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## Draft 'Progressing the Nelson Bay Town Centre & Foreshore Strategy:

A revised implementation and delivery program (2017)

## Abbreviations

ASF	Active Street Frontages
CP	Contributions Plan
DA	Development Application
Delivery Program	Progressing the Nelson Bay Town Centre and Foreshore Strategy – A Revised Implementation and Delivery Program
DCP	Port Stephens Development Control Plan 2014
FSR	Floor Space Ratio
HFSS	Heritage Floor Space Scheme
HoB	Height of Building
HVRF	Hunter Valley Research Foundation
LEP	Port Stephens Local Environmental Plan 2013
LGA	Local Government Area
LHUDA	Lower Hunter Urban Design Awards
PIA	Planning Institute of Australia
Paper	Progressing the Nelson Bay Town Centre and Foreshore Strategy – A Discussion Paper
PSC	Port Stephens Council
PSPS	Port Stephens Planning Strategy
RFB	Residential Flat Building
RT&H	Raymond Terrace and Heatherbrae Strategy
SAMP	Strategic Asset Management Plan
SEPP	State Environmental Planning Policy
SMART	Specific, Measurable, Achievable, Realistic and Time-Based
Strategy	Nelson Bay Town Centre and Foreshore Strategy
Survey	Survey of Stakeholders in the Nelson Bay Strategy for Port Stephens Council
UFM	Urban Feasibility Model
VPA	Voluntary Planning Agreement

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## Executive Summary

This new document 'Progressing the Nelson Bay Town Centre and Foreshore Strategy – A Revised Implementation and Delivery Program' (the Delivery Program) follows on from the 'Discussion Paper – Progress of the Nelson Bay Town Centre and Foreshore Strategy' (the Paper).

The Paper provided a review of the Nelson Bay Town Centre and Foreshore Strategy (the Strategy). It primarily sought to understand why limited private investment and economic development had occurred in the Town Centre, despite the past decade being one of significant growth for the housing industry.

The Paper was placed on public exhibition from 13 February to 13 March 2017. During this period, 82 individual and 67 survey submissions were received. The following key themes were identified:

1. Implementation
2. Public Domain
3. Planning Controls (including building heights)
4. Traffic and Parking
5. Communication
6. Resourcing

While many submissions focused on the theme of building height, the majority of submissions expressed their support for the existing Strategy and that they just wanted to see further implementation.

In response to this, a new strategy has not been developed, but rather, this document seeks to provide an implementation and delivery program to replace the improvement program that currently accompanies the Strategy, titled the 'Nelson Bay Town Centre & Foreshore Improvement Program'.

To enable a smooth transition from the Paper that recently came off public exhibition, this document repeats its structure, but then goes two steps further by providing a summary of submissions received and then setting a forward direction by listing 30 recommendations.

These recommendations are then provided further detail by the Implementation Plan (**ATTACHMENT 1**), which lists specifics critical to project management, such as timing and funding. Whereby the existing Improvement Program only listed the matters to be considered in key projects, such as a Public Domain Plan, this Implementation Plan provides what is considered to be the missing detail.

This approach responds to the community's identification that a clear strategy exists and that a just a few minor, yet significant changes are required to encourage private investment, such as amendments to planning controls (e.g. maximum building height limits and the introduction of Floor to Space Ratios).

This document also seeks to respond to the submission theme of communication by highlighting the significant progress that has been made on public actions such as, the construction of the Yacaaba Street Extension, endorsement of an Apex Park Masterplan and the facilitation of the Woolworths development that has resulted in net increase of 137 parking spaces in the town centre.

This document makes it clear that all stakeholders must work together on implementation. This is not simply the Council's Strategy, but one by which all stakeholders must support in an effort to attract public and private investment to the Nelson Bay town centre and foreshore.

The Implementation Plan (**ATTACHMENT 1**) is summarised by the following table (**FIGURE 1**).

**FIGURE 1 – Summary of Implementation Plan**

Key:		
Short – 1 year following the adoption of the Strategy.		
Medium – 1-3 years following the adoption of the Strategy.		
Long – 3-5 years following the adoption of the Strategy.		
No	Action	Timing
<b>Design Excellence</b>		
1	LEP Clause for Activated Street Frontages	Short
2	LEP Clause for Appropriate Vertical to Horizontal Proportions	Short
3	An Independent Urban Design Panel	Short
4	Education Program on Urban Design	Short
5	Support for Awards that recognise Design Excellence	Short
<b>Building Heights</b>		
6	LEP Clause for FSR and increase in HoB	Short
7	Adoption of LEP Clause 4.6 Policy	Short
8	Expansion of the Strategy Boundary to include ridgelines	Short
<b>Development Incentives</b>		
9	Reducing the uncertainty provided by development incentives	Short
10	DCP requirements encourage design excellence	Short
<b>Public Domain</b>		
11	Development of a Public Domain Plan	Medium
12	Feasibility assessment for public Wi-Fi in town centre	Short
13	Removal the Stockton Street Stage	Short
14	Review the Nelson Bay Foreshore Plan of Management (PoM)	Medium
15	Implement the Apex Park Masterplan	Long
16	Develop a toolkit for public events	Short
17	Audit facilities that are required to facilitate public events	Medium
<b>Transport and Parking</b>		
18	Update the Traffic and Transport Study and develop an Integrated Plan	Medium
19	Identification of future satellite parking locations	Short
20	Formation of a Citizens Panel to discuss short-term and long-term parking	Short
21	Extension of Yacaaba Street	Short
22	Undertake a capacity analysis of the Victoria Street Pedestrian Bridge	Medium
23	Review signage and parking metres on the Foreshore	Medium
24	Review road speed limits in the town centre	Medium
25	Design and fund intersection options based on Study	Medium
26	Implement the Pedestrian Access and Mobility Plan (PAMP)	Medium
<b>Implementation</b>		
27	Re-word the existing actions to be SMART	Short
28	Implementation Panel that meets quarterly to discuss Strategy progress	Short
29	Review Infrastructure Funding	Medium
30	Monitor, Report and Review the Strategy	Long

# Part One - The Review

## The Need for a Review

Since its adoption in 2012, the Nelson Bay Town Centre and Foreshore Strategy (the Strategy) has sought 'to guide Nelson Bay towards becoming more attractive to tourists, the business community and residents'. Unfortunately, five years on from its adoption, there has been limited private investment in the town centre and foreshore, despite this period being one of significant growth for the housing industry.

The transition of the *Port Stephens Local Environmental Plan 2013* (the LEP) – the legislative tool that details town planning regulations – into a standard instrument LEP has also meant that a number of the actions originally identified within the Strategy would not have the same intent, if legislatively applied.

This comes from the recognition that LEP (Clause 4.6 – Variation of Development Standards) can be tailored to have the same effect as the previously proposed clauses relating to design excellence. These factors, in addition to the following short comings, led to the development of the 'Discussion Paper – Progress of the Nelson Bay Town Centre and Foreshore Strategy' (the Paper):

- Development standards, such as heights are not informed by development feasibility
- Limited local policy guidance on the variation of development standards
- Floor space incentives, despite Floor Space Ratios (FSR) not being included in the LEP
- A development contributions levy based on commercial development, despite the significant growth in commercial development being at the nearly centre of Salamander Bay
- Lack of detail relating to the type and structure of the proposed Independent Urban Design Panel
- The Strategy boundary not accounting for existing building height along dominant ridge-lines
- Revised development controls (for example, private open space) under *State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development*
- No clear reporting requirements against the identified actions

Further to this, the release of the Hunter Regional Plan on 14 October 2016 raised the importance of the Tomaree Peninsula for land-use planning in the Hunter by identifying Nelson Bay as a 'strategic centre'.

## Hunter Regional Plan 2036

The Hunter Regional Plan (the Plan) identifies the role that Nelson Bay will play over the next twenty years from the perspective of the State. The Plan makes the following mentions of Nelson Bay:

- Determine the potential to grow allied health services on land around hospitals and health services at Nelson Bay and other locations (p.29).
- Create a compact settlement. In locations with good access to public transport and services, it makes sense to identify new opportunities for redevelopment and renewal. Greater Newcastle, coastal areas, including Nelson Bay has potential for this type of development (p.54).
- Nelson Bay and Raymond Terrace are identified as 'strategic centres' (p.64).
- Priorities for the 'strategic centre' of Nelson Bay are as follows:
  - a. Maintain it as one of the primary tourist centers for the region and a hub of the Tomaree.
  - b. Maintain retail and professional services for the surrounding communities.
  - c. Investigate opportunities for high-density development that maintains and enhances the tourist, recreational and residential appeal of the centre.
  - d. Balance the mix of permanent residential and tourist accommodation to enhance the vibrancy and appeal of the centre and surrounds.

From this, it can be seen that Nelson Bay is a primary tourist centre for the region. It has a role in facilitating higher density development, especially given its existing infrastructure and access to services.

These identified shortcomings of the existing Strategy and the updated State position provided by the Plan led to the development of the Discussion Paper – Progress of the Nelson Bay Town Centre and Foreshore Strategy (the Paper). The Paper was endorsed for public exhibition on 13 December 2016.

#### Discussion Paper – Progress of the Nelson Bay Town Centre and Foreshore Strategy (the Paper)

In developing the Paper, a focus was placed on understanding what actions had been implemented to date. It identified that five years on from the adoption of the Strategy, Council has:

- Developed five options for the extension of Yacaaba Street. The fifth option was endorsed by Council on 24 June 2014 and construction commenced in late 2017.
- Developed an Apex Park Masterplan, which was endorsed by Council on 8 December 2015.
- Developed a site specific chapter within the Port Stephens Development Control Plan 2014 for the Nelson Bay Town Centre and Foreshore, which was endorsed by Council on 14 July 2015.
- Applied for and were successful in receiving \$340,000 in 'black spot funding' for 2015/16 in relation to the road and associated pedestrian works on Victoria Parade.
- Identified and is currently leasing land for two temporary parking stations – one located on Yacaaba Street, and the other on Government Road. The closure of the top two levels of the Donald Street East multi-storey car park reduced parking capacity from 174 spaces to 60. However, the temporary stations provide 120 spaces, which is an overall increase of 7 spaces.
- Facilitated the Woolworths Development, which has been a catalyst for economic activity in the town centre. This approval also resulted in an additional 137 public car spaces.
- Facilitated events, such as the Sacred Tree Markets, Tastes at the Bay and New Year's Eve.
- Council led 'Smart Arts' program led to Artisan Collective setting up on Magnus Street.
- Approved four applications in the study area, only the Golf Course has been constructed.

The last point about the number of approvals and only one enactment – which was an insurance case related to the Golf Course – identified the need for further investigation in order to understand why no private investment was taking place. This led to the engagement of a third-party who undertook feasibility testing for five residential development sites. This testing made the following market observations:

- Costs of an excavated basement carpark are approximately \$50,000 per single car bay and an above ground car park is approximately \$25,000.
- Construction costs significantly increase from a level of eight storeys (28m) due to the need for increased structural materials and regulations, such as fire sprinklers.
- Modest unit pricing (gross realisations) is achieved in the current market.
- A lack of foreshore (frontage) development sites where a high ratio of units has an ocean view and generate the highest prices, capital rates (\$/sqm of living area) and profit margin.

This testing was subsequently peer reviewed by a local third-party land-use economist who agreed that, whilst there are a number of factors to consider the existing strategy is unlikely to allow for any significant re-development in the existing market conditions and within any near future.

This lack of confidence in the town centre has led to limited new residential redevelopment and limited population growth. From a Council perspective, this means it has been unable to collect development contributions or new rates to fund the identified works. In turn, it has had to look towards other funding sources, such as a grant to fund the Tomaree 'Black Spot' Works and a \$1.5M loan for Yacaaba Street.



From a community perspective, this leads to increased frustration due to the 'tired' public realm and limited convenience services.

These observations highlighted the fact that if redevelopment has not occurred in a relatively robust residential property market then the town centre may be waiting a few more property market cycles before it will likely see any significant change desired by the local community. This is why the Paper identified the need for changes.

The Paper was placed on public exhibition from 13 February to 13 March 2017. During this period, 82 individual and 67 survey submissions were received. The majority of these submissions framed their responses to be in line with the key themes provided by the Paper, being:

1. Design Excellence
2. Building Heights
3. Development Incentives
4. Public Domain
5. Traffic and Parking
6. Implementation and Case Management

Each submission is summarised and an appropriate planning response provided in the report to Council on 12 December 2017. The six themes identified from the submissions were:

1. Implementation – Of the 82 submissions received, 25 mentioned the importance of implementation. When discussing this theme, some submissions described how Council had failed to implement and promote the Strategy, while others believed that the works completed to date, such as the Yacaaba Street Extension, sent a positive message to the business community.
2. Public Domain – 57 submissions mentioned the importance of the public domain. Discussion of the public domain included items, such as roads, pathways, lighting, seating, trees, boardwalks, and signage. There was clear consensus that public domain mattered. The desire to keep the unique coastal village and 'natural amphitheatre' character was also reinforced.
3. Planning Controls (including building heights) –76 submissions mentioned maximum building height. Some were in support of a height increase from the current seven storeys (24.5m) in the town centre, but the vast majority was against any significant increase. Those opposed often believed that five storeys were required in order to protect the existing coastal village character.

It should be noted that at the same time, when the eight storey apartment building at 11-13 Church Street was considered by Council on 11 April 2017, this proposal received 75 submissions and a petition containing 145 signatures in support of this development. Only two submissions objected. This is an extraordinary indication of support for increased heights where good design outcomes can be achieved.

This lack of consensus on maximum building height back in 2012, led to the Hunter Valley Research Foundation, 'Survey of Stakeholders in the Nelson Bay Draft Strategy for Port Stephens Council'. This Survey involved a stratified survey of 548 renters, resident & non-resident ratepayers and business operators. From this survey, in relation to heights, there was clear consensus that building heights should follow the natural slope of the land and view corridors should be preserved.

Other controls discussed in the Paper, such as the clauses for Floor Space Ratio, Minimum Vertical to Horizontal Proportions and Activated Street Frontages received minor feedback.

4. Parking – 52 submissions mentioned the matter of traffic and parking. There was clear consensus that the 21 storey redevelopment of the Council owned car parking site on Donald Street would be not consistent with the existing setting. The media around this particular site also confused the messaging around the planning controls were being suggested in the Paper.

