



23 February 2020

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## Objection: DA 2020-242, 62 unit apartment building 118A Soldiers Point Rd

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### Summary

The proposal is to replace an approved design for four lower apartment blocks with a single higher (7 level – 25 metre) building at the front (east) of the site, with 11 fewer units overall. The existing approval is for four separate buildings with a maximum height of 8 metres above ground level (the ones to the rear of the site would appear higher when viewed from some directions as the ground



level slopes). The footprint and site coverage of the approved buildings would be much greater and the landscaped area much smaller. Some of the immediate neighbours to the west and north may consider the new design less intrusive, and there would be more landscaped open space.

The rationale given is that hard rock issues makes construction of the approved design difficult (presumably affecting the viability of the development). Having encountered site constraints, the developer is understandably keen to have an alternative design approved that maximises their potential return. However, Council should not be taking commercial viability into account in assessing this proposal. Council's decision should ultimately be on planning grounds alone.

The proponent argues that the new design will give a better overall outcome, with less impact on adjoining properties given a larger residual landscaped area at the rear of the new building. They admit that a benefit of the new design is 'to maximise views towards the water' (SoEE pp 3 &7)

The proponent argues that there will be 'no anticipated negative impacts on the locality...' and that 'The proposal is considered to be a suitable use of the site and within the public's best interest.' (p3)

TRRA disagrees with both these assertions.

We submit that the proposed 25 metre high building would have a significant negative impact. It is too high and 'blocky' to be sympathetic either to the immediate environment or to the existing and desired character of the wider area. It would be highly visible from long distances when observed from nearly all directions except possibly the north west. The Visual Impact Assessment (Appendix 22 to the SOEE) does not include any long distance views - a major omission.

Approval would also inevitably set a precedent which would encourage other landowners in the vicinity to apply for high buildings despite the LEP height limits for the Soldiers Point peninsula (almost entirely 9 metres). They would be able to use the precedent to make a case for major variations under clause 4.6, which Council has shown itself to be inclined to favour.

The proposed high building is not in our view a suitable use of the site and is not overall in the public interest. The community has been supportive of seniors housing on the site, but has also consistently argued that both the previously approved plans (and this re-design) are an over-development of the site and not in keeping with the existing or desired neighbourhood.

## Comments on SoEE and supporting documents

### 3.2.2 SEPP 65 – Design Quality of Residential Apartment Development

The SoEE at p18 defers to Appendix 11 SEPP65 – Applicants' Compliance Statement

We submit that the proposal does not satisfy some of the key Design Principles in the SEPP, and Appendix 11 fails to demonstrate that it does.

In justifying the proposed re-design, Appendix 11 states:

'Site investigations have shown that there is a significant amount of rock that would need to be removed to achieve this design.'

This has raised an opportunity to rethink the approach to the site, firstly to avoid the substantial excavation required, but also to provide more contemporary ‘apartment’ style living .....’ (p7)

We observe that the applicant used the argument of more contemporary style when they obtained approval for modification of the roof design in 2016 - only 4 years ago. We question whether styles change that quickly and reject this as a self-serving argument.

The true motive for the proposed redesign is much more likely to be the second stated ‘advantage’:

‘... to maximise views towards the water...’ (p7).

While this is an understandable objective for the developer, we submit that it should not be a relevant consideration for the assessment.

We submit that the proposal does not satisfy the first two Design Quality Principles in SEPP65 which relate to Context and Neighbourhood Character (P1) and Built Form and Scale (P2)

The analysis of these Principles in Appendix 11 focusses almost exclusively on the impact on immediate neighbours, of whom there are comparatively few. The analysis does not address what we submit is the major failing of the proposed new design, which is its impact on the character of the entire Soldiers Point peninsula. It would introduce a highly visible high rise building into a low-rise residential neighbourhood, and would also significantly affect views of the peninsula from nearly all directions.

Unfortunately neither Appendix 11 nor the Visual Impact Assessment (Appendix 22) – on which we comment separately – seriously address these important issues of wider visual impact and compatibility with existing and desired local character.

### **Urban Design Consultative Group views**

The SoEE notes that a pre-lodgement meeting with the PSC Urban Design Consultative Group (UDGC) was held on 12 December 2019. Minutes of that meeting are presented as Appendix 13 and the applicant’s response as Appendix 14. The SoEE claims that the architectural plans were updated in response to the UDCG comments (p13).

