

Development Proposals

Nelson Bay

Donald St car parks



Council is in secret negotiations with a potential developer for the Donald Street East and West car park sites with strong rumours that they are looking at very high tower buildings on both sites, and only replacement parking rather than the extra that most stakeholders think is needed. TRRA believes that Council has the process back to front – it should first engage with the community about what uses and heights will be acceptable.

TRRA has recently joined with the Business Chamber and tourism representatives in a new forum *Nelson Bay Now*, which is seeking to engage Council in its current review of the 2012 Town Centre and Foreshore Strategy.

TRRA's view is that it is essential that Council does not make any binding commitments for the critical car park sites, or approve any other major developments in the town centre, until a new common vision for the future of the town emerges from this review – building heights will be a particular concern.

We caution against using the number of storeys as a proxy for height, as a particular design can mean a higher building than another development with more floors, and it is generally the overall height that will be of concern.

11-13 Church St



Montage Comparing Proposed Building Height with Compliant 15m Height Envelope
(from Development Application)

11-13 Church St has been a derelict building site for years, despite having had several DAs approved for apartment buildings of up to 18 metres (6 storeys). The site has now changed hands and in October 2016 a new proposal for an 29-32.9 metre residential tower (8 storeys), with 4 separate townhouses at the rear was submitted to Council. TRRA is preparing a submission supporting the objective of an increase in permanent residents in the Nelson Bay CBD, and acknowledges that a high quality building may be a catalyst for the further investment that is needed to re-vitalise the town centre. However there are major concerns about the proposed height of 29-32.9 metres on the western ridge, when the current LEP has a limit of 15 metres for this site. The non-binding 2012 Nelson Bay Strategy supported the general 5 storey limit while suggesting exceptions for up to 7 storeys in exchange for 'exceptional design and/or significant public benefit'. However, when the Development Control Plan (DCP) was revised in 2013-14, this 2 storey variation was not included even though other elements of the Strategy were.

Consistent with our position on the Donald St car parks (see above) TRRA's submission on the Church St DA recommends that the review of the Nelson Bay Strategy, including height limits, be completed and implemented in the LEP and DCP before a decision is made on this application.

The development has an estimated cost of \$19.3M, which keeps it under the threshold at which the consent authority would be the Joint Regional Planning Panel rather than Port Stephens Council. Council has however confirmed that they will seek an opinion from an independent Urban Design Consultative panel of experts.

Old Caltex servo Site, at corner of Tomaree and Stockton Streets

The old service station buildings were removed early in 2016 following the removal of the underground tanks in 2015 and the required period of remediation. The site was advertised for sale in mid 2016 and has recently been sold to a Sydney developer with other interests in Nelson Bay.

Child care facilities

A DA was approved in April for an 87 place child care facility behind the Adult Education complex at the corner of Government Road and Church Street. This will require the removal of some trees along the western boundary. The child care facilities already approved for the former Christmas Bush nursery site on Stockton St are now under construction.

Marina Resort

Plans to redevelop the site of the ageing Marina Resort on Magnus Street with three towers of up to 8 storeys (25 metres), including a major conference centre, were approved in 2014-15. TRRA has objected to a recent s.96 variation application to allow the applicant to proceed initially with only the western tower, with the mix of units changed to fewer short stay and with only a small meeting room. Although TRRA generally supports the provision more accommodation suitable for permanent residents, the DA approval for the extra height (the LEP limits for this site is for only 5 storeys) was on the basis that it was to be a 'tourist facility' with a major public benefit of a new large conference centre. A decision is pending.

Housing Development - 27 Dowling St

This subdivision and redevelopment of the former public housing site opposite the Lagoons Estate into 15 detached houses is now almost complete. Six s.96 'variation' applications have been submitted and approved since March 2015 for modifications to original staging or consent conditions. Councillors approved a reduction of nearly \$100,000 in s.94 infrastructure contributions against the recommendations of staff, and the developer has also had a requirement to provide a shared pathway along the Austral Street frontage waived.

TRRA is very concerned about the excessive use of 'post approval' modifications to achieve outcomes which may not have been accepted if put forward as part of original proposals – a way of 'gaming' the planning laws and avoiding effective public input.

Shoal Bay

Motel redevelopment - 9 Shoal Bay Road



A DA in September 2016 proposes the demolition of the Santa Catalina Motel and the construction in its place of a 4 storey motel. TRRA has objected on the grounds that the proposed height is 43% over the allowed limit for this area in the LEP. This is consistent with our general position that major departures from current planning controls should go through a proper process of amending the plans, with full public consultation, rather than just be decided ad hoc.

