of Building Maps (We note that both of these instruments were adopted after the 2012 Strategy, and *could* therefore have included the Strategy changes).

18. The implication in the DP is that height limits (whether the 15m in the instruments or the 24.5m proposed for exceptional cases) has prevented development, when Council has never promoted the 24.5m (7 storey) option. Most developers would look at the 15m (now only 4 storey) limit and be deterred.

19. The paper continues the dubious practice of using storeys and actual heights interchangeably, inconsistently, confusingly and arguably selectively to support arguments. E.g.

² The DP wrongly cites the Strategy as ‘...excellence OR ... public benefit (p.30)

- p.17 - '5 storeys is between 15 and 20 metres building height'
- p.22 - existing approvals variously 6/storey/21m; 8 storey/28m; 8 storey/22m
- p.22 - modelling assumptions - 5st/17.5m; 8 st/25m (*should be 28m?*); 11 st/32.5; 14 st/40m (*should be 49m?*), and 17st/47.5m (*should be 59.5m?*)
- p.27 and plan - proposed zone heights 4st/14m; 5st/17.5; 7st/24.5m; 9st/30m (*should be 31.5m?*)
- p.19 – ref to current application for 11-13 Church St (which is for 8 storeys but 33m! – 8 storeys would only be 28m under the formula adopted in the Strategy and Discussion Paper)

20. Our position is that it is the **actual height in metres** that is critical in terms of visual effect. We accept that higher ceilings can make apartments more attractive both internally and externally, but while this could be a 'design excellence' factor to be considered under a variation clause it should not generally be used as an automatic justification for greater overall height, beyond the acceptance that modern design standards justify an average of 3.5m per level or storey in apartment buildings.

21. Economic Modelling which we thought would be used to illustrate options has instead been used to support specific conclusions about minimum heights that will be commercially viable on 5 selected sites. Even so, the conclusions of the modelling has not been followed through into proposals – why would Council be proposing a default town centre height limit of 7 storeys when the modelling suggests 8 storeys as a tipping point?

22. Modelling outputs reflect inputs and assumptions built in to algorithms. We submit that there are a range of questionable assumptions in the modelling (see comments on the HillPDA and EPS reports at Attachment 1). We question whether some of the input land values may just reflect developer expectations of being allowed increased heights (a consistent 'promise' held out by the Mayor, other Councillors and some Council staff) – thereby becoming a self-fulfilling prophecy!

23. Modelling conclusions are already undermined by the current DA for 65-67 Donald St which is for only 6 st/17-19m, which the developer clearly thinks is viable! A DA was also approved in 2015 for a 17.5m (5 storey) apartment building at 64 Dowling St, which also suggests that another developer also considers such a building to be viable. Conversely, we observe that where approval has been granted for building heights well above the LEP limits, such as at the Magnus Resort, development has not proceeded.

24. The table on page 27 and the plans at Figures 9 & 12 are materially misleading. They purport to show that there is *no change* in height and FSR limits between the 2012 Strategy and those now proposed. As explained above, this is not correct – the ‘extra’ 2 storeys’ and 0.5 FSR were only ever envisaged as being available in *exceptional* cases, and the height limit was a maximum – the baseline default limits were 5 storeys and 2:1 FSR. Seven storeys and 2.5:1 FSR are now being proposed (and presented) as the *baseline* for most town centre sites, with the possibility of unlimited height on any site through the use of the variation clause 4.6. This is seriously misleading and may well influence interested parties making submissions who may wrongly assume that only minor changes in limits are proposed.
25. The DP also misleads on the proposal to incorporate the ridgelines (along Thurlow Avenue to the west and along Donald and Magnus Streets to the east) into the Strategy area. In the LEP, these areas currently have the same 15m height limit as the rest of the town centre. 15m has allowed for 5 storeys although the DP asserts it would only accommodate 4 storeys in modern designs. Figure 9 (Existing height of buildings) uses the number of storeys for the ridgeline areas but the new formula for the town centre which is wrongly shown as having a 5 storey (17.5m) existing limit.
26. Figure 12 (Proposed height of buildings) shows the ridgeline areas as 5 storey (17.5m). Any Guidelines for the use of the LEP variation clause 4.6 that were specific to the Strategy area would now apply to the ridgeline areas, potentially allowing significant extra height.
27. The ridgeline areas are amongst the most sensitive in terms of the desired character of the town and its visual appearance. The existing limit of 15m was designed to protect this character, by not allowing buildings which breached the tree line when viewed from the Bay. The unfortunate fact that a DA for the Magnus Resort site was approved despite significantly breaching this control should not be used a reason for loosening the control itself.
- 28.** We welcome the proposal to re-impose floor space ratios (FSRs) - which were dropped from the LEP, but we oppose the very high ratios proposed, which are out of line with those in comparable areas in other Councils³ and would lead to very ‘out of character’ building density.
29. We submit that in order to meet the objectives of the Strategy, which are not proposed to change, strict height and FSR limits should continue to apply. We are prepared to concede the extra 0.5m per storey required for modern apartment building design, but cannot see any case for a general

