



25 January 2021

The General Manager,  
Port Stephens Council

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## **DA 2020-830 – 8 Central Avenue, Salamander Bay (LOT 7 DP: 1239352) - Objection**

TRRA has particular concerns about the implications of this development for pedestrian safety and amenity on the public pathway immediately to the north. We are also very concerned about the absence of any opportunity for public input on the precursor approval for the proposed industrial building which will house this specific use.

This DA by the Tilt Investment Group is for an indoor recreational facility (to be operated as an Anytime Fitness gymnasium).

The formerly Council owned Lot 7 was the subject of a confidential transaction discussed at the Council meeting on 11 February 2020 – nearly a year later Council has declined to reveal the identity of the other party, but we now assume it to be the Tilt Investment Group Pty Ltd.

Our objection relates to the fact that the proposal cannot be assessed properly without the context of the overall proposed development of Lot 7 which was approved by a private certifier (Buildcert) on 21 October 2020 as 'complying development' for 'Industrial Development'. We assume that the proponent obtained this approval despite the purchase or lease of the land from Council not yet being legally settled.

We understand that Council itself was not aware of this approval until recently, which exposes a major flaw in the planning system, denying the public any opportunity to comment on a significant development proposal. We do not know if the transaction for the land included any conditions relating to future uses of the site, or to compliance with planning and development standards.

While the Complying Development Certificate (CDC/0129962), provided at our request by Council, does not give any detail of the development, some details are now clear from the Plans made public to support this DA. These show a single industrial building with a footprint of 1488m<sup>2</sup> on the north eastern part of Lot 7, with surface car parking to the south and west. The building is subdivided into 4 tenancies, with the current DA for a gym being for Tenancy 4 at the eastern end of the building.



No elevations for the building are provided in the DA (and are not available from the secretive 'complying development' process). The SoEE states that the building will be single storey and constructed from pre-cast concrete panels with a metal roof. No height is given, but the Plans show a mezzanine floor so we assume the back wall will be reasonably high.

The building appears to be built right up to the northern boundary of the site (Lot 7). **This is likely to result in the entire 73m east-west length of the public path between Lot 7 and the houses on the Palm Grove residential estate and Purser St to the north becoming a narrow concrete canyon, both unattractive and potentially dangerous.**

The SoEE for the gymnasium has a section on Safety and Security which goes into detail on the CPTED measures proposed for the building and car park, including lighting and CCTV. There is no equivalent discussion of safety and security for users of the public path to the north, which is also likely to become a target for graffiti if left unobserved. The path is not visible from the ground floor living areas of the duplexes to the north and will no longer be visible from Central Avenue once the building is erected.

The SoEE fails to even mention, let alone address, the requirements of Section D8.A of the DCP – Planning Principles for the Salamander Bay Shopping Precinct. We submit that the proposed development fails to satisfy at least 6 of the 10 controls (8.2, 8.3, 8.5, 8.7, 8.8 and 8.9).

We understand that our concerns about the layout of the development and design of the building would normally have been considered in the assessment of a DA for the overall development. However, the complying development approval means that there has been no transparency and no opportunity for either public or even Council input.

We would expect Council to be very concerned about the lack of opportunity for any assessment of the planning implications of the overall Lot 7 development. We do not know if there was a Statement of Environmental Effects or equivalent compliance assessment accompanying the application for the Complying Development Certificate, or whether the private certifier made any evaluation of compliance with planning and development standards (including the relevant DCP clauses) before granting approval.

We submit that it is not too late for Council to address these important issues in its assessment of this DA for partial use of the Lot 7 development.

We have no objection to this submission being made public in full and unredacted.

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