The UDCG minutes show that the discussion, like that in the applicant’s SEPP65 analysis, was almost entirely about the impact of the proposed re-design on immediate neighbours, and a comparison with the already approved design, rather than a new appraisal of the overall merits of the new one..

The sole references to wider impact was:

*‘The building’s visual impact from outside the site should also be considered, including views to it from surrounding streets.’ and a recommendation to address ‘...how the development is perceived from outside the site.’ (p5)*

The UDCG’s positive recommendation is however conditional not only upon addressing the design issues discussed, but is ‘subject also to ongoing local community support.’ (p5). This appears to be based on advice from the applicant:

*‘The panel was advised that multiple presentations of the proposal by the Club had received very positive feedback from local residents...’ (p4)*

TRRA strongly challenges this assertion, and submits that Council must take account of the substantial community opposition to high rise both in this location and the wider area. Even if the applicant can demonstrate existing support for the approved design, this cannot be assumed to hold for the new proposal, of which at the time of the UDCG meeting, and until very recently, the community was not aware.

The applicant's response to the UDCG (Appendix 14) predictably focuses on the detailed design issues. In response to the Panel's comments on the wider visual impact, it asserts:

*'The proposal when viewed for the street is barely visible above the existing club due to the height of existing trees and structures. (refer 3d view), and ... as one travels further from the site the building may possibly be seen, however from a distance it is always seen against a backdrop of the hill behind with partial tree canopy above the ridge. If the building were located at the top of the ridge its impact would be much greater. When height of existing tree canopy and buildings opposite are taken into consideration it is clear that the visual impact of the proposal can be considered as 'proximate' not 'distant.'* (p12)

TRRA submits that this is no more than self-serving 'wishful thinking, and is not supported in any of the documentation, including the Visual Impact Assessment (see below), which contains no long distance views.

### **Construction Staging**

We note that 'the proposal is designed to be constructed in 3 stages' (Appendix 11 pp 7 & 13). The UDCG raised concerns about noise implications of this, which the applicant's response only partially addresses.

TRRA submits that allowing the new building to be constructed in 3 stages is unacceptable, as this would extend the overall period of disruption, of construction traffic through the Bowling Club car park and on Soldiers Point Road, and would likely affect the amenity of occupiers of the earlier stages.

## **3.2.4 SEPP (Coastal Management) 2018 (p18)**

SoEE acknowledges that this SEPP applies but asserts that the proposed development:

*'...does not have an adverse impact on the visual amenity of the coast, Aboriginal cultural heritage, practices and places and cultural and built environment and heritage'* (p 19)

TRRA strongly disagrees – as we explain in our comments below on the Visual Impact Assessment, we submit that a 25 metre 7 level building on this site will have a very significant detrimental effect on the visual amenity of the coast, whether viewed from the land or from the water.

## **3.2.5 SEPP (Seniors) (p20)**

### **The effect of the Site Compatibility Certificate (SCC)**

The SoEE discusses in detail (on pp 13-4 and from p20) the matter of the new Site Compatibility Statement (SCC) issued by the Joint Regional Planning Panel on 2 October 2020, replacing the earlier

SCC under which the original DA was approved. We note with concern that there was no public notice of the application for (either) SCC, or opportunity for public comment. This exposes a major gap in the planning system.

The SoEE asserts that:

‘Council has provided their interpretation of Section 24 of the SEPP (Housing for Seniors or People with a Disability) 2004 (SEPP Seniors), confirming that in principle the proposal could be considered to be that of a lesser scale than the kind of development approved in the relevant SCC, and therefore satisfy Section 24 of SEPP Seniors.’ (p14)

We do not have access to this Council interpretation which makes it difficult for us to say if we agree, but in any case we submit that the issue of comparative scale is not the most important one under Clause<sup>1</sup> 24.

Our reading of Clause 24 of the SEPP is as follows:

Because this proposal is for ‘seniors housing adjoining land zoned primarily for urban purposes’, Council needs to be satisfied that an SCC has been issued which confirms that ‘the site ... is suitable for more intensive development’, and that ‘development for the purposes of seniors housing of the kind proposed in the development application is compatible with the surrounding environment, having regard to (at least) the criteria specified in clause 25(5)(b).’

