



17 January 2017

The General Manager
Port Stephens Council

DA No. 16-2016-864-1 31& 31A Leonard Avenue, Shoal Bay : Objection

INTRODUCTION

Tomaree Ratepayers and Residents Association Inc. (TRRA) submits that this development is entirely inappropriate for the size, landform and location of this Leonard Avenue site.

We have inspected the site in the company of neighbouring residents and considered their numerous objections. We are also aware of the objections raised by the Shoal Bay Community Association which focus on the wider implications for the locality and the community.

DETAILED COMMENTS ON THE APPLICATION

Proposed bulk and density of the proposed development.

TRRA is mindful of the Medium Density Residential R3 Zoning for this site and the surrounding area and the arguments in the DA documentation that the proposed development is compliant with this zoning. However, TRRA considers that the proposal to squeeze 10 separate residential apartments onto this site of only 1139.15m² with a site coverage of 69% (Site Plan), results in overdevelopment which is not in the interests of neighbouring properties or the Shoal Bay precinct as a whole. Its two storey height (calculated from the ground level at the Leonard Avenue frontage) becomes much higher towards the rear (western) boundary due to the steeply sloping block. This is only achieved by the proposed construction of a 4 metre retaining wall to the rear of the block and apparently substantial associated fill. As a consequence, the proposed building will dominate its surrounding properties, and has the potential to create unacceptable overshadowing especially of the properties to the south and southwest. Its proximity to neighbouring dwellings is likely to result in noise and privacy impacts.



The problems are exacerbated by the fact that neighbouring properties are all stand-alone residences on single blocks, mostly single storey.

Claims in the documentation that the proposed development will enhance the overall Leonard Avenue streetscape are open to challenge. In our assessment the design does not “respond to the context of its locality or incorporate desirable elements of the area’s present character”.

The plans presented do not provide details of the configuration of floorspace on each level to each of the 10 units. Council’s assessment should examine the adequacy of the spaces to be made available for these apartments and the standards to be achieved by the units in the middle of the building in terms of light and ventilation.

A further concern is the setback of the building from boundaries which is difficult to determine from the scale of the plans as published. Neighbours are particularly concerned by the apparent limited separation, especially given the likelihood of frequent rental of units for short term holiday occupation. It is a common experience on the Tomaree Peninsula that such occupations overload the space (e.g. multiple families) and in some cases involve antisocial behaviour. Occupants of holiday lets often have several vehicles and associated trailers for boats and other recreational equipment with the consequence that the proposed parking provision will not cope. The overload often spills onto the neighbouring street and footpath area.

Stormwater and flooding

TRRA is aware of the longstanding problem of stormwater disposal in this locality. We are also aware of State imposed restrictions on any further addition of run-off to the drains discharging to Shoal Bay. The claim in the DA that stormwater can be accommodated via onsite detention needs to be carefully assessed by Council having regard for the local topography and the very limited impervious areas that would remain given the building’s site coverage and its associated hard sealed areas. The site is at the bottom of a very steep slope to the east which does not have the benefit of a conventional urban drainage infrastructure.

Council has recently installed infusion pits on its road reserve in an attempt to deal with the existing flooding problem, but residents advise that these pits proved entirely incapable of accommodating the volume of run-off experienced in recent storms. Properties to the west of the proposed development continue to experience flooding.

Council’s experience with liability proceedings relating to drainage in the case of Lagoons Estate in Nelson Bay should be a sufficient reason to apply a rigorous evaluation of the claims in this DA relating to drainage.

Need for a Shoal Bay Planning Strategy

TRRA concludes that the strength of local objections to this Development Application is justified. We also believe that it is inevitable that there will be an increasing number of similar proposals in the future for redevelopment of the precinct now zoned for Residential R3 (south of the Shoal Bay Commercial centre). These will result in similar levels of local opposition.

There may need to be something more than the simple broad brush rezoning of the precinct to R3 to achieve an optimal redevelopment of this important precinct. TRRA recognises that there are many old holiday homes which are becoming the target for redevelopment and that pressure for replacement with higher density developments is inevitable.

We are of the view that the time has come for a soundly based strategic plan for all of Shoal Bay which would take into account the need to cater for the particular needs of medium density developments (including provisions to avoid the impacts from high season holiday lets which will be an ongoing form of occupancy). For example, it may be that some levies could be imposed to finance off-site public parking areas for cars and trailers. Incentives may be necessary to encourage consolidation of lots to better accommodate larger and denser developments which would result in more acceptable boundary setbacks from neighbours and adequate provision of communal open space on each site.

The pressure for development along the southern side of Shoal Bay Road also needs consideration. Council's recent approval of DA 16-2016-557.1 for a motel project significantly in excess of the LEP limit and potential parking issues, exemplifies TRRA's call for more comprehensive planning guidelines for the entire Shoal Bay precinct.

Guidelines for architectural excellence and landscaping could create a much improved urban landscape.

Such a Strategy would also need to include infrastructure for drainage and sewerage as well as pedestrian and cycle access to the beach and commercial centre.

The future use and servicing of the Tomaree Lodge site, the future use of the informal car park on the corner of Government and Shoal Bay Roads and facilities for tourist coaches could also be included in such a strategy.

CONCLUSION

TRRA objects to this proposal in this DA and urges Council to refuse it.

We also strongly believe that the proposed development identifies an urgent need for a Shoal Bay Planning Strategy to better guide all future development in this important tourist and residential precinct.

Geoff Washington
President, TRRA Inc.



A: PO Box 290, Nelson Bay 2315 **T:** 4981 3916 **E:** president @trra.com.au