

TABLED DOCUMENT

ITEM NO. 4.3

NELSON BAY TOWN CENTRE AND FORESHORE STRATEGY
IMPLEMENTATION AND DELIVERY PROGRAM

NELSON BAY TOWN CENTRE DELIVERY PROGRAM – 10 STOREYS + FIVE (5) STOREYS

ORDINARY COUNCIL MEETING
25 SEPTEMBER 2018



PORT STEPHENS
C O U N C I L



mb

Progressing the Nelson Bay Town Centre & Foreshore Strategy:

A revised implementation and delivery program

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

List of Figures

Figure 1	Summary of Implementation Plan
Figure 2	Strategy Hierarchy
Figure 3	Illustration of Design Excellence
Figure 4	Illustration of the Nelson Bay Woolworths
Figure 5	Identification of Activated Street Frontages and Lots less than 15m by 30m
Figure 6	Extension of the Strategy Boundary
Figure 7	Development Consents and Unacted Approvals (1996-2006)
Figure 8	Five Sites Identified for Feasibility Testing
Figure 9	Table summarising what conditions provide for a viable profit margin
Figure 10	Line graph illustrating the varying profit margins
Figure 11	Line graph illustrating similar property markets
Figure 12	Proposed HoB and FSR
Figure 13	Illustration of proposed HoB and FSR
Figure 14	Apex Park Masterplan
Figure 15	Public Parking Locations
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
Figure 19	Identified Projects and relevant costings
Figure 20	Monitoring, Reporting and Review Cycle

Table of Contents

Abbreviations	2
List of Figures	3
Table of Contents	4
Executive Summary	6
Part One - The Review	8
The Need for a Review	8
Hunter Regional Plan 2036	8
Discussion Paper – Progress of the Nelson Bay Town Centre & Foreshore Strategy	9
Part Two – The Way Forward	10
Improving the Strategy	10
2.1 Design Excellence	14
2.2 Building Heights	20
2.3 Development Incentives	30
2.4 Public Domain	32
2.5 Transport and Parking	36
2.6 Implementation and Delivery	42
References	47
Attachment 1 – Implementation Plan	48

Executive Summary

'Progressing the Nelson Bay Town Centre and Foreshore Strategy – A Revised Implementation and Delivery Program' (the Delivery Program) follows on from the public exhibition of the 'Discussion Paper – Progress of the Nelson Bay Town Centre and Foreshore Strategy' (the Paper) which sought to review the Nelson Bay Town Centre and Foreshore Strategy 2012 (the Strategy).

This work has primarily sought to understand why limited private investment and economic development had occurred in Nelson Bay town centre, despite the past decade being one of significant growth for the housing industry, and how the town centre can be revitalised.

Community consultation was undertaken on both the Paper and a draft Delivery Program in 2017 and 2018. The community has been highly engaged in the process of developing this Delivery Program, including participating in online surveys, community drop-in sessions and stakeholder meetings. A Consultation Summary Report, reporting on the exhibition of the draft Delivery Program, has been published separately. The community will continue to have opportunities to participate in the implementation of the Delivery Program.

The Delivery Program seeks to provide an implementation plan to replace the program that currently accompanies the Strategy. It sets a forward direction by listing over 30 recommendations to encourage public and private investment and improve the amenity and vibrancy of Nelson Bay town centre. The Implementation Plan lists the specifics critical to delivering on these recommendations (**ATTACHMENT 1**).

This approach responds to the community's identification that a clear strategy already exists for Nelson Bay town centre 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) and better quality public spaces.

Council has already invested in some of the key actions in the Implementation Plan, including the extension of Yacaaba Street and the preparation of the Nelson Bay Town Centre Public Domain Plan, Wayfinding Strategy and Street Tree Masterplan.

The Delivery Program aims to support efforts by all stakeholders to attract public and private investment to the Nelson Bay town centre and to inspire and excite businesses, investors, tourists and the community.

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
Design Excellence		
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
6	Develop a 3D model of the Town Centre for assessments	Short
Building Heights		
7	LEP Clause for FSR and increase in HoB	Short
8	Adoption of LEP Clause 4.6 Policy	Short
9	Expansion of the Strategy Boundary to include ridgelines	Short
Development Incentives		
10	Reducing the uncertainty provided by development incentives	Short
11	DCP requirements to encourage design excellence	Medium
Public Domain		
12	Development of a Public Domain Plan	Medium
13	Utilise technology to activate the town centre and improve the resident and visitor experience	Short
14	Feasibility assessment for public Wi-Fi in town centre	Short
15	Removal the Stockton Street Stage	Medium
16	Review the Nelson Bay Foreshore Plan of Management (PoM)	Medium
17	Implement the Apex Park Masterplan	Long
18	Develop a toolkit for public events	Short
19	Audit facilities that are required to facilitate public events	Medium
Transport and Parking		
20	Update the Traffic and Transport Study and develop an Integrated Plan	Medium
21	Identification of future car parking options	Short
22	Formation of a Citizens Panel for short-term and long-term parking	Short
23	Extension of Yacaaba Street	Short
24	Undertake a capacity analysis of the Victoria Street Pedestrian Bridge	Medium
25	Review signage and parking metres on the Foreshore	Medium
26	Review road speed limits in the town centre	Medium
27	Design and fund intersection options based on Study	Medium
28	Implement the Pedestrian Access and Mobility Plan (PAMP)	Medium
Implementation		
29	Re-word the existing actions to be SMART	Short
30	Implementation Panel that meets regularly to discuss Strategy progress	Short
31	Review Infrastructure Funding	Medium
32	Include relevant infrastructure items in the Strategic Asset Management Plan	Short
33	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, six 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 achieved 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.
- 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.

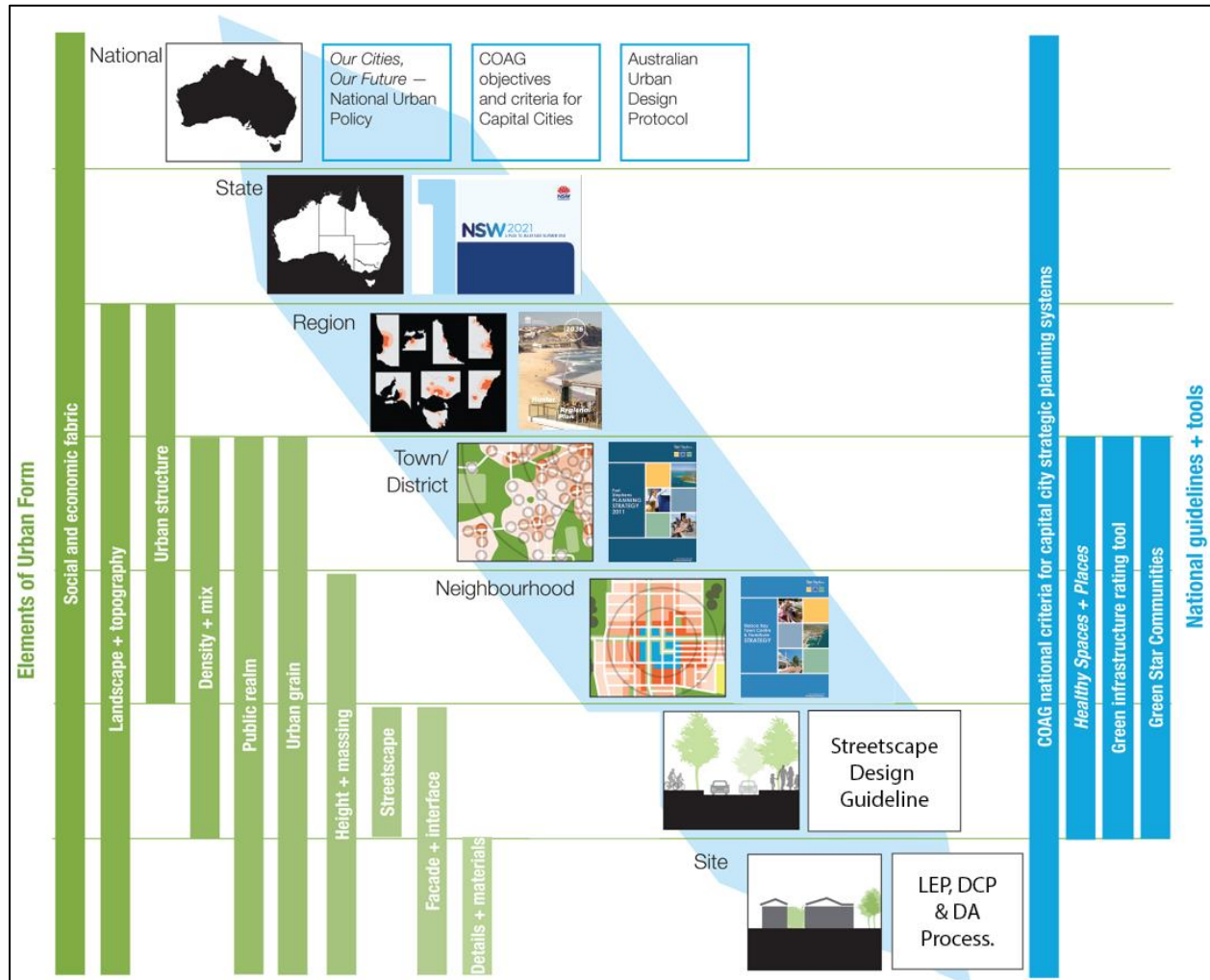
Document Hierarchy

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 Two outlines how the Strategy can be improved by addressing the following six key themes:

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

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
5. Recommendations

2.1 Design Excellence

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, and a further setback 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 on design excellence

Submissions in favour of promoting design excellence supported the ideal, but at the same time recognised that it was very subjective. The submissions supported Council continuing to encourage development that exhibits design excellence. This can be achieved through the existing framework (e.g. Apartment Design Guide) and 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.