Some submitters questioned whether a parking problem existed, while others went straight to solutions, such as the need to further explore satellite parking options or parking stickers to be provided to residents and business owners if further time-limited parking was to be introduced.

During the exhibition period, the community made it clear that they would like the GHD, 2012, 'Nelson Bay Traffic and Parking Study' to be updated. They believed that this existing Study results did not accurately reflect a peak period given the existing Study took place during 'Tastes at the Bay'. An update of this Study has been completed and is later discussed in this document.

5. Communication – Similar to the first theme of implementation, a number of submissions identified the importance of communication. Submissions continually reinforced that they supported the existing Strategy and that its implementation and/or other Council actions (e.g. replacement of the Donald Street Multi-Storey Car Park) need to be communicated more clearly and more often.
6. Resourcing – 12 submissions mentioned the matter of resourcing. These submissions identified that everything costs money and that a strategic approach is required to fund big infrastructure.

The submissions provided some great insights from the community, landlords, absentee landlords and visitors about their vision for the town centre and foreshore. Further discussion of these submission and how the Delivery Program has responded is provided throughout this document.

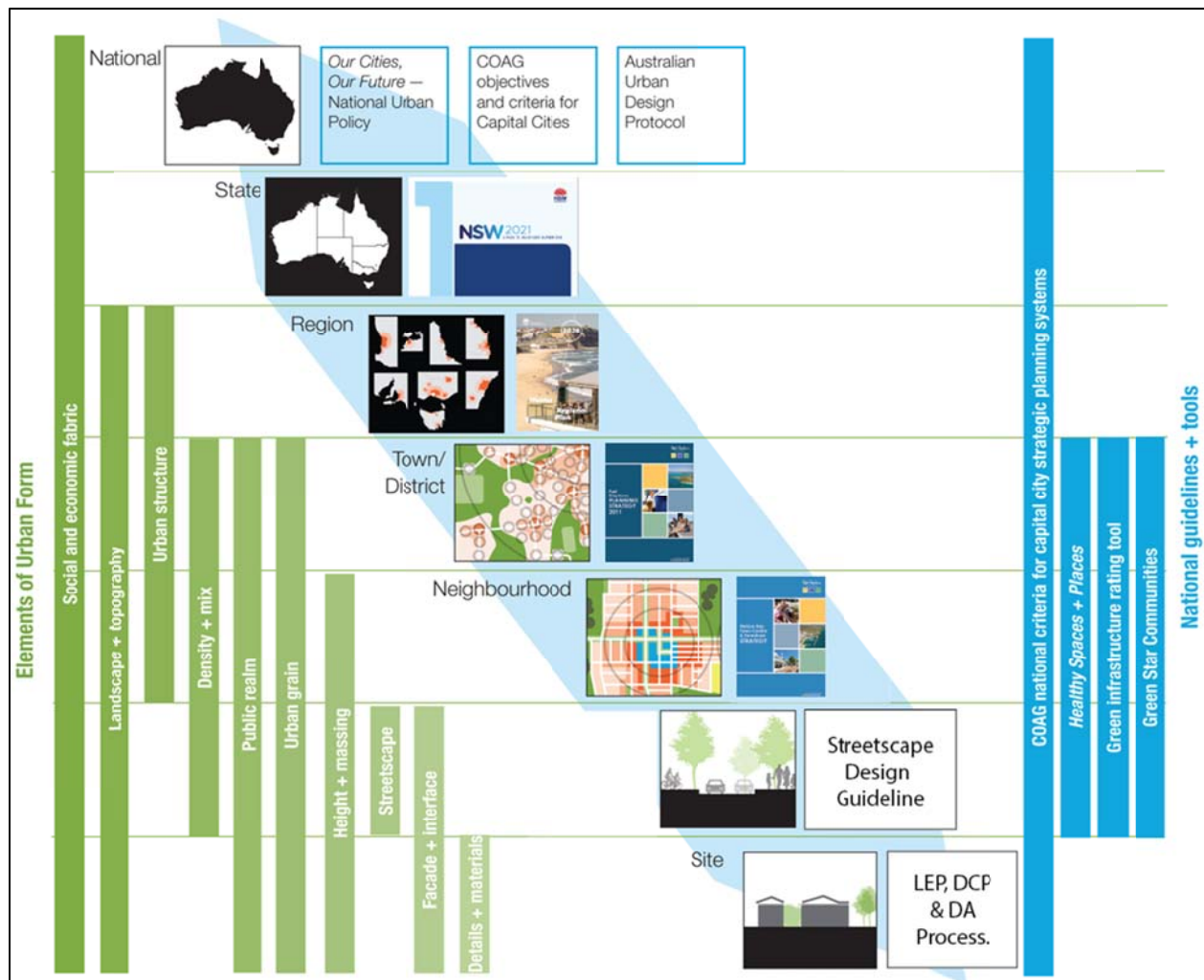
### Document Hierarchy

The Nelson Bay Town Centre and Foreshore Strategy (the Strategy) provides further detail to the Port Stephens Planning Strategy, which implements the Hunter Regional Plan 2036.

This document represents the 'Progressing the Nelson Bay Town Centre and Foreshore Strategy – A revised Implementation and Delivery Program' (the Delivery Program). Its role is to update and set the implementation program for the Strategy. It replaces the 'Nelson Bay Town Centre & Foreshore Improvement Program' and overrides the Strategy where any inconsistencies may exist.

The Strategy Hierarchy is best summarised by the following illustration (**FIGURE 2**).

**FIGURE 2 – Strategy Hierarchy**



## Part Two - The Way Forward

### Improving the Strategy

Part One of this document provided the reasoning for why the Strategy was reviewed and Part Two will now outline how the Strategy can then be improved. It does this under the following established themes:

1. Design Excellence
2. Building Heights
3. Development Incentives
4. Public Domain
5. Traffic and Parking
6. Implementation and Case Management

Discussion under these themes leads to the structure and content of the Paper being repeated. However, this document then goes two steps further by providing a summary of submissions received during the exhibition period and then sets a forward direction through listing 30 recommendations.

The headings provided under each theme are as follows:

1. Description of the theme
2. A Review of the theme
3. Suggested changes listed in the Paper
4. Summary of feedback received during the public exhibition of the Paper
5. Recommendations



## 2.1 Design Excellence

The Survey identified that 'improving architecture' was a specific issue that received a high mean rating from Resident Owners, Resident Renters, Absentee Landlords and Businesses (HVRF, 2012, p. iv).

### What is Design Excellence?

Design excellence is the recognition that building design should positively contribute to the overall quality of a town and to provide buildings that are appropriate to their context. In some circumstances, this contribution may be a landmark building, but more typically it is a well-designed building that fits into the street. The following figure identifies some elements relevant to achieving design excellence.

**FIGURE 3 – Illustration of Design Excellence**



Key features of this example of design excellence include:

- Appropriate block width, which then allows for side setbacks that cater for light infiltration and deep soil landscaping which softens the overall appearance of built-form.
- Entrances to the building are at the same level as the street to allow for easy access.
- An identifiable pedestrian entry makes it easy for visitors and emergency services to locate.
- Building height should provide due consideration to human scale. That is, five storeys is between 15-20m building height, which is a 1:1 ratio with a street width of 20m.
- The consistent building setback for the first three storeys, which then sets back for the fourth storey reduces the overall bulk and scale of the development.
- The front setback is utilised for landscaping that softens the overall built form.

- Front balconies provide passive surveillance to the streetscape. At the same time, privacy screens block direct overlooking into those private living spaces from public spaces.
- Materials and colours of the driveway are consistent and are at grade with the public footpath, which makes it more easily accessible and usable for wheelchairs, mobility scooters, bikes, etc.
- The transparent garaged door reduces the 'blank wall' appearance that is typical of garage doors.
- A wider single driveway allows for safe ingress and egress, while not reducing kerbside parking or creating increased conflict points that comes from allowing two access points.
- Kerbside parking is clearly marked to ensure the driveway is not blocked by parked cars.
- The colour scheme is drawn from the existing colours of neighbouring buildings.
- Orientation of windows allow for maximum solar exposure and ventilation.
- Services (e.g. power) are placed underground or screened (e.g. A/C Units).
- Design of the building reflects its use.

While it is recognised that not all development has the privilege of a flat site, particularly in Nelson Bay, the principles of good urban design can still be applied. These principles can be grouped under the headings of context, built form, density, sustainability, landscape, amenity, safety, housing diversity and aesthetics. These principles result in buildings that are more livable and in turn more valuable.

#### A Review of Design Excellence

A review of current built form in the town centre, including development undertaken since the Strategy and LEP have been in place identified that these design elements are not demonstrated on a regular basis. The development that was reviewed resulted in the following observations:

- Narrow lot width (less than 15m) and lot length (less than 30m) results in tall skinny structures
- Monotone colours and consistent materials result in a lack of visual interest.
- Minimal side setbacks remove opportunities for landscaping and light penetration. They also reduce the potential privacy of buildings on neighbouring lots.
- Consistent square pocket windows reduce opportunities for passive surveillance.
- Lack of landscaping or opportunities for landscaping hardens the appearance of the structure.
- No footpath to the front door reinforces the dominance of motor vehicles.
- Roof-top balcony to extremity of side boundaries creates potential for overlooking.
- Pitched roof is in contrast to the overall structure and neighbouring unit buildings.
- Service entries next to the main entry door reduce overall aesthetics and amenity.

From this, it can be seen that the current planning regulations may not be producing the most desirable urban design outcomes. A table summarising the development controls that apply to development defined as a residential flat building and commercial premises was developed to inform this Paper.

This table identifies that detailed guidance is provided to common elements, such as heights, setbacks and protection of view corridors. However, shortfalls are identified in the identification of activated street frontages, minimum horizontal to vertical proportions and encouraging design excellence. From this, a number of ideas to improve the design excellence of development were identified.

#### Suggestions for a better Strategy detailed in the Paper

- Amending the LEP to ensure identified streets provided activated street frontages
- Amending the LEP to ensure appropriate vertical to horizontal proportions
- An independent external urban design panel to encourage design excellence

- Education program for urban design
- Support for awards that recognise design excellence

#### Summary of feedback received during the public exhibition period on this theme

Of the top six themes identified in submissions, design excellence was not one of them. To put this into perspective, theme number six, and being 'resourcing', only received a total of twelve mentions.

Those who mentioned design excellence supported the ideal, but at the same time recognised that it was very subjective. However, they believed that Council should continually seek to encourage development that exhibits design excellence. This can be achieved through the existing framework (e.g. Apartment Design Guide) and anything beyond this driven by the market demands of purchasers.

#### Recommendations

##### 1. LEP Clause for Activated Street Frontages

It is recommended that a Planning Proposal be prepared to insert an activated street frontages clause and accompanying map into the LEP.

This clause will seek to provide activation to those identified streets in order to achieve good design outcomes. The Nelson Bay Woolworths is an example of a building that provides an activated street frontage.

Good urban design features for the Nelson Bay Woolworths (**FIGURE 4**) are identified as follows:

- Central location in the town centre supports existing specialty shops.
- Clear identifiable entry point on the street corner encourages pedestrian activity.
- Pedestrian crossing provides direct access from different sides of the street.
- Lack of internal shops means specialty stores are not taken away from the streetscape.
- Underground parking means floor level space is not given to parking.
- Underground services clean up aesthetics and provides spaces for landscaping.
- Continual awning coverage provides protection from elements, such as rain and sun.
- Rear separate loading bays reduce potential conflict with pedestrians and cars.

##### 2. LEP Clause for Appropriate Vertical to Horizontal Proportions

It is recommended that a Planning Proposal be prepared to insert an appropriate vertical to horizontal proportions clause and accompanying map into the LEP.

This clause will apply to those lots within the town centre with a width less than 15m and a length less than 30m, which is identified by (**FIGURE 5**). This clause will seek to ensure the consolidation of narrow and short lots and in turn avoid the high and narrow lots that have been considered undesirable, but are currently encouraged by the controls contained in the LEP.

##### 3. An Independent Urban Design Panel

It is recommended that Council commence the process to establish a local Independent Urban Design Panel in accordance with the Apartment Design Guide.

**FIGURE 4 – Illustration of the Nelson Bay Woolworths**



The Strategy suggested that large developments should be considered by an urban design panel in order to facilitate improved development outcomes. The role of an urban design panel is to provide independent expert advice on development that is lodged with Council. *SEPP No 65 – Design Quality of Residential Apartment Development* details how these panels are formed.

Council does not currently have an urban design panel, but currently utilises panels from other Local Government Areas. It is proposed that the following development be referred to this Panel:

- Residential flat buildings
- Seniors housing
- Industry, storage facilities and warehouses over 2,000sqm
- Commercial premises over 2,000sqm
- Development in the strategic centres that seek to vary development standards
- Hospitals, schools or places of public worship

The above is generally consistent with that of Newcastle City Council. A review of past development application data evidences that a total of seven applications would be referred per year. This would mean an addition \$3,000 in fees for the applicant and an additional estimated 30 days for the application to be processed by Council.



#### 4. Education Program on Urban Design

It is recommended that an education program on urban design be scoped and funded for internal Council Officers, Councillors and the Implementation Panel.

Continued education and learning is critical for all those involved in decision making. An annual internal education program has been scoped and will commence once the Implementation Panel is formed. Education will focus on the revised *SEPP No.65 – Apartment Design Guideline* and the role of urban design in contributing to the creation of great places (i.e. place making).

#### 5. Recognising and celebrating Design Excellence

It is recommended that Council actively recognise and support design excellence in and around Nelson Bay Town Centre.

Initiatives like the Lower Hunter Urban Design Awards (LHUDA) is a good example of a local initiative that seeks to recognise design excellence. The Paper listed the developments that have been recognised.

From this, it was clear that over the twenty-five years that Council have been involved in the awards, the only developments on the Tomaree Peninsula that have been recognised are two single detached residences at Soldiers Point.

Recognising and celebrating design excellence may seem trivial amongst a community conversation to see 'action'; however it is no less critical if we are to strive to achieve good design outcomes throughout the town centre.

FIGURE 5 – Identification of Activated Street Frontages and Lots less than 15m by 30m



## 2.2 Building Heights

The Survey identified that 'managing building heights' was one of the most pressing issues facing the town and that there was clear consensus that building heights should follow the natural slope of the land and view corridors should be preserved (HVRF, 2012, p. vii).

