

## RESPONSE TO THE DRAFT NELSON BAY TOWN CENTRE AND FORESHORE STRATEGY 4<sup>th</sup> April 2018

### A. PREFACE

This document sets out the response of Tomaree Business Chamber Incorporated (**TBC**) to the “Draft Progressing the Nelson Bay Town Centre and Foreshore Strategy: A Revised Implementation and Delivery Program 2017”, issued by Port Stephens Council.

TBC submits that:

- the Nelson Bay Town Centre and Foreshore Strategy should have a broad vision for Nelson Bay Town Centre and Foreshore which reflects the role that it plays in the broader Port Stephens economy and the shopping centre hierarchy of Port Stephens, thereby providing more certainty and direction for business owners/managers, investors (including developers) and the residential community;
- the Nelson Bay Town Centre and Foreshore should have the required elements that will allow it to grow and develop as a **Recreational Shopping Destination**, complemented by an extensive range of community and government services.

**Most importantly, TBC submits that Nelson Bay Town Centre and Foreshore is primarily a commercial and retail centre, and this should always be front of mind when considering planning initiatives for that area (whilst recognising the significant residential land use in the areas immediately adjoining the Nelson Bay CBD).**

### B. TBC’S VISION FOR NELSON BAY TOWN CENTRE AND FORESHORE

To preserve the **Coastal Village character** and **unique Natural Amphitheatre** with the **backdrop of wooded Hills and Ridges** and at the same time ensuring there are **mechanisms** in place to ensure sustainable economic growth.

## **C. RESPONSE TO RECOMMENDATIONS**

### **PART TWO – THE WAY FORWARD – IMPROVING THE STRATEGY**

#### **2.1 Design Excellence**

##### **Recommendation 1 – LEP Clause 4 Activated Street Frontages**

TBC supports this recommendation and submits that all of Yacaaba Street and the northern side of Tomaree Street between Stockton Street and Yacaaba Street should be included as activated Street Frontages.

##### **Recommendation 2 – LEP Clause for Appropriate Vertical to Horizontal Proportions**

TBC supports this recommendation, subject to its comments relating to Recommendation 6.

##### **Recommendation 3 – An independent urban design panel**

TBC supports this recommendation. The panel should include a local business representative and a local community representative.

##### **Recommendation 4 – Education Program on Urban Design**

TBC supports this recommendation.

##### **Recommendation 5 – Recognising and celebrating Design Excellence**

TBC supports this recommendation.

#### **2.2 Building Heights**

##### **Recommendation 6 – LEP Clause 4 Floor Space Ratios (FSR) and increase in Height of Building (HoB)**

TBC supports the intent of this recommendation to provide clarity in relation to both maximum HoBs and FSRs for each Area. However, TBC but makes the further submissions set out in paragraphs (a), (b), (c), (d), (e), (f), (g) and (h) below.

- (a) The HoBs should be assessed on a project-by-project basis which balances the following considerations:
- (i) commercial viability;
  - (ii) Design Excellence;
  - (iii) in the case of Area C (comprising the vast majority of the Nelson Bay ‘amphitheatre’), Area D and Area E, provision of view corridors;
  - (iv) in the case of Area C, preserving the unique coastal village and “natural amphitheatre” character of this area; and
  - (v) in the case of Area D, preserving a visible forested back drop on the southern perimeter of the Strategy area.
- (b) The HoB for each of Areas A, B, C, D and E should be a fixed maximum HoB for each Area which is not subject to variation by increasing it for any reason, including Design Excellence. Rather, as stated above, Design Excellence should be one of the considerations in determining the appropriate HoB for the development, including whether the development should have the benefit of the maximum HoB for the Area.
- (c) The table comprising Figure 9 shows 5 storeys as viable for Site 1, 8 storeys as viable for Sites 2, 3 and 4 and development unfeasible for Site 5 in Area C. The Feasibility Appraisal notes that construction costs significantly increase from a level of 8 storeys (28m) due to the need for increased structural materials and regulations, such as fire sprinklers. TBC has not, to date, sighted any analysis that disputes the veracity of this information. However, it logically follows from this information that an 8 storey HoB maximum is commercially viable and there is no compelling commercial or other justification for adopting a 10 HoB maximum in this area. Likewise, there is no compelling justification for a 12 storey HoB maximum in Area D, although the location of Area D supports, for the appropriate development, an HoB in excess of 8 storeys;
- (d) Whilst there is not unanimity of opinion on this issue, it is apparent that there is significant community opposition to a maximum HoB of 10 storeys in Area C and 12 storeys in Area D. It is important and appropriate for the Council to

give full consideration to this community position (and to the matters raised in paragraphs (a), (b) and (c) above), including adoption of a maximum HoB of 8 storeys in Area C and a maximum HoB of 10 storeys in Area D.