An activated street frontage requirement will mean all new developments will have to ensure the ground floor premises facing the street are to be used for the purposes of business premises or retail premises. This could include amusement centres, community facilities, educational establishments, entertainment facilities, function centres, information and education facilities, medical centres, public administration buildings, or indoor recreation facilities. This will create a lively centre with an amenable and pedestrian-focused public domain, activated by building uses that engage with the street.

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. The Panel can be referred development applications not just in Nelson Bay, but across the LGA. It may also may also provide advice on development control plan amendments or other projects where expert input can improve design outcomes.

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 Council Officers.

Continued education and learning is critical for all those involved in assessments will improve design outcomes. An annual internal education program has been scoped and will commence once the Delivery program is adopted. 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 can be effective in prioritising and raising the profile of good design outcomes throughout the town centre.

6. Develop a 3D digital model of the town centre

It is recommended that Council commission a digital 3D model of the existing town centre using digital aerial mapping for use by assessment staff.

The tool will be able to be used by assessment staff to support better decision making. Where possible, imagery in appropriate formats provided by applicants will be able to be inserted in the model to enable better assessments of bulk and scale, overshadowing and other impacts. Applicants may be required to supply data and updates to the model in accordance with specifications in the development control plan, assessment guidelines, or as part of requirements for referrals to the Urban Design Panel.

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



2.2 Building Heights

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.

Building heights influence the visual and physical experience of place and can reinforce the character of an area or express community aspirations for an area's future character.

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, the pedestrian experience, 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 (clause 4.6 - 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;

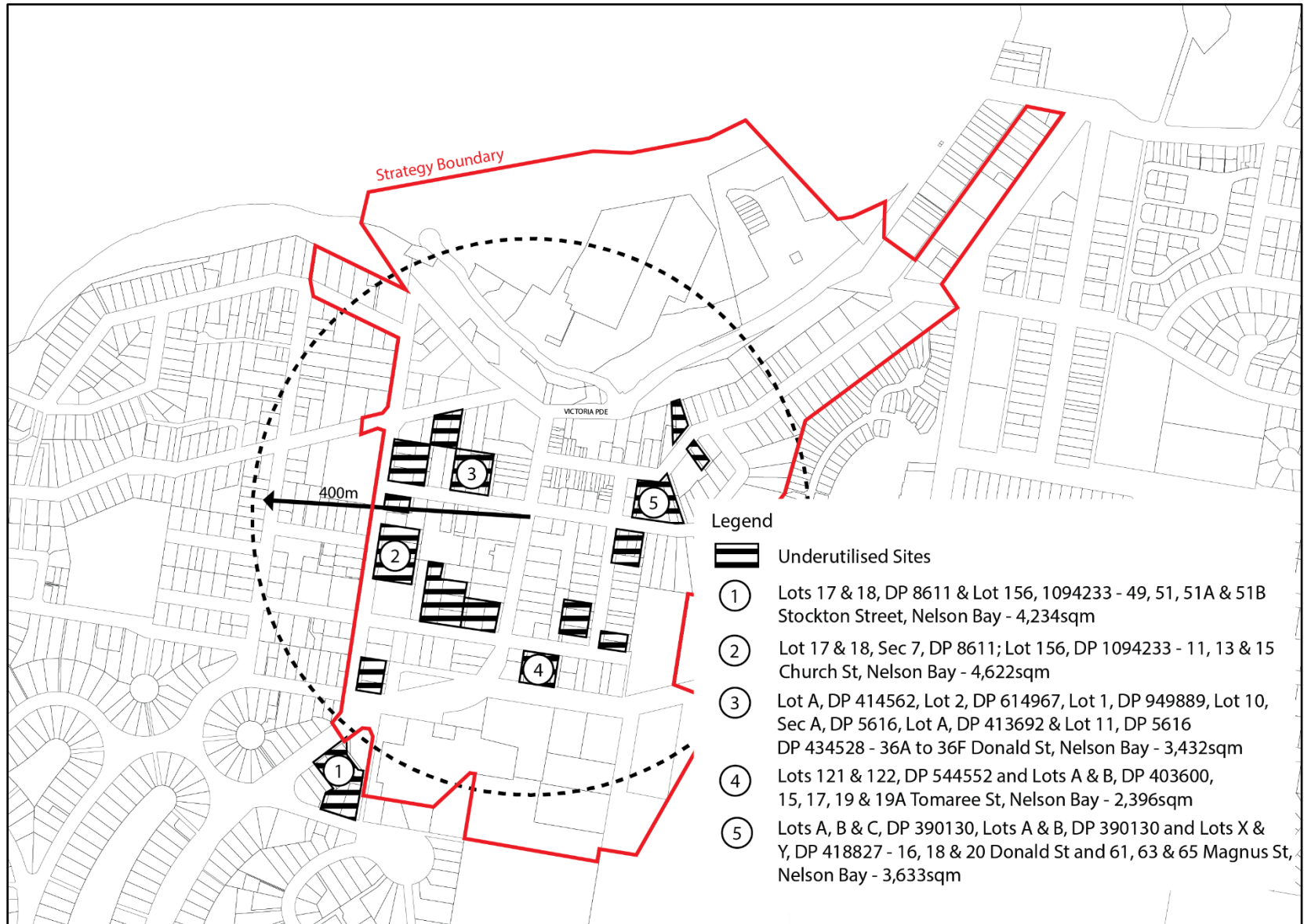
FIGURE 6 – Extension of the Strategy Boundary



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.

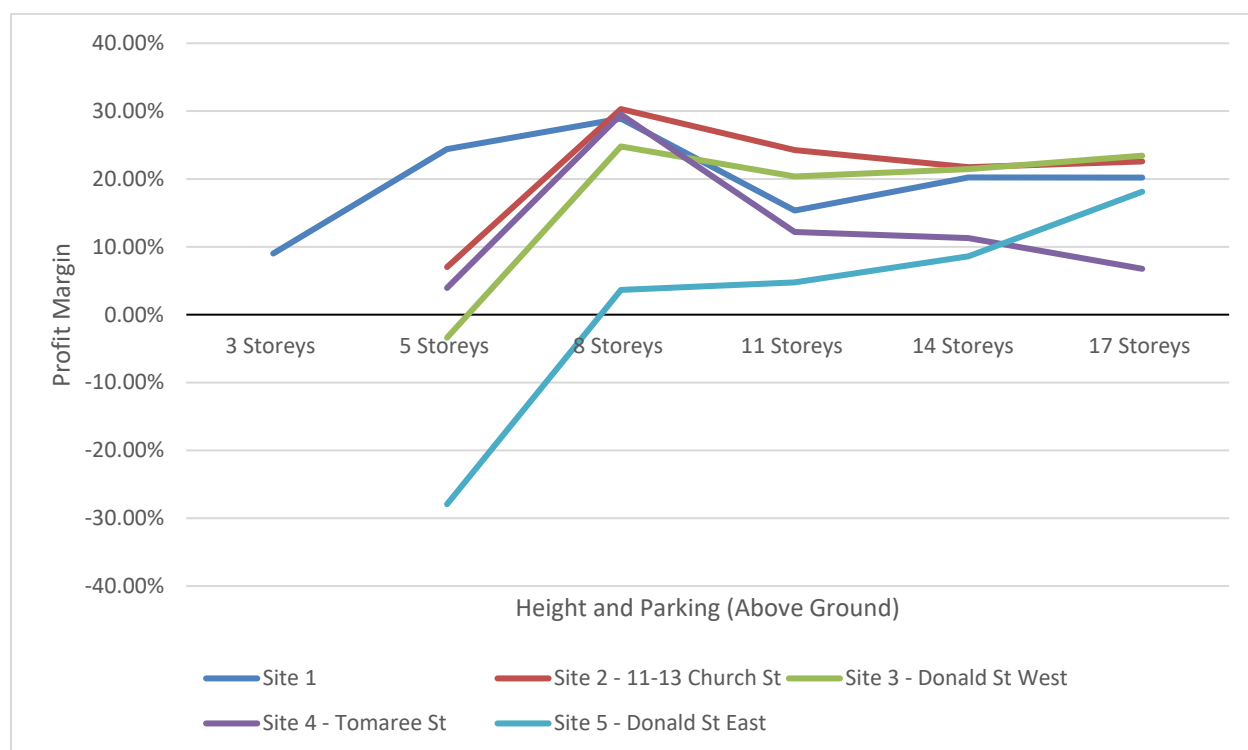
FIGURE 9 - Table summarising what conditions provide for a viable profit margin