### What is Building Height?

Height limits are important because they help shape the character of an area. For example, in areas where only dwelling houses are permitted, lower maximum building heights are applied. By comparison, in areas where residential flat buildings (i.e. units) are permitted and great density is expected, taller building height limits apply.

The maximum Height of Building (HoB) is listed as a development standard under the LEP. This development standard assists in shaping desired character (i.e. urban form, protection of identified view corridors, human scale, over-shadowing and property values). HoB is also a key input that restricts floor space and in turn development feasibility.

### A Review of Building Height

A review of the existing building heights has reinforced that the five storey limit has applied over the past few decades. This can be seen to be reflective of the HoB limit contained within the LEP, which is based on the recommendations within the PSC 1984, 'Tall Building Study' and reinforced through the more recent Strategy.

Despite this, there are a number of existing structures/approvals that exceed this height limit, being:

- 71 Victoria Parade, Nelson Bay (Commercial & Residential) – 6 Storey/21m
- 5B Talleen Road, Nelson Bay (The Landmark) – 8 Storey/28m
- 14 Magnus Street, Nelson Bay (Residential) – 6 Storey/21m
- 11-13 Church Street, Nelson Bay (Residential) – 8 Storey/32m
- 29-45 Magnus Street, Nelson Bay (Marina Resort) – 6 Storey/22m

The identification of these approvals has highlighted the significant development that has taken place along the two ridgelines that Magnus Street and Thurlow Avenue. It also identifies the need to provide some guidance around the use of the LEP (c4.6 - Exception to development standards), which allows development to provide justification for the variation of a development standard, such as HoB through the DA process.

These guidelines should assist in providing greater transparency and community participation in their development given that the existing development standards were developed following extensive consultation at the strategic planning phase. At the same time, the revision and subsequent expansion of the Strategy Boundary (**FIGURE 6**) will capture development that has already taken place along the ridgelines and can be seen to be within a walkable distance (i.e. 400m) and cyclable distance (i.e. 800m) of the town centre.

In order to provide a more detailed understanding as to why there has not been any significant residential unit development in the past ten years (**FIGURE 7**), Council engaged a consultant to undertake an independent feasibility appraisal. The appraisal used 5 (17.5m), 8 (25m), 11 (32.5m), 14 (40m) and 17 (47.5m) HoB scenarios for the five sites identified by (**FIGURE 8**). They are identified as:

- Site 1 - 49, 51, 51A & 51B Stockton Street, Nelson Bay;
- Site 2 - 11, 13 & 15 Church Street, Nelson Bay;



**FIGURE 6 – Extension of the Strategy Boundary**



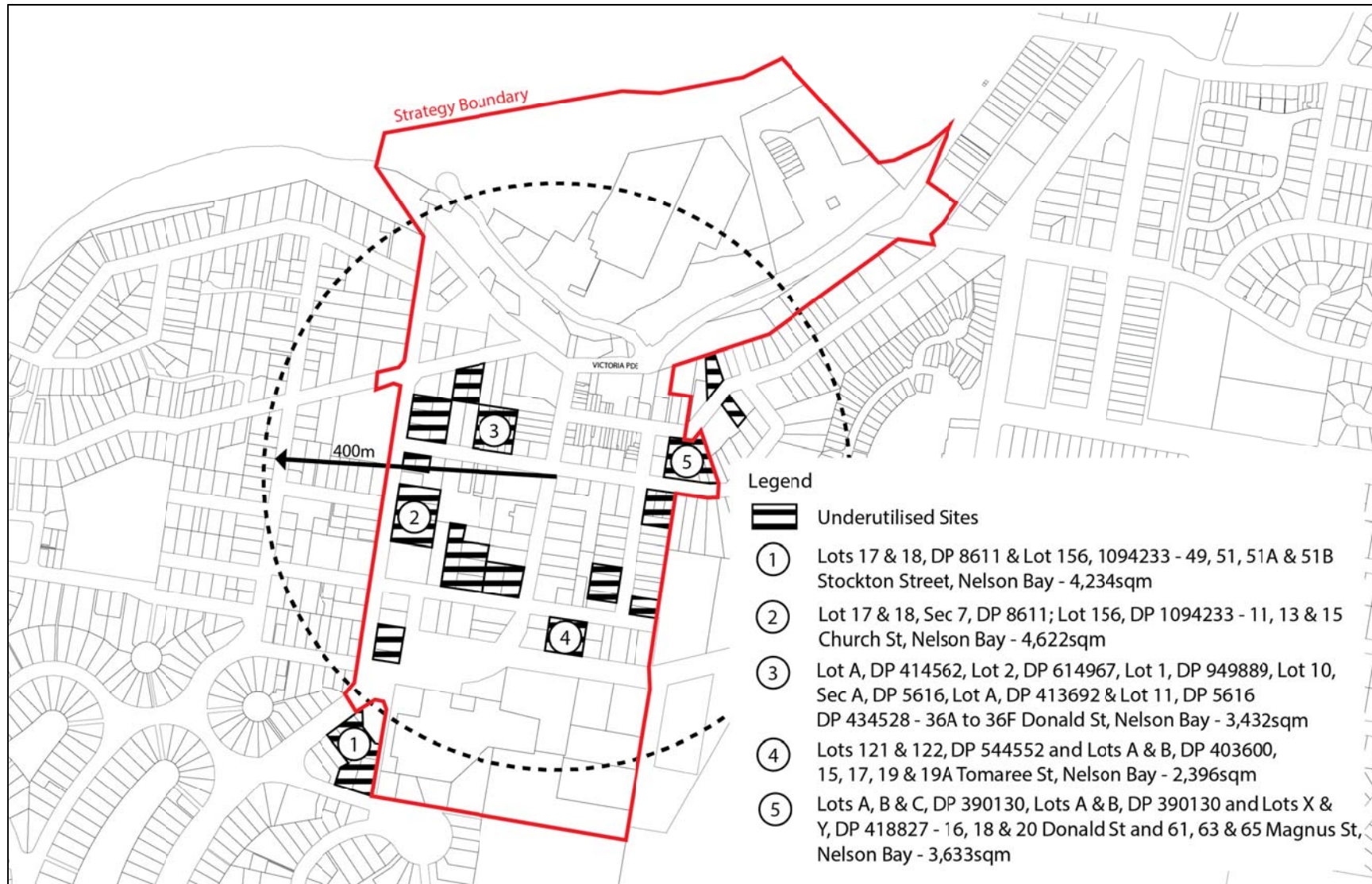


**FIGURE 7 – Development Consents and Unacted Approvals (1996-2006)**





**FIGURE 8 – Five Sites Identified for Feasibility Testing**



- Site 3 - 36A to 36F Donald Street, Nelson Bay;
- Site 4 - 15, 17, 19 & 19A Tomaree Street, Nelson Bay; and
- Site 5 - 16, 18 & 20 Donald Street, Nelson Bay.

The methodology utilised for the feasibility assessment was based on the Urban Feasibility Model (UFM) developed by the NSW Department of Planning and Environment. The independent feasibility assessment made a number of market observations and sought to identify whether a developer would be able to achieve a viable 20% profit margin in the current property market. A particular emphasis was placed on varying the development height and Floor Space Ratios (FSR), as these standards significantly influence bulk and scale.

The Feasibility Appraisal makes a number of key market observations, including:

- Costs of an excavated basement carpark are approximately \$50,000 per single car bay and an above ground car park is approximately \$25,000.
- Construction costs significantly increase from a level of eight storeys (28m) due to the need for increased structural materials and regulations, such as fire sprinklers.
- Modest unit pricing (gross realisations) is achieved in the current market.
- A lack of foreshore (frontage) development sites where a high ratio of units has an ocean view and generate the highest prices, capital rates (\$/sqm of living area) and profit margin.

The following table (**FIGURE 9**) identifies at what point a 20% viable profit margin for a typical developer is achieved and therefore may provide enough certainty to take the invest.

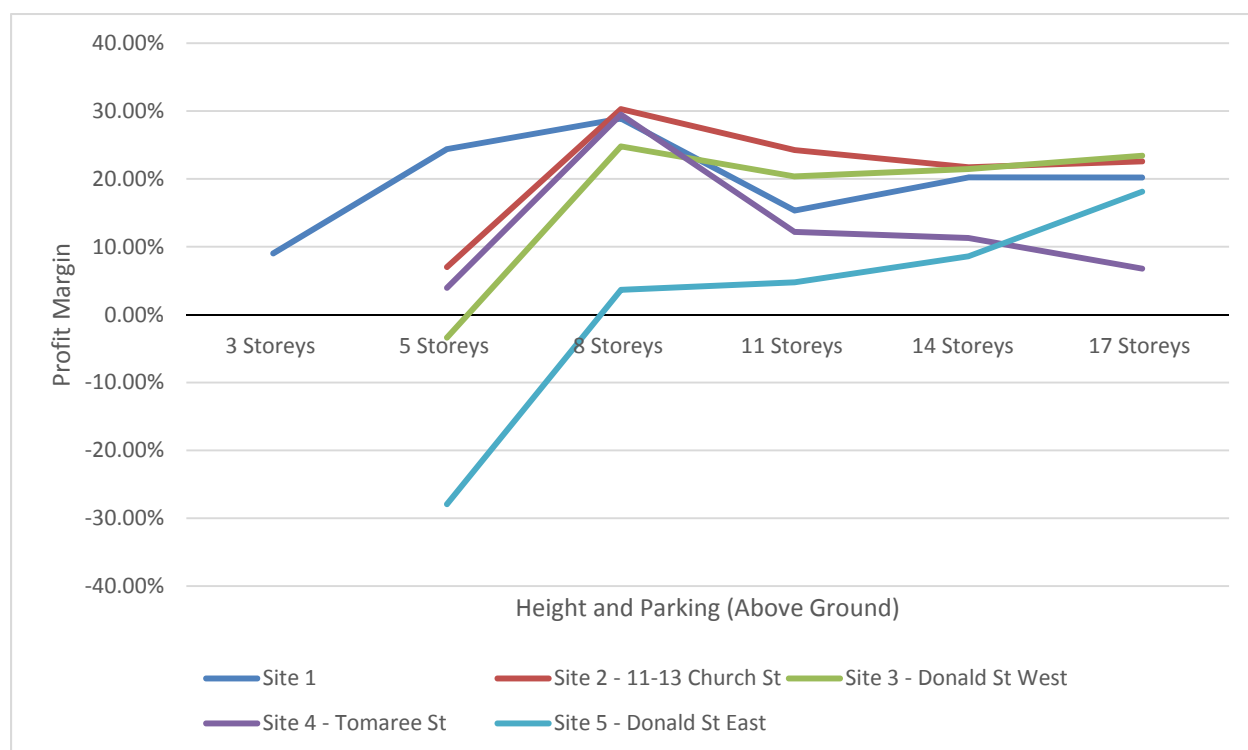
**FIGURE 9 - Table summarising what conditions provide for a viable profit margin**

Variable	Site 1	Site 2	Site 3	Site 4	Site 5
Height	5 Storeys - 42 Units	8 Storeys - 51 Units	8 Storeys - 42 Units	8 Storeys - 60 Units	The cost of replacing 140 public car spaces renders the development unfeasible.
Parking	Above Ground	Below Ground	Above Ground	Below Ground	
Development Profit	\$4,026,073	\$4,161,053	\$5,017,193	\$4,533,311	
Development Margin	24.39%	18.80%	24.62%	17.22%	
Internal Rate of Return	21.70%	21.40%	38.77%	20.03%	
Performance Ranking	Viable	Viable	Viable	Viable	
Residual Land Value	\$1,588,727	\$1,905,415	\$2,200,584	\$2,196,599	

While the above table summaries what conditions provide for a viable profit margin the varying margins for each site is best illustrated by the line graph provided as (**FIGURE 10**).

What these results indicate is that the feasibility of development is dependent on the individual characteristics of each site. There is a high emphasis placed on the need to achieve water views as sale prices significantly increase as a result, which translates into increased height in order to achieve this goal.

**FIGURE 10– Line graph illustrating the varying profit margins**



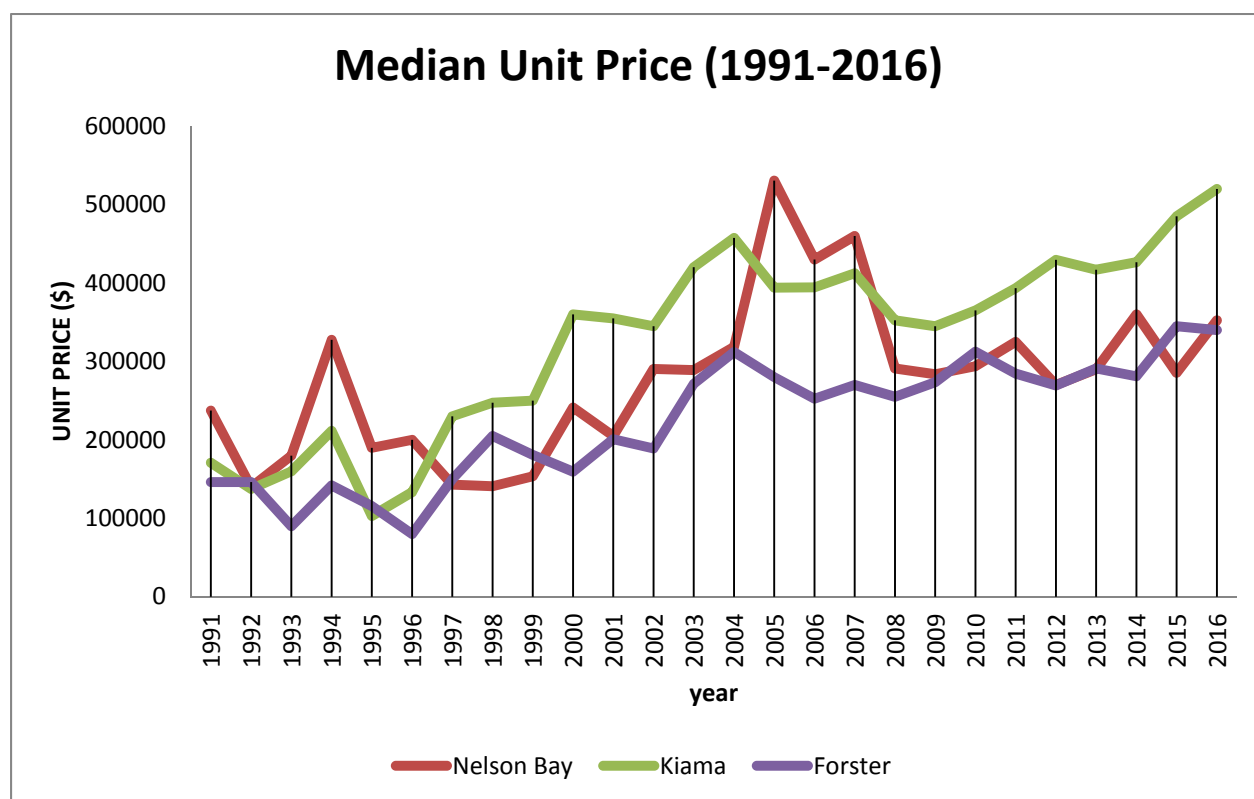
The cost of below ground parking means that above ground parking is favored. However, above ground parking is often undesirable as it limits the potential for activated street frontages within commercial centres and places parking at the same level of neighbouring residential buildings.

