



TRRA INC NEWSLETTER, 29 March 2020

Cancellation of TRRA 13 April General Meeting

In accordance with the limitations on public meetings currently in place TRRA General Meetings can no longer be held.

Should members have issues which they would wish to bring to the attention of the Association it would be appreciated if you could refer these to Bill Salter, our secretary, in an email addressed to secretary@trra.com.au.

NEWSLETTER

What's in this edition.

Matters Of General Interest;

TRRA'S Position on COVID-19, Local Elections Postponed, New name for TRRA Facebook Page, Gateway to Gateway to the Tomaree Peninsula, TRRA Membership Drive.

Panning Update;

Height Limits in Nelson Bay Town Centre, Submissions.

Other News;

The Bay Resort, The Sand Resort, Irukandji Shark and Ray Centre, Gan Gan Army camp, Tree Moratorium.

1. Matters of General Interest

Implications of the COVID-19 Virus Pandemic

We wish everyone well in coping with the dramatic effects of the COVID-19 virus pandemic.

While TRRA does not have a specific role in the response, we stand ready to assist in whatever way we can – let us know if you need help or have suggestions.

We encourage everyone to follow the official health and physical distancing advice – our committee meetings are now being held ‘online’, which works well and can also be used for contact with family and friends.

While governments at all levels, and all of us, need to give priority to the virus response, other issues cannot be completely neglected and we will continue to responsibly represent the interests of the Tomaree community, whenever and however appropriate.

The bans on travel and limitations on business and retail activity are already having a serious impact on the Tomaree retail and hospitality sectors. Many employees have already been stood down. TRRA members may be able to assist by ordering take away meals from your favourite restaurants over the coming weeks. Some other businesses may offer home delivery services if you ask.

Local Government Elections Postponed

Local council elections will be postponed in NSW as a result of the coronavirus pandemic.

A total of 126 councils were scheduled to hold elections in September to appoint councillors and in some cases, mayors.

However, following the outbreak of COVID-19, the elections will now be postponed for 12 months.

New Facebook name for TRRA

TRRA has changed the name of its Facebook page from ‘Save the Bay’ to ‘Tomaree Voice’. The original name reflected our primary campaign when we created the page in 2017 – to oppose major increases in building heights in Nelson Bay Town Centre. While this campaign continues, the Committee decided on a new name and image to better reflect our overall purpose and the breadth of our activities.

Gateway to the Tomaree Peninsula

In our February Newsletter you were advised that the TRRA Committee Meeting had decided to give a high priority to improving the visual and environmental standard of the approaches to the Peninsula.

In our Quarterly Meeting with the Mayor held on 5 March this initiative was raised for discussion. The Mayor and Council officers present pointed out that there were limits on the Council's powers to take action, particularly given that responsibility for Nelson Bay Road lies with the State of NSW.

TRRA representatives compared our approaches to those in several other competing tourist destinations where high standards have been achieved.

The outcome of this discussion was that Council agreed to consider a proposal from TRRA on this subject. Geoff Washington will draft a letter detailing our concerns and requesting further consultations with Council staff. Comments/suggestions from Members would be welcome - email to media@trra.com.au.

TRRA Membership Drive

The TRRA Committee concluded that a concerted effort was needed to increase TRRA membership. A sub-committee has been established to devise a strategy to promote TRRA within the community and to more actively recruit members. Suggestions on this would be welcomed by the convenor of this sub-committee Robyn Williams at membership@trra.com.au.

2. Planning Update

Height Limits in Nelson Bay Town Centre

The Dept of Planning has placed multiple conditions on Council in progressing its proposal to increase **height limits in Nelson Bay Town Centre**, and to make other changes to the planning controls. Council will be required to undertake a lot more work to justify the proposal and address the concerns that TRRA and others raised and have been given 18 months to do so. Formal exhibition of the LEP and DCP changes is now unlikely before late 2021, after Council elections, so this can be an election issue. Further details are in **Attachment 1**.



