

Progress of the Nelson Bay Town Centre and Foreshore Strategy

Port Stephens Council Discussion Paper, February 2017

This is TRRA's provisional position – for assistance of members of the community who are encouraged to [make a submission](#) (by 13 March)

TRRA welcomes the review of the 2012 Nelson Bay Town Centre and Foreshore Strategy, and the opportunity it gives the community to express its vision for the future of the town.

Implementation is vital

- The 2012 Strategy was a successful outcome to a lengthy consensus-building process.
- We agree that there has been a failure to implement many of its recommendations, and that a better implementation program, in consultation with the community, will be an essential component of any revised Strategy.

Building heights and density are key issues

- The Discussion Paper (DP) covers some but not all of the key issues facing the community. It focusses on building heights which we agree is a major issue.
- We are disappointed that the DP seems to have been drafted largely to support a relaxation of height limits and density on developments in the town centre.
- The arguments in the DP conveniently support what we have long suspected (now confirmed, Examiner, 16 February) to be Council's agenda to redevelop its two Donald Street car park sites with very high tower blocks, getting developers to replace public car parking for no cost (but by gifting them the sites!).
- Council has a major conflict of interest between its interests as a landowner and its role as the planning authority pursuing the public interest.
- We challenge the case made in the DP, and supporting consultant's report, that unrealistic height controls are the main reason why there has been very little new investment in the town centre in recent years.
- We reject the apparent 'build it and they will come' approach being taken by Council as unsupported by any evidence.
- To the contrary, the consultants confirm what we already know – that there is limited demand for up-market town centre apartments, with most new residents preferring low rise stand-alone houses

Community opposition to high rise is clear and consistent

- We have been here before! At least in 2009 and 2012 Council has tried to persuade the community that higher buildings were needed in the town centre (and foreshore), and on both occasions the community clearly rejected this vision.
- Independent research for the 2012 Strategy confirmed that residents, businesses and visitors all strongly supported maintaining the low rise coastal village character of the town.
- The DP is misleading in suggesting that there is already agreement (in 2012) to a 7 storey height limit throughout the town centre – this was agreed only as an 'extra' two storeys over the five storey default limit, to be allowed only in exceptional cases.

- We also oppose the proposed use of the exception clause (4.6) in the Local Environment Plan (LEP) to apparently allow buildings higher than 7 storeys on any town centre site and without any maximum limit.
- Experience shows that once exceptions are granted, a precedent is set, and it becomes very difficult for Council to refuse other Development Applications (DAs).
- Allowing for height exceptions on an arbitrary case by case basis would create massive uncertainty for developers (and prospective unit buyers) and almost certainly be a brake on investment, not a stimulus.
- A major relaxation of height limits would also be very unfair to owners and residents of existing town centre apartments who made investment decisions in good faith on the basis of strict limits. Even the developers of the two proposed buildings on Church Street would be severely affected.
- 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 Councils and would lead to very 'out of character' building density.

Other factors are more important to re-vitalisation than building heights

- We submit that Nelson Bay's development 'slump' is not unique but, in common to many other NSW coastal towns, due largely to wider economic factors outside local control.
- 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.
- Nelson Bay needs to complement, not compete with, the 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.
- While it would be great to have more permanent residents in the town centre this cannot be guaranteed by simply allowing more high rise apartments – experience shows that most of these are likely to remain vacant for much of the year (on Census night in 2011, three-quarters of units in apartment buildings of more than 2 stories were unoccupied).
- We submit that the economic modelling consultants report does *not* support relaxation of height and density controls – rather it confirms that allowing high buildings would be a huge 'gamble' with no guarantee of positive benefits, but with guaranteed irrevocable destruction of the character of the town.

Good design is important, but no substitute for other action

- The DP places too great a reliance on 'Design Excellence', and the ability of a Design Panel to achieve major improvements.
- No-one is going to argue against the objectives in this section of the DP, but design quality is inherently subjective, and very difficult to enforce.
- Many of the proposed 'design' objectives can and should already be met by enforcing existing Development Control Plan (DCP) standards.

Traffic and Parking are key issues that must be addressed

- 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.
- We welcome Council's recent commitment to building the Yacaaba Street extension.

- The other 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.
- 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.
- 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.
- Above-ground parking in new apartment buildings cannot be considered good design practice and should not be allowed.

Public spaces and infrastructure are critical

- We welcome the ideas in the DP about improvements in the public domain, but submit that this should be given higher priority.
- 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.
- There are many opportunities for partnership between Council and business owners for public domain improvements which should be pursued.

What Council should do

- Accept a community consensus on exactly what we want the Nelson Bay CBD 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 strategic plan, including detailed building height controls and FSRs.
- Translate the strategic plan into the LEP and DCP.
- 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 a streetscape plan to enhance the public domain.
- Develop a public space plan including identifying potential sites for small parks and plazas.
- Evaluate all funding options for implementation of all the plans, including State and Federal Grants, loan funds and local levy/contribution schemes.

TRRA encourages residents, ratepayers, local businesses and visitors to have their say on the future of Nelson Bay by making a submission, before 13 March, on the Council's Discussion Paper.

It is easy to make a submission [online](#) – include any of the above points that you agree with, and add your own. You don't have to follow the structure of Council's questions – you can just email a submission to council@portstephens.nsw.gov.au.

We also encourage you to contribute to TRRA's final submission which won't be going in until the last minute – please [copy your submissions to us](#) or just [tell us what you think](#).