It is also well known that the residential unit market in Nelson Bay has been static and has actually declined over the past ten years. This is due to a number of defaults and abandoned development sites stalling development activity and causing poor developer sentiment. From the feasibility analysis, it is clear that current conditions are not allowing for re-development. This is despite significant growth in the housing industry over recent years. These observations have not only been made by the Independent Feasibility Report, but are reinforced by the third party peer review by local economists located within Nelson Bay.

The graph on the following page (**FIGURE 11**) illustrates is that Nelson Bay experienced significant growth from 2000 to 2005, but this then dropped significantly. The market has still not recovered from that high in 2005 and resulted in market property market conditions have not allowed for feasible redevelopment to occur over the past ten years, so the question is, what should be done with this information?

It is our belief that quality residential unit stock is required in order to provide confidence in the market and what is required to make development feasible is water views. At the same time, maximum height requirements must ensure that they do not come at the price of significant over-shadowing, loss of human scale and blocking of views. In response the following changes were suggested in the Paper.

**FIGURE 11– Line graph illustrating similar property markets**



Suggestions for a better Strategy detailed in the Paper

- Revising height limits and introducing a Floor Space Ratio (FSR) into the LEP.
- Adoption of LEP Clause 4.6 Policy
- Expansion of the strategy boundary to include ridgelines

Summary of feedback received during the public exhibition period on this theme

Of the 82 submissions received, 76 mentioned building height. Some were in support for a height increase from the current seven storeys (24.5m) in the town centre, but the vast majority were against an increase in height. Those opposed often believed that five storeys were required in order to protect the existing coastal village character.

It should be noted that at the same time, when the eight storey apartment building at 11-13 Church Street was considered by Council on 11 April 2017, this proposal received 75 submissions and a petition containing 145 signatures in support of this development. Only two submissions objected. This is an extraordinary indication of support for increased heights where good design outcomes can be achieved.

In addition, as noted, when the Paper was out for comment, the media's representation of proposed 21 story apartment buildings within the town centre did little to assist an authentic discussion around appropriate heights.

Recommendations

6. LEP Clause for Floor Space Ratios (FSR) and increase in Height of Building (HoB)

It is recommended that the maximum height of building and FSR be in accordance with the following table **(FIGURE 12)**, which is illustrated by **(FIGURE 13)**.

The Paper suggested raising the height of building limit to seven storeys in the town centre and introducing FSR to control site coverage and building bulk. This approach was consistent with the height limits identified in the existing Strategy. However, this recommendation seeks to go further with a proposal to raise HoB and FSR in accordance with **(FIGURE 12)**.

**FIGURE 12– Proposed HoB and FSR**

No.	Existing HoB	Strategy HoB	Proposed HoB	Strategy FSR	Existing FSR	Proposed FSR
A	2 Storey (8m)	3 Storey (10.5m)	3 Storey (10.5m)	2.5:1	No FSR	2.0:1
B	2 Storey (8m)	4 Storey (14m)	4 Storey (14m)	2.5:1	No FSR	2.0:1
C	5 Storey (15m)	7 Storey (24.5m)	10 Storey (35m)	2.5:1	No FSR	3.0:1
D	No HOB	9 Storey (30m)	12 Storey (42m)	2.5:1	No FSR	3.0:1
E	5 Storey (15m)	Not in Strategy	5 Storey (17.5m)	Not in Strategy	No FSR	2.5:1

The approach outlined by these figures is based on the following:

- The Hunter Regional Plan 2036 identifies the need to ‘investigate high density development that maintains and enhances the tourist, recreational and residential appeal of the centre’ for Nelson Bay (p. 64). This approach is further supported by the Port Stephens Planning Strategy 2011, which identifies that the intensification of existing development is more suited than zoning further lands (p.20).
- The Tomaree Peninsula is surrounded by national parks, which contain federally listed endangered species, such as the koala. As a result, outwards expansion is constrained. A town centre is the most appropriate location for density to cater for population growth. Without this, Council will continue to see rezoning proposals on the periphery.
- The Survey has identified that the Resident Owners, Resident Renters, Absentee Landlords and Businesses did not reach mean agreement about the numerical maximum height of building limit. However, they did reach mean agreement that building heights should follow the natural slope of the land (p. vii).
- The Paper identified that the town centre and foreshore has not seen any significant residential development since 2006, despite a number of development consents being issued. An extensive feasibility analysis, which was then peer reviewed identified that a minimum of eight storeys was required to provide confidence for investment.
- The eight storey apartment building at 11-13 Church Street was considered by Council on 11 April 2017, this proposal received 75 submissions and a petition containing 145



FIGURE 13– Illustration of proposed HoB and FSR





signatures in support of this development. Only two submissions objected. This is an extraordinary indication of support for increased heights where good design outcomes can be achieved.

- A number of existing buildings and approved development consents exceed the existing five storey maximum height of building limit, being:
  - 71 Victoria Parade, Nelson Bay (Commercial & Residential) – 6 Storey/21m
  - 5B Talleen Road, Nelson Bay (The Landmark) – 8 Storey/28m
  - 14 Magnus Street, Nelson Bay (Residential) – 6 Storey/21m
  - 11-13 Church Street, Nelson Bay (Residential) – 8 Storey/32m
  - 29-45 Magnus Street, Nelson Bay (Marina Resort) – 6 Storey/22m

The overall bulk and scale of development will not just be determined by height, but the introduction of FSRs that are likely to result in site coverage that is no greater than 38% (HillPDA, 2017, p. 47). This means that developers have the confidence to invest, while providing the majority of the site as open space and landscaping.

#### 7. Adoption of LEP Clause 4.6 Policy

It is recommended that the draft Clause 4.6 Policy be endorsed for public exhibition.

The NSW Government, 2011, 'Varying Development Standards: A Guide' discusses the cumulative effects of varying development standards. For example, the variation of 7m (46%) for the approved development at 29-45 Magnus Street, Nelson Bay (Marina Resort) set the precedent for similar variations that have now occurred at the DA stage.

At the same time, the ability to vary development standards allows individual proposals to be judged on their own merit. This is important given the sometimes broad brushed approach that can occur when developing a new comprehensive LEP across an entire Local Government Area.

A Draft Clause 4.6 Policy has been developed and will be placed on public exhibition with this draft Delivery Program. The draft Policy seeks to provide greater transparency, community participation and more robust assessments when a variation to a development standard is proposed. This is understood to be the first of its kind in NSW. It accepts that this clause is a part of our planning system and presents an innovative solution to mitigate perceived impacts.

#### 8. Expansion of the strategy boundary to include ridgelines

It is recommended that the Strategy Boundary be amended in accordance with **(FIGURE 6)**.

The existing Strategy Boundary focused on the commercial area of the town centre. It did not recognise the significant development that has taken place along the dominant ridgelines of Magnus Street and Thurlow Avenue. The existing development along these ridgelines is reflective of the desire to obtain views of Port Stephens, while still being within walking and cycling distance of the services that the town centre provides.

The expansion of the Strategy Boundary can be seen to be reflective of the existing maximum building height of 15m, which is distinctively different from the maximum building height of 9m that is applied to the majority of zoned land across the Tomaree Peninsula.

## 2.3 Development Incentives

The Survey identified that 'improving architecture' was a specific issue for Resident Owners, Resident Renters, Absentee Landlords and Businesses (HVRF, 2012, p. iv)

The Strategy proposed that a variation of up to an additional two storeys (7m) and an additional Floor Space Ratio (FSR) of up to 0.5:1 (2.5:1) for all sites in the town centre if a DA exhibited outstanding design excellence and demonstrated a strategic public benefit (p.65).

Additionally, the Strategy proposed a FSR incentive of an additional 0.5:1 (3.0:1) for the following sites:

1. Seabreeze/Nelson Towers/Donald Street West Car Park Site
2. Coles Supermarket Site
3. Donald Street East Car Park Site
4. Fisherman's Co-Operative Site

### What is the purpose of development incentives?

Public Policy can usually achieve outcomes through one or a combination of the following avenues:

1. Education
2. Regulation
3. Financial Expenditure

Council encourages design excellence through education by its continued commitment to the Lower Hunter Urban Design Awards (LHUDA). It encourages the protection of view corridors through regulation by setting a HoB limit and at the same time encourages redevelopment through investment in the public domain, such as footpaths and trees.

While the above avenues seek to encourage desired outcomes that have been agreed by the community, the generic regulatory development controls (i.e. HoB) do not take into account the individual circumstances of each site.

For example, the incentive to re-develop a site that contains a heritage listed building accumulates as land value and building maintenance increase over time. In recognition that heritage is a variable that contributes to a desired urban character, development incentives, such as the City of Sydney – Heritage Floor Space Scheme (HFSS) provides landowners who are responsible for the building maintenance with floor space credits. These credits can then be sold to other sites seeking to exceed the height limit.

Examples of current local development incentives within Port Stephens include:

1. D11 – Raymond Terrace Centre is a specific part of the Port Stephens Development Control Plan 2014. This Part provides a 100% reduction in on-site parking requirements in order to encourage redevelopment along King Street.
2. Clause 4.1D – Minimum Lot Sizes for Certain Split Zones, which is a clause under the LEP seeks to allow for the subdivision of an undersized lot of environmental or agricultural significance and provide it with a subsequent dwelling entitlement due to the understanding that the presence of a dwelling leads to more active land management.

### A Review of Development Incentives

The only development that has taken place in the town centre in the past ten years is the Woolworths on the corner of Donald and Stockton Streets. The Strategy identified incentives for this site and the developer did not draw upon them. This is likely to be a reflection of the increased construction costs that come from additional storeys versus the known market return as identified in the feasibility analysis.

Unfortunately, Nelson Bay's position within the Hunter Region's hierarchy of centres also means that it may not be of a size where it is likely to receive buildings that are of architectural significance and therefore incentives that seek to achieve this are misplaced. Buildings of architectural significance can be seen to take place where multi-national corporations may be located; those of civic importance or where residents are willing to pay a premium to purchase an apartment. Examples include:

1. University of Newcastle, City Campus - \$95M
2. State of Law Courts, Hunter Street Civic, ten courts and two tribunal rooms - \$94M
3. Icon Central Apartments, Hunter Street Civic, 262 Apartments - \$150M
4. Arena Apartments, Watt Street, Newcastle East - \$100M

These examples are all taken from the Regional City of Newcastle, which operates and is recognised as a city that provides higher order services, such as health, law and financial. Nelson Bay plays a far different role in relation to these services. Its major industry is tourism and in turn the most significant development that can be seen to have taken place on the Tomaree includes:

1. Mantra Apartments, Tomaree Street, 161 residential units
2. Nelson Bay Bowling and Recreation Club, Dowling Street
3. Shoal Bay Resort and Spa, Shoal Bay
4. Birubi Point Surf Lifesaving Club, Birubi

Given that Nelson Bay is unlikely to attract buildings that are of a size and scale to display architectural significance, it is proposed that the additional height and FSR be included as part of the development standards for each site. This is given that they have already set an expectation for the market and the feasibility analysis has indicated the need for a minimum of eight storeys to see redevelopment occur.

#### Suggestions for a better Strategy detailed in the Paper

The Paper made the following suggested changes to improve the Strategy:

- Reduce the uncertainty that is provided through development incentives
- Public goods, such as parking are provided by those who use it
- Review of Development controls contained within the LEP and DCP

#### Summary of feedback received during the public exhibition period on this theme

Of the 82 submissions received, 27 discussed development incentives. The discussion of this topic was understandably integrated with other themes, such as design excellence and building height. Most of the discussion around this theme also focused on the use of LEP (Clause 4.6 – Variation of Development Standards). Some submissions would not accept that this Clause was a part of the Standard Instrument LEP and Council could not remove its use. It can only seek to provide further guidance in relation to its use, which is provided through the draft Clause 4.6 Policy.

#### Recommendations

9. Reducing the uncertainty that is provided by development incentives.

It is recommended that the development incentives discussed in the Strategy are removed and that HoB and FSR are inserted into the LEP in accordance with **(FIGURE 13)**.

These development incentives no longer form part of the strategy. Any variation to modify a development standard will be in accordance with LEP (Clause 4.6 – Variation of Development Standards) and the associated Policy.

#### 10. DCP requirements encourage design excellence

It is recommended that the DCP be amended to address the identified shortcomings.

The Port Stephens LEP and DCP were reviewed when Council transitioned to the Standard Instrument template in 2014. A Housekeeping LEP was endorsed by Council on 1 August and a Housekeeping DCP was also endorsed by Council for public exhibition on 24 October 2017.

Further recommendations to change the LEP to improve design outcomes have been discussed under Part 2.1 – Design Excellence. The shortcomings of the DCP have been identified as:

- Building depth
- Building separation
- Street setbacks
- Side and rear setbacks
- Orientation
- Public Domain interface
- Communal and public open space
- Urban Design Panel

A review of existing development controls for residential flat buildings and commercial has been undertaken. This review will inform future DCP amendments and then placed on public exhibition.

## 2.4 Public Domain

The Survey identified that ‘appearance of the town’ was a specific issue identified by Resident Owners, Resident Renters, Absentee Landlords and Businesses (HVRF, 2012, p. iii).