Submissions

February

DA for **Harvey Norman store**, servo, fast food outlet and 22 industrial sites at Taylors Beach – on semi-cleared site next to Shearwater Industrial Park. TRRA objected to the design/layout of this proposal on the basis that it would remove koala habitat, affect low lying wetland and be visually intrusive with a major retaining wall across much of the frontage to Pt Stephens Drive. We submitted that it should be possible to design this \$25million development more sensitively to better respect the land-forms and remaining native vegetation and reduce the impact on native wildlife.

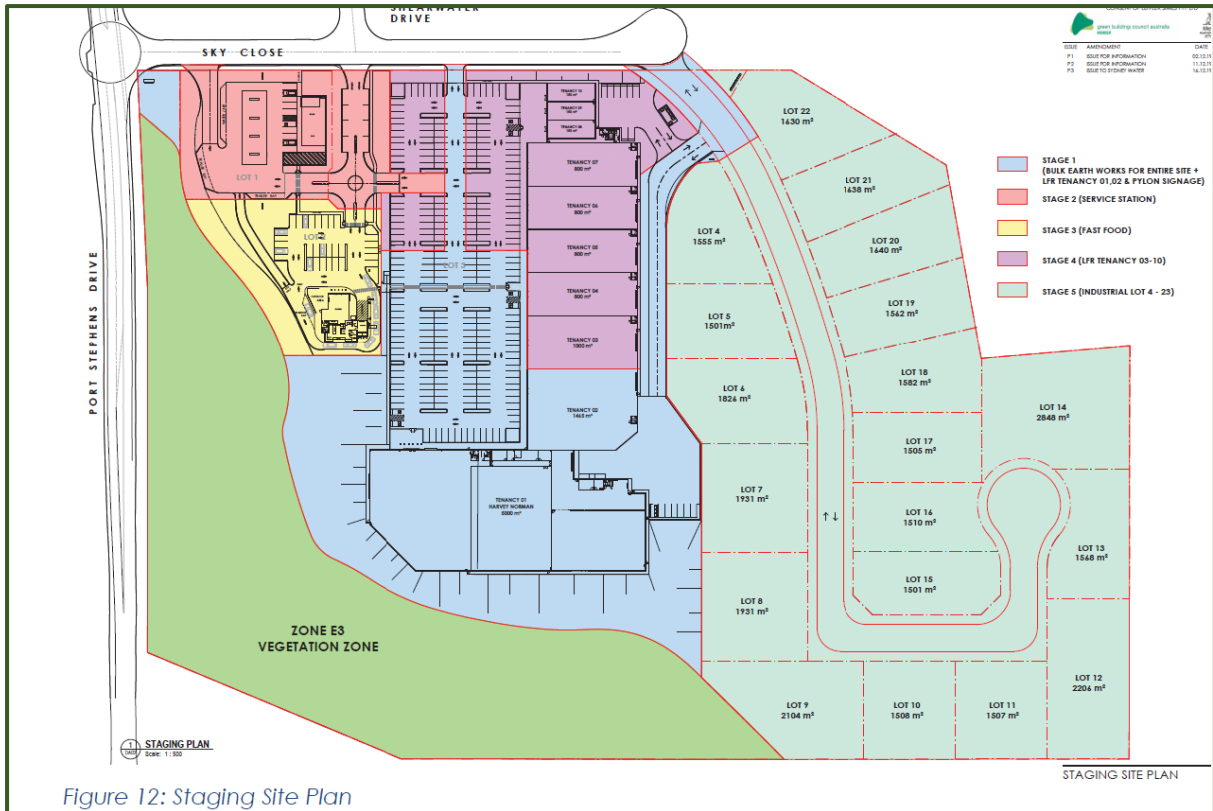
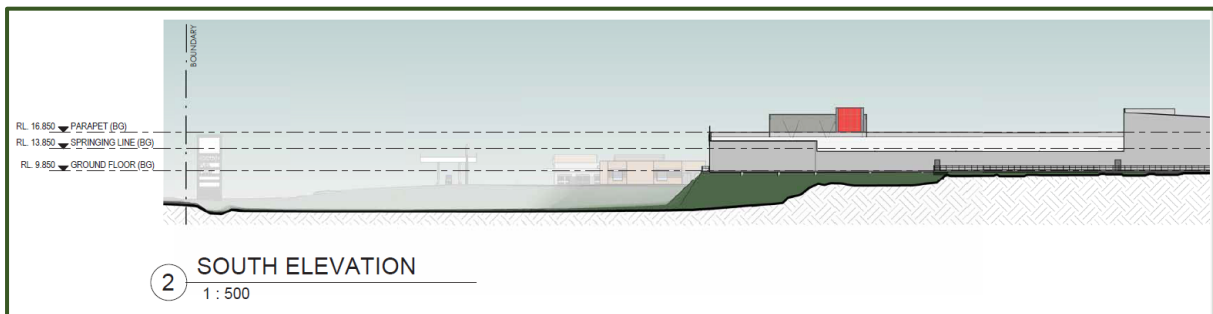