³ E.g. Waverly Council has FSR limits of less than 2.0:1 for high rise developments at Bondi

- relaxation of a 5 storey (now 17.5m) default height limit for the entire town centre (as defined in the 2012 Strategy Boundary) north of Dowling St and south of Government Rd/Victoria Parade.³⁰
30. Given the importance of protecting the tree line along the ridges, we submit that a 15m height limit should continue to apply to the ridgeline areas that it is proposed be newly incorporated in the Strategy area. A greater height limit for the area south of Dowling St is appropriate; subject to the overriding criterion that the tree line on the hill to the south not be breached (this may accommodate 9 or more storeys on appropriate sites).
 31. The stricter height limits set in the 2012 Strategy for the marina and foreshore areas north of Government Rd/Victoria Parade should remain, at 3 storeys (10.5m) with the exception of the 'Fishermen's Coop' site which would have a 4 storey (14m) default limit (we note that these are both significant increases from 8m limit in the current LEP HoB Map).
 32. In relation to FSR, we can see no reason to raise the default limit beyond that set in the 2012 Strategy, being 2.0:1.
 33. We had been led to believe that the very basic Height of Buildings clause in the PS LEP 2012 was based on the State government template and could not be varied much. But we now observe that LEPs in many other Council areas impose much more detailed and specific height and FSR controls (e.g. LEP for Sutherland Shire at http://www.austlii.edu.au/au/legis/nsw/consol_reg/sslep2015392/s4.3.html).
 34. We submit that the Port Stephens LEP should be revised to include a more sophisticated clause on building heights, including specific provisions at least for Nelson Bay reflecting the outcome of the current Strategy review (detailed controls for other town centres in Port Stephens would probably also be appropriate).
 35. We also question whether it is appropriate to vary height and FSR limits significantly without re-zoning. The current zoning for the town centre area is a mixture of B2 (Local Centre) and R3 (Medium density residential). To accommodate the sorts of heights and FSRs being proposed in the DP consideration should be given to re-zoning parts of the town centre as either High Density Residential (R4) - which expressly allows for residential flat buildings, or Mixed Use (B4) – which expressly allows for shop-top housing. By comparison with planning controls in many other NSW towns, any areas remaining zoned as R3 would typically expect to have height limits of 4 storeys (14 metres) and FSR limits of less than 1.0:1.
 36. All of the 'default' height and FSR limits discussed above are, by law, subject to the standard 'variation' clause (4.6) in the LEP, which allows for

departures from applicable development standards where it compliance would be unreasonable or unnecessary.

37. We discuss the need for clear Guidelines for the use of clause 4.6 under 'Development Incentives' below, but make the point that we have been mindful of the likelihood of variation applications when deciding our position on 'default' height and FSR limits.