### What is Public Domain?

The public domain includes the natural and built environment used by the general public on a day-to-day basis, such as streets, plazas, parks and public infrastructure.

The objective of public domain is to create public spaces that people can enjoy. Quality public domain is created through the application of tested urban design principles, such as street to height ratios, block size or consistent streetscape materials. Investment in the public domain is generally understood as the most significant contribution that Government can make towards providing business confidence and in turn encouraging investment. It is a fundamental approach to economic development in urban spaces.

### A Review of Public Domain

A review of the existing public domain in the town centre and foreshore identified the following:

- Inconsistent pathway widths and materials
- Missing pathway connections
- Poor legibility resulting from poor signage and way finding tools
- An inconsistent approach to street tree plantings and landscaping
- Pedestrian barriers and incomplete street linkages

The Strategy identified a number of actions to address these shortcomings, such as the development of a public domain plan or a street tree masterplan. However, to date, these actions have not been completed.

### Suggestions for a better Strategy detailed in the Paper

- Development of a Streetscape Design Guide for the Nelson Bay Town Centre
- Detail provided to public domain works, costings and priorities
- Revision of the s94 Development Contributions Plan for the Nelson Bay Catchment

### Summary of feedback received during the public exhibition period on this theme

Of the 82 submissions received, 57 submissions mentioned the importance of the public domain. Discussion included items, such as roads, pathways, lighting, seating, trees, boardwalks, and signage.

There was clear consensus that public domain mattered. Saying this, it is hard to argue against the objective to improve the appearance of a town. The challenge comes from when it is identified who will fund this appearance? The desire to keep the unique coastal village and ‘natural amphitheatre’ character was also reinforced.

### Recommendations

#### 11. Development of a Public Domain Plan

It is recommended that a Public Domain Plan be developed.

This action will commence in the coming months if Council is successful in obtaining a grant that was applied for in October 2016.

The Paper identified the need to develop a Streetscape Design Guideline that would provide a similar level of detail as the City of Ipswich, 2013, 'Ipswich Streetscape Design Guideline – A guide for Council, Developers and the Community'. Rather than just develop this Guideline, a Public Domain Plan will address three matters relating to aspects of the public domain that were identified in the Strategy, being: 1) Streetscape; 2) Wayfinding; and 3) Street Trees.

#### 12. Feasibility assessment for public Wi-Fi in the town centre

It is recommended that a feasibility assessment be undertaken for public Wi-Fi.

On 13 June 2017, Council agreed to investigate the feasibility of public Wi-Fi for the Nelson Bay and Raymond Terrace town centres. A feasibility assessment will be undertaken to identify the cost and opportunities of public Wi-Fi. This approach follows on from the need for our town centres to be 'digitised' in order to encourage people to visit and stay for longer.

#### 13. Remove the Stockton Street Stage

It is recommended that the Stockton Street Stage be removed.

#### 14. Review the Nelson Bay Foreshore Plan of Management

It is recommended that the Nelson Bay Foreshore Plan of Management (PoM) be reviewed with consideration provided to the updated actions of the Strategy and this Delivery Program.

The Department of Lands (former title), 2008, 'Nelson Bay Foreshore Plan of Management' was developed in 2008 in coordination with Port Stephens Council. This PoM anticipated the impending Strategy, but was unable to achieve any integration because the PoM was finalised before the Strategy was completed. The next review of this PoM should take into consideration the updated actions of the Strategy and Delivery Program.

#### 15. Implement the Apex Park Masterplan

Identify funding sources to implement the adopted Apex Park Masterplan.

On 8 December 2015, Council endorsed the Masterplan for Apex Park (**FIGURE 14**). The Plan identifies a number of proposed changes for the park that seek to increase its attractiveness and usability. Provided that open space is a category for which development contributions can be levied under the *Environmental Planning and Assessment Act 1979*, this could be a source of funding identified through the site specific s94 Chapter for the Tomaree Peninsula.

#### 16. Develop a toolkit for public events to encourage the activation of the town centre.

It is recommended that a toolkit and a framework for traffic management plans for small, medium and large events be developed. This toolkit will include preferences for way finding, crowd control, traffic control, car parking and shuttle services, if required.

17. Audit facilitates that are required to facilitate public events

It is recommended that an audit of existing event facilities (i.e. public toilets and power outlets) be undertaken to understand the capacity of certain public spaces (e.g. Nelson Bay Foreshore) to host public events. This process will identify the infrastructure required to host larger events.



FIGURE 14– Apex Park Masterplan



## 2.5 Transport and Parking

The Survey identified that 'adequate parking spaces' as the second most important issue identified by all stakeholders and the most significant issue from the perspective of business (HVRF, 2012, p. iii).

### What is Transport and Parking?

When we discuss transport and parking, we're discussing the ability for us to get from one destination to another. This may be by walking, cycling, public transport or the private motor vehicle. Due to the dispersed settlement pattern of Port Stephens, there is a reliance on the private motor vehicle to provide this transportation. In turn, there must be adequate space for parking at these destinations.

### A Review of Transport and Parking

The GHD, 2012, 'Nelson Bay Town Centre Transport and Parking Study' (the Study) identified 300 off-street parking spaces in the town centre managed by Council and 800 managed by private landowners.

The key locations for public parking are provided by the following table.

**FIGURE 15 – Public Parking Locations**

Car Park	Spaces	Average Use	Peak Use
Donald St East (Levels 2 & 3)	142	45%	73%
Donald St East (Ground Level)	90	-	-
Donald St West	93	86%	100%
Corner of Donald & Yacaaba St	60	-	-
Government Road	61	-	-
Note: Deficit of 21 spaces following the closure of Donald St East (Levels 2 & 3)			
Nelson Bay Foreshore	197	-	-
Woolworths	184	-	-
On-Street Parking (Magnus, Donald, Stockton & Yacaaba)	174	-	-
TOTAL	1,1001	-	-

This Study identified that off-street parking and on-street parking is operating under capacity during events and on every weekday (p.45). The Study discussed how increasing parking availability can be used as a tool to stimulate activity in centres by improving access to facilities and services. However, widespread car park construction can be costly, add to congestion on the road network and may be to the detriment of nearby centres. Therefore, a common resource effective approach is to increase the availability of parking spaces by encouraging greater turnover.

This could be achieved by limiting the duration of parking (i.e. 1-2 hours) or by charging a time-based fee, usually via parking metres (p.9). In the longer term, the Strategy also identifies the desire to provide long-term parking in the town centre. The long-term strategy could be achieved through the redevelopment of the Donald Street Car Park Site or the development of a satellite parking location. The benefit of a site on

the periphery of the town centre is that it would reduce town centre traffic, encourage walkability and be a more cost-effective as land on the periphery would have a reduced value compared to land in the centre.

#### Summary of feedback received during the public exhibition period on this theme

Of the 82 submissions received, 52 submissions mentioned the matter of traffic and parking. There was clear consensus that the 21 storey redevelopment of the Council owned car parking site on Donald Street would be not consistent with the existing setting. The media around this particular site also confused the messaging around the what planning controls were being suggested in the Paper.

Some submitters questioned whether a parking problem existed, while others went straight to solutions, such as the need to further explore satellite parking options or parking stickers to be provided to residents and business owners if further time-limited parking was to be introduced.

During the exhibition period, the community made it clear that they would like the GHD, 2012, 'Nelson Bay Traffic and Parking Study' to be updated. They believed that this existing Study results did not accurately reflect a peak period given that took place during 'Tastes at the Bay'.

Following the exhibition period, traffic and parking counts were completed during the April School Holidays, Easter Weekend and during typical weekdays in July/August 2017. The counts identified that parking operates under capacity during a typical weekday and that capacity is reached during peaks.

An illustration of average public parking utilisation rates is provided by **(FIGURES 16 & 17)**.

#### Suggestions for a better Strategy detailed in the Paper

The Paper made the following suggested changes to improve the Strategy:

- Identification of future satellite parking locations
- Explore user-pays approaches to the provision of parking
- Encourage private enterprise to provide parking on Council land

#### Recommendations

##### 18. Update the Traffic and Transport Study and develop an Integrated Transport Plan for Nelson Bay.

The Traffic and Transport Study was updated following the exhibition period for the Paper. The outcomes of this update have informed some of the recommendations in this Delivery Program.

However, it has become apparent that a precinct wide integrated transport plan is required. Not simply a plan for car parking locations, but a more holistic plan which considers how pedestrian access, cycle-ways, public transport movements, private coaches and private vehicles interrelate and impact our experience of the town centre and surrounds.

##### 19. Identification of future satellite parking locations

Explore and nominate potential parking locations in and around the town centre for council to consider as a possible solution to alleviating on-street parking.

##### 20. Formation of a Citizens Panel to discuss short-term and long-term parking

In response to this new data, there is an obvious lack of consensus on parking and a Citizens Panel is proposed in order for this matter to be explored in further detail. A Citizens Panel is a concept often used by local governments whereby a group of randomly selected members of the community consider the issue at hand and provide recommendations to Council. It is a concept designed to both improve the community understands of an issue, whilst arriving at a shared set of actions and recommendations a complex issue.

The Panel will consider all traffic and parking data, the associated funding options and discuss short and long term options. An option may involve exploring suitable car parking lands on the periphery of the town centre, reviewing existing timed parking arrangements or possible options to redevelop existing parking sites. The Panel will consider the facts, receive presentations from traffic and financial experts, debate the data and present an informed recommendation to Council. Once the Delivery Program is adopted by Council, the Panel will be formed.

#### 21. Extension of Yacaaba Street

Five options for the extension of Yacaaba Street were developed and placed on public exhibition in 2013. The fifth option (**FIGURE 18**) was endorsed by Council on 24 June 2014 and construction commenced in late 2017. It is expected that construction will be completed in 2018.

#### 22. Undertake a capacity analysis of the Tomaree Street Pedestrian Bridge

The completion of the Yacaaba Street Extension will provide an alternative access point to the Foreshore from the Town Centre at ground level. This provides the opportunity to undertake an analysis of the existing pedestrian bridge in terms of its preferred usability and asset life.

#### 23. Review of parking signage and metres on the Foreshore

#### 24. Review road speed limited in the town centre

#### 25. Design and fund intersection options

The updated traffic and transport study identified two intersections that were experiencing significant delays under 2017 peak conditions, being the intersections of Church Street and Stockton Street with Donald Street. It is suggested that funds be sought to design these intersection upgrades, which will then allow funding opportunities to be sought.

#### 26. Implement the Pedestrian Access and Mobility Plan (PAMP)

Identify funding sources to implement this existing plan that seeks to create more pedestrian friendly and mobile urban environments (e.g. pedestrian refuges at key intersections).



FIGURE 16 –Average Public Parking Utilisation Rates for the Town Centre



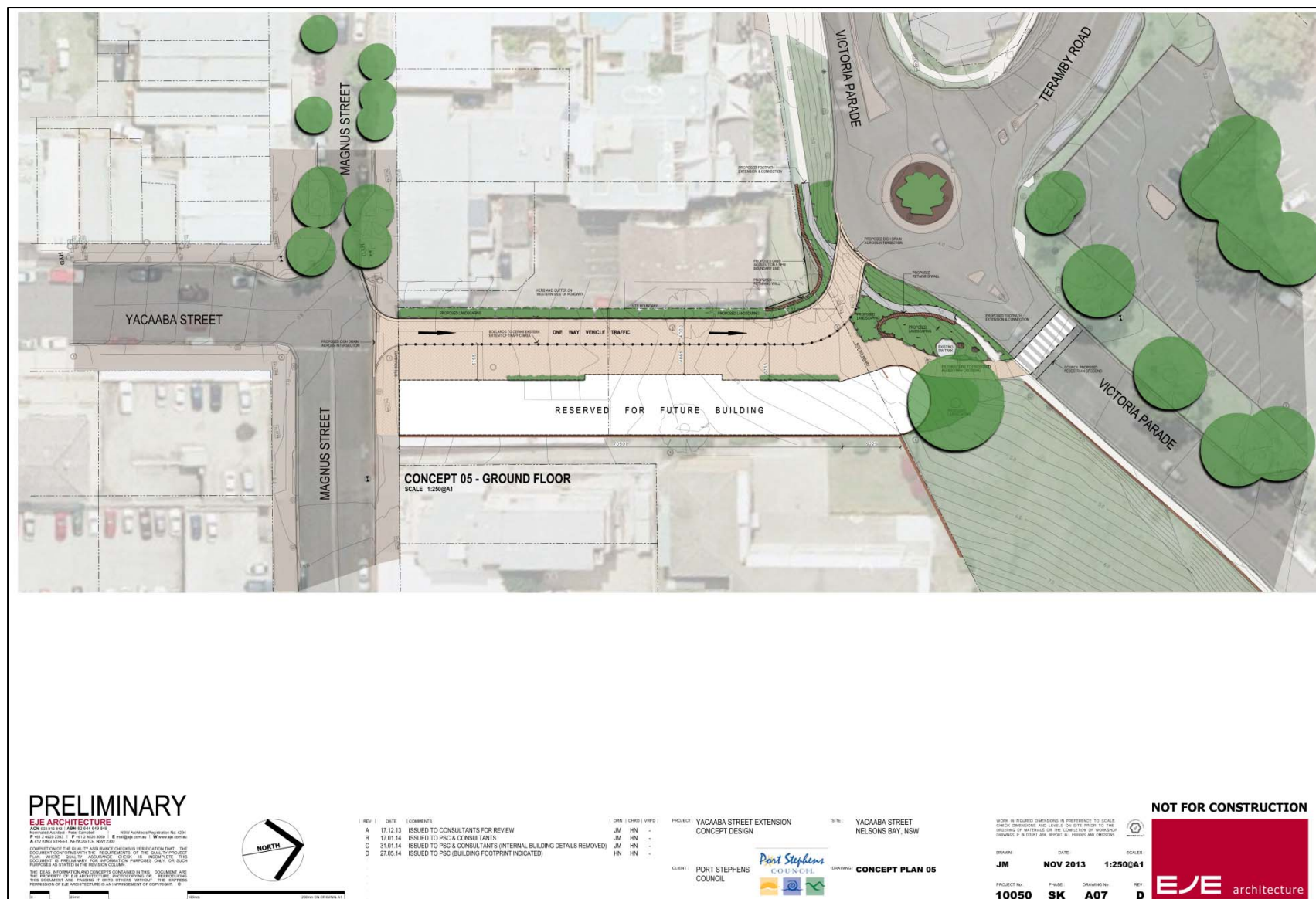


FIGURE 17 –Average Public Parking Utilisation Rates for the Foreshore





**FIGURE 18 – Endorsed Yacaaba Street Extension Option**





## 2.6 Implementation and Delivery Program

The Survey did not address the specific matter of implementation or delivery as prior to the existing Strategy, no specific land-use plan had existed for the Nelson Bay town centre or foreshore.

