



Nelson Bay 2030 Plan

Discussion Paper

on

BACKGROUND TO DESIGN CODES AND DRAFT DEVELOPMENT CONTROL PLAN

17 November 2009

Introduction

TRRA welcomes the opportunity to make an early comment on the draft Design Codes and DCP. We are pleased to note that account has been taken of a number of our earlier comments on the 2008 Draft Nelson Bay 2030 Strategy.

In assessing the Consultant's draft Design codes and Draft DCP we concluded that they need to be considered with, and cross-referenced to, the revised Nelson Bay 2030 Strategy which we presume will provide the essential background analysis and context for the codes and the DCP. We understand the codes and the DCP are the tools to implement the actual strategy.

The Strategy itself should set out a broad vision for the future role and character of the town based on an analysis of the current problems of the CBD, its economic and environmental setting, having regard for what is planned elsewhere on the Tomaree Peninsula and in the Lower Hunter Region. The codes also need to take into account the preferences of the town's inhabitants, visitors and businesses. In the absence of this background and analysis there is a danger of adopting design codes and a town structure that fail in the market place.

Fundamental Issues which need to be addressed up-front

1. What are the basic problems with the Nelson Bay CBD and what are the underlying reasons for these?

a. Limited range of offers in the residential/commercial /retail and tourist accommodation mix

Reasons:

- Competition from Salamander Bay
- Poor 'Sense of Place'
- The quality of residential development and poor overall town amenity have not been attractive to permanent residents, resulting in low levels of activity in off-season and mid-week periods
- Highly seasonal tourist traffic focused on the lower end market segment

b. No real "heart" to the town

Reason :

- Decision to relocate most public anchor functions to Salamander Bay Precinct e.g. library, council meeting rooms, school.
- Loss of other key activities to Salamander Bay such as churches, bus interchange.
- Major anchor retail outlets moved to Salamander Bay.

c. Separation of the CBD from the Marina/ foreshore precinct

Reason:

- The historical location of the Government Road/Victoria Parade through route to Shoal and Fingal Bays

- Each area has been developed under the control of different jurisdictions

d. Inappropriate road and traffic management system

- Through traffic directed via foreshore/failure to nominate and implement by-pass route
- Internal traffic scheme needs careful planning
- Parking at peak times inadequate.

2. What are the major assets on which a successful and vibrant town can be built?

- a. The outstanding beauty of the town's setting in an amphitheatre overlooking Port Stephens and the natural backdrop to the town.
- b. The town and the foreshore still retains the low key character of a coastal town which is highly valued by residents and visitors alike.
- c. Foreshore reserves have been largely protected from development offering residents and visitors an opportunity to enjoy the bay vistas from a natural vantage point.
- d. The location of Nelson Bay within easy reach of the Sydney, Central Coast and Hunter Valley retirement, weekender and tourist markets.

3. Having regard to the current and future urban hierarchy of the Port Stephens LGA and the Lower Hunter, what will be the longer term status and function of Nelson Bay CBD?

- a. What services and functions and residential accommodation will need to be planned for? Account would need to be taken of what is intended for competing centres such as Salamander Bay.
- b. What share of the LGA's projected growth in population and jobs might be attracted to Nelson Bay CBD? (Are we still attempting to accommodate the figures previously cited in the original 2030 draft which Council and the Department of Planning have acknowledged were misinterpreted and therefore an inappropriate base for planning?) The PSC Community Settlement and Infrastructure Strategy 2007, the Nelson Bay Foreshore Plan and the Waterfront Master Plan have been adopted by Council and a Tourism Strategy is nearing completion. All have relevant data and recommendations.
- c. What are the requirements of the town's future businesses, residents and visitors? i.e. Are we building residential floor space for retirees, families, weekend visitors or tourist visitors? How much of the CBD area can be expected to be needed for retail/ business use?
- d. What is the impact of the seasonality of demand and can the planning help to overcome this constraint. (open sunny streets in winter may need to be given a high priority).

4. To what extent is Council meeting its obligations to take account of State and national policies relating to coastal development?

- a. **A Ministerial Direction issued on 1 July 2009 requires Council to implement the principles in the NSW Coastal Policy and the Coastal Design Guidelines 2003.** (no reference is made in the draft codes to these policies or guidelines). Nelson Bay is clearly within the defined Coastal zone which includes 'land within a distance of one kilometer around; all bays, estuaries, coastal lakes, lagoons and islands'. It applies to all new developments and to publicly owned lands.