One of these criteria is : ‘without limiting any other criteria, the impact that the bulk, scale, built form and character of the proposed development is likely to have on the existing uses, approved uses and future uses of land in the vicinity of the development’ (Clause 25(5)(b)(v))

Significantly, Clause 24 includes the following:

- (3) Nothing in this clause—
- (a) prevents a consent authority from—
- ...
- (ii) **refusing to grant consent** to a development application to which this clause applies **by reference to the consent authority’s own assessment of the compatibility of the proposed development with the surrounding environment, or**
- (b) **otherwise limits the matters to which a consent authority may or must have regard ...’ (our emphasis)**

This makes it clear that a Site Compatibility Certificate is not conclusive and does not ‘trump’ Council’s responsibility to make its own independent assessment of the merits of the application.

The SCC which is presented as Appendix 23 to the SoEE included conditions relating to design in a Schedule 2.

Condition 5 is a requirement for a ‘detailed urban design consideration of the siting and massing of the building and mitigation of impacts, a detailed view and visual analysis ....’

Details of the JRPP’s reasoning for the SCC can be found in the Record of Decision dated 1 October 2020, which we have obtained separately from the public record – it is not included or mentioned in the SoEE or Appendices.

<sup>1</sup> Items in a SEPP, like all other Statutory Instruments, are properly referred to as Clauses, as opposed to Sections which is the term used in Acts.

We submit that Council needs to give significant weight to the Panel's unanimous opinion of the proposal which included the following very negative comments.

*'...the Panel was not convinced that the bulk, scale and massing put forward in the applicant's submission would be compatible with the character of the surrounding landuse, particularly in respect to potential impacts arising from bulk, scale and built form.'* and *'The proposed 7 storey form and its proposed relationship to the existing seniors' living development, car park and site to the north does not properly address interface issues and bulk and scale impacts, and built form separation The juxtaposition of a 7 storey building abutting the 3 storey existing seniors' living facility, and 9m setback from a 2 storey development to the north does not result in acceptable built form outcomes.'* (p2)

The Panel went on to discuss what might be an acceptable building envelope and imposed 4 specific conditions relating to setbacks, as well as requiring the further overall design consideration.

The applicant has altered the design to address the conditions of the SCC, but it is for Council to assess whether they have made sufficient changes. TRRA submits that they have not.

The applicant's legal advice includes the statement that the Panel certified that 'the development described in Schedule 1 **will** be compatible with the surrounding environment having had regard to the criteria specified in clause 25(5)(b) if the proposal is significantly modified' (Appendix 24, p2) (**our emphasis**)

The advice fails to recognise that in its Record of Decision, the Panel stated only that a development designed within the conditioned envelope '**could**' be compatible. Given that Condition 5 is a requirement for further consideration and not an objective criterion, the Panel's determination cannot be taken as automatic endorsement of a re-design that only satisfies the first 4 conditions. The Panel clearly indicated that 'significant' modification would be required. We submit that merely satisfying the first 4 specific conditions of the SCC does not amount to the 'significant' modification required. We submit again that this judgement is for Council to make – it is misleading to imply that they Panel has already done so.

The legal advice seeks to argue that the terms of the SCC allow for flexibility in meeting the prescribed conditions. It argues that 'seniors housing of the kind proposed' allows Council a degree of latitude. (paragraph 17)

However, in paragraph 23, the legal advice selectively highlights only two of the three subclauses in Clause 24(3)(a) of the SEPP (Seniors), and in particular (i) which addresses comparative scale. As we have already argued above, the other subclause (ii) is at least as significant, and this clearly allows Council to refuse the DA '*by reference to the consent authority's own assessment of the compatibility of the proposed development with the surrounding environment*'.

TRRA therefore agrees with the legal advice that Council has discretion to make its own assessment and is not strictly bound to impose the exact letter of the conditions included by the JRPP in the SCC.

However, we strongly contest the assertions made later in the legal advice that:

*'... as long as the consent authority is satisfied that final design of the seniors housing is of the same kind of scale as defined by the building envelope described in Schedule 2 of the SCC, then the DA can be lawfully approved.'* (paragraph 33), and

*'For the subject development, the ultimate question to be asked is simply whether the consent authority is satisfied that the physical form of seniors living development for which consent is sought is "of the kind" described by the building envelope in Schedule 2 of the SCC.'* (paragraph 36)

We submit that these are again a selective interpretation of the Panel's conditions, which include not just the 'envelope' criteria, but also the '*...the siting and massing of the building and mitigation of impacts...*' referenced in Condition 5 and requiring further consideration.

We do not dispute the legal advice that '*In context, it [the SCC] allows development more dense than otherwise permissible, absent the operation of SEPP (Seniors), to be carried out on the site*' (paragraph 34). We have never tried to argue that a more dense development is not appropriate on this site – the issue is the **extent** of the increased density, and in particular its manifestation in building height and bulk.