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



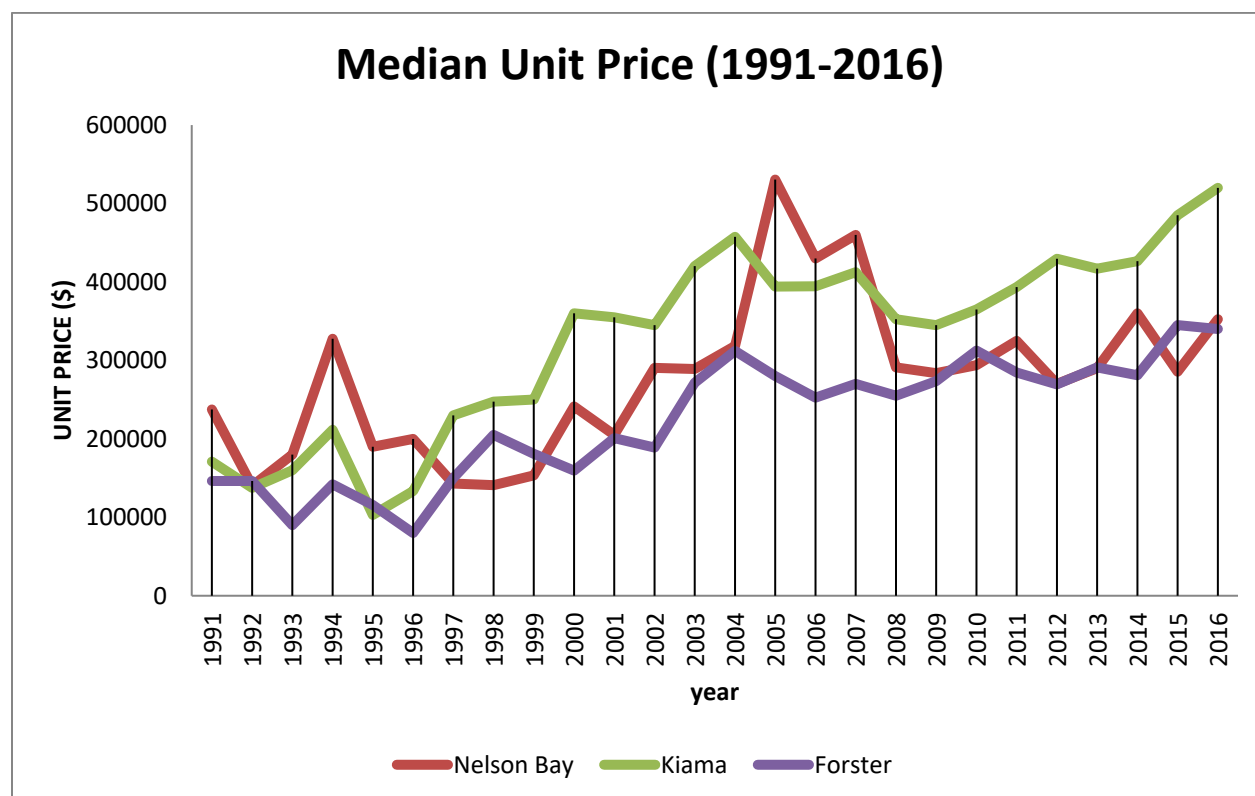
The cost of below ground parking means that above ground parking is favored. However, above ground parking is often undesirable as it limits the potential for activated street frontages within commercial centres and places parking at the same level of neighbouring residential buildings.

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 the resultant 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 on building heights

The majority of submissions received addressed building heights. Some were in support for a height increase from the current height limits in the town centre, but the vast majority were against an increase in height. Some of those opposed believed that five storeys were required in order to protect the existing coastal village character. Other submissions supported a moderate increase in height (7 or 8 storeys) and some submissions supported increasing heights and density in the town centre subject to maintaining amenity and view sharing. Some of these issues have also been addressed in the discussion on proposed development controls and development incentives.

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

Recommendations

7. 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**).

FIGURE 12– Proposed HoB and FSR

No.	Existing HoB	Strategy HoB	Proposed HoB	Strategy FSR	Existing FSR	Proposed FSR
A	2 Storey (8m)	Not in Strategy	2 Storey (8m) (No change)	Not in Strategy	No FSR	No FSR (No change)
B	2 Storey (8m)	3 Storey (10.5m)	3 Storey (10.5m)	2.5:1	No FSR	2.0:1
C	2 Storey (8m)	4 Storey (14m)	4 Storey (14m)	2.5:1	No FSR	2.0:1
D	5 Storey (15m)	7 Storey (24.5m)	10 Storey (35m)	2.5:1	No FSR	3.0:1
E	5 Storey (15m)	7 Storey (24.5m)	5 Storey (17.5m)	2.5:1	No FSR	2.5:1
F	No HOB	9 Storey (31.5m)	12 Storey (42m)	2.5:1	No FSR	3.0:1
G	5 Storey (15m)	Not in Strategy	5 Storey (17.5m)	Not in Strategy	No FSR	2.5:1

Note: The Strategy (and this Delivery Program) makes allowance for a minimum 3.5 metres per storey.

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 development application for an eight storey apartment building at 11-13 Church Street was considered by Council on 11 April 2017, and received 75 submissions and a petition containing 145 signatures in support of this development. Only two submissions objected to the development application. This is an indication of support for increased heights where good design outcomes can be achieved.
- A number of existing buildings and approved development consents already 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. FSR controls will also limit the bulk and scale of development. With a proposed FSR of 3.0:1, there will be significant scope for achieving 10 storeys in the town centre, particularly on the blocks on the periphery of the centre such as between Church Street and Stockton Street. In other areas of the centre, there will be some sites where a maximum 10 storeys will never be able to be achieved with this FSR, based on current lot sizes and layouts.
- Retaining lower heights (17.5m / 5 storeys) in the central core of the study area will assist in retaining a 'village atmosphere' in this precinct and better facilitate view sharing. This proposal is in response to submissions received that expressed concerns about the quality of the public domain and pedestrian experiences in this area as well as submissions that valued view sharing. In addition, parts of the core of the town centre are highly fragmented and, without consolidation of multiple lots, are unlikely to be able to be developed to 10 storeys given the proposed FSR controls. Therefore, raising height limits in this part of the town centre may not have an impact on the feasibility of development to the same extent as in other parts of the centre and may not have the same impact on driving economic investment in Nelson Bay.

FIGURE 13– Illustration of proposed HoB and FSR



8. Adoption of LEP Clause 4.6 Policy

It is recommended that the Clause 4.6 Policy be adopted by Council.

Clause 4.6 of the LEP is a mandatory clause that all local councils must include in their LEPs. The content and operation of Clause 4.6 cannot be amended or varied, however a local policy can guide Council in the application of the clause and the processes that apply.

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 brush approach that can occur when developing a new comprehensive LEP across an entire Local Government Area.

A draft Clause 4.6 Policy was developed and placed on public exhibition with the Delivery Program. The 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.

Following exhibition the Policy has been amended to be strengthened, and it now provides that all applications that seek to vary development standards by more than 10% are required to be determined by the full Council.

9. 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 Strategy proposes 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 and 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 on 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 or vary its application and use. It can only seek to provide further guidance in relation to its use, which is provided through the Clause 4.6 Policy.

Recommendations

10. 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 assessed in accordance with LEP (Clause 4.6 – Variation of Development Standards) and the associated Policy.

11. DCP requirements to 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, including upper storey set backs
- Side and rear setbacks
- Orientation
- Public Domain interface
- Communal and public open space
- Urban Design Panel

It is recommended that new development controls should also establish objectives for upper storey setbacks and floor plates which enhance the public domain and pedestrian experience by preserving daylight access to the street level and creating a comfortable street environment, and can achieve improved view sharing and visual privacy objectives. This will also address some of the concerns expressed in submissions in relation to view corridors and view sharing as a result of increased building heights.

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

2.4 Public Domain

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 these actions were never undertaken at the time.

Quality public spaces are also essential considerations when planning for increased density in town centres. Council has been successful in obtaining a grant to fund the preparation of a Public Domain Plan, Wayfinding Strategy and Street Tree Masterplan. Identifying funding streams for this infrastructure will be necessary to ensure these plans can be delivered. Private investment in the town centre can provide public benefits by funding public domain works through developer contributions.

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 Development Contributions Plan for the Nelson Bay Catchment

Summary of feedback on public domain

There was clear consensus that public domain mattered. Improving the public domain experience can benefit both residents, businesses and visitors to Nelson Bay. Some submissions expressed a desire to plan a public domain that expressed the unique coastal village and 'natural amphitheatre' character of Nelson Bay.

Recommendations

12. Development of a Public Domain Plan

It is recommended that a Public Domain Plan be developed.

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, the 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.

This action has already commenced and the draft Public Domain Plan, Wayfinding Strategy and Street Tree Masterplan will be placed on exhibition following the adoption of the Delivery Program.