In detailing key actions the policy specifies that:

- 'Development proposals will have to conform with specified design and planning standards to control height, setback and scale to ensure that the beaches and foreshore open spaces are not overshadowed; and
- The aesthetic qualities of both the natural and built environments will be identified, protected and promoted through the continued acquisition of coastal lands under the Coastal Lands protection Scheme and the implementation of design guidelines, planning instruments, management plans, programs and regulations'.

In introducing the Coastal Design Guidelines for N.S.W. the Minister for Planning stated: 'It is no longer appropriate to build coastal houses and unit blocks at locations where they dominate the landscape without any appreciation of scale and sense of place'.

The NSW Coastal Design Guidelines in addressing the topic of Appropriate Buildings for a Coastal Context identifies the following 'Issues' which are most relevant to the Nelson Bay situation. 'Large buildings designed and approved without consideration for the local context result in the following problems:

- Buildings out of scale with the natural and built form context
- Loss of amenity and development potential on neighbouring sites
- Poor quality and open space design
- Loss of commercial and social potential on streets and in social centres
- Degradation of the public domain through overshadowing
- Encroachment on public spaces and unsafe streets
- Increased storm water run off"

The Guidelines stress the importance of height limitations which step up with distance from the foreshore. **Three storeys in town centre foreshore sites are considered acceptable, with generally up to four storeys in town centres.**

Unfortunately, notwithstanding the consultant's stated principles and objectives, the map on page 28 detailing proposed height limits, and the oblique representation of the likely built CBD

form at the top of page 29, demonstrate an outcome that fails to mitigate the problems detailed by the coastal development guidelines.

The proposal for five storeys across the Marina site and on currently reserved lands (clearly an encroachment on public land) is obviously inconsistent with these policies.

- b. Both State and National governments have recently announced policies in relation to climate change and developments in locations likely to be affected by rising sea levels.** (No reference is made to these). The Marina complex and associated parking areas would almost certainly be included as one of these locations. A five-storey redevelopment with parking under, as proposed on p.38, would be highly questionable.

Specific Comments on the Draft Design Codes and DCP

Broad Principles/Objectives

1. **The principles and objectives detailed on Pages 3 and 4, ‘buildings are more important for centres than land use zoning’** have been inserted without any reference to the fundamental issues outlined in the Introduction above and therefore lack a sound local context and any statistical/quantitative justification, e.g. a critical question can be raised in relation to principles 1 and 2 where highly prescriptive building design rules follow with no analysis as to what mix of uses may result and whether these match the future markets for the various floor spaces generated.

The report proposes a significant enlargement of the area to be included in the Nelson Bay CBD and consequently takes in zones which are well outside the retail/business hub and for which a ‘one size fits all’ code and DCP may not be appropriate. For example, the Marina, the Bowling Club and sites on the periphery which almost certainly will only ever be residential or tourist hotel/motel accommodation. Other sites throughout the CBD would seem to require designation, such as a town square, public parks and open space, car parks, a transport interchange, a conference centre and major hotel/resort site(s) and these may have special operational/design requirements that are outside the code. This suggests the need for some element of zoning and/or flexibility.

2. **The mandatory 4.5 metre ground floor requirement.** While the aim of prescribing buildings which have the flexibility to change from residential to retail on the ground floor (with a mandatory 4.6 m. ground floor height) is understood and is relevant in ‘high streets’ and ‘main streets’, it is questionable whether this should be imposed in other sections of the CBD where there is little chance of there being any business/retail use (on the higher steeper Tomaree Street land and toward the peripheries). For these areas residential developers and buyers are likely to be highly resistant to such designs.
3. **Town Centre and Waterfront to be one Contiguous Place.** In Aims and Objectives, Item 5 on Page 4 states ‘To make the town centre and waterfront one contiguous place’. While TRRA fully supports all strategies to facilitate the maximum interchange, particularly of pedestrians, between the two nodes, we seriously doubt that there is a need to fill in current open space with

five-storey buildings simply to achieve a contiguous built mass. The continuing presence of Government Road and Victoria Parade and Teramby Street will always ensure a degree of separation. Further TRRA does not consider that it is possible or desirable to force this form of joining as it is entirely natural for there to be different functions and business opportunities on the waterfront and in the current CBD.