Figure 12: Staging Site Plan



<https://trra.com.au/wp-content/uploads/2020/03/200131-TRRA-submission-on-Harvey-Norman-DA-2019-815.pdf>

March

Draft Local Strategic Planning Statement – TRRA has generally supported this important overall land-use and transport planning framework, but has argued for a greater emphasis on ecologically sustainable development, particularly on the Tomaree peninsula where the natural environment and local character are vital for both residential amenity and the tourist economy.

<https://trra.com.au/wp-content/uploads/2020/03/200320-TRRA-submission-on-PS-Local-Strategic-Planning-Statement.pdf>

Draft Housing Strategy 'Live Port Stephens' – TRRA has made a detailed submission on this Strategy which will determine the amount and type of housing to be developed in the different localities within Port Stephens between now and 2040. We have challenged the supply and demand forecasts for Tomaree which are used to justify a proposed relaxation of planning controls in suburban areas of Nelson Bay, Corlette and Shoal Bay (including higher buildings and reduced setbacks). We argue that a 'natural' process of downsizing, subdivision and higher density low rise housing should more than cater for likely or desirable population growth on the peninsula. We agree it is important to address affordability and diversity but many of the levers are in the hands of State and Federal governments. Port Stephens Council should place a higher priority on protection of the natural environment including habitat of threatened species, and of local character.

<https://trra.com.au/wp-content/uploads/2020/03/200320-TRRA-submission-on-Housing-Strategy.pdf>

Public notice of DAs - DCP Amendment – TRRA objected to the deletion of a detailed section of the DCP specifying the public notice requirements for different types of development. It is to be replaced with a much looser and discretionary provisions in a community participation plan which also carries less weight than the DCP. This is one of several recent changes which in our view reduce transparency and accountability.

<https://trra.com.au/wp-content/uploads/2020/03/200319-TRRA-submission-on-DCP-Amendment-re-DA-notification.pdf>

Rezoning request policy – TRRA objected in December 2019 to a new policy that gives much more discretion to Council planners to progress planning proposals without bringing them to Council first. While all major planning proposals will eventually have to be put on public exhibition, the opportunity for Councillors and the community to review and influence controversial major developments will be much reduced. Regrettably Council dismissed our concerns and adopted this new policy at its 25 February meeting.

Other news

A long-standing DA for **The Bay Resort - major tourist accommodation** on low lying land north of Nelson Bay Road at Anna Bay (behind the old timber church opposite the tomato stall) was finally refused by the Dept of Planning.

The new proposal for **The Sand Resort** another major tourist development on Gan Gan Rd, Anna Bay (next to the derelict Birubi Beach Resort site) which generated much local opposition, was withdrawn in February.

The new buildings for the **Irukandji Shark and Ray Centre**, which is to move from Marsh Road, are well under construction on the old **Anna Bay oval at Jessie Rd** (across the roundabout from Port Stephens Drive). Unfortunately, as we feared, the informal parking area on the corner – well used for car-pooling as well as school bus pick-up and drop-off, will no longer be available for long term parking. TRRA is asking

Council to identify and promote alternative sites for free long-term parking to encourage ride-sharing.

