



## **NEWSLETTER – OCTOBER 2018**

### **REMINDER OF TRRA AGM AND GENERAL MEETINGS**

**Monday 15 October 7.00pm**

I urge you to attend our AGM and General Meeting on 15 October commencing at 7 pm at the **Crows Nest Room, Nelson Bay Bowling Club**, to discuss a number of vital issues. With so many matters requiring TRRA involvement you are also encouraged to consider nomination for our Committee [HERE](#). Please call me on 4981 3916 or John James, our Vice President, on 0447 158 810 to discuss how you may be able to assist as a member of this committee.

**Geoff Washington**  
**President**  
**Tomaree Ratepayers & Residents Association Inc.**

**TRRA Inc ANNUAL GENERAL MEETING  
Monday 15<sup>th</sup> October 2018 – 7 pm  
Nelson Bay Bowling Club**

**AGENDA FOR AGM**

1. Attendance and Apologies
2. President's Annual Report and Presentation by Committee members on the Year's Issues
3. Confirmation of AGM Minutes 17<sup>th</sup> October 2017 (Refer to website)
4. Matters Arising
5. Treasurer's Annual Report
6. Conduct Election of Management Committee 2018/19 (Returning Officer: Peter Dundas-Smith)
7. General Business

**AGENDA FOR 15TH OCTOBER GENERAL MEETING**

1. **Guest Speaker:** A representative of Port Stephens Koalas will give an update on plans for the Koala Hospital and Visitor Centre at One Mile Beach, and on other Koala related matters.
2. Minutes of last Meeting – 6 August 2018 (refer to website)
3. Matters Arising
4. Treasurer's Report
5. Correspondence
6. Reports – Current Issues:
  - a. Nelson Bay Town Centre and Foreshore Strategy: Implementation and Delivery Program (see attached report)
  - b. Nelson Bay Car Parking Survey
  - c. Proposal for Special Rate Variation
  - d. Nelson Bay NOW
  - e. Mambo Wetland update
  - f. Halifax Park - future of Lot 424
  - g. Proposed Sand mine – 4226 Nelson Bay Road, Anna Bay
  - h. Planning proposal 95A & 97 Stockton Street
  - i. Development Applications of note
7. General Business
  - a. Matters of concern to members

***Attachment – Report on Nelson Bay Strategy***

## **Nelson Bay Strategy – TRRA Report on Council Meeting on 25 September 2018 and suggested way forward**

**(see also media release [HERE](#) dated 27 September )**

### **Meeting Report**

TRRA only gained access to the Port Stephens Council's final version of the ***Nelson Bay Town Centre and Foreshore Strategy - Implementation and Delivery Program*** late on Thursday 20 September when the Agenda Papers for the 25 September Council meeting were posted on the PSC website.

Incredibly, the core proposals had not changed from those exhibited in February 2018, despite around at least 95% of the more than 2600 public responses objecting to the doubling of building heights to 10 storeys across most of the town. **This was the only option recommended for Council's adoption**, although the agenda papers referred to an alternative of a 5-storey limit for blocks between Stockton Street and Yacaaba Street, with 10 storeys for the rest of the town centre north of Dowling St. Both options maintained the 12-storey limit for the Bowling Club precinct, and the lower limits for the Foreshore land north of Victoria Parade.

TRRA wrote to the Mayor and all Councillors on 24 September, requesting them to reject this recommendation, citing the overwhelming weight of public opinion opposing it. We also prepared a statement to be presented to Council in Public Access by Nigel Waters. **Nigel's application to speak was refused by the Mayor.** However another TRRA member, Ben van der Wijngaart, who had applied as a private citizen, was approved and very effectively presented much of our argument, with which he agreed.

Mayor Ryan Palmer left the meeting for the item on the Nelson Bay Strategy Delivery Program having declared a pecuniary conflict of interest - the nature of the interest being that 'a close friend/associates owns property in the Nelson Bay CBD'.

Councillors John Nell, Jaimie Abbott (East Ward) and Giacomo Arnott (West Ward) spoke forcibly about the process, and the weight of Tomaree community opinion on this matter. Cllr Nell tabled an amendment proposing a further option of 5 storeys in the central blocks with 8 rather than 10 storeys in the remainder of the town centre. The 12-storey limit proposed for the Bowling Club precinct would remain.

Following strong arguments raised by Cllr Arnott, Council resolved 6:3 to hear from Nigel Waters on behalf of TRRA. This presentation, like Ben's, was received with loud acclamation from the public gallery.

