



Tomaree Ratepayers and Residents Association Inc.

Councillors Called on to Honour Nelson Bay Height Limits

As in 2016, TRRA welcomes the willingness of a developer to invest in the town and for some time we have looked forward to the prospect of a good new development to replace the unsightly vacant site/hole in Church Street that has blighted the town for too long.

We also welcome the interesting new design, which has a lot of attractive features.

However, the Development Application for this 80-unit residential project acknowledges that the site is subject to a maximum height limit of 28m. It also states that the highest point of the proposed development of eleven storeys measures 36.157m above the natural ground level, 29% over the LEP height limit. This requires a variation request and associated assessment against Clause 4.6 of the Port Stephens LEP.

Tomaree Ratepayers and Residents Association considers the proposed building, which so substantially exceeds the limit for this area, is simply too high.

President, Ben van der Wijngaart, observed that this defies the clear intent of Council in setting new height limits less than a year ago, after more than a decade of community consultation and many expert studies. He said 'this limit was adopted to protect the character and natural setting of Nelson Bay township and any variation should be minimal and only granted in exceptional circumstances. A critical test in the planning law is to demonstrate why complying with the height limit would be *unreasonable or unnecessary*. This application fails to make such a case'.

TRRA believes that, if the applicant was prepared to reduce the height of the building so that the proposal complies with the recently adopted limits, it could achieve community acceptance. There is no evidence that a building that complies with the height limit could not be commercially viable – it might just be less profitable!

TRRA has been advised by council officers that this DA will be ultimately referred to a meeting of Council for determination.

Ben van der Wijngaart said that 'unless the design is changed to comply with the height controls, Councillors should follow through on their commitment to the Nelson Bay Strategy, and refuse this DA.'

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Date: 13 September 2021

PRESS RELEASE

Illustrations from Development Application



Figure 2 - 3D image of proposed development (GHD Woodhead, 2021)



Image 5: Proposed development site (existing crane included).