The recent installation of traffic lights at the end of Stockton Street and a future pedestrian access via Yacaaba Street will greatly enhance the desired interchange. Even now the majority of visitors to the Waterfront and the CBD do not seem to be deterred by the short walk between the two nodes. Improved landscaping elements along the pathway, such as seating alcoves and space for temporary food and other stalls would entice the flow. Most importantly the glimpses of the Bay from Stockton and Yacaaba Streets must be retained as an inducement.

The proposed bridging of Teramby Street would address the remaining major obstacle to flow, however the need to accommodate high trucks servicing the Fisherman's Co-op. and Marina Complex could be a major design challenge. Ultimately the addition of external escalators or travelators merit investigation.

4. **Implications of Proposed Marina Redevelopment for current CBD.** Later in the document there is a suggestion that the waterfront might be a suitable site for a major retail anchor, even a supermarket. TRRA believes that this area does not need such a function which is more appropriately located in the current CBD. The waterfront land is extremely limited and should be retained for specialist uses based on tourism, recreation, marine-linked activities and public open space. A major retail anchor could, alternatively, be the catalyst for revitalization of the CBD.

TRRA in its discussions with current business operators and residents has identified that to insert an anchor retail business and other commercial activities such as banking, real estate, etc on the waterfront would almost guarantee the demise of the current CBD. This would be reinforced by the impending significant addition of business and retail space at Salamander Shopping Centre.

Foreshore Reserves and Open Space

The NSW Coastal Guidelines in reference to buildings on prominent coastal sites require that 'development does not degrade the public nature of the site or the public spaces adjoining or surrounding the site' (p.74).

TRRA notes that the Consultant's report proposes significant encroachment of a five-storey building mass on public reserves, namely Apex Park and Victoria Parade South Reserve. These proposals are strongly opposed as not only are they in conflict with the NSW Coastal Policy but we believe these open spaces are critical for the following reason:

- Development of these parklands and open spaces would destroy a vital element of the attraction of Nelson Bay for residents and visitors alike – that is, its stunning views to the waters of the Bay and the opportunity to enjoy the bayside experience from parklands surrounded by open space.
- They present a green backdrop
 - on approaching the CBD from the west or east on Government Road/Victoria Parade;
 - for shops, restaurants, accommodation (Nelson Towers and Sea Breeze Hotel sites) on the northern façade of the CBD;
 - from within the Marina or when approaching Nelson Bay by water.

- They are valued for recreation, picnicking and major events by residents and visitors.
- They are a valued habitat for local birdlife.
- In the Foreshore Management Plan, which was formally adopted by the Minister for Lands in accordance with the Crown Lands Act, and subsequently by Port Stephens Council, it was proposed (p.25) that 'particular attention be given to feature landscape elements (possible terraced gardens, seating, etc.) within the sloping embankment to the immediate east of the Victoria Parade/Teramby Road Roundabout, given this site's visual presence at the eastern entrance to the foreshore precinct'.
- Additional commercial development should be encouraged in the current CBD or to revitalize land to the west of the D'Albora Marina, not on very limited foreshore reserves.
- The viability of existing businesses on Victoria Parade and Government Road rely heavily on views towards the Bay and reserves, which will be removed by the proposed five-storey envelope.
- Properties of hundreds of residents' throughout the CBD and on Magnus, Donald and Laman Streets will be drastically devalued with obvious consequences for PSC rate revenues.
- The Consultant's stated objective was that buildings on High Streets (Stockton and Yacaaba) be set back on Level 2 to "allow for views to the Bay". These only remaining views will be taken away by the 5-storey developments in Apex Park, D'Albora Marina and the Victoria Parade South Reserve.

'The Great Wall'

The Proposed five-storey development across the Marina site and on Apex Park and Victoria Parade South Reserve will create a formidable barrier separating the CBD from the remaining foreshore and the Bay. This is clearly inconsistent with objectives 5 and 11 as stated on p.4 of the Design Code.

Almost without exception when residents and business people have learnt of this proposal the reaction has been one of disbelief and rejection on the grounds that it would 'ruin' everything that Nelson Bay stands for.

Traffic Management

The report's proposals to optimize pedestrian linkages is supported.

Proposals to realign and add traffic calming to Government Road and Victoria Parade are also supported in the interests of optimizing the interchange between the Marina and the CBD. This would need to be coupled with the early implementation of a Nelson Bay Bypass.