13. Consider utilising technology to activate the town centre and public domain

It is recommended that Council incorporate 'Smart City' initiatives and utilise technology when planning for the public domain and to improve the resident and visitor experience.

This could include investing in 'Smart Parking' initiatives (vehicle sensors or smart phone apps) and an interactive digital platform that integrates maps, websites, digital wayfinding signage and destination information for Nelson Bay.

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

It is recommended that a feasibility assessment be undertaken for public Wi-Fi. Public Wi-fi and digitisation of the town centre can help support the visitor economy and also encourage people to stay longer in public spaces.

On 13 June 2017, Council agreed to investigate the feasibility of public Wi-Fi for the Nelson Bay and Raymond Terrace town centres. The indicative pricing for implementation, associated risks and ongoing management costs for public Wi-Fi services in these town centres was reported to Council on 12 December 2017. The report recommended Council apply for relevant grant funding opportunities to support the implementation of a public Wi-Fi service in Port Stephens. These opportunities will continue to be pursued.

15. Remove the Stockton Street Stage

It is recommended that the Stockton Street Stage be removed.

16. 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.

17. 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 Development Contributions Chapter for the Tomaree Peninsula.

18. 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.

19. Audit facilities 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

What is Transport and Parking?

Transport and parking includes 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 on traffic and parking

A number of submissions raised traffic and parking issues. 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.

The submissions on these issues also support the proposed updating of the GHD, 2012, 'Nelson Bay Traffic and Parking Study'.

Following the exhibition of the Paper in 2017, 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)**. **FIGURE 18** shows daily off and on-street parking utilisation rates for both peak and weekday periods.

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

20. 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 (GHD, September 2017, 'Nelson Bay Traffic and Parking Study Update'). 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. An integrated plan would be a holistic strategy 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.

21. Identification of future public car parking options

Explore short and long-term public car parking options including potential parking locations in and around the town centre for council to consider as a possible solution to alleviating on-street parking. On 26 June 2018, Council resolved to prepare a report into the feasibility of building a multi storey public car park within the Nelson Bay CBD which will be considered as part of the long term solutions.

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

In considering the new data and the submissions on traffic and parking, there is an obvious lack of consensus on parking and a Citizens Panel is proposed in order to explore the issues 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 an issue and provide recommendations to Council. It is a concept designed to both inform the community and arrive at a shared set of actions and recommendations.

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 sites on the periphery of the town centre, reviewing existing timed parking arrangements or possible options to redevelop existing parking sites. The Panel will consider facts and data, receive presentations from traffic and financial experts, debate the data, and present an informed recommendation to Council.

23. 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 19**) was endorsed by Council on 24 June 2014 and construction commenced in late 2017. Construction was completed and the street officially opened in July 2018.

24. 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.

25. Review of parking signage and meters on the Foreshore

26. Review road speed limits in the town centre

Speed limits in Nelson Bay are ultimately the responsibility of the Roads and Maritime Services (RMS) however Council can co-ordinate with the Local Traffic Committee to review speed limits and can advocate for changes following the review.

Changing speed limits may also be investigated in conjunction with works identified in the Public Domain Plan and could be informed by the Transport for NSW Movement and Place Framework.

27. 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.

28. 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).

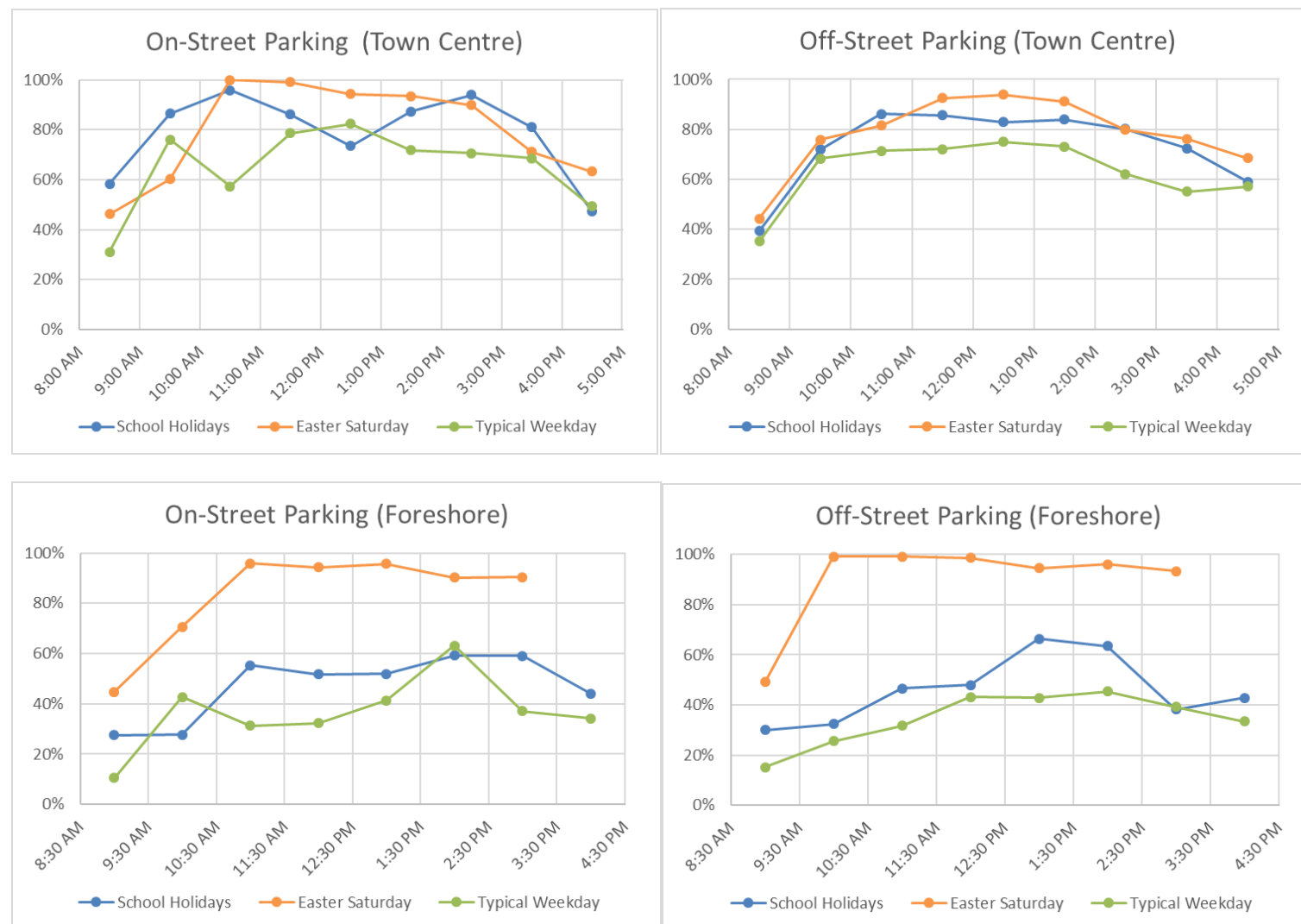
FIGURE 16 –Average Public Parking Utilisation Rates for the Town Centre (Source: GHD, September 2017, ‘Nelson Bay Traffic and Parking Study Update’)



FIGURE 17 –Average Public Parking Utilisation Rates for the Foreshore (Source: GHD, September 2017, ‘Nelson Bay Traffic and Parking Study Update’)