(e) It is essential to retain the retail/commercial components of new developments in the Activated Street Frontage properties and for such developments to include appropriate on-site parking which, where possible\*\*, comprises:

- (i) at least one car space for each person anticipated to be engaged in conducting the commercial enterprise to be undertaken on the property (noting that this will, of necessity, be an estimate);
- (ii) a reasonable number of car spaces for customers/clients of the commercial enterprise;
- (iii) at least one car space for each one bedroom residential unit; and
- (iv) at least two car spaces for each residential unit comprising more than one bedrooms (except as noted in paragraph (c) under Recommendation 9 below).

(\*\* TBC acknowledges that compliance with all of the proposed on-site parking requirements specified above is only likely to be feasible for developments on large sites.)

- (f) TBC observes that it is common ground that developments within Area C must be such as to maintain and reinforce the unique coastal village and “natural amphitheatre” character of this Area.
- (g) Developments within Area C, Area D and Area E must ensure appropriate view corridors for existing and new occupants and, to this end, there should be focussed community consultation in relation to developments of 5 storeys or more to ensure that appropriate view corridors are included as part of the approval for the development.
- (h) Developments which provide increased hotel/serviced apartments holiday accommodation in appropriate locations within the Strategy area should be encouraged, including by allowing some flexibility for more

favourable FSRs for those developments, subject always to paragraphs (a) – (g) above.

#### Recommendation 7 – Adoption of LEP Clause 4.6 policy

TBC does not support this recommendation unless the Policy is amended to specifically provide that it does not apply to HoBs and FSRs in the Strategy area, other than to permit FSR flexibility for hotel/serviced apartments holiday accommodation as outlined in paragraph (h) under Recommendation 6 above. In its present draft form, the Policy creates uncertainty for both developers and for those living and working within the Nelson Bay area.

- (a) The proposed new HoBs (including the reduced HoBs for Area C and Area D referred to in paragraph (d) under Recommendation 6) are a significant departure from the position applying under the 2012 Strategy. For the reasons outlined above in relation to Recommendation 6, the maximum HoBs should be fixed for all of Areas A, B, C, D and E, without the uncertainty of HoB increases for one-off developments. This also removes the uncertainty of non-complying variations approved by Council for a particular development being seen as setting a precedent for future non-complying developments.
- (b) Council's discretion (with appropriate community consultation) should be exercised with regard to the matters set out in paragraph (a) under Recommendation 6 above (which include Design Excellence), and with particular reference to determining the suitability of the proposed development to receive the benefit of the maximum HoB for the Area in which it is located. TBC does support FSR flexibility for hotel/serviced apartments holiday accommodation as outlined in paragraph (h) under Recommendation 6 above.

#### Recommendation 8 – Expansion of the strategy boundary to include ridgelines

TBC supports this recommendation.

## **2.3 – Development Incentives:**

### **Recommendation 9 – Reducing the uncertainty that is provided by development incentives**

- (a) TBC supports the intent of this recommendation to reduce the uncertainty that is provided by development incentives but does not agree that the uncertainty is reduced by including discretion for Council to approve variations which permit developments in excess of the fixed HoBs. Rather, greater certainty is best achieved with fixed maximum HoBs and FSRs.
- (b) As previously stated, Design Excellence should be an important consideration for any development within the Strategy area, but TBC does not agree that this should result in variations to FSR or HoB limits, except for FSR flexibility for hotel/serviced apartments holiday accommodation as outlined in paragraph (h) under Recommendation 6 above and for over 55 accommodation as outlined in paragraph (c) below.
- (c) TBC strongly recommends that Council develops incentives to encourage developments within the Strategy area comprising permanent residential accommodation for persons over the age of 55. This recommendation is based on the observation that persons over the age of 55 have a reluctance to live in residential unit buildings because of a fear that their quiet enjoyment of their home will be interrupted by noise from holiday renters and tenants of other units within the building. These incentives could include, by way of example only, reduction of fees for the Developer, reduced car space requirements for owners having only one permanent motor vehicle.
- (d) TBC strongly recommends that in considering development of commercial sites within the Nelson bay CBD, the emphasis should be on larger sites rather smaller (often less viable or unviable) sites.
- (e) TBC recommends that Council and the Nelson Bay business community pursue the feasibility of encouraging and facilitating the de-centralisation of State and/or Commonwealth government or semi-government offices by locating them in new commercial premises within the Nelson Bay CBD as an incentive for new developments in the Strategy area which include such commercial premises.

