

Five revised or new documents for this proposal are on exhibition until 24 January 2022 at <http://datracker.portstephens.nsw.gov.au/Application/ApplicationDetails/016-2021-00000781-001/>

While a Visual Impact Assessment has been provided, it appears that no changes are proposed – the applicant has in effect dismissed all objections raised in the more than 30 submissions on the original DA.

While Council should consider previous objections as part of the DA assessment, the second public exhibition period provides an opportunity to make further submissions including on the new material, and we encourage objectors to at least tell Council that they don't accept that the applicant's response adequately addresses their concerns.

New submissions are due by **January 24** and should be sent with reference DA2021-781 to council@portstephens.nsw.gov.au.

Key points that TRRA will be including in its second submission are as follows:

Height of building.

Council's Design Panel commented on the proposed building being between 1.5 and 2.8 metres higher than the only recently revised height limit for the site (3.1m for the lift shaft). It recommended that any approval of this variation be conditional on a visual impact assessment (VIA) being able to demonstrate limited view impacts of the exceedance from more elevated locations to the south.

The VIA now provided clearly states that the visual impact from a number of viewpoints will be moderate to high, and that from close proximity the building will be visually dominant.

The applicant continues to argue that *'The height of this proposal is in accordance with Council's desired future scale of Nelson Bay'*. This is clearly incorrect – in only recently lifting LEP height limits for parts of the town centre to 28 metres (8 storeys), after a vigorous community debate, Council made a very clear decision. The 'variation' clause in the LEP should not in TRRA's view be used to so blatantly subvert the Council policy with the sole purpose of allowing a developer an extra floor of apartments.

Traffic

The applicant has failed to even address the implications of Yacaaba St now being one-way, with heavily used angled parking immediately opposite the proposed garage entrance. The applicant is relying on the previous approval having the car access in this position, but that was when Yacaaba St was two way with only parallel parking. TRRA submits that the garage access in this location causes a major traffic (and safety) problem now that parked cars will be reversing across the road just round the corner from Tomaree St.

Street activation

The applicant has failed to address the objection that the design does not present an activated street frontage to Yacaaba St, as now required by the LEP. The original Design Statement addressing the principles in SEPP 65 states:

'The Yacaaba Street frontage of the site has been identified as Active Street Frontage by Council. Being located at the very Southern extremity of the town centre and with the large number of vacant commercial spaces in the centre it is not considered beneficial to include another potentially empty tenancy in this development. There is little pedestrian traffic in this location. This proposal provides an attractive landscape treatment to the Yacaaba and Tomaree street corner which is a more positive contribution to the streetscape.'

TRRA rejects this assessment – there is in fact a very high level of pedestrian traffic in this location which is immediately opposite the Service NSW and close to the Commonwealth Government Centrelink/Medicare office. We submit that it is not for the applicant to so flippantly dismiss Council's policy objective.