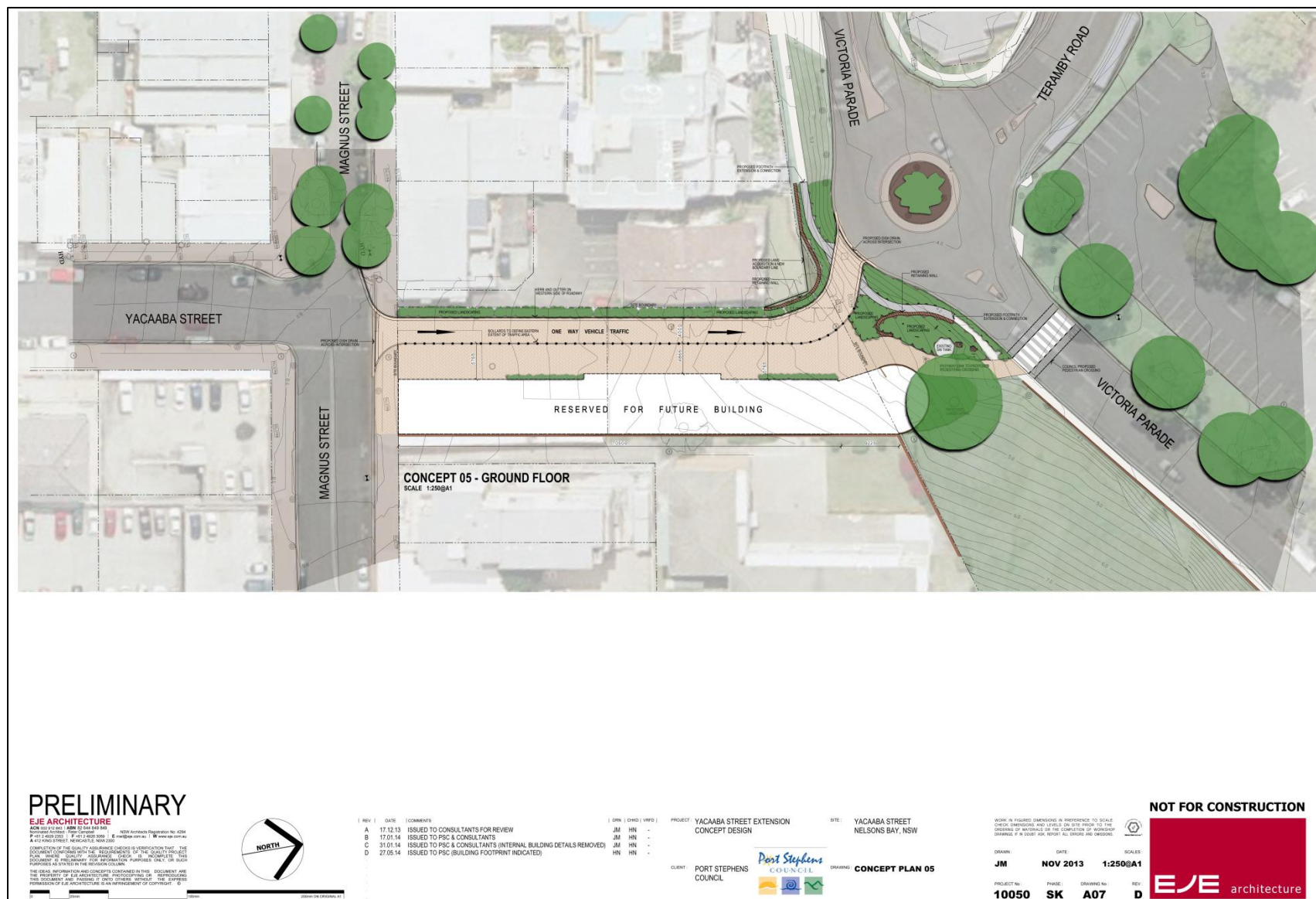


FIGURE 18 - Daily Off and On-Street Parking Utilisation Rates (Source: GHD, September 2017, 'Nelson Bay Traffic and Parking Study Update')



Note: Utilisation is based on parking occupancy surveys undertaken every hour between 09:00 to 16:00 during Easter Weekend in 2017; and from 09:00 to 15:00 on the typical weekday.

FIGURE 19 – Endorsed Yacaaba Street Extension (Completed 2018)



2.6 Implementation and Delivery Program

What is Implementation and Delivery?

Implementation is the carrying out of the endorsed actions in a plan or strategy.

In 2012, the Nelson Bay Town Centre and Foreshore Improvement Program (the Program) in the Strategy 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 was finalised in July 2018.
- 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.
- 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 regular basis.

Summary of feedback received on implementation

Some submissions described how Council had failed to implement and promote the Strategy, while other submitters noted that the works completed to date, such as the Yacaaba Street Extension, sent a positive message to the business community. There was clear support for the general objectives of the existing Strategy and support for a renewed effort towards delivery.

Recommendations

29. Re-word the existing actions to be SMART

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

- Specific – Not loose 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 prepared in 2012 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.

The Implementation Plan is also transparent in acknowledging some of the barriers for delivery including funding options and where responsibilities may be shared with other government agencies. In particular delivery of some items may be reliant on funding from development contributions which are only collected when growth occurs in the town centre. There can be a clear connection between achieving development feasibility and attracting investment and delivering town centre improvements.

30. Implementation Panel to meet on a regular basis

During the development of the Strategy, a stakeholder forum met regularly to discuss issues related to the Strategy and to provide feedback to Council staff 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 Planning Strategy, it is recommended that an ongoing implementation panel be formed to overlook the progress of this Delivery Program. The panel would meet on a regular basis to oversee how Council is tracking against the implementation plan and provide input where actions identify the need for community involvement. The Panel would also be in a position to feedback to the community on the progress of the Program.

The Implementation Panel will be established on adoption of the Delivery Program by Council.

31. Review Infrastructure Funding

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

FIGURE 20 – Identified projects and relevant estimated costings

No	Item	Cost
1	Apex Park Masterplan	\$1.2M
2	Removal the Stockton Street Stage	\$400,000
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

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 limited at \$7M per year from rates, fees and charges and this amount needs to be distributed across the whole Local Government Area.

General revenue can also be combined with other sources of funding (e.g. grants and developer contributions) to deliver on the Strategic Asset Management Plan 2018-2028 (SAMP). The SAMP identifies fully funded projects for 2018 through to 2030 and also lists of unfunded works that can be constructed should funds become available via grants or other means (Capital Works Plan Plus).

- Special rate levies – Council is currently seeking a Special Rate Variation, which, if successful, may fund some of the town centre improvements identified in the Implementation Plan. This source of funding could be used to either undertake the development of new infrastructure as funds are received or to forward fund items in the SAMP.

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 load 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 and \$70,000 has been received in grant funding to prepare the Nelson Bay Town Centre Public Domain Plan. Grant applications are more likely to be successful if an adopted strategy is in place and a complimentary funding source has been identified to match grant funding.
- Development contributions – Development contributions can be levied under the *Environmental Planning and Assessment Act 1979* (EP&A Act).

Contributions can be levied for residential developments where a clear nexus exists for the infrastructure listed in Councils development contributions plan. Alternatively, contributions can be levied 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 reviewed once the Public Domain Plan is complete and the scope of works under that Plan can be costed.

32. Include relevant infrastructure items in Council's Strategic Asset Management Plan

Relevant infrastructure identified in the Delivery Program and associated plans, such as the Public Domain Plan, will be included in Council's Strategic Asset Management Plan (SAMP).

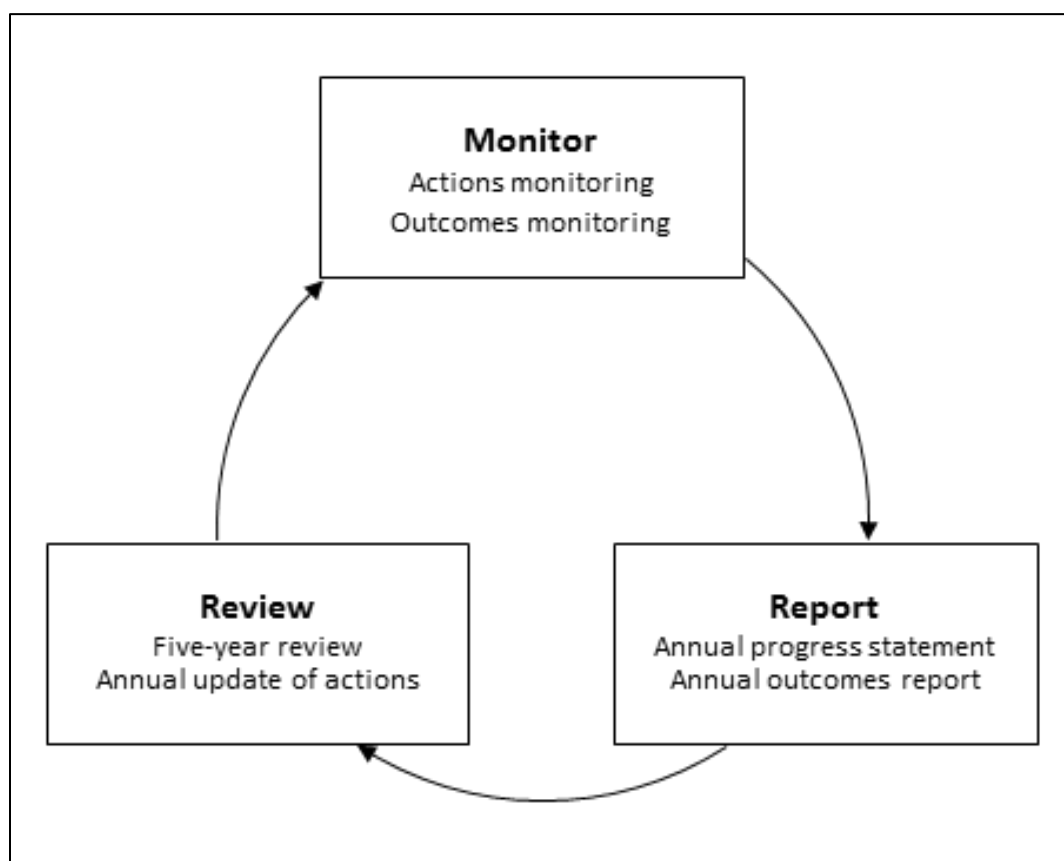
The SAMP provides a framework to manage current and future Council assets so that infrastructure can be effectively delivered to the community. Legislation requires that the SAMP is prepared for a minimum 10 year period and that it is reviewed and rolled over annually. Amendments to the SAMP are required to be adopted by Council and Council regularly reports on service delivery and other measures as part of the integrated planning and reporting framework.