Design Excellence

38. We have already noted that the reliance placed on 'design excellence' in the DP is misplaced, given that it is such a subjective concept. Council should already be insisting on good design, and has a range of standards in the DCP to promote this objective.
39. We are surprised that the new Woolworths is portrayed as an example of good urban design features, when in our view it fails on several counts, including clearly not complying with the DCP requirements for activated street frontages and landscaping (as well as being a major missed opportunity for a medium height mixed use development, and for an attractive public space).
40. We have no problem with a revised Strategy, and in due course a revised DCP, re-emphasising the importance of good design, but we do not see it as providing a high level of assurance, and should certainly not be seen as compensating for otherwise undesirable building heights and density.
41. We support the proposal for an external design panel to assess major DAs and those which seek to use the variation clause, provided it is genuinely independent – it should not however have the final say on developments, which should remain a democratic decision albeit informed by professional advice.
42. We submit that the Strategy should retain the concept of 'outstanding design excellence' as (only) one of the two criteria for variation of height, FSR or other standards in rare and exceptional cases (see below re Clause 4.6). One example of a feature that might qualify (if endorsed by the design panel) might be 'vertical gardens' /green walls which could enhance the visual appearance and fit the town character.
43. We also submit that the Strategy must continue to emphasise the importance of key 'view corridors' (identified in the 2012 Strategy). This relates both to Design Excellence and Building Heights (as well as to the public domain and development incentives). Some of the view corridors – notably that down Church St, would be threatened by developments allowed under the height limits proposed in the DP.

Development Incentives

44. The DP emphasises the lack of certainty for investors as a major factor in the lack of development in Nelson Bay in recent years.
45. We cannot understand how *not* having clear and unambiguous height limits for future developments can in any way contribute to certainty. To the contrary, highlighting the availability of the LEP variation clause 4.6 to potentially allow extra height (and density) *without any maximum limits* is more likely to deter investors (and buyers for any new apartments).
46. We point out that the proposed apartments at 11-13 Church St and at 65-67 Donald St (DAs still being assessed), will potentially be adversely affected by any high rise development on the Donald St West car park site. Developers prepared to invest in the town centre need to be rewarded by certainty that their views will not be blocked, not penalised by uncertainty as to what other developments may be approved around them.
47. Even if Council tried to limit the use of the variation clause (Guidelines are proposed), experience shows that once exceptions are granted, a precedent is set, and it becomes very difficult for Council to refuse other Development Applications (DAs), and costly Court action may ensue. Council itself uses the precedent argument itself when it suits its cause – including in the DP when proposing an extension of the Strategy area, and increased height limits, to the ridge lines to the east and west (see above).
48. We have argued above for stricter building height and FSR limits in the LEP itself – by making the community’s expectations clear this should remove some of the pressure for use of the variation clause. However, even with stricter LEP limits, but even more so without, the proposed Guidelines for the use of the LEP variation clause will be critical. While the State Government guidance⁴ leaves the application of the clause to Consent Authorities, it signals clearly that it is to be interpreted strictly.
49. We submit that any Guidelines for the use of Clause 4.6 in the context of the Nelson Bay strategy area should:
- emphasise that variations will only be granted in ‘rare and exceptional’ circumstances
 - re-inforce the onus on an applicant to demonstrate why ‘compliance with [a] development standard is unreasonable or unnecessary in the circumstances of the case
 - set clear caps on the increase in height of buildings (we suggest 7m (2 storeys) and increase in FSR (we suggest 0.5:1) that can be granted, and

⁴ NSW Department of Planning and Infrastructure: Varying development standards: A Guide, August 2011