### Recommendation 10 – DCP requirements encourage Design Excellence:

TBC supports this recommendation but does not agree that that this should result in variations to FSR or HoB limits. Please refer to TBC's comments relating to Recommendations 6, 7 and 9.

## **2.4 Public Domain**

### Recommendation 11 – Development of a Public Domain Plan:

(a) TBC supports this recommendation but makes the further submissions set out in paragraphs (a), (b), (c) and (d) below.

(b) The Public Domain Plan must include a Landscape Plan

(c) Implementation should have Short timeframe, rather than Medium timeframe.

(d) There is an urgent need to make Nelson Bay Town Centre more appealing to the local community and the visiting public. TBC submits that, to achieve this:

(i) it is important that a theme is created with extensive landscaping and decorative elements, including lighting, bollards, sculptures banner poles, street furniture, state-of-the-art amenities, town clock, town square[s], staging etc

(ii) the recently formed Civic Pride Group is resourced so as to be sustainable;

(iii) measures are taken to:

(A) ensure safe interaction between pedestrians and motor vehicles;

(B) portray a niche shopping village atmosphere;

(C) introduce colour for footpaths and roadways;

(D) make provision for entertainment, including street theatre

- (E) make provision for seafood and produce markets;
- (F) ensure wide footpaths to provide for alfresco dining and introduction of so-called “Vibrant Spaces”;
- (G) ensure extensive covered areas (particularly awnings)

Recommendation 12 – Feasibility assessment for Public Wi-Fi in the town centre:

TBC supports this recommendation (Smart City technology).

Recommendation 13 – Removal of Stockton St Stage:

TBC partly supports this recommendation, but submits that the stage should be re-located to a more suitable site in the CBD as TBC does not consider that any opportunity for public entertainment should be removed (refer (d)(iii)(D) above relating to recommendation 11).

Recommendation 14 – Review the Nelson Bay and Foreshore Plan of Management:

- (a) TBC supports this recommendation on the basis that it is undertaken in full and meaningful consultation with the business community.
- (b) TBC submits that implementation of this Recommendation should have a Short timeframe.

Recommendation 15 – Implement the Apex Park Master Plan:

TBC supports this recommendation but submits that in implementing the Master Plan, it is imperative that:

- (a) the community is involved with the implementation process; and
- (b) the elements in the 2012 Nelson Bay Town Centre and Foreshore Improvement Program (page 14) are included to ensure that Apex Park is a place for the community (that is, a “Town Square”) and a destination, rather than just a thoroughfare, including, by way of example:



- (i) interactive activities (e.g., about our history, including Lord Nelson after whom Nelson Bay was named);
- (ii) mapping/signage of the area and “What’s On”;
- (iii) cultural elements such as sculptures etc
- (iv) provision of:
  - (A) staging, tables and seating;
  - (B) an area/s for:
    - open air cinema;
    - ‘cushion’ concerts;
    - lunchtime entertainment; and
    - children’s activities;
  - and
- (v) adequate lighting and power and other services such as water and Wi-Fi.

Recommendation 16 – Develop a toolkit for public events to encourage the activation of the town centre:

TBC supports this recommendation but submits that it is essential that the Town Centre and Foreshore are made “Event Ready” – i.e. services, staging, lighting etc. – as soon as possible.

Recommendation 17 – Audit facilities that are required to facilitate public events:

TBC supports this recommendation.

## Other submissions of TBC relating to the Public Domain Plan

### 1. Town Management Group

(a) There should be a fully funded sustainable **Town Management group** to:

- (i) activate the Town Centre and Apex Park;
- (ii) manage security and general maintenance;
- (iii) manage business development activities;
- (iv) create “Vibrant Spaces”; and
- (v) market the Town Centre.

### 2. Development Officer

(b) Appointment of a **Development Officer** to work with local business and relevant authorities to:

- (i) create the best business ‘mix’ and to identify “gaps” to ensure the Town Centre is meeting the relevant market needs; and
- (ii) identify and provide local businesses with training and education (e.g., merchandising, shop presentation, marketing etc.)