A 2015-2017 proposal to re-zone part of the former **Gan Gan Army camp** opposite the Tomaree Sport complex for seniors housing/aged care/tourism was revived by a promotional brochure from the landowners which was covered on the front page of the Examiner. In 2018 Council planners advised against re-zoning of this environmentally sensitive land and we cannot see that anything has changed.

Council voted in favour of a **Tree Moratorium** at its meeting of 10 March. This would effectively suspend the controls over removal of mature trees by private landowners in urban areas of the LGA. It leaves the judgement as to whether a tree is dangerous entirely to the landowner, without even a retrospective notice requirement. An identical moratorium was in effect in 2015-16 and we suspect led to a spike in tree removals - there was no way of telling how many people avoided seeking approval or lodging a justification after the event. In 2016 Council planners advised against an extension of the moratorium and it lapsed. Fortunately the change will require public exhibition of a change to the DCP, and we will campaign against it in due course, again on the basis that there are adequate provisions in the current policy to deal with dangerous trees.

Geoff Washington
Media Officer

Attachment 1

Nelson Bay height limits – an update

The Dept of Planning has issued its long awaited 'Gateway Determination' on PS Council's Planning Proposal to amend the PS LEP 2013 to implement the Nelson Bay Town Centre 'Delivery Program'¹ adopted by Council in September 2018. Council submitted the Proposal in April 2019 – the Determination is dated 17 March 2020. These processes work slowly!

The proposal involves changes to the height controls (major increases) and new controls on Floor Space ratios (FSR) and on activated and minimum street frontages. The LEP has to be changed to make these new/amended controls 'official' although Council has already approved two DAs for major apartment buildings in the town centre that are double the current height limit.

TRRA made detailed submissions to the Dept of Planning about what we saw as the shortcomings and procedural failures in the Review of the Nelson Bay Strategy. We are pleased that the Dept appears² to have recognised many of these weaknesses, and is now requiring Council to undertake substantial new work to support the proposal before it will be permitted to go on Exhibition, and has given an 18 month period in light of the amount of work

¹ In full, the *Progressing the Nelson Bay Town Centre and Foreshore Strategy – a revised Implementation and Delivery Program*.

² As well as the Conditions it has imposed, the Dept also issued a 27 page report detailing a number of ways in which the current Proposal was not considered adequate. See <http://leptracking.planning.nsw.gov.au/proposal/details.php?rid=6069>

required. This means that we are unlikely to see LEP amendments on exhibition much before mid 2021. As Council elections have been deferred due to the pandemic, this is likely to mean that it will be a new Council that finally decides if these changes go ahead unchanged.

We particularly welcome the following conditions: Council will need to:

- submit a comprehensive 'Urban design analysis' that justifies the changes, includes a visual impact analysis, and demonstrates how the proposals will meet various requirements, most of which confirm that the Dept is sceptical about how well the proposal does so. They appear particularly critical of the lack of information about the effect of higher buildings on views, local character, overshadowing etc. (our main concerns)
- advertise related changes to the DCP alongside the LEP amendments
- make public a summary of community consultation to date

On the downside, the Determination confirms Council as the plan-making authority for these LEP changes once all the conditions are satisfied – that means it will be our Councillors, rather than an independent panel, that makes the final decision. Also, no public hearing required (but it will have to come back to a Council meeting at which anyone can request 'public access').

We are also disappointed that the Determination has declined to accept our threshold argument that the Delivery Program height limit changes are fundamentally inconsistent with the objectives of the Strategy, and has also assessed the Proposal as consistent with State and Local planning instruments in a number of other respects which we had challenged.

The Report does not comment on the fact that two DAs for apartment buildings twice the current height limit have been approved in the last 4 years but neither has gone ahead, somewhat undermining Council's main argument that increased heights is necessary to attract new developments. This will be one of our main submissions in due course.

Overall, this is very good news for those of us who believe Council's obsession with increased heights is misguided and against the public interest. It is not yet a 'done deal'.