



27 July 2022

The General Manager
Port Stephens Council

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Objection: DA 2022-172-1, 58 Sandy Point Road, Corlette

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.

TRRA objects to this DA on several grounds.

Background

A DA for a three-storey dwelling, swimming pool and demolish existing dwelling was first placed on public exhibition between 22 March and 5 April 2022, TRRA submitted an objection on the 5 April, primarily due to excessive height, over development of the site and a lack of detail in the documents to allow a complete assessment.

We made a second submission dated 9 June 2022 when the proposal was readvertised (27/5 to 10/6/2022) for what appeared to be an almost identical development. Although some slight modifications may have been made to the roof area, the height still remained over the 9m height limit, although the actual height remained unclear.

We found it very frustrating that in the revised SoEE and Architectural Plans that there is no reference back to the earlier documents, which would allow the 19 previous submitters who took the time to write their submissions to identify any changes that may have been made. It is completely unreasonable to expect interested parties to have to play 'spot the difference'.

None of the issues raised in the first round of submissions appear to have been discussed in the revised SoEE. Given that this revised document is dated 6 April 2022 - only one day after the closing date for initial submissions, it seems



obvious that there was neither intent nor opportunity to take objections into account.

This third round of advertising 15/7 to 29/7/2022 does provide some welcome additional information such as the 3D_9m Height Plane and a detailed Clause 4.6 – Request to Vary Development Standard Form, it is very unfortunate that these details were not supplied initially. An updated SoEE doesn't appear to have been made available, which once again makes it very difficult to assess the overall merit of the proposal.

Although we acknowledge some slight changes to the proposed plans and a response to some of the issues raised previously in the applicants Redacted 8.7.22 Council RFI 2.0 document, we once again object to the overall size and bulk of the proposal. The RFI response doesn't appear to have directly addressed issues raised by the community.

We would like to make some additional comments regarding the latest changes but repeat our earlier request that all previous submissions must be taken into account by Council officers in assessing this latest amendment as most of the earlier issues raised still appear to be relevant. We submit that it is up to the assessing officers to decide if the modifications have addressed the original objections.

Building height

The Clause 4.6 Request Form states that the maximum height is 10.16m or 12.88% above the 9.0m height limit for the site.

It is impossible for us to tell how high the initial proposal was, but community concern about the excessive height now appears justified. As the height has finally been confirmed as over 10% of the LEP height limit of 9m, the Request to Vary Development Standard Form is therefore necessary. As the height is in excess of 10% it must also come before Council. It is noted in the RFI that it is proposed to have it come before the 23 August Council meeting. We submit that the assessment must not be rushed to achieve this deadline, considering that inadequate documentation was submitted previously and that all the issues raised in previous submissions need to be carefully considered.

TRRA submits that the argument justifying excess height above the 9m limit is constrained to only 15.8% of the site, is not a minimal amount for a flat site and is therefore unacceptable. We also question why the percentage is for the entire site and not the footprint of the dwelling. We have not found the latest footprint size but using an earlier value of 535m² and 100.05m² exceedance that gives a value of closer to 19%. Such a high figure of exceedance may have some merit on a difficult building site with a large slope but certainly cannot be justified here.

The justification for the excess height being required due to the imposed flood condition we believe is not valid. The property was purchased with the knowledge that it is in a Flood Prone area and that like a high Bushfire zoning affected site will have certain building restrictions placed on any Development Application. These restrictions are not an excuse to abuse the planning rules.

The argument that the proposed height is actually lower than the neighbour at 60 Sandy Point Rd we believe is also not valid as the additional height is only over the apex of the roof, representing a very small percentage of the total footprint of the building.

The comparison of the neighbours roof further to the west above 9m is once again a narrow ridge line and has been designed to allow sunlight into the centre of the dwelling and not to create an additional storey.

The justification for exceeding the height limit by 12.88% needs to be solely judged on merit for this site and previous approvals (likely to be under an earlier LEP) cannot be considered as a precedent.

Garage Setback and Design

We acknowledge that the boat storage area has now been setback to ensure DCP compliance and reversed in position with the double garage.

As stated in our previous submissions, we believe that having storage for 3 vehicles across the entire site is unacceptable. The boat storage should be behind one of the vehicle storages, this would reduce the amount of hardstand driveway, allowing more deep soil landscaping and a habitable room looking over the street to provide a better building design than just garage doors at ground level and also provide important passive surveillance to the public street/footpath areas.

Setbacks

There appears to have been some modifications to the rear setback, we request that Council Planning staff confirm that these are now DCP compliant along with the side setbacks.

The overall lack of landscaping area suggests to us that it continues to be an over development of the site.

Conclusion

This amended proposal has presented some additional information, but we continue to find the overall maximum height exceedance of 12.88% not justified for a flat site. It is very disappointing that the proposal has had to be advertised

three times and that the concerns of the community of what appears to be an overdevelopment have not been taken seriously.

The issues raised in all the current and previous submissions need to be carefully considered.

The DA should be refused at this stage but we strongly support the applicant discussing not just with Council staff but also with neighbours to find a solution agreeable to all parties be found prior to another modification being submitted.

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