## Other requirements of the SEPP (Seniors)

The applicant presents its response to the Design Principles and General Development Standards requirements of the SEPP (Seniors) in a compliance table in Appendix 19

### SEPP (Seniors) Division 2 – Design Principles

#### Clause 33 - Neighbourhood amenity and streetscape

The proposed development should:

(a) recognise the desirable elements of the location's current character (or, in the case of precincts undergoing a transition, where described in local planning controls, the desired future character) so that new buildings contribute to the quality and identity of the area, and

...

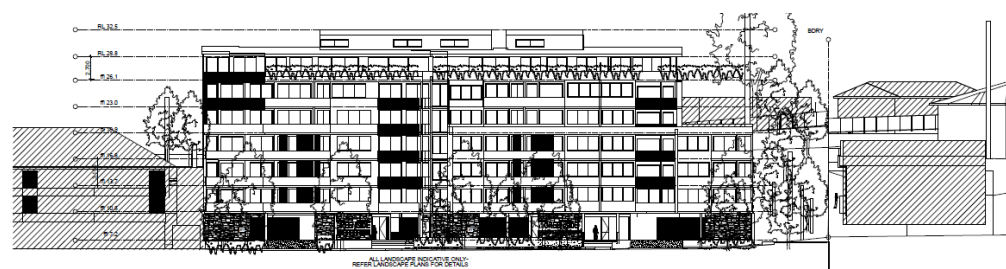
(c) maintain reasonable neighbourhood amenity and appropriate residential character by—

...

(iii) adopting building heights at the street frontage that are compatible in scale with adjacent development...

TRRA submits that the proposed development clearly fails to satisfy (a) in that the location's current character is low-rise, and there has been no public discussion of a transition to a high-rise character

The development site is unusual in that it has no street frontage, but its frontage to the Bowling Club car park is equivalent. TRRA submits that a 7 level building is not compatible in scale with first two blocks of existing Greenside complex – which are only 3 level (car park + 2) + hip roof). This incompatibility is clear from the elevation and image shown in the Architectural Plans (Appendix 2) and reproduced below.



NOMINATED ARCHITECT  
KELLY O'CONNELL 7713

EAST ELEVATION (CARPARK) 1:300

PROJECT: SENIORS LIVING DRAWN: KO





LANDSCAPE IS INDICATIVE ONLY.  
NOTED LANDSCAPE PLANS FOR  
PLANT SPECIES AND DETAIL LAYOUT

VIEW FROM CROSSING

PROJECT: 2018/0101 0001  
LOCATION: 2018/0101 0001  
SUBJECT: 2018/0101 0001  
PROJECT NO: 2018/0101 0001

ISSUE NO: 0001  
SCALE: 1:500  
DATE: 18/01/2018  
DRAWN BY: L



### **SEPP Clause 40 - Development standards—minimum sizes and building height**

#### **Subclause 4. Height in zones where residential flat buildings are not permitted**

The compliance table in Appendix 19 summarises the effect of this clause as

‘4. Height in zones where residential flat buildings are not permitted must be 8m or less and must not be more than 2 storeys in height if adjacent to a boundary of the site.’

We observe that a Note in the SEPP explains the objectives of the second part of this requirement:

**Note.** The purpose of this paragraph is to avoid an abrupt change in the scale of development in the streetscape.

The Compliance table asserts that the proposal complies with clause 40.4, but the explanation is not persuasive. The proposal is clearly not compliant.

### **SEPP (Seniors) Clause 50 Standards that cannot be used to refuse development consent for self-contained dwellings**

The DA is for self care dwellings so this clause is relevant.

Sub-clauses (a) and (b) prevent refusal on height grounds if the building is less than 8 metres, and on density grounds if the Floor space ratio is less than 0.5:1

The compliance table asserts that (a) is not applicable but that the proposed building is non-compliant with (b). We submit that neither (a) nor (b) is applicable; i.e. given the height of 25metres and FSR of 0.69:1, Council is not prevented from refusing the DA on height and density grounds.

## **3.3 PS LEP 2013 (p25)**

Notwithstanding that they have obtained a Site Compatibility Certificate (SCC), the fact that ‘Seniors housing is a prohibited land use within the RE2 Zone.’ should still be a relevant consideration. The fact that the SoEE even addresses the issue suggests that the proponent acknowledges this, and so should Council in its assessment.