33. Monitor, Report and Review the Strategy

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

This process will provide transparent information to the community about implementation progress and ensure the Plan is updated regularly. The monitoring, reporting and review cycle is summarised by **(FIGURE 21)**.

FIGURE 21 – Monitoring, Reporting and Review Cycle



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, September 2017, 'Nelson Bay Traffic and Parking Study Update'
- 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 – approximately 1 year following the adoption of the Delivery Program. Medium – approximately 1-3 years following the adoption of the Delivery Program. Long – approximately 3-5 years following the adoption of the Delivery Program.</p>							
No	Summary	Specific	Measurable	Achievable	Realistic	Time	Council's role
Design Excellence							
1	LEP Clause for Activated Street Frontages	<ul style="list-style-type: none"> 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. The Planning Proposal is to be adopted following the issue of a Gateway Determination and exhibition. This is expected to be completed within 12 months following issue of the Gateway Determination. 	<ul style="list-style-type: none"> An amendment to the LEP is gazette following the Gateway Determination and exhibition. This is expected to be completed within 12 months following issue of the Gateway Determination. The success of the amendments will be identified through an audit of development applications twelve months following the adoption of the LEP gazette. The audit will be consistent with the procedures for reporting clause 4.6 variations set out in the Clause 4.6 - Exceptions to Development Standards Policy. This audit will identify opportunities for improvement. 	<ul style="list-style-type: none"> The responsibility for this Planning Proposal will be listed on the Strategic Planning work program and reported to the Implementation Panel. 	<ul style="list-style-type: none"> Strategic justification for the proposed LEP Clauses is provided by the Strategy and Delivery Program. The NSW Department of Planning and Environment identifies 12 months as a target timeframe for minor LEP amendments. 	Short	Responsible
2	LEP Clause for Appropriate Vertical to Horizontal Proportions					Short	Responsible
3	An Independent Urban Design Panel	<ul style="list-style-type: none"> 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. The Panel will be in place and will be referred Development Applications 12 months following the adoption of this Delivery Program. 	<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> The responsibility for this action will be listed on the Strategic Planning work program and reported to the Implementation Panel. The key tasks are: <ol style="list-style-type: none"> Determine scope of Panel Seek nominations for panel members. Report to Council for appointment. Administer the Panel. 	<ul style="list-style-type: none"> The framework for this action is provided by the State Government and has been followed by a number of NSW Councils. This is a process that developers and other communities are familiar with in other Local Government Areas. 	Short	Responsible
4	Education Program on Urban Design for Council staff	<ul style="list-style-type: none"> A detailed scope for an Urban Design Training Program is to be prepared and supported by the Implementation Panel at its first meeting. It is envisioned that the training will involve sessions for staff that do not otherwise hold urban design qualifications. The training will then take place on an annual basis. 	<ul style="list-style-type: none"> The success of the training will be determined by a survey taken of participants after the training has been completed. The feedback from this training will identify opportunities for improving the training in subsequent years. 	<ul style="list-style-type: none"> Existing budget that has been set aside for training will be drawn upon to fund an urban design professional to facilitate this Program. The detailed scope for this training has been prepared and is ready to be presented to the first meeting of the Implementation Panel. 	<ul style="list-style-type: none"> 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. 	Short	Responsible
5	Support for Awards that recognise Design Excellence	<ul style="list-style-type: none"> Provide support and financial contributions to industry awards for urban design in the Hunter region. 	<ul style="list-style-type: none"> Financial assistance for local industry awards for urban design can be assigned in annual budgets. 	<ul style="list-style-type: none"> Financial assistance can be made available if an appropriate industry awards program is established. 	<ul style="list-style-type: none"> The amount of assistance may vary according to other Council financial commitments. 	Medium	Advocate + Supporter
6	Develop a 3D model of the Town Centre for assessment staff to utilise	<ul style="list-style-type: none"> Commission a digital 3D model of the existing town centre using digital aerial mapping. 	<ul style="list-style-type: none"> The tool will be able to be used by assessment staff to support decision making. Imagery in appropriate formats 	<ul style="list-style-type: none"> Council has costed the project and has available funds to build the base model. Applicants may be required 	<ul style="list-style-type: none"> Developing the base model is within budget and achievable. 	Short	Responsible

<p>Key:</p> <p>Short – approximately 1 year following the adoption of the Delivery Program.</p> <p>Medium – approximately 1-3 years following the adoption of the Delivery Program.</p> <p>Long – approximately 3-5 years following the adoption of the Delivery Program.</p>							
No	Summary	Specific	Measurable	Achievable	Realistic	Time	Council's role
			provided by applicants for proposed developments will be able to be inserted in the model. The development control plan, assessment guidelines, or requirements for referrals to the Urban Design Panel may include these specifications.	to supply data and updates to the model in accordance with specifications in the development control plan, assessment guidelines, or as part of requirements for referrals to the Urban Design Panel. <ul style="list-style-type: none">Using the tool for assessments may depend on the quality and format of information provided by applicants.			
Building Heights							
7	LEP Clause for FSR and increase in HoB	<ul style="list-style-type: none">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.This is expected to be completed within 12 months following issue of the Gateway Determination.	<ul style="list-style-type: none">An amendment to the LEP is gazetted following the Gateway Determination and exhibition. This is expected to be completed within 12 months following issue of the Gateway Determination.The success of the amendments will be identified through an audit of development applications twelve months following the adoption of the LEP gazette. The audit will be consistent with the procedures for reporting clause 4.6 variations set out in the Clause 4.6 - Exceptions to Development Standards Policy. This audit will identify opportunities for improvement.	<ul style="list-style-type: none">The responsibility for this Planning Proposal will be listed on the project officers work program.	<ul style="list-style-type: none">Strategic justification for the proposed LEP Clauses is provided by the Strategy and Delivery Program.The NSW Department of Planning and Environment identifies 12 months as a target timeframe for minor LEP amendments.	Short	Responsible
8	Adoption of LEP Clause 4.6 Policy	<ul style="list-style-type: none">A Clause 4.6 Policy has been prepared and will be reported to Council for adoption along the Delivery Program.This policy will apply across the Port Stephens Local Government Area (LGA)The Policy seeks to provide greater transparency, community participation and more robust assessments when a variation to a development standard is proposed.	<ul style="list-style-type: none">A draft of the Policy was exhibited with the draft Delivery Program. Council sought feedback from the NSW Department of Planning and Environment during this period. Submissions received on the draft Policy will be reported to Council with Delivery Program.Once adopted, Council's Policy Review Process will apply, and the Policy will be subject to periodic review.	<ul style="list-style-type: none">The responsibility for the Policy will be listed on the project officers work program.The process for developing and reviewing a Policy is mapped as a key Council process.	<ul style="list-style-type: none">The Policy has been drafted based on internal and external advice. It is considered to be leading practice in NSW and will now follow the Policy Review Process.	Short	Responsible
9	Expansion of the Strategy Boundary to include ridgelines	<ul style="list-style-type: none">The boundaries of the proposed Strategy Boundary expansion are identified by (FIGURE 6).The need to expand the Strategy Boundary was identified by the Discussion Paper.	<ul style="list-style-type: none">Under the Document Hierarchy part of this document, it discusses how the Delivery Program overrides any inconsistencies with the Strategy. Therefore the adoption of the Delivery Program by Council will override the Strategy Boundary contained in the Strategy.	<ul style="list-style-type: none">The responsibility for getting this Delivery Program adopted will be listed on the project officers work program.	<ul style="list-style-type: none">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.	Short	Responsible
Development Incentives							
10	Reducing the uncertainty provided by development incentives	<ul style="list-style-type: none">The development incentives that were discussed and mapped in the	<ul style="list-style-type: none">Under the Document Hierarchy part of this document, it discusses how the	<ul style="list-style-type: none">The responsibility for getting this Delivery Program adopted will be	<ul style="list-style-type: none">The development incentives are not legislatively in place and in turn	Short	Responsible