Salamander Bay

Salamander Shopping Centre



Work is well under way at the Salamander Centre on the new roads and other infrastructure that will support commercial developments on the sites between McDonalds and the Rigby Centre. We still do not know for certain which entities Council is negotiating with about the four main lots being serviced now (coloured blue on figure below), or what uses we will get. DAs will need to be lodged for each development so the community will have an opportunity to comment on design etc at that stage, but we remain disappointed that Council has made no effort to achieve what could have been an exciting mixed use development - perhaps with shop top housing to meet future demand for apartments close to facilities, or to engage with the owners and managers of the existing Centres about long-term redevelopment options.

Seniors housing - 60 Deimars Rd and 240 Soldiers Point Rd.

A DA was approved by Council in May 2016 for 56 'seniors living' units in two buildings of 3 and 4 storeys (up to 17 metres), on a site with an LEP height limit of 9 metres. TRRA made a submission questioning why a re-zoning application had not been required. Some changes were made including lowering the height of the building fronting Soldiers Point Road. A s96 application followed in August for minor modifications to setbacks and internal layouts, with a decision pending. Another s.96 application has recently been lodged seeking a reduction in s.94 contributions.

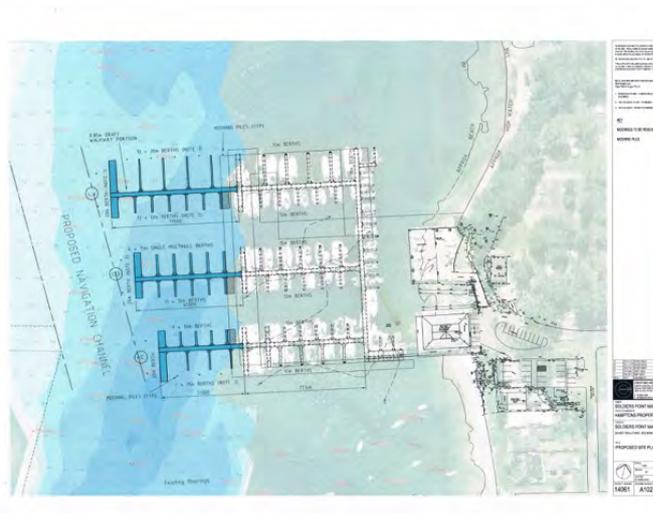
Mambo Wetlands



6 hectares of land, in 7 lots, which the community assumed was part of the Mambo wetlands reserve, was sold by the State government in June with very little notice and no community consultation. TRRA joined in despite a vigorous local campaign to protect the land. While the land is zoned E2 Environmental Conservation, this would allow for a variety of development, and the intentions of the new private owner are unclear. The community continues to campaign for the land, which includes Koala habitat, to be permanently protected.

Soldiers Point

Soldiers Point Marina



Following rejection by the Joint Regional Planning Panel in 2014 of the proposed major marina expansion, a substantially similar proposal was again advertised in October 2015. Council planners recommended refusal and the JRPP again refused the development in March 2016 but the applicant has appealed to the Land and Environment court.

Seniors housing development behind the Soldiers Point Bowling Club

A 100 unit development was approved in 2014, and the first stages are now occupied, but this project has been very controversial. Major design changes appear to have been implemented and then approved retrospectively (see below), and almost the entire site has been cleared of natural vegetation despite conditions requiring retention of some mature trees. TRRA are supporting the Soldiers Point Community Group in their challenges, with advice from the Environmental Defenders Office (EDO) to some of the processes and outcomes.

July 2016 photograph



Artists impression from original application



Anna Bay/Bobs Farm

Major hotel, 4177 Nelson Bay Rd

A DA for 'The Bay Resort', comprising a 150 room hotel + 219 tourist units, together costing \$230 million, is still under consideration by State Department of Planning, as the consent authority for major developments. The Proponent is still reviewing submissions received, including ours, in which we raised several concerns without opposing the entire project.

Proposed sand mine, 3631 Nelson Bay Road

The proposed sand mine behind (west of) the Bobs Farm public school and Go-Kart track has not progressed – a detailed Environmental Study has yet to be submitted and exhibited. Land adjoining the site to the west has recently been sold at auction, reportedly to the sand mine applicant.

Caravan Parks/Residential Villages

TRRA made a submission in August 2016 objecting to a s.96 variation to the approved 'caravan park' at 16 Trotters Road, which would have the effect of making it almost entirely a permanent residential village with manufactured homes. Several major similar developments have been approved in recent years in the Anna Bay area. While TRRA acknowledges that these 'residential parks' appear to meet a significant demand for affordable housing, we oppose the way in which the planning system has been misused to secure approval for these 'villages' on land zoned rural, and often in unsuitable locations far from shops, facilities and poorly serviced by public transport. The impact on wildlife, including koalas, on adjacent rural land, if dogs are allowed in these villages, is another concern.