### 3. Foreshore/Teramby Road

(c) A focussed review for upgrading of the Foreshore/Teramby Road area to create a tourism precinct providing food and beverage, entertainment, recreational, conference facilities etc., including the following:

- (i) traffic management;
- (ii) increased and improved pedestrian linkages with the Town Centre;
- (iii) a more effective and user-friendly board walk/cycleway; and

- (iv) better usage of the southern side of Victoria Parade opposite the carpark, such as a food and beverage precinct.

## **2.5 Transport and parking**

### **Recommendation 18 – Update the Traffic and Transport Study and develop an Integrated Transport Plan for Nelson Bay:**

- (a) TBC supports this recommendation, noting that a holistic plan is required that considers pedestrian access, cycleways, public transport movements, private coaches and private vehicles.
- (b) TBC submits that the whole traffic flow and safety issues need to be re-examined considering the Yacaaba Street extension and the Woolworths development. The current intersection at Donald and Stockton Streets needs significant changes to improve pedestrian safety and enhance traffic flow. The intersection is the busiest space in the Nelson Bay CBD and it should therefore be a well-designed showpiece for the Town Centre. One-way traffic in Stockton and Donald Streets maybe a solution that is worth exploring.

### **Recommendation 19 – Identification of future satellite parking locations:**

- (a) TBC supports this recommendation, and makes the following further submissions.
- (b) The current vacant land site on the corner of Stockton and Tomaree Streets should be investigated as a site for all day parking. There may also be other sites in the CBD that would be suitable. This will be especially needed if the current [leased] site in Yacaaba Street is lost due to development.
- (c) The current signage directing cars to the existing available parking is extremely poor and accordingly Council should investigate modern technologies to direct vehicles to available parking which would improve utilisation. This is likely to be significantly less expensive than establishing new parking zones.
- (d) The advent of driverless cars and other transport options may reduce the need for car parking spaces but increase the needs for transport

interchange areas. This should be considered in the parking and transport strategy (see later suggestions).

Recommendation 20 – Formation of a Citizens Panel to discuss short- term and long-term parking:

- (a) TBC supports this recommendation, and makes the following further submissions.
- (b) TBC should be represented on the Panel and consulted on the criteria for choosing Panel. In particular, TBC does NOT agree with randomly choosing members of the Panel as a much better outcome can be achieved if the Panel members have some basic understanding of the issues and possible solutions.

Recommendation 21 – Extension of Yacaaba Street:

- (a) TBC supports this recommendation, which will be well received.
- (b) TBC applauds the Council for moving ahead with this project.
- (c) TBC has already expressed its desire to ensure that the extension is well landscaped, will be a popular public area and will be a strong gateway to the Town Centre.

Recommendation 22 – Undertake a capacity analysis of the Bridge that connects the Town Centre with Apex Park:

TBC supports this recommendation.

Recommendation 23 – Review signage and parking metres on the Foreshore:

- (a) TBC supports this recommendation, and makes the following further submissions.
- (b) TBC submits that it is important for Council to assess whether paid car parking is acting as an impediment to local usage of the foreshore parking particularly in the “off season” (May, June, July, August).

- (c) ITBC submits that consideration should be given to some sort of permit system for locals to encourage greater usage during the 'off season', as the foreshore paid parking seems to be underutilised during that period. Another option maybe to turn off the metres during that period.

#### Recommendation 24 – Review road speed limits in the Town Centre:

TBC supports this recommendation as a means of encouraging safe pedestrian/vehicle interaction.

#### Recommendation 25 – Design and fund intersection options based on study:

TBC supports this recommendation.

#### Recommendation 26 – Implement the Pedestrian Access and Mobility Plan [PAMP]:

TBC supports this recommendation.

#### Other submissions of TBC relating to parking and transport:

##### 1. Parking:

- (a) **It is important to note that parking availability is the life blood of the Nelson Bay Town Centre shopping precinct.** TBC submits that inadequate parking is negatively impacting the appeal of Nelson Bay as a shopping destination.

- (b) Parking Study – TBC has strong reservations as to the accuracy of the study undertaken. TBC's anecdotal evidence highlights the ongoing inadequacy of parking in the Nelson Bay CBD. TBC is therefore concerned that the data collected in the Parking Strategy does not reflect the true position. In particular:

- (i) the 'average use' rates shown in Figure 15 – Public parking locations, are of little relevance as they relate to total usage in a 12 to 24-hour period;
- (ii) the most relevant usage is at peak shopping times – that is, between 10.00am and 3.00pm. These are the times in which the majority of consumers visit the Town Centre, and accordingly they are the times

when parking is at saturation point causing shopper frustration and therefore impacting their shopping habits;

- (iii) as Nelson Bay is a tourist town, there are other 'peaks' in addition to those referred to above;
- (iv) having regard to the above observations, it is important for Council to understand and implement more generous parking availability for Nelson Bay Town Centre.