The applicant asserts:

*‘No conflict of land use is envisaged to the amenity and character of the neighbouring properties. To this extent, the proposed development is consistent with the objectives and aims of each zone.’ (SoEE p26)*



TRRA strongly disagrees. The SCC doesn't *change* the zone objectives and aims (this is made clear by SEPP (Seniors) Clause 25(10)(b)) – it just provides for uses that would not otherwise be permitted.

*'The subject site is not affected by a maximum height of buildings standard. Despite this however, it is considered that the proposed development is of an acceptable height for the location and will not detrimentally affect the values of the site or adjoining sites.'* (p26)

As already noted above, TRRA accepts that there is no specific height of building limit prescribed for this site, but suggests that this is almost certainly because it was not anticipated when HoB limits were set that high buildings, or any residential uses, would be proposed for a Private Recreation (RE2) zone.

*'the proposed development meets the objectives of Clause 4.3 as the revised design achieves greater sympathy to the surrounding properties and is more appropriate for the context and character of the area is more appropriate for the context and character of the area.'* (p26)

TRRA strongly disagrees with the assertion that the proposed height is acceptable for the location and submit that it is not just the values of the site and adjoining sites that need to be considered, but the values of and impact on the wider locality, which has a low-rise character with height limits of no more than 9 metres.

## Port Stephens Development Control Plan (DCP) 2014

The applicant presents its response to the DCP in section 3.4 of the SoEE and in a DCP compliance table in Appendix 19

Section C5B – Height (of multi-dwelling housing or seniors housing)

**Sub-clause 5.4 – Development controls - Building height** specifies:

Maximum height limit of 8m or a merit-based approach is taken where no height limit is specified under the LEP clause 4.3.

TRRA reads this as meaning that because there is no height limit prescribed in the LEP for this site, Council could choose to apply *either* the 8 metre limit *or* make a merit based assessment of height.

The compliance table in Appendix 19 asserts that the proposal is compliant with this control and refers to the arguments made in the SoEE. TRRA strongly submits that a merit based assessment of height must conclude that a 25 metre building as proposed is not appropriate, for all the reasons given elsewhere in this submission.

### Traffic issues

The compliance table in Appendix 19 does not mention another relevant section of the DCP - Section B9 – Road Network and Parking. It is instead addressed in the SoEE (from p29). The SoEE asserts that there is no road capacity issue or traffic concerns, but states that:

*'Nonetheless, a detailed traffic impact assessment will be prepared and submitted with any DA for seniors housing, to ensure impacts on surrounding land uses and infrastructure are minimized and mitigated.'* (p30)

A traffic assessment is provided as Appendix 16. This concludes that there will be no traffic or parking issues, by reference to various technical standards.

TRRA submits that this assessment flies in the face of perceptions and ‘lived experience’ of the local community.

Many Soldiers Point residents are very concerned about the ever-increasing traffic on Soldiers Point Road, which has limited capacity and a problematic ‘choke point’ at the Old Salamander shops at Wanda Beach. This development would add a significant amount of traffic both during and after construction.

We also question the effect of the development on the Bowling Club car park, through which all access and egress will pass, and request confirmation from Council that the car parking provision for the registered club and bowling greens, both now and after the proposed development, does in fact meet requirements.

## 4.0 Likely Impacts (p30)

### Built impacts

*‘Amenity impacts relate to the surrounding residential zoned land’ (p31)*

We challenge the assertion that we submit that the amenity of the entire Soldiers Point area and wider community are also important and must be considered

*‘The VIA has found that the proposed development would have a low to medium visual effect on the existing visual catchment surrounding the subject site.’ (p31)*

See our comments above (and below) on the Visual Impact Assessment (VIA) (Appendix 22) – we challenge this assertion and also submit that just as important a consideration is the visual impact from more distant viewpoints.

*“However, it is noted that many tourism developments of multistorey nature exist within the locality and therefore the development is not out of character, rather better reflects the design outcomes of the coastal location.” (p32)*

This statement is simply untrue – there are no significant multi-storey tourism developments (above 5 levels) on the entire Soldiers Point peninsula or anywhere nearby. The meaning of ‘locality’ cannot reasonably be stretched to include Nelson Bay, more than 10km away, which is the nearest location of any such developments.

*“The proposed development will enhance the subject site and locality by improving the landscape and natural environment, bulk and scale, site coverage, streetscape and pedestrian amenity. .... The building will be higher than the existing building on the site, however in context, does not detract from or impact on the existing area due to the topography of the land. It is considered that the proposed development is appropriate for the existing and future character of the neighbourhood.” (p32)*

This is ultimately a matter of opinion, but we doubt if many local residents, or many reasonable independent persons, would agree with these assertions. We urge Council to listen to the community and apply common sense to its consideration of these issues.