- establish the clear and overriding principle that buildings should not breach the tree line on the ridges and hills surrounding Nelson Bay town centre
 - (other criteria may also be appropriate)
50. The DP correctly identifies a problem of many small lots with narrow street frontages. We submit that Council could play a more active 'broker' role in encouraging site consolidation or amalgamation and/or joint venture developments (including for its Donald St West car park site which has low density commercial development with parking immediately to the west). Landowners and developers could be offered financial incentives for such changes, rather than the promise of excessive height or density.
51. The 2012 Strategy identified five 'Opportunity sites' for special treatment, including allowance of an additional 0.5:1 FSR. One of these sites has now been redeveloped by Woolworths - disappointingly as a single storey store not taking advantage of either the existing height limits or the 'incentives' in the 2012 Strategy. Two of the other sites are Council owned and we submit that there would be a clear conflict of interest in varying development standards for these. The remaining two 'opportunity sites' are the Seabreeze & Nelson Towers hotels (both recently renovated and therefore unlikely candidates for complete redevelopment) and the Fishermen's Co-op site.
52. We submit that there is no good reason to carry over the 'Opportunity Site' concept into the revised Strategy – the option of an extra two storeys and extra 0.5:1 FSR which we have suggested as potentially available anywhere in the Strategy area under the variation clause 4.6 should be sufficient incentive for potential developers of all these sites.
53. The Development Incentives chapter of the DP includes discussion of payment options for parking (suggested change 10 on p.32) which we submit belongs in a separate discussion of funding options for all desired works – which was the approach taken in the 2012 Strategy (Chapter 10 – Implementation, p.87). We comment on these options under Implementation below.

Public Domain

54. We welcome the identification of public domain as important, but find the discussion in the DP frustratingly limited – it needed to address wider public infrastructure (discussion of which is scattered throughout the 2012 Strategy). Public domain improvements also need to be given higher priority – they are a necessary precursor to new private investment, not just an 'optional extra' to be provided and paid for *after* development takes place.

55. Many public domain improvements such as landscaping, lighting, signage, paving and street furniture are relatively low cost but would make a huge difference to the currently run-down appearance of the town centre.
56. Ideas such as the partial closure of Magnus St between Stockton and Yacaaba Streets to form a pedestrian mall or shared use zone could be explored.
57. The APEX Park Masterplan, adopted in 2015, should be implemented as soon as practicable to improve the link between the town centre and the marina. Some improvements have been made but there is a lot more to be done – some of it relatively low cost.
58. There are many opportunities for partnership between Council and business owners for public domain improvements which should be pursued.
59. The importance of maintaining vistas through key 'view corridors' was recognised in the 2012 Strategy. These corridors must be protected. The Yacaaba St extension will open up one such corridor and this should not then be compromised by future commercial development, as still proposed by Council in its adopted design.
60. Council needs to maintain the public domain better, and to continue to support volunteer graffiti removal.
61. The Public Domain chapter of the DP includes discussion of s.94 contributions (suggested change 14 on p.34) which we submit belongs in a separate discussion of funding options for all desired works – which was the approach taken in the 2012 Strategy (Chapter 10 – Implementation, p.87). We comment on all the funding options under Implementation below.

Transport and parking

62. The DP does not discuss enough options for addressing what most in the community see as major problems of traffic management and shortage of short term parking.
63. There is no mention in the DP of traffic management and inner bypass options, which the 2012 Strategy recognised as important – it may be intended not to change these aspects but it is disappointing that they are not reinforced in the DP. Ideas agreed in the 2012 Strategy for encouraging alternative traffic circulation (including Shoal Bay and Fingal Bay traffic avoiding the town centre) also need to be implemented as a high priority – many of these would be low-cost, involving only minor roadworks, road marking and signage.