### What is Implementation and Delivery?

The implementation stage of a strategy process is believed to be the most critical. It is the point in the process where we have an endorsed Plan and everyone is wanting to see progress.

The Nelson Bay Town Centre and Foreshore Improvement Program (the Program) listed the major projects that were understood to be necessary to achieve the Strategy's objectives, being:

- A public domain strategy for Nelson Bay. The strategy seeks to improve streetscapes, better define view corridors, improve pedestrian connectivity and create a strong pedestrian 'spine' along Stockton Street to the waterfront.
- A design brief for Apex Park and the wider green link area between the Town Centre and Foreshore. Apex Park has evolved over time and as a result has lost an overall structure. Many facilities in the Park, such as the War Memorial, are functionally compromised as a result. Tree plantings have grown and obscured important view corridors to the water.
- Upgrading wayfinding through improved signage and interpretative material is very important to improving the visitor's experience in Nelson Bay and to bring the Town Centre and the waterfront closer together.
- Initiatives to reinforce the Character Areas identified in this Strategy.
- The Foreshore redevelopment.
- Public art, tree planting brief, lighting strategy, street furniture and signage.
- Key staging considerations.
- Implementation responsibilities (pp. 7-8).

However, no detailed plan as to how these actions were to be achieved was identified. Five years on from the adoption of the Strategy, Council has:

- Developed five options for the extension of Yacaaba Street. The fifth option was endorsed by Council on 24 June 2014 and construction commenced in late 2017.
- Developed an Apex Park Masterplan, which was endorsed by Council on 8 December 2015.
- Developed a site specific chapter within the Port Stephens Development Control Plan 2014 for the Nelson Bay Town Centre and Foreshore, which was endorsed by Council on 14 July 2015.
- Applied for and were successful in receiving \$340,000 in 'black spot funding' for 2015/16 in relation to the road and associated pedestrian works on Victoria Parade.
- Identified and is currently leasing land for two temporary parking stations – one located on Yacaaba Street, and the other on Government Road. The closure of the top two levels of the Donald Street East multi-storey car park reduced parking capacity from 174 spaces to 60. However, the temporary stations provide 120 spaces, which is an overall increase of 7 spaces.
- Facilitated the Woolworths Development, which has been a catalyst for economic activity in the town centre. This approval also resulted in an additional 130 public car spaces.
- Facilitated events, such as the Sacred Tree Markets, Tastes at the Bay and New Year's Eve.
- Council let 'Smart Arts' program led to Artisan Collective setting up on Magnus Street.
- Approved four applications in the study area, only the Golf Course has been constructed.

### Suggestions for a better Strategy detailed in the Paper

The Paper made the following suggested changes to improve the Strategy:

- The Strategy actions have been reviewed, but need to be further broken down to be Specific, Measurable, Accurate, Realistic and Time-Based (SMART).
- Implementation Panel to meet on a quarterly basis.

#### Summary of feedback received during the public exhibition period on this theme

Of the 82 submissions received, 25 mentioned the importance of implementation. When discussing this theme, some submissions described how Council had failed to implement and promote the Strategy, while others believed that the works completed to date, such as the Yacaaba Street Extension sent a positive message to the business community. There was a clear undertone of resounding support for the general objectives of the existing Strategy and everyone wanted to see further implementation.

Furthermore, it is acknowledged that the Paper contained limited information on implementation. Much more information on this theme has been provided throughout this document and the suggested changes contained in the Paper have been expanded on below.

#### Recommendations

##### 27. Re-word the existing actions to be SMART

A SMART implementation plan and those actions contained within is one that is:

- Specific – Not lose or ambiguous or unconnected
- Measurable – Contains measures that can be addressed, determined and reported
- Achievable – Can be responded to by personnel (acted on) and implemented
- Realistic – Reasonable and can be qualified
- Time-based – Set to a timeframe for completion/achievement

An Implementation Plan that is SMART has now been developed (**ATTACHMENT 1**).

This Plan is the performance management tool for supporting the Strategy. The implementation plan is the, 'what that needs doing', by when and by how much to achieve the objectives.

The Improvement Program that accompanied the Strategy did not identify critical factors in project management, such as timing, deliverables and resourcing. Hence, why there is clear confusion in the community about what the strategy set-out to achieve and by what dates. The revised actions have been made clearer by adopting the SMART structure, which is an approach that is common practice in carbon reduction reporting.

##### 28. Implementation Panel to meet on a quarterly basis

During the development of the Strategy, a stakeholder's forum met regularly to discuss issues related to the Strategy and to provide feedback to Council Officers as the final Strategy was developed. Further to this, an innovative program of involving local school students in developing a vision of a future Nelson Bay helped to ensure that the views of younger people (who will inherit the outcomes of the Strategy) were considered (PSC, 2012, p.5).

Similar to the approach taken for strategies, such as the Raymond Terrace & Heatherbrae Strategy and the Medowie Strategy, it is suggested that an ongoing implementation panel be

formed to overlook the progress of implementation. This panel would meet on a quarterly basis to discuss how Council is tracking against the implementation program and how they may be able to assist where actions identify the need for community involvement.

Expressions of interest will be sought during the exhibition of this draft Delivery Program. The first meeting will take place once the Delivery Program is adopted by Council.

## 29. Review Infrastructure Funding

Funding will be required to complete the following identified works. This list of works will become more extensive once actions listed in the Implementation Plan (e.g. Public Domain Plan) have been completed. To date, funding is required for:

**FIGURE 19 – Identified projects and relevant estimated costings**

No	Item	Cost
1	Apex Park Masterplan	\$1.2M
2	Removal the Stockton Street Stage	\$5,000
3	Develop of an Integrated Transport Plan for Nelson Bay	\$50,000
4	Replace the Donald Street East Multi-Storey Car Park	\$5-7M
5	Design Church St and Stockton St with Donald St Intersection Upgrades	\$100,000
6	Implement the Pedestrian Access and Mobility Plan (PAMP)	\$500,000
7	Implement the Pathways Plan	\$500,000
8	Public Domain Plan	\$140,000

The funding options that are available to Council include:

- General revenue – Council could fund works through its general revenue. However, as identified in the Paper, funds are very limited at \$7M per year from rates, fees and charges. This amount needs to be distributed across the whole Local Government Area.

General revenue is combined with other sources of funding (e.g. grants) to deliver on the Strategic Asset Management Plan (SAMP). The projects identified for Nelson bay within the SAMP for the 2017/2018 Financial Year are as follows:

- Various improvement projects at Halifax Holiday Park, Beach Road - \$150,000
  - Replacement of Little Beach access ramp decking boards and extension of accessible fishing platform - \$85,000
  - Sand clearing at Nelson Bay Marina - \$85,000
  - Covering of an open channel with pipes at Tomaree Sports Complex - \$60,000
  - Rehabilitation of eroded open channel at Nelson Bay Cemetery - \$60,000
- Special rate levies – The use of a new location targeted special rate could be used to either undertake the development of new infrastructure as funds are received or repay borrowings for the needed infrastructure if Council wanted to advance funds in an area.

The Nelson Bay Town Improvement Special Rate was previously levied on business located in the Nelson Bay Town Centre and raised approximately \$70,000 per annum to repay an internal loan for footpath paving and drainage works carried out in 2000/2001.

\$70,000 per annum would raise \$700,000 over ten years. This funding source could be supplemented with other sources, such as grants or development contributions.

- Loans – Council could borrow funds for the required infrastructure and require the source of repayments to be from General Revenue. This approach means that items are removed from future budgets as the revenue that would have been spent on those items is used to service interest repayments. \$6M was recently borrowed to fund a number of projects, including \$1.5M for the Yacaaba Street Extension
- User fees and charges – The common user fees and charges for Local Government relate to parking. Time limited parking would encourage behaviour that would also assist with identified traffic and parking congestion during peak periods.
- Contributions, grants and subsidies – Government funding opportunities in the form of grants become available from time to time. For example, \$340,000 was provided through the Federal Government 'Black Spot' Program for those Victoria Parade Pedestrian Works. The key to obtaining grants is to have a strategy in place and a complimentary funding source to increase the chance of an obtaining a grant.
- Development contributions – Development contributions can be levied under the *Environmental Planning and Assessment Act 1979* (EP&A Act).

Contributions can be levied under s94 of this Act for residential development where a clear nexus exists for the listed infrastructure. Alternatively, contributions can be levied under s94A of this Act for commercial or industrial development as a percentage of the development cost. No clear nexus is required for the latter option.

The Paper identified applying an additional levy of \$1,000 on all residential development, which would provide \$113,000 annually. A clear nexus could exist for this levy to implement the Apex Park Masterplan. It is suggested that the levy for the Tomaree be reviewed once the Public Domain Plan is completed.

- Conditions of development consent – Where consent is required to undertake development the consent authority may be able to attribute the need for infrastructure as a direct result of that development, such as an intersection upgrade. This would be in addition to development contributions levied under the *EP&A Act*.

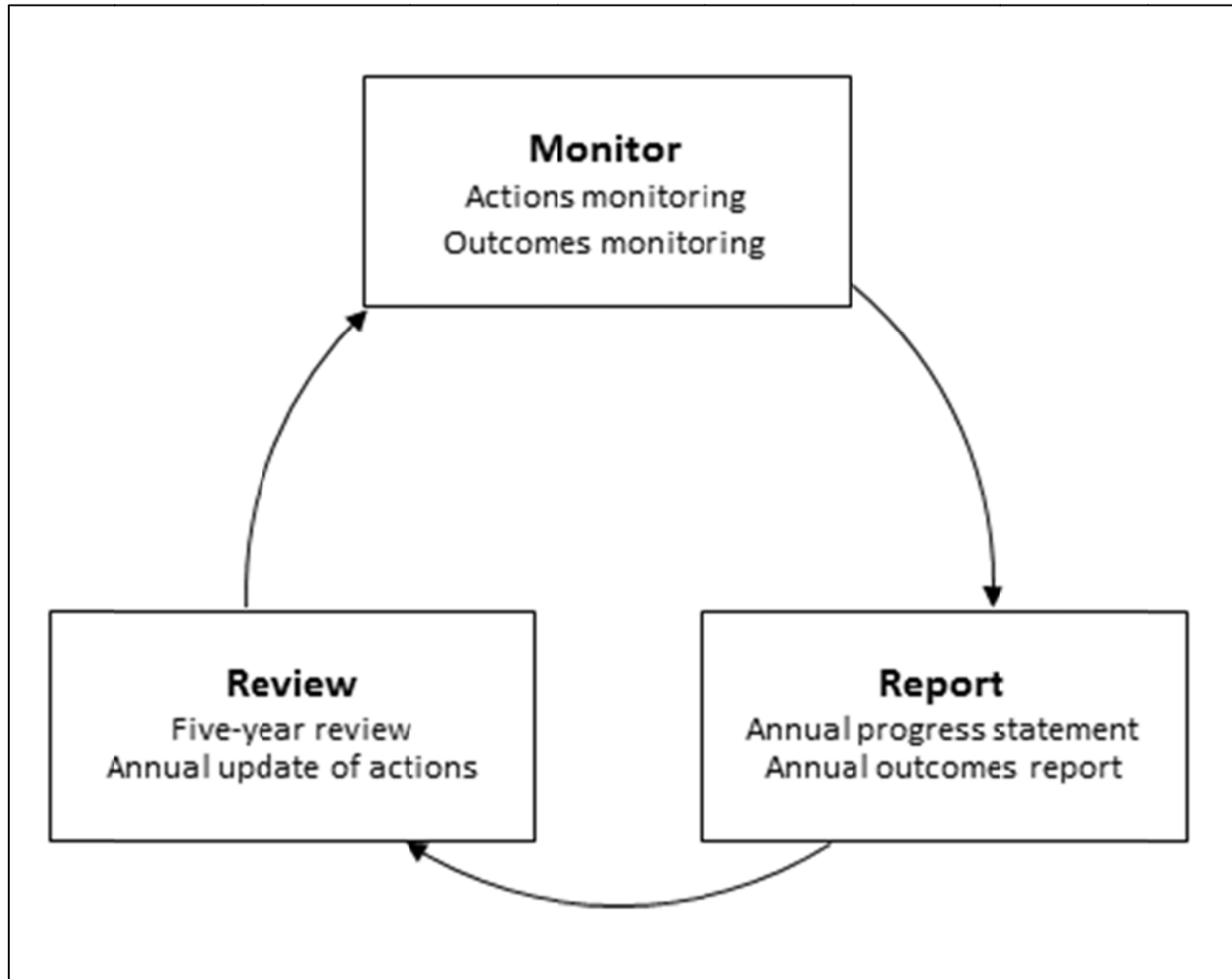
These funding opportunities should be further investigated and decided upon once the Public Domain Plan is complete. Council has dedicated \$70,000 through its general revenue for this Plan and has applied for a grant in October 2017 for the remainder \$70,000.

### 30. Monitor, Report and Review the Strategy

It is recommended that the Strategy and associated Delivery Program be monitored through the quarterly Implementation Panel Meetings. An annual report will be provided to Council on the progress that these documents will be reviewed more comprehensively every five years.

This process will provide transparent information to the community about implementation progress and ensure everyone benefits by keeping the plan up to date. The monitoring, reporting and review cycle is summarised by **(FIGURE 20)**.

**FIGURE 20 – Monitoring, Reporting and Review Cycle**



## Part Three - Next Steps

If this Delivery Program is endorsed by Council on 12 December 2017, it will be placed on public exhibition for a minimum period of 28 days. Given the impending Christmas period, it is recommended that exhibition concludes at the end of February 2018. A Community Engagement and Communications Plan identifies that the following will take place during the public exhibition period:

1. Notification placed in the Port Stephens Examiner and on Council's Website.
2. Formal letters provided to Interest Groups and those who previously provided submissions.
3. Relevant information uploaded to Engagement HQ – Online Consultation Tool.
4. Community Drop-In Sessions.
5. Council Officers available over the phone and at the Front Counter.
6. Submissions invited until the closure of the public exhibition period.