<p>Key:</p> <p>Short – approximately 1 year following the adoption of the Delivery Program.</p> <p>Medium – approximately 1-3 years following the adoption of the Delivery Program.</p> <p>Long – approximately 3-5 years following the adoption of the Delivery Program.</p>							
No	Summary	Specific	Measurable	Achievable	Realistic	Time	Council's role
		Strategy were never incorporated into the <i>Port Stephens Local Environmental Plan 2013</i> and in turn they have no legislative effect.	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.	listed on the project officer's work program.	Council's policy position on this matter will be updated following the adoption of this Delivery Program.		
11	DCP requirements encourage design excellence	<ul style="list-style-type: none"> An amendment to the Port Stephens Development Control Plan 2014 be drafted and reported to Council for exhibition. This allows for the Draft Plan to be prepared for exhibition and reported to Council within the twelve months identified. The amendment will support development controls that establish objectives for upper storey setbacks and floor plates to enhance the public domain and pedestrian experience by preserving daylight access to the street level and creating a comfortable street environment, and to achieve view sharing and visual privacy objectives for residential flat buildings. 	<ul style="list-style-type: none"> The amendment for the Nelson Bay town centre and foreshore is prepared within twelve months following the adoption of the Delivery Program. The success of this amendment will be identified through an internal audit of development applications twelve months following the adoption of this DCP Amendment. This audit will identify opportunities for improvement. 	<ul style="list-style-type: none"> The responsibility for this DCP Amendment will be listed on the project officer's work program. A DCP Amendment of this 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. 	<ul style="list-style-type: none"> It is realistic to expect that this DCP Amendment will be adopted in this timeframe. The gaps and opportunities for improvement have already been identified. In order to ensure the DCP Amendment is robust, the proposed amendment can be referred to the urban design panel to provide input. 	Medium	Responsible
Public Domain							
12	Development of a Public Domain Plan	<ul style="list-style-type: none"> Prepare a Public Domain Plan that addresses the following: <ol style="list-style-type: none"> Streetscape Design Guide Wayfinding and Signage Street Tree Masterplan 	<ul style="list-style-type: none"> A draft of the Public Domain is adopted by Council within one year of the Delivery Program being adopted. Action 31 related to the review of infrastructure funding is set to be completed following the development of the Nelson Bay Public Domain Plan. 	<ul style="list-style-type: none"> The responsibility for getting this Plan adopted will be listed on the project officer's work program. The Plan is estimated to be in the vicinity of \$140,000 to develop. Council obtained a grant in 2017 to fund 50% of the project. 	<ul style="list-style-type: none"> 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. 	Short	Responsible
13	Consider utilising technology wherever possible to activate the town centre and resolve traffic, parking and wayfinding issues.	<ul style="list-style-type: none"> Incorporate 'Smart City' initiatives that utilise technology such as a 'Smart Parking' app, digital signage, wherever possible when planning for the activation of the town centre. 	<ul style="list-style-type: none"> This action is linked to the delivery of other relevant actions, for example it includes considering 'Smart City' initiatives in the preparation of the Nelson Bay Public Domain Plan and developing wayfinding signage, or when considering options for future carparking. 	<ul style="list-style-type: none"> This action is linked to the delivery of related actions. 	<ul style="list-style-type: none"> Considering utilising technology wherever possible is a realistic action, however the implementation of Smart City initiatives may be contingent on funding. Grant funding may become available for certain initiatives. 	Short	Responsible
14	Feasibility assessment for public Wi-Fi in town centre	<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> This action has been completed and a feasibility report on public Wi-Fi in the town centre was provided to Council on 12 December 2017, including indicative pricing for implementation, associated risks and ongoing management costs. Council agreed to pursue grant funding opportunities to support the 	<ul style="list-style-type: none"> This action has been completed. 	<ul style="list-style-type: none"> This action has been completed. 	Short	Responsible

<p>Key:</p> <p>Short – approximately 1 year following the adoption of the Delivery Program.</p> <p>Medium – approximately 1-3 years following the adoption of the Delivery Program.</p> <p>Long – approximately 3-5 years following the adoption of the Delivery Program.</p>							
No	Summary	Specific	Measurable	Achievable	Realistic	Time	Council's role
			implementation of a public Wi-Fi service in Port Stephens.				
15	Remove the Stockton Street Stage	<ul style="list-style-type: none"> Removal of the Stockton Street Stage, including associated works related to shade structures, road/pavement drainage and adjacent pedestrian access. 	<ul style="list-style-type: none"> Removal within 3 years following the adoption of the Delivery Program, dependent on funding. 	<ul style="list-style-type: none"> An estimated budget of \$400,000 has been identified for this project. The works may also be a project to be funded as part of implementing the Nelson Bay Public Domain Plan. 	<ul style="list-style-type: none"> This involves the deconstruction of the existing stage and associated works to the public domain. 	Medium	Responsible
16	Review the Nelson Bay Foreshore Plan of Management	<ul style="list-style-type: none"> An updated Plan of Management (PoM) three years on from the adoption of the Delivery Program. 	<ul style="list-style-type: none"> 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. Project scoping should be completed 12 months following the adoption of the Delivery Program. 	<ul style="list-style-type: none"> The responsibility for getting this Plan adopted will be listed on the project officer's work program. This project will involve more detailed scoping given that it will involve a number of internal and external stakeholders. 	<ul style="list-style-type: none"> The process for preparing a PoM is well-established. A number of guidelines and examples exist that could be followed. 	Medium	Responsible
17	Implement the Apex Park Masterplan	<ul style="list-style-type: none"> Implementation of the Apex Park Masterplan which was endorsed by Council on 8 December 2015. 	<ul style="list-style-type: none"> The timing of this implementation is dependent on the identification of funding opportunities. The action relating to funding opportunities is set to be completed following the development of the Nelson Bay Public Domain Plan. 	<ul style="list-style-type: none"> An adopted Masterplan exists and will be integrated with the Nelson Bay Public Domain Plan to be prepared under this Plan. Identifying a funding source remains a potential barrier to implementation. 	<ul style="list-style-type: none"> If funding cannot be identified or sourced, then the Masterplan could be broken down into more defined stages. These more defined stages may open up further grant opportunities. 	Long	Responsible
18	Develop a toolkit for public events	<ul style="list-style-type: none"> The development of a toolkit for public events, which discusses way finding, crowd control, traffic control, car parking and shuttle services, if required. 	<ul style="list-style-type: none"> This toolkit will be developed twelve months following the adoption of the Delivery Program. 	<ul style="list-style-type: none"> The responsibility for this toolkit will sit with the Economic Development and Tourism Unit, but will be provided with inputs from other internal and external stakeholders. 	<ul style="list-style-type: none"> The process for developing a toolkit is straightforward. 	Short	Responsible
19	Audit facilities that are required to facilitate public events	<ul style="list-style-type: none"> Audit of existing public infrastructure, such as public toilets or power sockets. 	<ul style="list-style-type: none"> 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 (FIGURE 19). 	<ul style="list-style-type: none"> The responsibility for this audit with the Economic Development and Tourism Unit, but the action will require inputs from other internal and external stakeholders. 	<ul style="list-style-type: none"> The process for undertaking an audit and then speaking to event organisers about their needs is a straightforward process. Once the audit is complete, it will need to be discussed what items should be prioritised and funded. 	Medium	Responsible
Transport and Parking							
20	Update the Traffic and Transport Study and develop an Integrated Transport Plan for Nelson Bay Town Centre	<ul style="list-style-type: none"> The Traffic and Transport Study has been updated and the findings are discussed in this Delivery Program. An Integrated Transport Plan will be developed three years following the adoption of this Delivery Program. The Plan will draw together outcomes from the Pedestrian Access and Mobility Plan (PAMP), the Nelson bay Public Domain Plan, and the recommendations from the Citizens Panel on parking (see action below) and will consider future 	<ul style="list-style-type: none"> Adoption of an Integrated Transport Plan three to five years following the adoption of the Delivery Program. 	<ul style="list-style-type: none"> The responsibility for getting this Plan adopted will be listed on the project officer's work program. 	<ul style="list-style-type: none"> The development of an Integrated Transport Plans is a common approach to identifying how pedestrian access, cycle-ways, public transport movements, private coaches and private vehicles interrelate and potential solutions. 	Long	Responsible