A proposal by Cllrs Arnott and Abbott to defer a decision, to provide an opportunity to study Cllr Nell's last-minute compromise, was lost 6:3, and Council finally voted 5:4 to adopt Cllr Nell's amendment. The 4 votes against included Cllrs Arnott and Abbott,

consistent with their support for community objections, but also Cllrs Doohan and Jordan, presumably for different reasons.

The Minutes of this chaotic meeting are [HERE](#). The meeting webcast can be viewed [HERE](#)

## **TRRA Inc. analysis and proposed way forward**

The supposed 'resolution' of the Nelson Bay building height controversy at the Council meeting on 25 September is not welcomed by the thousands of local residents who have made their objection to high-rise development very clear, repeatedly, over a long period of time.

The compromise adopted by Council retains a 5-storey limit between Stockton and Yacaaba Sts and increases it to 8 storeys instead of 10 in the rest of the town centre. The other proposals remain the same, including increased floor space ratios, allowing 12-storey buildings south of Dowling St, and limiting heights on Foreshore land to, variously, 2, 3 and 4 storeys.

The best that can be said is that enough of the Councillors responded to the community outcry to pull back from allowing 10-storey development across the entire town centre, as was recommended, and from the other option presented of a mix of 10 and 5 storeys.

However, the adopted plan will still allow 28-metre high buildings – nearly double the existing height limit – in most of the town centre, including on sites where they would block views from the Foreshore and Bay back to the wooded hills.

Moreover, 8-storey buildings could be built on sites right on the western edge of Stockton St and on the eastern edge of Yacaaba St, potentially creating a canyon effect with overshadowing and wind tunnels.

This outcome, together with the adoption by Council at the 25 September meeting of a dangerously weak 'variation' policy, cannot guarantee the preservation of the essentially low to medium-rise character of the town or the protection of the 'natural amphitheatre' - a key objective of the adopted 2012 Strategy. A fundamental principle of that Strategy was that *'In relation to building heights, it is critical that the wooded ridge and headlands that surround the Bay be visible and not eclipsed by buildings'*.

**Council claims that its new 'Delivery Program' implements this existing Strategy. It does not, and Council should be honest enough to admit that its vision is now for a radically different townscape, and one which is clearly opposed by the local community.**

The proposals need to be sent back to Council planners for revisions to maintain the essential character of our coastal town. Unfortunately Councillors rejected 6:3 the

sensible suggestion from Cllrs Arnott and Abbott to defer a decision. More work will however need to be done to accommodate the compromise height limits.

TRRA believes this gives an opportunity for more protections to be built into the planning proposal which must be approved by the State Government. We will be calling on Council to instruct its planners to draft LEP and DCP amendments to guarantee, alongside the height and floor space ratio (FSR) limits:

- that developments in all the higher building zones are not allowed to further intrude on the natural backdrop when viewed from the Foreshore and Bay. In Council's own words: '***It is critical that the wooded ridge and headlands that surround the Bay will be visible and not eclipsed by buildings.***'
- that upper floors are set back to avoid a canyon effect with overshadowing of the town centre streets
- that design excellence requirements are strengthened, and
- that the variation policy is toughened up to send a clear message to developers that Council will not willingly accept major exceptions to height limits and other controls.

We will request Council to allow us, and other interested parties, to make comment on the draft proposal before it is approved to be sent off to the State Government.

When the proposals finally go to the State Government, TRRA will continue to make the case for the more modest height limits adopted in the 2012 Strategy but never implemented, and for densities (floor space ratios) that are more appropriate for a coastal town, rather than the inner city FSRs now proposed. We will emphasise that the 8 and 12 storey limits adopted for large parts of the town centre fly in the face of the clearly and strongly expressed community objections to any high-rise development.

TRRA will also make representations to the Premier, relevant Ministers, the Department of Planning and the Environment, the Office of Local Government and the Ombudsman, as well as to the member for Port Stephens, drawing attention to what can only be described as a disturbingly failed Council process. We intend to request an independent investigation and State level intervention in the interests of sound democratic governance.

We are saddened that Council's stubborn pursuit of high-rise development has overshadowed the many other positive proposals in the Delivery Program, which we fully support. Some of these, such as the Yacaaba St extension, APEX Park renewal and other public domain improvements, are already under way. TRRA will continue to work co-operatively with other peak community and business groups and through the *Nelson Bay Now* forum, to help revitalise the town – an objective we all share.