



18 March 2022

The General Manager
Port Stephens Council

council@portstephens.nsw.gov.au

Objection: DA 2016-557-2 for 9 Shoal Bay Road, Shoal Bay.

Introduction

The Tomaree Ratepayers and Residents Association Inc (TRRA) represents the community on a range of issues which affects the Tomaree Peninsula in Port Stephens LGA, including planning and development, economic development, cultural infrastructure and resources, the built and natural environment, tourism and other grass roots issues.

The DA is for '*S4.55(1A) Modification to approved motel accommodation comprising a four storey building comprising with 16 units – external design changes, amendment to basement and parking areas, internal reconfiguration of units and a rooftop terrace*'

We are advised that the DA has been 'called up' for determination by Council, so it will not be decided by staff under delegated authority.

The proposed changes

The extent of the proposed changes is not mentioned until pp5-6 of the SoEE:

'The proposed Motel Accommodation will consist of nine (9) units made up of two and three-bedroom units and communal spaces. Each unit shall provide short-term accommodation to visitors on a commercial basis. ...

The proposed modification includes an updated external appearance.....' (p6)



The SoEE asserts that:

'The proposal does not represent a major departure to the approved development.' (p2)

This is presumably the basis of the application being made under s.4.55(1A) of the EPA Act – '*minimal environmental impact*' and not under s.4.55(22) – '*other modifications*'. We are advised that 'the application is being assessed externally by a planning consultant. They will determine in their assessment whether the application falls with the s4.55(1A) category or not'

TRRA submits that the proposed changes amount to **more than** 'minimal' environmental impact and that the DA should be submitted and assessed under s.4.55(2)

The most obvious changes are a reduction in the number of accommodation units from 16 (14 studio and 2x 2 bedroom) to 9 (6x 2 bedroom and 3x 3 bedroom apartments). The other major change is the replacement of the approved hip roof with a flat roof terrace, with 'architectural features' – a pergola and screening – which rise more than a metre above the approved height of the hip roof ridge. It is not clear if there would be a roof on the pergola (solid, louvre, shade sail?).

We are advised by Council staff that 'From review of the plans it appears that the maximum additional height proposed as a result of the architectural roof feature is 2.2m. There appears to be a discrepancy with the scale of the plans.'

It is a significant concern that the application is not complete and accurate in relation to the height difference. We comment further on this below.

We note that the estimated cost of the development has inexplicably increased from \$2.5 million in 2016 to \$6.7 million in 2022, despite the changes being described as 'minor'. We suggest that this warrants further questions to the applicant.

TRRA's assessment is that the proposed changes are in some respects positives (qualified) but in others negative, or at least raising outstanding questions which should be resolved before any decision.

Potentially positive changes (with qualifications)

- An improved visual appearance, replacing the unimaginative design of the approved building (though this will always be a subjective judgement) – see images below from the supporting documentation.