(c) TBC submits that the following further survey work needs to be undertaken:

- (i) a survey of residents to determine:

- (A) the principal place/s they choose to shop;

- (B) why they choose that/those place/s;

- (C) the average period for which they shop at that/those place/s;

- (D) how parking availability impacts their shopping choices;

- (E) whether they have a disability which influences their shopping choices;

and

- (ii) a survey of utilisation of existing parking availability in the Town Centre at, say, 10.00 am and 3.00 pm on weekdays, which may provide more valuable information as to whether there is scope to introduce paid parking for longer stays.

(d) TBC submits that parking availability needs to provide for the future as Nelson Bay seeks to service a rapidly growing residential population and a growing tourist population. Also, when considering parking adequacy, Council have full regard to the identification of Nelson Bay as a **Strategic Centre** in the Hunter Regional Plan based on its Tourism potential.

(e) TBC submits that the preservation of the two (2) Council car parks in Donald Street is paramount, and planning for these sites must include substantially

increased parking capacity. Development considerations for these sites include:

(i) East Donald Street car park:

- height staged development;
- participation of commercial/serviced industry/education to assist fund the development;
- recognition that this car park will have links to the Foreshore.

(ii) West Donald Street car park:

- possible site for a transport interchange as well as increased parking (noting that, if the West Donald Street car park is unsuitable as a transport interchange, then other sites for a separate transport interchange should be investigated);
- recognition of the Newcastle Airport link potential; and
- recognition of the Carrington cruise ship proposal.

## 2. Transport interchange facilities

- (f) TBC strongly recommends that a bus/coach interchange be established on the foreshore, possibly with retractable bollards or similar devices to ensure use by buses/coaches only.
- (g) Out of CBD Coach parking facilities may be necessary to meet the peak periods for tourist coaches.
- (h) A smaller Interchange facility within the CBD may also assist in meeting this need.
- (i) TBC submits that priority should be given to addressing this issue as the need for bus/coach parking for the Dolphin/Whale watching industries in Nelson Bay is growing and more extensive planning is becoming increasingly important.

## **2.6 – Implementation and Delivery Program**

### **Recommendation 27 – Re-word the existing actions to be SMART**

TBC supports this recommendation.

### **Recommendation 28 – Implementation Panel to meet on a quarterly basis**

- (a) TBC supports this recommendation and submits that the Panel should include at least one representative from TBC.
- (b) TBC submits that commitment to active implementation of the Strategic Plan is the key to its success and there must be a strong commitment by the Implementation Panel, which includes clear KPI's and timelines (based on the final version of the Delivery Program). The Implementation Panel will not be effective if it simply functions as a discussion group.

### **Recommendation 29 – Review Infrastructure Funding**

- (a) TBC supports this recommendation. However, TBC submits that funding options should be the subject of discussions with interested parties outside the Council, including TBC. TBC is concerned that completion of the Public Domain Plan is currently given a Medium (1-3 years) timeframe in the draft Implementation Plan and further submits that:
  - (i) completion of the Public Domain Plan should have a Short (1 year) timeframe; and
  - (ii) discussions between the Council and with interested parties as to funding options should, in any event, commence as soon as possible and not await completion of the Plan.
- (b) TBC notes the following non-exhaustive options for providing funding for implementation of the Strategic Plan:
  - (i) parking revenues from existing paid parking on the foreshore;
  - (ii) local rate adjustment;



- (iii) developer contributions - e.g. Section 94 contributions - or other localised income from developers;
- (iv) commercial/serviced industry/education developments particularly in the Donald Street East car park.

### **Recommendation 30 – Monitor, Report and Review the Strategy**

TBC supports this recommendation. As stated previously, the Panel should include at least one representative from TBC.

### **Implementation Plan**

- (a) Subject to the comments in this submission relating to Recommendations 1-26, TBC supports the Implementation Plan for Recommendations 1-26.
- (b) Subject to the comments in this submission relating to Recommendations 27-30 (in particular, the submissions relating to Recommendation 29), TBC supports the Implementation Plan for Recommendations 27-30.