### Visual Impact

This section of the SoEE refers to the Visual Impact Assessment – a separate report at Appendix 22.

Appendix 22 presents a predictably biased selection of views, camera angles and visualisations, with the clear objective of minimising the perceived impact.

It accurately states that:

*'The local character of Soldiers Point consists of density clustered along the coastal portions of the peninsular not affected by significant vegetation, consisting of single and two storey dwellings of contemporary nature.'* (p8)

but then asserts:

*'It is expected that the locality will continue this built form character given the coastal location and tourism point of interest. The proposed development is respectful of this built form and offers an improved outcome on-site with regard to site coverage and bulk and scale. Whilst the development is multi-storey in nature, it is limited to the north-eastern most section of the site, to respond to the lowest portion of the site, respectful of the topography and impacts development of this land would involve.'* (p8)

TRRA strongly disagrees that this proposal is 'respectful of [the single and two storey] built form', and cannot see how any reasonable person could accept that assertion.

## Views

Images 7, 9 & 10 are dubiously 'optimistic' and also rely on new planting in landscaped area reaching mature heights – will be decades before they have the screening effect shown. Also, views shown are from a person standing in the adjoining gardens and not the more common views from the houses themselves (particularly first floor windows), from which the new building would be much more visible.

Images 11 & 12 are taken from very low down (snail height?) thus deliberately understating the visual impact from normal standing eye level, let alone from the ground and first floors of residential properties on the eastern side of Soldiers Point Road.

No long distance views shown, including from north and south or from out on the water to the east. The new building will be highly visible and intrusive from long distances.

The Key Findings section (p22) seeks to downplay the significance of the visual impact from a distance, which we submit is at least as much a concern as the impact on immediate neighbours, and a likely concern of thousands of Soldiers Point residents and visitors, and of the wider community.

## 5.0 Suitability of the site and Public Interest and 6.0 Conclusion (p33)

The SoEE asserts that:

*'... there are no anticipated negative impacts on the locality as a result of the development.';*  
*'... respecting the environment in which it is located.'*, and *'...the proposal will have no significant impacts on the surrounding properties [to] that it is likely to adversely affect their enjoyment or amenity (p33)*

TRRA strongly disagrees. The few immediate neighbours can speak for themselves, but we submit that the impact on the wider community will be seriously detrimental – significantly affecting,

adversely, the local 'low-rise' character of the Soldiers Point area which is highly valued by residents and visitors alike.

## Conclusion

**TRRA submits that the proposed development is simply too high (and 'blocky') to be compatible with the character of the surrounding area. Council should not approve a re-design of the approved development simply because the applicant has encountered geo-technical constraints. The re-design cannot in our view reasonably be considered an improvement on the approved design, and it fails to comply with a significant number of applicable planning controls.**

**The DA should be refused.**

## This DA must be determined by Councillors

TRRA submits that this DA must be reported to a Council meeting for Determination, in the *spirit* of the 'Exceptions to Development Standards' Policy only recently adopted (9 February)<sup>2</sup>. Clause 5.4 (d) of the Policy states that 'development applications which include a Clause 4.6 form seeking to vary a development standard by greater than 10% will be determined by the Council.

The only reason this DA does not require a Clause 4.6 application is that the site is one of the few in Soldiers Point that does not have a height of building limit in the LEP.

However, the proposed building, at around 25 metres, is at least 170% (more than 1.5 times) greater than the 8-9 metre height limits that apply to almost all of the built-up area of the peninsula. This is a far greater height variation than even the highly controversial apartment buildings in Nelson bay town centre approved in 2016 and 2018.

Interpreting the relevant Council policies to allow staff determination of this DA on the 'technicality' that there is no Clause 4.6 application would clearly breach their spirit and intentions, which is to ensure that Councillors determine DAs which involve major departures from 'normal'.

If Council staff disagree with this interpretation and intend to decide this DA under delegated authority, we request notification in time for us to request that it be 'called up' by 3 Councillors.

Please acknowledge receipt.

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

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<sup>2</sup> The 'Planning Matters to be reported to Council' Policy, adopted on 10 November 2020, has a parallel clause 5.1(h) requiring DAs with requests for variations greater than 10% to be reported to Council for Determination.