64. We welcome Council's recent commitment to building the Yacaaba Street extension, and urge that any remaining obstacles be overcome as a very high priority so that the work can be completed in the next financial year.
65. Clearly planners and most of the local community, including businesses, have been on different pages when it comes to parking adequacy. There clearly needs to be a better attempt to reconcile the two points of view and come up with some practical and affordable solutions.
66. We welcome the proposed further traffic and parking study, and support the point made at a recent meeting with local businesses that any survey should not be confined to a holiday weekend but should also test conditions during a normal working day.
67. We are sceptical of the approach being taken by the Commercial Section of Council to redevelopment of the two Council owned car park sites, which reportedly involve Council granting the sites to developers, in exchange for replacement public parking, but in tower buildings which would permanently 'cap' the amount of parking.
68. The Strategy needs to allow not just for immediate parking needs but also for future demand if and when, as hoped, major new developments take place in the town centre. And Council should not waste any more time and dollars on secret negotiations on the car park sites until a revised Strategy has set an agreed framework. Nelson Bay Now (of which TRRA is a founder member) has put forward designs for a redevelopment of the Donald St East car park which should be given serious consideration.
69. We submit that Council needs to consider other options for funding replacement public parking, including grants and levies. Options for paid parking, with free residents permits, and/or better use of time-limited parking, need to be explored.
70. The community needs facts and figures on how the paid parking at the foreshore has worked, how much revenue it has generated etc. Council needs to explain where money raised for public parking from past developments has gone, and come up with a better solution to the future of the Council car parks which are community assets. (We are aware that Nelson Bay Now has requested further information on parking from Council)
71. Above-ground parking in new apartment buildings cannot be considered good design practice and should not be allowed.
72. Consideration should be given, in consultation with Destination Port Stephens and local businesses, to park and ride options with local shuttle buses – this option will not suit everyone but could relieve the pressure on roads and parking in peak periods.

Staging of re-development

73. Surprisingly, there is no discussion in the DP of staging or timing of developments. It is very unlikely there will be either investment funding or sufficient demand for major apartment buildings on both the Donald St East and Donald St West car parks at the same time, and simultaneous building would also cause a major parking crisis for several years. While Council has limited influence on the timing of private sector developments, at least in relation to these two sites which it owns it may be sensible to focus on redevelopment of one of the car parks, with the other left in use as a car park during construction, preferably while the two temporary leased car parks are still available. (See reference above to Nelson Bay Now's proposal for redevelopment of the Donald St East site)

Other ideas

74. The local community has many positive suggestions for improvements to the town centre – unfortunately Council has not had effective processes in place for receiving ideas, giving feedback on them, and implementing them where possible.

75. There should be a transparent and well publicised 'suggestion box' process to encourage ideas.

76. Council should for instance explore ways to encourage temporary use of vacant shops, as has happened successfully through 'Renew Newcastle'. Financial incentives or relaxation of bureaucratic requirements may be appropriate.

77. There is a consensus that Nelson Bay needs to diversify its economy beyond tourism, specialty retail, cafes and restaurants. Council's Economic Development Unit should work with the Tomaree Business Chamber to encourage new service businesses and with Destination Port Stephens to identify and promote new tourist attractions and facilities.

78. Local people have consistently put forward ideas for hotel, conference and exhibition facilities and new visitor attractions, including interpretation of the marine environment, aboriginal heritage, national parks and history of the peninsula (including its fascinating role in World War II). Council, together with Destination Port Stephens and other agencies should more actively explore options for attracting investment in such facilities. The town centre may or may not be a suitable location for these major facilities, but would benefit from the custom of visitors wherever they were located on the peninsula.

79. There has been protracted debate as to whether the Visitor Centre is in an optimal location (and whether there might be a better use for that site). Council and Destination Port Stephens should lead a community

discussion about future tourist information needs and premises – suggestions have been made for various alternative locations, with plentiful parking, along Nelson Bay Road on the way into the peninsula.

Implementation

80. The section of the DP on Implementation is very brief, and focus on 'process' issues including a methodology (SMART) and a monitoring panel. While these are both good ideas, we submit that there also needs to be a more fundamental review of the Implementation chapter of the 2012 Strategy (Chapter 10) which dealt primarily with funding options for the various works proposed elsewhere in the Strategy.
81. We have already commented above on various sections of the DP which discuss funding options. We submit that these ideas and responses to them during the consultation period need to be brought together into a single review of funding options, including the s.94 contributions scheme, other levies, greater use of State and Federal grant schemes, paid parking and other revenue sources, as was discussed in some detail in the 2012 Strategy, but appear not to have been actively pursued.