Illustration of the combined effect of two approvals for residential parks off Nelson Bay Road at Bobs Farm/Anna Bay (from a public submission)

Lower development is on the site of the former Divers Luck winery.

Williamstown

Retail precinct

A detailed DA was approved in April 2016 for a KFC store next to the McDonalds at the Lavis Lane/Cabbage Tree Road roundabout. The Newcastle Herald has reported that Brokers are sounding out overseas interest for the remaining land covered by an earlier 2013 approval for a motel and tavern and other retail outlets. The 1.3 acre site is advertised with approval for a 50-room motel and a tavern with 21 poker machine entitlements, to be sold either together for \$2.2 million or separately for \$1.2 million each.



Newcastle Herald 1/10/2016 - An artist's impression of the new retail hub at Williamstown, which will include a 50-room motel and tavern, Subway, Gloria Jeans and KFC.

TRRA has repeatedly raised concerns about approval of commercial and retail developments on land zoned 'rural' in the vicinity of the airport. Such developments do not fit in the adopted planning strategies which favour a hierarchy of local centres, and they compete unfairly with established businesses in those centres serving tourists. Council has made provision for economic development zone at the airport and development control policies should support this zone while protecting the surrounding natural environment.

Other Planning Matters

Pathways Plan

TRRA welcomed the adoption of an overall pathways plan for Port Stephens, which over time should give much better connectivity for pedestrians, cyclists and user of mobility scooters. We have concerns however about ad hoc changes to the plan and an early case where the normal requirement for a developer to build sections of missing pathway fronting their new development has been waived.

Maps showing the elements of the pathways plan in different geographic areas of Port Stephens are online at <http://www.portstephens.nsw.gov.au/live/resident-services/everything-roads/pathway-plans>

Tree Management Policy

Councillors voted in September 2016 to extend the moratorium on the need to seek prior approval for tree removal in urban areas. The moratorium was introduced in 2015, ostensibly as a response to the April 2015 storms, but without any real evidence that the existing policy was not working, and lapsed in early September 2016. It is clear that many property owners have taken advantage of the moratorium to remove trees, many of which may have been healthy and posing no risk, and yet there have been few of the 'post-removal' notifications still officially required. The staff report to Council clearly states that extending the moratorium is inconsistent with Council's own Environment Policy, and risks losing control of tree removal. As in 2015, TRRA have challenged Council's decision to re-introduce the moratorium – the necessary amendments will go on public exhibition soon and we encourage members of the public to make submissions.

Corlette Foreshore erosion

Council consulted the community in late 2015 about alternative plans to address the erosion of the foreshore between the Anchorage marina and Bagnalls Beach. TRRA made a submission favouring low-cost initial work first, with longer term options to await resolution of issues with affected property owners. We emphasised the need to spend money wisely with a view to permanent solutions, as costly temporary foreshore protection works have proved ineffective at several locations around Port Stephens waterways.

Hunter Regional Plan

A review of the existing Lower Hunter and adjacent Regional Plans has been undertaken by the NSW Department of Planning. The draft plans were on exhibition from November to March 2016, and included a proposal for a 'Hunter City', including a 'Northern Gateway District' taking in Raymond Terrace, Medowie and Salt Ash (see figure 1 below). The Tilligerry and Tomaree peninsulas were both left outside this metropolitan zone, in a 'North East Coast' subregion extending up to Forster/Tuncurry with a future based on environment, tourism and retirement living.

TRRA queried the underlying assumption in the strategy that looking forward, mining of coal would remain a major economic driver for the region.



Our submission drew attention to the internationally accepted proposition that the reliance on fossil fuels will reduce in response to climate change dictates. Accordingly, it was suggested that the strategy should evaluate alternative economic drivers and the strategies necessary to accommodate this change.

There were over 200 submissions, including ours. In October 2016, the government released its final regional plan, which is significantly different from the draft. While we are still reviewing the new plan, it is clear that it has replaced the Hunter City concept with a 'Greater Newcastle Metropolitan Area'. Tomaree Peninsula remains outside this area, with Nelson Bay noted as a 'Strategic Centre', focussing on services and tourism, with some infill residential development predicted over the next 20 years. Salamander Bay and Anna Bay are identified as 'Centres of Local Significance'.



The implications of this new plan will depend on how it is translated into more specific infrastructure and planning decisions. The level of community consultation and influence of elected representatives will be crucial.