During this time, expressions of interest will also be sought from those interested in being a part of the Implementation Panel. The Panel will meet every quarter after the adoption of the Delivery Program.

Following the public exhibition period, the Delivery Program, Clause 4.6 Policy, LEP Amendments and recommended Implementation Panel members will be reported to Council for their endorsement.

## References

Australian Government, 2016, 'Tourism Forecasts - Tourism Research Australia'

Destination Port Stephens, 2015, 'Visitor Economy Monitor'

Department of Lands, 2008, 'Foreshore Plan of Management'

GHD, 23 May 2013, 'Nelson Bay Town Centre Transport and Parking Study'

HVRF, 2012, 'Survey of Stakeholders in the Nelson Bay Draft Strategy for Port Stephens Council'

Port Stephens Council, February 2008, 'Nelson Bay Foreshore - Plan of Management'

Port Stephens Council, 2012, 'Nelson Bay Town Centre & Foreshore Strategy'

Port Stephens Council, 2012, 'Nelson Bay Town Centre & Foreshore - Improvement Plan'

Port Stephens Council, 2011, 'Port Stephens Planning Strategy'

Port Stephens Council, 1984, 'Tall Building Study'

Port Stephens Council, 2011, 'Port Stephens Planning Strategy'

RemPlan, 2016, 'Population, Demographic and Housing Report: Port Stephens LGA'

NSW Government, 2011, 'Varying Development Standards: A Guide'



## Attachment 1 – Implementation Plan

The following Implementation Plan will be provided with actual dates for the identified timeframes, once the adoption date of the Delivery Program is known.

<p>Key:</p> <p>Short – 1 year following the adoption of the Strategy.  Medium – 1-3 years following the adoption of the Strategy.  Long – 3-5 years following the adoption of the Strategy.</p>						
No	Summary	Specific	Measurable	Achievable	Realistic	Time
Design Excellence						
1	LEP Clause for Activated Street Frontages	<ul style="list-style-type: none"> <li>A Planning Proposal that lists the Activated Street Frontages Clause and provides an accompanying map is to be reported to Council for endorsement following the exhibition of the Delivery Program.</li> <li>The Planning Proposal is to be adopted 12 months following the issue of a Gateway Determination.</li> </ul>	<ul style="list-style-type: none"> <li>An amendment to the LEP is gazette 12 months following the Gateway Determination.</li> <li>The success of the clauses will be identified through an audit of development applications twelve months following the adoption of the LEP gazette. This audit will identify opportunities for improvement.</li> </ul>	<ul style="list-style-type: none"> <li>The responsibility for this Planning Proposal will be listed on the project officer's work program.</li> <li>Planning Proposals that are considered minor are estimated to take 50 hours of a project officer's time under the Fees and Charges Schedule.</li> </ul>	<ul style="list-style-type: none"> <li>Strategic justification for the proposed LEP Clauses is provided by the Strategy and Delivery Program.</li> <li>The NSW Department of Planning and Environment identifies 12 months as a target timeframe for minor LEP amendments.</li> </ul>	Short
2	LEP Clause for Appropriate Vertical to Horizontal Proportions					Short
3	An Independent Urban Design Panel	<ul style="list-style-type: none"> <li>An Independent Design Panel is to be established in accordance with the procedure set-out by <i>SEPP No 65 – Design Quality of Residential Flat Buildings</i> and the associated Apartment Design Guide.</li> <li>The Panel will be in place and b preferred Development Applications 12 months following the adoption of this Delivery Program.</li> </ul>	<ul style="list-style-type: none"> <li>The success of this Design Panel will be determined by an independent survey of stakeholders (i.e. Applicant, Council Officers, Councillors and those who made submissions to a DA) twelve months following the introduction of the Panel.</li> </ul>	<ul style="list-style-type: none"> <li>The responsibility for this Planning Proposal will be listed on the project officers work program. The key tasks are: <ol style="list-style-type: none"> <li>Scope of Panel</li> <li>Seek nominations for panel members.</li> <li>Report to Council on panel make-up.</li> <li>Administer the Panel.</li> </ol> </li> </ul>	<ul style="list-style-type: none"> <li>The framework for this action is provided by the State Government and has been followed by a number of NSW Councils.</li> <li>This is a process that developers and other communities are familiar with in other Local Government Areas.</li> </ul>	Short
4	Education Program on Urban Design	<ul style="list-style-type: none"> <li>A detailed scope for this Urban Design Training is to be prepared and supported by the Implementation Panel at its first meeting. It is envisioned that the training will involve three separate full-day sessions.</li> <li>The training will take place on an annual basis.</li> </ul>	<ul style="list-style-type: none"> <li>The success of the training will be determined by an Independent survey taken of participants after the training has been completed.</li> <li>The feedback from this training will identify opportunities for improving the training next year.</li> </ul>	<ul style="list-style-type: none"> <li>Existing budget that has been set aside for training will be drawn upon to fund an urban design professional to facilitate this Program.</li> <li>The detailed scope for this training has been prepared and is ready to be presented to the first meeting of the Implementation Panel.</li> </ul>	<ul style="list-style-type: none"> <li>This education program is based on a tried and tested training program that received a Planning Institute of Australia Award. In turn, an established format exists, which we can be followed to efficient results.</li> </ul>	Short
5	Support for Awards that recognise Design Excellence	<ul style="list-style-type: none"> <li>Continue to provide a Council Officer and financial contribution each year to assist in the organisation of the Lower Hunter Urban Design Awards (LHUDA).</li> </ul>	<ul style="list-style-type: none"> <li>The success of this involvement will be measured by the number of nominations received from development in Port Stephens and how many of those receive awards.</li> </ul>	<ul style="list-style-type: none"> <li>The responsibility for this Planning Proposal will be listed on the project officers work program.</li> <li>An annual budget is assigned for the support of these awards.</li> </ul>	<ul style="list-style-type: none"> <li>The LHUDA have not been run over the past two years due to the absence of a clear project manager. Council is to be instrumental in identifying the need for an external project manager to continue to take on the majority of responsibility for this project.</li> </ul>	Short
Building Heights						

<p>Key:</p> <p>Short – 1 year following the adoption of the Strategy.  Medium – 1-3 years following the adoption of the Strategy.  Long – 3-5 years following the adoption of the Strategy.</p>						
No	Summary	Specific	Measurable	Achievable	Realistic	Time
6	LEP Clause for FSR and increase in HoB	<ul style="list-style-type: none"> <li>A Planning Proposal that lists the FSR Clause, increase in HoB and provides accompanying maps is to be reported to Council for endorsement following the exhibition of the Delivery Program.</li> <li>The Planning Proposal is to be adopted 12 months following the issue of a Gateway Determination.</li> </ul>	<ul style="list-style-type: none"> <li>An amendment to the LEP is gazette 12 months following the Gateway Determination.</li> <li>The success of the clauses will be identified through an audit of development applications twelve months following the adoption of the LEP gazette. This audit will identify opportunities for improvement.</li> </ul>	<ul style="list-style-type: none"> <li>The responsibility for this Planning Proposal will be listed on the project officers work program.</li> <li>Planning Proposals that are considered minor are estimated to take 50 hours of a project officer's time under the Fees and Charges Schedule.</li> </ul>	<ul style="list-style-type: none"> <li>Strategic justification for the proposed LEP Clauses is provided by the Strategy and Delivery Program.</li> <li>The NSW Department of Planning and Environment identifies 12 months as a target timeframe for minor LEP amendments.</li> </ul>	Short
7	Adoption of LEP Clause 4.6 Policy	<ul style="list-style-type: none"> <li>A Draft Policy has been prepared and will be reported to Council on the 12 December 2017 along with this Draft Delivery Program.</li> <li>The draft Policy seeks to provide greater transparency, community participation and more robust assessments when a variation to a development standard is proposed.</li> </ul>	<ul style="list-style-type: none"> <li>The Draft Policy will be placed on public exhibition with the Draft Delivery Program. Council will also seek feedback from the NSW Department of Planning and Environment during this period. Submissions received on the Draft Policy will be reported to Council at the completion of the exhibition period.</li> <li>The success of the Policy will be identified through a two year annual review that is required of all Council Policies.</li> </ul>	<ul style="list-style-type: none"> <li>The responsibility for Draft Policy will be listed on the project officers work program.</li> <li>The process for developing and gaining endorsement of a Policy is mapped as a key council process.</li> </ul>	<ul style="list-style-type: none"> <li>The Policy has been drafted based on internal and external legal advice. It is considered to be leading practice in NSW and will now follow the Policy Review Process.</li> </ul>	Short
8	Expansion of the Strategy Boundary to include ridgelines	<ul style="list-style-type: none"> <li>The exact boundaries of the proposed Strategy Boundary expansion are identified by <b>(FIGURE 6)</b>.</li> <li>The need to expand the Strategy Boundary was identified by the Paper.</li> </ul>	<ul style="list-style-type: none"> <li>Under the Document Hierarchy part of this document, it discusses how the Delivery Program overrides any inconsistencies with the Strategy. Therefore when this Delivery Program is adopted by Council it will override the Strategy Boundary contained in the Strategy.</li> </ul>	<ul style="list-style-type: none"> <li>The responsibility for getting this Delivery Program adopted will be listed on the project officers work program.</li> </ul>	<ul style="list-style-type: none"> <li>The new boundary has been identified and is identified in this document. This identification has no significant policy implications. It is merely a reflection of existing development along those dominant ridgelines.</li> </ul>	Short
Development Incentives						
9	Reducing the uncertainty provided by development incentives	<ul style="list-style-type: none"> <li>The development incentives that were discussed and mapped in the Strategy were never incorporated into the <i>Port Stephens Local Environmental Plan 2013</i> and in turn they have no legislative effect.</li> </ul>	<ul style="list-style-type: none"> <li>Under the Document Hierarchy part of this document, it discusses how the Delivery Program overrides any inconsistencies with the Strategy. Therefore when this Delivery Program is adopted by Council it will override the development incentives contained in the Strategy.</li> </ul>	<ul style="list-style-type: none"> <li>The responsibility for getting this Delivery Program adopted will be listed on the project officer's work program.</li> </ul>	<ul style="list-style-type: none"> <li>The development incentives are not legislatively in place and in turn Council's policy position on this matter will be updated following the adoption of this Delivery Program.</li> </ul>	Short
10	DCP requirements encourage design excellence	<ul style="list-style-type: none"> <li>An amendment to the Port Stephens Development Control Plan 2014 be drafted and reported to Council within six</li> </ul>	<ul style="list-style-type: none"> <li>The amendment for the Nelson Bay town centre and foreshore is adopted within twelve months following the adoption of the</li> </ul>	<ul style="list-style-type: none"> <li>The responsibility for this DCP Amendment will be listed on the project officer's work program.</li> <li>A DCP Amendment of this</li> </ul>	<ul style="list-style-type: none"> <li>It is realistic to expect that this DCP Amendment will be adopted in this timeframe. The gaps and opportunities</li> </ul>	Short

<p>Key:</p> <p>Short – 1 year following the adoption of the Strategy.  Medium – 1-3 years following the adoption of the Strategy.  Long – 3-5 years following the adoption of the Strategy.</p>						
No	Summary	Specific	Measurable	Achievable	Realistic	Time
		months of the adoption of the Delivery Program. This allows six months for the Draft Plan to be placed on exhibition and reported back to Council within the twelve months identified for a Short timeframe.	<p>Delivery Program.</p> <ul style="list-style-type: none"> <li>The success of this amendment will be identified through an audit of development applications twelve months following the adoption of this DCP Amendment. This audit will identify opportunities for improvement.</li> </ul>	<p>detail is considered to be similar to a Planning Proposal defined as minor, which are estimated to take 50 hours of a project officer's time under the Fees and Charges Schedule.</p> <ul style="list-style-type: none"> <li>Budget within the 2017/18 Budget has been set aside for an urban design specialist to provide input.</li> </ul>	<p>for improvement have already been identified.</p> <ul style="list-style-type: none"> <li>In order to ensure this site specific DCP Amendment is robust, an urban design specialist will be engaged to provide specialist input.</li> </ul>	
Public Domain						
11	Development of a Public Domain Plan	<ul style="list-style-type: none"> <li>Prepare a Public Domain Plan that addresses the following: <ul style="list-style-type: none"> <li>Streetscape Design Guide</li> <li>Wayfinding and Signage</li> <li>Street Tree Masterplan</li> </ul> </li> <li>The Plan is to be formally endorsed three years following the adoption of the Delivery Program.</li> </ul>	<ul style="list-style-type: none"> <li>The success of this Plan will be identified through its adoption three years following the adoption of the Delivery Program.</li> <li>The effectiveness of this Plan will be identified by completing a survey of those stakeholders impacted by this Plan.</li> </ul>	<ul style="list-style-type: none"> <li>The responsibility for getting this Plan adopted will be listed on the project officer's work program.</li> <li>The Plan is estimated to be in the vicinity of \$140,000 to develop. Council applied for a grant in October 2017 to fund 50% of the project.</li> </ul>	<ul style="list-style-type: none"> <li>If Council is unsuccessful in obtaining the grant, it will have to source funding from other avenue streams.</li> <li>The scope of this Plan will be based on known examples, such as the Ipswich Streetscape Design Guideline and other award winning street tree masterplans and wayfinding strategies.</li> </ul>	Medium
12	Feasibility assessment for public Wi-Fi in town centre	<ul style="list-style-type: none"> <li>A Report to Council on the feasibility of public Wi-Fi in the town centre will be provided twelve months following the adoption of the Delivery Program.</li> </ul>	<ul style="list-style-type: none"> <li>The success of this action will be based on whether the Report is provided within twelve months.</li> <li>This action will need to be updated once the outcomes of the feasibility assessment are known.</li> </ul>	<ul style="list-style-type: none"> <li>The responsibility for getting this Plan adopted will be listed on the project officer's work program.</li> <li>A report to council on the feasibility assessment for public Wi-Fi can be provided once expressions of interest have been received and reviewed.</li> </ul>	<ul style="list-style-type: none"> <li>A Report to Council in the first twelve months is realistic given that this will be reporting on the outcomes of seeking expressions of interest and providing these to Council for their consideration.</li> </ul>	Short
13	Remove the Stockton Street Stage	<ul style="list-style-type: none"> <li>Removal of the Stockton Street Stage.</li> </ul>	<ul style="list-style-type: none"> <li>Removal within 12 months following the adoption of the Delivery Program.</li> </ul>	<ul style="list-style-type: none"> <li>An estimated budget of \$5,000 has been identified for this removal. This removal could be managed within existing expenditure.</li> </ul>	<ul style="list-style-type: none"> <li>This involves the deconstruction of the existing stage. This is a small and realistic project.</li> </ul>	Short
14	Review the Nelson Bay Foreshore Plan of Management	<ul style="list-style-type: none"> <li>An updated Plan of Management (PoM) three years on from the adoption of the Delivery Program.</li> </ul>	<ul style="list-style-type: none"> <li>The existing 20 year leases over the Foreshore Crown Lands are due to expire in 2022. It is therefore critical, that an updated PoM be developed to guide the expectations for future leasing.</li> <li>Project scoping should be completed 12 months following the adoption of the Delivery Program.</li> </ul>	<ul style="list-style-type: none"> <li>The responsibility for getting this Plan adopted will be listed on the project officer's work program.</li> <li>This project will involve more detailed scoping given that it will involve a number of internal and external stakeholders.</li> </ul>	<ul style="list-style-type: none"> <li>The process for preparing a PoM is well-established. A number of guidelines and examples exist that could be followed.</li> </ul>	Medium
15	Implement the Apex Park Masterplan	<ul style="list-style-type: none"> <li>Implementation of the Apex Park Masterplan which was endorsed by Council on 8 December 2015.</li> </ul>	<ul style="list-style-type: none"> <li>The timing of this implementation is dependent on the identification of funding opportunities.</li> <li>The action relating to funding</li> </ul>	<ul style="list-style-type: none"> <li>A clear and adopted Masterplan exists. It just requires funding.</li> </ul>	<ul style="list-style-type: none"> <li>If funding cannot be identified or sourced, then the Masterplan could be broken down into more</li> </ul>	Long