On Page 20 the Consultant acknowledges that the preparation of a holistic traffic and parking plan was not a function of this report. On pages 26 and 27 under the heading of 'Links' very specific proposals are made for the road system including a bypass via Dowling and East Magnus Streets. TRRA considers that any bypass proposal should have the benefit of a comprehensive traffic survey and management strategy for the whole locality. For example, expert advice would appear to be needed on the impact of movement of vehicles from Corlette and locations to the west which now use Government Road, the management of traffic using an extended Yacaaba Street link entering

the current roundabout on Victoria Parade and the safety and viability of the Consultant's proposed Dowling Street/Magnus Street East Bypass route.

TRRA understands that the Magnus Street East component of this bypass solution has been previously evaluated and rejected due to:

- The steep and narrow alignment of Magnus Street East which now only copes with parking on one side
- The likely need to destroy valuable trees on its eastern side if widening is required
- The unavoidable entry of residential driveway traffic from the large apartment buildings lining this section of Magnus Street
- The challenging intersection with Shoal Bay Road (Only left turn is currently permitted due to the poor sight distance to the junction with Victoria Parade)

There have been at least two other proposed bypass routes which would appear to be preferable and these should be re-evaluated. TRRA in previous submissions has supported the Fingal Bay Bypass Road from near the intersection of Nelson Bay and Gan Gan Roads. In the shorter term a temporary lower-cost option may be via Dowling and Austral Streets. Austral Street is wider, flatter, closer to Shoal Bay and already has a wide road reserve.

The proposed extension of Yacaaba Street across Dowling Street illustrated on p.26 requires further careful evaluation as the intersection would have a very difficult grade on the northern approach and introduce an additional dangerous intersection on Dowling Street which is mooted as a possible bypass route.

Improvements to Current CBD

TRRA fully supports the excellent recommendations on signage and landscaping, including the proposal for underground power lines.

Recommendations for a cohesive architectural style which supports the creation of a 'Sense of Place' are also supported.

TRRA believes that provision for a town square should be made in the existing CBD if it is to offer the quality experience necessary to compete with the Marina precinct and other shopping centres. In the absence of a town square there is no viable location for activities which contribute to an enjoyable experience, such as periodic farmers and other markets, performances and displays. The 2030 Strategy should identify options for sites and discuss possibilities for securing the land, such as a developer contribution in conjunction with major redevelopment applications or the use of the proceeds from the land sale at Salamander Shopping Centre.

The Consultant discusses the need for an anchor retail presence which would be desirable, and also cites Donald Street East and West Car Parks as the two possible places for such a store. TRRA believes that the large site associated with the current Coles Supermarket should also be considered as it is centrally located, next to the primary public bus stops and is of such size as to enable a significant car park and associated retail complex to be accommodated.

Building Design

The formulation of design codes for buildings in the CBD will surely improve the quality of the built fabric of the town and establish guidelines for developers.

TRRA agrees with the core planning principles of the Design codes:

- That good mixed development is important for sustainability
- That all buildings must contribute positively and collectively to the townscape by facing the street and having entries directly from the street or other public space
- That retail stores should be placed adjacent to the streets with car parking to the rear of the building or remote from the building
- All buildings at ground floor in the CBD to be robust and adaptable.
- The stress on quality of buildings that will become part of the heritage of the town.
- The statement that the Council through the codes will consider the role that each development will play in the overall composition of the town, not only the site (p.180), and that all buildings must enhance the value of other sites and spaces in the town centre unlike the blank walls of large shopping centres.

There are a number of aspects of the Design Codes which concern TRRA:

1. Street Typologies.

The development of Street Typologies for the Design Codes is worthwhile but TRRA believes there is a need for modification in some aspects. It considers that the buildings in the Main Street Typology (Magnus and Donald) should be the same as those on the High Street Typology (Stockton and Yacaaba) and have a 3 metre setback at Level 2 to alleviate “canyoning” of the street and allow in more sun.

With building heights of 19 m (4.5 Ground Level + 4x3metres Residential/Commercial, plus pitched roof) there is a strong prospect that the overall result will be more typical of a metropolitan city than a coastal town, even with these setbacks.

TRRA suggests that any code relating to height limits should be expressed as a quantifiable measurement in metres, rather than storeys with an undefined allowance for a pitched roof. The ‘storey’ prescription is open to manipulation.