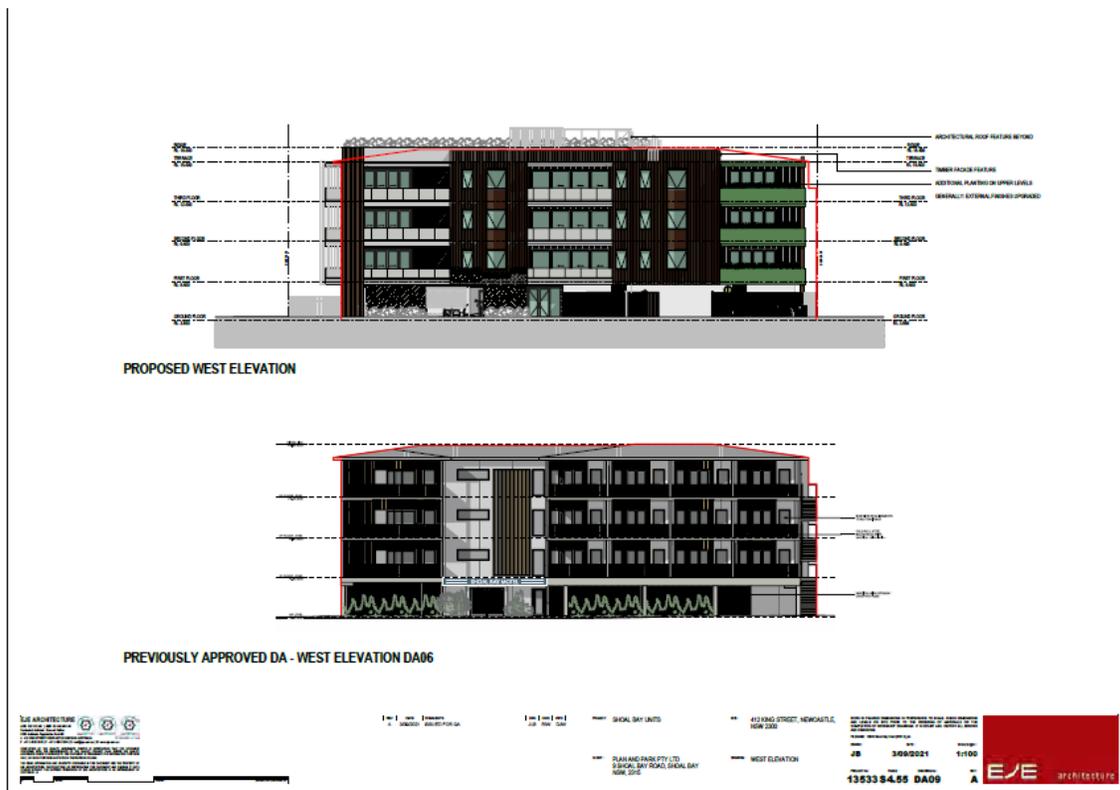
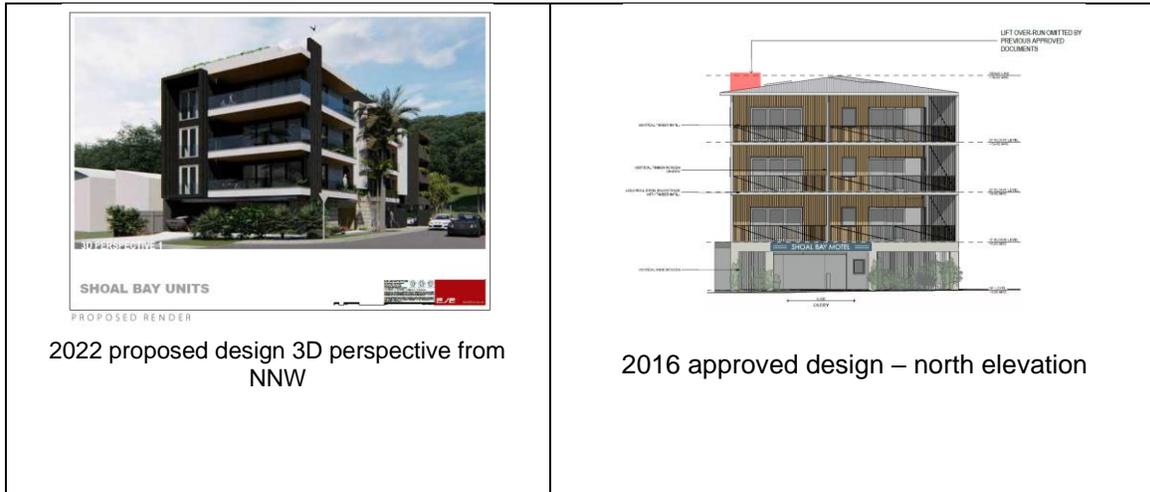


Figure 05 - West elevation

streetscape and that major increases in height to the east were not appropriate. While we lost that argument with the approval of the 12.85m motel building, we maintain that it remains a highly relevant consideration that should weigh against approval of any additional building height on this site.

- We are advised that 'The development was presented to the Urban Design Panel prior to lodgement and has been re-referred as a part of the assessment of this application'. The opinions of the Panel, while not binding, are taken into account in the assessment of the DA, and are usually at least summarised in the assessment report. We submit that it is essential that the views of the Panel are presented to Councillors for their consideration.
- TRRA submits that the assessment of this DA must take into account the current 'Place Planning' initiative for Shoal Bay. Recent workshops as part of this initiative focussed expressly on the visual character of Shoal Bay, seeking input on community preferences, even using images of the streetscape immediately adjacent this site as 'case studies'. We submit that it would be premature for this DA to be approved until the outcome of the Shoal Bay Place plan is known later this year.
- Only 8 car parking spaces are proposed for the 9 units + 1 accessible space and 1 visitor space. This seems completely inadequate for 2 and 3 bedroom units, whether they are occupied by short term holiday makers or by permanent residents. If the building is to be a 'motel' as claimed, then at least one space should be required for staff. Extra vehicles and trailers associated with the accommodation will inevitably have to be parked on the surrounding streets, some of which are scheduled to have 'paid parking' introduced soon. Normal parking standards for the proposed development would require at least 12 spaces.
- If the development is approved as a 'motel' it will qualify for a 50% discount on the Infrastructure contributions payable to Council (Local Infrastructure Contributions Plan, 2.6.3 Tourist and Visitor Accommodation). Given that the new design seems to allow for permanent occupancy, then unless approval could be conditioned to prevent this, Council could be foregoing a significant contribution to revenue.

Conclusion

TRRA submits that there are too many outstanding issues and questions about this proposal for approval to be in the public interest at this time.

This is supported by the fact that Council is currently undertaking a 'Place Plan' for Shoal Bay which will provide a new context for assessment of future development in the locality.

It would be premature to approve the DA until the outcome of this initiative is settled later in 2022.

We have no objection to this submission being published in full and unredacted

Nigel Waters
Convenor, TRRA Planning Committee
planning@trra.com.au
0407 230 342

Images in this submission are taken from the applicant's documentation - Annex B – Streetscape Analysis and/or Annex C - Visual Impact Assessment