What Council should do next

- From the submissions and comments received on the Discussion Paper, identify and accept a community consensus on exactly what we want the Nelson Bay town centre to be – and settle a vision for its character, major function and appearance that reflects the wishes of the local community.
- Reflect that consensus and vision in a revised Strategy, including detailed building height controls and FSRs.
- Translate the strategic plan into the LEP and DCP as soon as practicable.
- Prepare a traffic management plan.
- Prepare a parking strategy and plan which meets projected future needs and addresses requirements for commercial, tourist and residential parking.
- Develop interrelated public domain/streetscape/landscape/signage plans.
- Evaluate all funding options for implementation of all the required plans, including State and Federal Grants, loan funds and local levy/contribution schemes.
- Set clear timetables for implementation of all plans.

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Brief responses to the 20 'suggested changes' to the Strategy.

We consider that some of these items are unsatisfactory posed as 'questions' in that they address only small parts of the wider issues, and our responses need to be read in the wider context of our narrative submission above.

DESIGN EXCELLENCE – We support the objectives and these specific measures, but they are not a substitute for other actions – and should already be required by Council for all developments

- 1. Creation of an Independent Urban Design Panel**
 - Support, provided genuinely independent, but should only have limited and not determinative role in approval of variations to development standards
- 2. LEP Clause for activated street frontages**
 - Support, but with application also to entire Yacaaba St and Donald St east to Strategy boundary
- 3. LEP Clause for appropriate vertical to horizontal proportions**
 - Support, as part of a wider strategy to encourage site consolidation
- 4. Education Program on Urban Design**
 - Support
- 5. Support for Awards that recognise Excellence**
 - Support

BUILDING HEIGHTS – This is a key issue, but no evidence for height limits being a major constraint on development

- 6. Building Heights are informed by all variables**
 - Meaningless statement – must have strict height (and FSR) limits that reflect principles of maintaining town character and specifically not breaching tree line when viewed from the Bay or obstructing view corridors.
- 7. Development of Council Guidelines for the use of Clause 4.6**
 - Necessary, but must limit variation of standards to rare and exceptional proposals which exhibit outstanding design excellence and strategic public benefit – must also have a 'cap' of maximum permitted variation. This means no major change to 'incentive' provisions in the 2012 Strategy
- 8. Expansion of the Strategy Boundary to include ridgelines**
 - May be appropriate to include land immediately east of Yacaaba St, but not the ridgelines which are exclusively residential areas.

DEVELOPMENT INCENTIVES – important but should not be seen as the major solution to lack of investment

- 9. Implementing the intent of previous clauses**
 - Maintaining the existing incentive provisions in new variation Guidelines would achieve this and provide certainty for developers and occupiers. Proposals in the DP for looser variation guidelines with no 'cap' on heights etc. would increase uncertainty and deter investment.
- 10. Public Goods are provided by those who use it**
 - Unclear what is proposed – needs wider consideration of funding options.
- 11. LEP and DCP requirements encourage design excellence**

- Support - already a community expectation

PUBLIC DOMAIN – this is *the* key issue – enhancing the attractiveness of the town centre is the best way of restoring confidence and attracting investment.

12. Development of a streetscape Design Guide

- Support as part of wider package of public domain plans and measures.
Needs to include a landscape plan

13. Detail provided to Public Domain works, costing and priorities

- Support costing and early implementation of works already identified but list should be further refined through community consultation

14. Revise Section 94 Development contributions for catchment

- Support, as part of wider consideration of funding options.

15. Preparation of a Signage Strategy and implementation of actions

- Support as low cost early action as part of wider package of public domain plans and measures.

TRANSPORT AND PARKING – A key issue – wider recommendations of the 2012 Strategy about traffic management need to be retained.

16. Identification of future satellite parking locations

- Support, through consultation with local community

17. Explore user pays approaches to the provision of parking

- Support, but as part of a wider Parking and Traffic Management Strategy.

18. Encourage private enterprise to provide parking on Council land

- Not necessarily the best option – and must preserve options for future car-parking on these community assets

IMPLEMENTATION – Critical – major failing of 2012 Strategy was lack of promotion and follow-up by Council

19. Re-wording existing actions to be SMART

- Support.

20. Implementation Panel that reports quarterly on progress

- Support

Attachment : TRRA comments on HillPDA Report and peer review by EPS

(separate document)