<p>Key:</p> <p>Short – approximately 1 year following the adoption of the Delivery Program.</p> <p>Medium – approximately 1-3 years following the adoption of the Delivery Program.</p> <p>Long – approximately 3-5 years following the adoption of the Delivery Program.</p>							
No	Summary	Specific	Measurable	Achievable	Realistic	Time	Council's role
		<p>infrastructure projects, such as the Fingal Bay Bypass.</p> <ul style="list-style-type: none"> The Plan may be linked to actions in the Nelson Bay Public Domain Plan, the PAMP or recommendations from the Citizens Panel on Parking. 					
21	Identification of future car parking options	<ul style="list-style-type: none"> Long and short term car parking options will be identified, which could include: <ul style="list-style-type: none"> Multi and at-grade car parks Satellite parking locations 'Smart Parking' tech Parking meters and restricted parking 	<ul style="list-style-type: none"> The options will be presented to the Citizens Panel for consideration (see action below). 	<ul style="list-style-type: none"> A desktop analysis of the options will be undertaken prior to presentation to the Citizens Panel. 	<ul style="list-style-type: none"> The desktop exercise has already been completed and will be discussed with the Citizens Panel. Constraints relating to land ownership, cost, biodiversity, drainage and availability may render some options unfeasible. 	Short	Responsible
22	Formation of a Citizens Panel to discuss parking	<ul style="list-style-type: none"> A Citizens Panel will be formed twelve months following the adoption of the Delivery Program. The Panel will give an objective community perspective on what can be done to ease the pressure on parking during peak periods and make recommendations to Council. Members to the Panel will be randomly selected and membership will include a diverse cross section of the community. 	<ul style="list-style-type: none"> 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. The success of the Panel will be measured by undertaking a survey twelve months following the recommendation to Council about whether an increased knowledge and ownership of the outcomes has been achieved. 	<ul style="list-style-type: none"> The responsibility for getting this Plan adopted will be listed on the project officer's work program. 	<ul style="list-style-type: none"> The key challenge for this format is whether those randomly selected members of the community are willing to volunteer their time to this issue. This format has been tried and tested across the world and in other Local Government Areas. 	Short	Responsible
23	Extension of Yacaaba Street	<ul style="list-style-type: none"> Completion of the Yacaaba Street Extension in accordance with the design endorsed by Council 24 June 2014. 	<ul style="list-style-type: none"> The success of the extension will be measured by undertaking pedestrian counts within the town centre and foreshore once the extension is complete. 	<ul style="list-style-type: none"> The responsibility for completing the construction project is with the Facilities and Services Group and the contractors who were successful in being awarded the project. 	<ul style="list-style-type: none"> Road construction is common practice. The plan for the project has taken into account risks and appropriate mitigation measures. 	Short	Responsible
24	Undertake a capacity analysis of the Pedestrian Bridge	<ul style="list-style-type: none"> A capacity analysis completed three years following the adoption of the Delivery Program by Council. This action may be addressed as part of the preparation of the draft Nelson Bay Public Domain Plan, or the actions arising from that Plan. 	<ul style="list-style-type: none"> The capacity analysis will be completed using pedestrian counts and through measuring the asset life of the materials that make-up the bridge. These data will inform the Integrated Transport Plan in relation to pedestrian movements. 	<ul style="list-style-type: none"> The responsibility for getting this Plan adopted will be listed on the project officer's work program. 	<ul style="list-style-type: none"> This should take place following the completion of the Yacaaba Street extension and during peak periods to fully understand the pedestrian environment. 	Medium	Responsible
25	Review signage and parking meters on the Foreshore	<ul style="list-style-type: none"> A review of signage will be incorporated within the draft Nelson Bay Public Domain Plan and in the review of the Foreshore Plan of Management. The Citizens Panel on Parking will consider parking meters as part of preparing recommendations to Council on the matter of transport and parking. 	<ul style="list-style-type: none"> This action will take place three years from the adoption of the Delivery Program. 	<ul style="list-style-type: none"> The responsibility for getting this Plan adopted will be listed on the project officer's work program. 	<ul style="list-style-type: none"> A wayfinding consultant has been engaged as part of the preparation of the draft Nelson Bay Public Domain Plan. Council staff and other experts will present information on parking meters and options to the Citizens Panel on Parking for consideration. 	Medium	Responsible

<p>Key:</p> <p>Short – approximately 1 year following the adoption of the Delivery Program.</p> <p>Medium – approximately 1-3 years following the adoption of the Delivery Program.</p> <p>Long – approximately 3-5 years following the adoption of the Delivery Program.</p>							
No	Summary	Specific	Measurable	Achievable	Realistic	Time	Council's role
26	Review road speed limits in the town centre	<ul style="list-style-type: none"> 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. This action may be addressed as part of the preparation of the draft Nelson Bay Public Domain Plan, or the actions arising from that Plan. 	<ul style="list-style-type: none"> This action will take place three years from the adoption of the Delivery Program. 	<ul style="list-style-type: none"> The responsibility for getting this Plan adopted will be listed on the project officer's work program. 	<ul style="list-style-type: none"> A review of speed limits in the town centre is a realistic action for Council, however changes to speed limits are ultimately the responsibility of RMS, not Council. Council can advocate for changes following the review. Implementation of changed speed limits would require accompanying traffic calming works which would be funding dependent. 	Medium	Responsible
27	Design and fund intersection options based on Study	<ul style="list-style-type: none"> Provide more detailed designs and costings for the upgrades of intersections identified in the Transport and Parking Study. 	<ul style="list-style-type: none"> This action will take place three years from the adoption of the Delivery Program. 	<ul style="list-style-type: none"> This action will require identification of funding. See action listed below in relation to identification of infrastructure funding sources. 	<ul style="list-style-type: none"> The implementation of this action will be funding dependent. Infrastructure funding can be made available from a variety of sources. 	Medium	Responsible
28	Implement the Pedestrian Access and Mobility Plan (PAMP)	<ul style="list-style-type: none"> Implement the PAMP. This action may be addressed as part of the preparation of the draft Nelson Bay Public Domain Plan, or the actions arising from that Plan. 	<ul style="list-style-type: none"> This action will take place three years from the adoption of the Delivery Program. Full implementation will require significant funding. Higher order priority works within the PAMP have been identified and will be actioned as funding allows. 	<ul style="list-style-type: none"> This action will require identification of funding. See action listed below in relation to identification of infrastructure funding sources. 	<ul style="list-style-type: none"> The implementation of this action will be funding dependent. Infrastructure funding can be made available from a variety of sources. 	Medium	Responsible
Implementation							
29	Re-word the existing actions to be SMART	<ul style="list-style-type: none"> This Implementation Pan details how the proposed actions have been broken down into a SMART format. 	<ul style="list-style-type: none"> This Implementation Plan forms part of the Delivery Program that will be reported to Council. The Implementation Plan was exhibited with the draft Delivery Plan seeking feedback. 	<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> This action has been achieved. 	Short	Responsible
30	Implementation Panel that meets regularly to monitor the progress of the actions in the Delivery Program	<ul style="list-style-type: none"> This Implementation Panel will meet twice a year (or at regular intervals to be determined by the Panel) to monitor the progress of this Delivery Program. 	<ul style="list-style-type: none"> The success of this Panel will be measured by whether the meetings take place and the monitoring and progress of the actions. 	<ul style="list-style-type: none"> The responsibility of organising the agenda and minutes for this Panel will be listed on the project officer's work program. The frequency of these meetings could increase or decrease based on the progress of actions. 	<ul style="list-style-type: none"> This action is similar to other Panels set up for Raymond Terrace and Medowie, and the terms of reference are consistent. The success of the Panel depends on adequate monitoring and reporting of the Strategy actions and the actions of the Panel in responding when delays are identified. 	Short	Responsible
31	Review Infrastructure Funding	<ul style="list-style-type: none"> Funding streams for all of the works and associated costs will require resolution and a report to Council on the appropriate funding mechanisms (including developer contributions). This may result in amendments to Council's existing adopted plans 	<ul style="list-style-type: none"> The Implementation Panel will monitor this action, which may include amendments to the development control plan, new grant funding applications, or amendments to Council's Strategic Asset Management Plan. 	<ul style="list-style-type: none"> Infrastructure funding can be made available from a variety of sources. The processes for securing some funding sources are clearly outlined (developer contributions and amendments to the Strategic Asset Management Plan) and may include 	<ul style="list-style-type: none"> 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 	Medium	Responsible

<p>Key:</p> <p>Short – approximately 1 year following the adoption of the Delivery Program.</p> <p>Medium – approximately 1-3 years following the adoption of the Delivery Program.</p> <p>Long – approximately 3-5 years following the adoption of the Delivery Program.</p>							
No	Summary	Specific	Measurable	Achievable	Realistic	Time	Council's role
		<p>including the adopted developer contributions plans, and the Strategic Asset Management Plan which will require public exhibition and adoption by Council.</p> <ul style="list-style-type: none"> Following the adoption of the Public Domain Plan, the projects and costings table (FIGURE 19) are to be revised, and the most appropriate funding streams for the infrastructure identified. Funding options will also be identified related to other actions in this Delivery Program including smart city initiatives, car parking options, the Integrated Transport Plan, and implementing the Apex Park Masterplan. 		community consultation and Council resolution.	priorities and what funding sources are most appropriate.		
32	Include relevant infrastructure items in the Strategic Asset Management Plan	<ul style="list-style-type: none"> Include the relevant infrastructure identified in Delivery Program and associated plans, such as the Public Domain Plan, in Council's Strategic Asset Management Plan (SAMP). The SAMP provides a framework to manage current and future Council assets so that infrastructure can be effectively delivered to the community. 	<ul style="list-style-type: none"> Amendments to the SAMP are required to be adopted by Council and Council regularly reports on service delivery and other measures as part of the integrated planning and reporting framework. 	<ul style="list-style-type: none"> Legislation requires that the SAMP is for a minimum 10 year period and that it is reviewed and rolled over annually. 	<ul style="list-style-type: none"> Council can update the SAMP as part of the annual review. 	Short	Responsible
33	Monitor, Report and Review the Delivery Program	<ul style="list-style-type: none"> The Implementation Panel meets regularly to monitor the progress of these actions. A Report to Council that summaries progress on implementation is to be provided annually. The Delivery Program (and Strategy) is reviewed every five years. 	<ul style="list-style-type: none"> Discussions that take place at regular meetings of the Implementation Panel will provide data to feed into the annual report. The success of the Delivery Program and associated Implementation Panel will be detailed in the annual report. The findings of these annual reports will feed into the five year review. 	<ul style="list-style-type: none"> The responsibility for organising the agenda and minutes for this Panel will be listed on the project officer's work program. 	<ul style="list-style-type: none"> Council regularly reviews and reports on a number of plans, policies and strategies. The success of the Panel in monitoring the implementation of the Delivery Program depends on how well the Delivery Program actions have been drafted and the availability of members of the community from diverse backgrounds to provide input. 	Long	Responsible



PORT STEPHENS
COUNCIL

For more information please contact Development Services
council@portstephens.nsw.gov.au | 02 4988 0255 | **PORTSTEPHENS.NSW.GOV.AU** 