In addition with the recommended tree height of up to four storeys streets may be subject to deep shadows and be uninviting especially in winter. The present tree plantings in Magnus and Stockton Street are at the right scale to provide shade in summer and are deciduous for sun in winter, with the prospect of being retained at this height by pruning.

2. Colonnades.

In the discussion of the need to bring the vertical and structural elements to the ground various options are discussed. One option for colonnades could pose problems in the Nelson Bay context. Firstly upper storeys are brought closer to the street alignment, thus adding further to the ‘canyoning’ effect. Footpaths under them and shops will be darkened, space for al fresco dining and pedestrian passage

lessened, and a security risk could be created at night. An awning structure allows free movement, and maximum light and useable space.

3. Excessive Density and Resultant Canyoning

We are concerned that the Code and DCP extending 5-storeys across the whole of the existing CBD combined with no setbacks on “Main Streets”, and proposals for balconies or colonnades extending over much of the footpath will create an unacceptable mass and create narrow canyons more typical of a metropolitan city than a coastal town. This could be relieved to some extent by requiring the setback as proposed for ‘High Streets’.

Given the limited setbacks for much of the town, the absence of town squares or public parks and the dense site coverage to five storeys, the overall urban landscape as depicted in the oblique view of the town on p. 29 suggests an uninviting environment and one which may be cut off from cooling breezes in Summer and the warming sun in winter requiring a heavy reliance on air conditioning.

TRRA notes that the photographic examples shown on page 34 are 3-storey buildings not five plus a pitched roof as recommended for Nelson Bay.

On Page 30 it is pointed out that Code outcome will be a significantly higher density across the CBD. We question the need to push the densities to the absolute maximum in Nelson Bay if this is achieved through a loss of amenity particularly in regard to open environment and solar efficiency.

4. Shop Fronts to Have a Maximum 40:60 Solid to Void Ratio.

Experience in development of retail complexes has shown that the vast majority of retailers are keen to maximize window display exposure. They dislike a high proportion of solid frontage which becomes a target for bill posters and graffiti – a serious problem in Nelson Bay. Larger retail window spaces create more visual interest especially at night, encouraging window shopping even after closing time.

5. Rear Car Parking and Service Areas

The recommended rear car parking and presumably service areas will enhance the street frontage but the report does not fully address how access will be provided to these areas. Another issue is provision for waste collection (hopefully at the rear by industrial skips rather than a multitude of domestic bins on the street). There are few public rear access lanes serving the current CBD blocks and there is a question as to how they may be provided.

The bulk of buildings to five storeys on narrow individual blocks surrounding an internal void at the back may result in unattractive outlooks for many occupants and there is a question of whether the BASIX or similar solar requirements could be achieved.

Building Heights

TRRA agrees that the building height should suit the landform, increasing in steps from the foreshore to the rear of the amphitheatre. Such a concept reflects the principles of the coastal policy and accords a degree of equity to existing and future landholders by maximizing access to views.

However, the report's proposed five-storey height level for all of the foreshore and associated reserves is strongly opposed on the grounds that it does not meet the Coastal policy's suggestion that three-storeys is a reasonable limit for foreshore locations. Five storeys in this area would totally block views to the Bay from the Government Road, Stockton Street and Yacaaba Street approaches, denying visitor's their first reward for arriving at Nelson Bay.

TRRA questions the desirability of a uniform 5-storey height across the remainder of the CBD as this could yield a landscape lacking variety with a foreboding 'Eastern Block' feel.

While agreeing that higher buildings at the rear of the amphitheatre are appropriate, TRRA questions whether 12-storeys in the vicinity of the Bowling Club may begin to intrude on the wooded backdrop of the town. A 7-storey limit as accepted for the Landmark would seem more appropriate.

CONCLUSION

TRRA believes that if Nelson Bay is to succeed in the future the current CBD must reinvent itself to offer a unique experience to visitors and residents of the Tomaree Peninsula. This challenge is even more pressing with the impending expansion of the Salamander Shopping precinct and the prospect of a major Marina revamp.

There was an expectation created at the most recent workshop that the consultants would propose a strategy to create a 'Sense of Place' which would ensure the longer-term attraction and vitality of the CBD.

While some of the recommendations in the Code and Draft DCP will contribute to this, we feel that an exploration and synthesis of some of the ideas generated by the facilitator and the participants in the public workshop on 'Sense of Place' would be valuable in revitalization of the CBD.