<p>Key:</p> <p>Short – 1 year following the adoption of the Strategy.  Medium – 1-3 years following the adoption of the Strategy.  Long – 3-5 years following the adoption of the Strategy.</p>						
No	Summary	Specific	Measurable	Achievable	Realistic	Time
			opportunities is set to be completed following the development of the Public Domain Plan.		defined stages. These more defined stages may open up further grant opportunities.	
16	Develop a toolkit for public events	<ul style="list-style-type: none"> <li>The development of a toolkit for public events, which discusses way finding, crowd control, traffic control, car parking and shuttle services, if required.</li> </ul>	<ul style="list-style-type: none"> <li>This toolkit will be developed twelve months following the adoption of the Delivery Program.</li> </ul>	<ul style="list-style-type: none"> <li>The responsibility for this toolkit will sit with the Tourism Unit, but will be provided with inputs from other internal and external stakeholders.</li> </ul>	<ul style="list-style-type: none"> <li>The process for developing a toolkit is straightforward.</li> </ul>	Short
17	Audit facilities that are required to facilitate public events	<ul style="list-style-type: none"> <li>Audit of existing public infrastructure, such as public toilets or power sockets.</li> </ul>	<ul style="list-style-type: none"> <li>The audit will take place within three years of the adoption of the Delivery Program and inform an update to the projects and costings table (<b>FIGURE 19</b>).</li> </ul>	<ul style="list-style-type: none"> <li>The responsibility for this toolkit will sit with the Tourism Unit, but will be provided with inputs from other internal and external stakeholders.</li> </ul>	<ul style="list-style-type: none"> <li>The process for undertaking an audit and then speaking to event organisers about their needs is a straightforward process.</li> <li>Once the audit is complete, it will need to be discussed what items should be prioritised and funded.</li> </ul>	Medium
Transport and Parking						
18	Update the Traffic and Transport Study and develop an Integrated Transport Plan for Nelson Bay	<ul style="list-style-type: none"> <li>The Traffic and Transport Study has been updated and the findings are discussed in this Delivery Program.</li> <li>An Integrated Transport Plan will be developed three years following the adoption of this Delivery Program. The Plan will address the main modes of transport and discuss big infrastructure projects, such as the Fingal Bay Bypass.</li> </ul>	<ul style="list-style-type: none"> <li>Adoption of an Integrated Transport Plan three years following the adoption of the Delivery Program.</li> </ul>	<ul style="list-style-type: none"> <li>The responsibility for getting this Plan adopted will be listed on the project officer's work program.</li> <li>The development of this Plan is estimated to be in excess of \$50,000.</li> </ul>	<ul style="list-style-type: none"> <li>The development of Integrated Transport Plans is a common approach to identifying the current lay of land and identifying possible solutions.</li> </ul>	Short
19	Identification of future satellite parking locations	<ul style="list-style-type: none"> <li>The identification of locations that may be suitable for parking.</li> </ul>	<ul style="list-style-type: none"> <li>These locations will be discussed with the Citizens Panel.</li> </ul>	<ul style="list-style-type: none"> <li>A desktop analysis of suitable locations will be undertaken by the project officer, which will then identify the sites requiring further investigations.</li> </ul>	<ul style="list-style-type: none"> <li>The desktop exercise has already been completed and will be discussed with the Citizens Panel.</li> <li>Constraints relating to land ownership, cost, biodiversity, drainage and availability may render may appear to be suitable sites unfeasible.</li> </ul>	Short
20	Formation of a Citizens Panel to discuss parking	<ul style="list-style-type: none"> <li>A Citizens Panel will be formed twelve months following the adoption of the Delivery Program.</li> <li>The random members of the Panel will set the agenda when the objective being to better understand and offer a recommendation to Council on the matter of transport and parking.</li> </ul>	<ul style="list-style-type: none"> <li>The success of the Panel will be measured by whether they provide a recommendation to Council within twelve months of the adoption of the Delivery Program.</li> <li>The success of the Panel will be measured by undertaking a survey twelve months following the recommendation to Council about whether an increased knowledge</li> </ul>	<ul style="list-style-type: none"> <li>The responsibility for getting this Plan adopted will be listed on the project officer's work program.</li> </ul>	<ul style="list-style-type: none"> <li>The key challenge for this format is whether those randomly selected members of the community are willing to volunteer their time to this issue.</li> <li>This format has been tried and tested across the world. The Institute for Local Government can provide</li> </ul>	Short

<p>Key:</p> <p>Short – 1 year following the adoption of the Strategy.  Medium – 1-3 years following the adoption of the Strategy.  Long – 3-5 years following the adoption of the Strategy.</p>						
No	Summary	Specific	Measurable	Achievable	Realistic	Time
			and ownership of the outcomes has been achieved.		materials and personnel support.	
21	Extension of Yacaaba Street	<ul style="list-style-type: none"> <li>Completion of the Yacaaba Street Extension in accordance with the design endorsed by Council 24 June 2014.</li> </ul>	<ul style="list-style-type: none"> <li>The success of the extension will be measured by undertaking pedestrian counts within the town centre and foreshore once the extension is complete.</li> </ul>	<ul style="list-style-type: none"> <li>The responsibility for completing the construction project is with the Facilities and Services Section of Council and the contractors who were successful in being awarded the project.</li> </ul>	<ul style="list-style-type: none"> <li>Road construction is common practice. The plan for the project has taken into account risks and appropriate mitigation measures.</li> </ul>	Short
22	Undertake a capacity analysis of the Pedestrian Bridge	<ul style="list-style-type: none"> <li>A capacity analysis completed three years following the adoption of the Delivery Program by Council.</li> </ul>	<ul style="list-style-type: none"> <li>The capacity analysis will be completed using pedestrian counts and through measuring the asset life of the materials that make-up the bridge.</li> <li>These data will inform the Integrated Transport Plan in relation to pedestrian movements.</li> </ul>	<ul style="list-style-type: none"> <li>The responsibility for getting this Plan adopted will be listed on the project officer's work program.</li> </ul>	<ul style="list-style-type: none"> <li>This should take place following the completion of the Yacaaba Street extension and during peak periods to fully understand the pedestrian environment.</li> </ul>	Medium
23	Review signage and parking metres on the Foreshore	<ul style="list-style-type: none"> <li>A review of signage will be incorporated within the Public Domain Plan and in the review of the Foreshore Plan of Management.</li> </ul>	<ul style="list-style-type: none"> <li>This data will be informing the other identified actions listed in this Plan.</li> <li>This action will take place three years from the adoption of the Delivery Program.</li> </ul>	<ul style="list-style-type: none"> <li>The responsibility for getting this Plan adopted will be listed on the project officer's work program.</li> </ul>	<ul style="list-style-type: none"> <li>This process will be informed by also having an understanding of how parking metres are applied in other Local Government Areas.</li> </ul>	Medium
24	Review road speed limits in the town centre	<ul style="list-style-type: none"> <li>In coordination with the Roads and Maritime Services and the community identify speed limit reductions in the town centre to encourage a pedestrian friendly environment.</li> </ul>	<ul style="list-style-type: none"> <li>This action will take place three years from the adoption of the Delivery Program.</li> </ul>	<ul style="list-style-type: none"> <li>The responsibility for getting this Plan adopted will be listed on the project officer's work program.</li> </ul>	<ul style="list-style-type: none"> <li>No comment.</li> </ul>	Medium
25	Design and fund intersection options based on Study	<ul style="list-style-type: none"> <li>Provide more detailed designs and costings for the upgrades of intersections identified in the Transport and Parking Study.</li> </ul>	<ul style="list-style-type: none"> <li>This action will take place three years from the adoption of the Delivery Program.</li> </ul>	<ul style="list-style-type: none"> <li>The responsibility for getting this Plan adopted will be listed on the project officer's work program.</li> </ul>	<ul style="list-style-type: none"> <li>No comment.</li> </ul>	Medium
26	Implement the Pedestrian Access and Mobility Plan (PAMP)	<ul style="list-style-type: none"> <li>Implement the PAMP.</li> </ul>	<ul style="list-style-type: none"> <li>This action will take place three years from the adoption of the Delivery Program.</li> </ul>	<ul style="list-style-type: none"> <li>The responsibility for getting this Plan adopted will be listed on the project officer's work program.</li> </ul>	<ul style="list-style-type: none"> <li>The implementation of this action will be funding dependent.</li> </ul>	Medium
<b>Implementation</b>						
27	Re-word the existing actions to be SMART	<ul style="list-style-type: none"> <li>This Implementation Pan details how the proposed actions have been broken down into a SMART format.</li> </ul>	<ul style="list-style-type: none"> <li>This Implementation Plan forms part of the Delivery Program that will be reported to Council on 12 December 2017 and placed on public exhibition.</li> <li>Feedback as to how well these proposed actions have been adapted to the SMART format will</li> </ul>	<ul style="list-style-type: none"> <li>This action has been achieved. As the actions progress through implementation, the details of this table will be updated. This table will provide a clear framework for discussion at Implementation Panel Meetings.</li> </ul>	<ul style="list-style-type: none"> <li>This action has been achieved.</li> </ul>	Short

<p>Key:</p> <p>Short – 1 year following the adoption of the Strategy.  Medium – 1-3 years following the adoption of the Strategy.  Long – 3-5 years following the adoption of the Strategy.</p>						
No	Summary	Specific	Measurable	Achievable	Realistic	Time
			be received during the public exhibition period.			
28	Implementation Panel that meets quarterly to discuss Strategy progress	<ul style="list-style-type: none"> <li>This Implementation Panel will meet on a quarterly basis to discuss the progress of this Delivery Program.</li> </ul>	<ul style="list-style-type: none"> <li>The success of this Panel will be measured by whether the meetings take place every quarter and the progress of the actions.</li> </ul>	<ul style="list-style-type: none"> <li>The responsibility organising the agenda and minutes for this Panel will be listed on the project officer's work program.</li> <li>The frequency of these meetings could increase or decrease based on the progress of actions.</li> </ul>	<ul style="list-style-type: none"> <li>This action is similar to other Panels set-up for Raymond Terrace and Medowie.</li> <li>The success of the Panel depends on how well the Strategy actions have been drafted and the availability of members of the community from diverse backgrounds to provide input.</li> </ul>	Short
29	Review Infrastructure Funding	<ul style="list-style-type: none"> <li>Once the Public Domain Plan has been the projects and costings table (<b>FIGURE 19</b>) is to be revised and the most appropriate funding streams identified.</li> <li>If successful in obtaining the grant for the Public Domain Plan, this Plan is expected to be completed in 2018, which means that a report to Council on the identified works and appropriate funding streams can be provided by the end of 2018.</li> </ul>	<ul style="list-style-type: none"> <li>The success of this action will be determined by whether a report to Council on appropriate funding options is provided six months following the adoption of Public Domain Plan.</li> </ul>	<ul style="list-style-type: none"> <li>The success of this action will be determined by whether a report to Council on appropriate funding options is provided six months following the adoption of Public Domain Plan.</li> </ul>	<ul style="list-style-type: none"> <li>Council has a good understanding of the different funding avenues that are available to fund infrastructure. However, we first must develop a more detailed infrastructure list and associated costings to determine priorities and what funding sources are most appropriate.</li> </ul>	Medium
30	Monitor, Report and Review the Strategy	<ul style="list-style-type: none"> <li>The Implementation Panel meets every quarter.</li> <li>A Report to Council that summaries progress on implementation is provided to annually.</li> <li>The Strategy and associated Delivery Program is reviewed every five years.</li> </ul>	<ul style="list-style-type: none"> <li>Discussions that take place at quarterly meetings of the Implementation Panel will provide data to feed into the annual report.</li> <li>The success of the Strategy and associated Implementation Panel will be detailed in the annual report.</li> <li>The findings of these annual reports will feed into the five year review.</li> </ul>	<ul style="list-style-type: none"> <li>The responsibility for organising the agenda and minutes for this Panel will be listed on the project officer's work program.</li> </ul>	<ul style="list-style-type: none"> <li>The success of the Panel depends on how well the Strategy actions have been drafted and the availability of members of the community from diverse backgrounds to provide input.</li> </ul>	Long





PORT STEPHENS  
COUNCIL

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