

Church St high rise (DA 2021-703, 11-15 Church St)

DRAFT TRRA position

The developer of the proposed 11 storey apartment building on Church St in Nelson Bay has declined Council's invitation to re-design the building to comply with the height limit.

Instead, changes currently on exhibition offer only a modest height reduction of 1.39 metres (bringing the height exceedance down from 4.18m to 2.79m).

The top level structure, which has a floor area of 625m² and is 36% private, still exceeds the height limit by between 0.79m (+2.8%) and 2.79m (+9.9%), with an average of 6.35%.

The changes make only a marginal difference to the additional visual impact of the excess height which is the main issue – this impact remains significant. We still have not seen independent visual images which could resolve disagreement on this issue.

The applicant has now provided 'block diagrams' which seek to minimise the impact of the development by assuming that all surrounding lots will be fully developed to the height limit – this is an unlikely scenario given that any other developments would have to meet a variety of different controls, and the limited likely demand for apartments and supply of investment finance.

We maintain that the applicant has failed to justify why compliance with the height limit is 'unreasonable or unnecessary' which is the required test under Clause 4.6 of the LEP.

The token changes proposed clearly defy the expressed view of Council that the applicant should reduce the height of the building to comply with the height limit. If the applicant wanted to seriously address community concerns the obvious solution is removal of an entire lower level.

Submissions are due by 28 October - Go to Exhibition details/make a submission at

<http://datracker.portstephens.nsw.gov.au/Application/ApplicationDetails/016-2021-00000703-001/#>