



NSW GOVERNMENT
Department of Planning

Salamander Shores Hotel P/L
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BALMAIN NSW 2041

Contact: Lisa Pemberton
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Email: lisa.pemberton@planning.nsw.gov.au
Our ref: MP06_0183
Your ref:
File: S06/00095

Dear Ms Kelly,

Subject: Major Project 06_0183 – Proposed Mixed use Development, 147 Soldiers Point Road, Soldiers Point – Concept Plan and part Project Application

The Department has received your application for the above proposal (MP06_0183).

The Director General's Environmental Assessment Requirements (DGRs) for the environmental assessment of the project for a Concept Plan and part Project Application are attached to this correspondence at **Attachment 1**. These requirements have been prepared in consultation with the relevant government agencies.

If the Environmental Assessment (EA) is not exhibited within two years from the date of issue of the DGRs, you should consult further with the Director – General in relation to the preparation of the EA.

Attachment 2 lists the relevant plans and documents which are likely to be required upon submission of your proposal, however, this should be confirmed with the Department prior to lodgement.

It should be noted that the DGRs have been prepared based on the information provided to date. Under section 75F(3) of the Environmental planning and Assessment Act, the Director-General may alter or supplement these requirements if necessary and in light of any additional information that may be provided prior to the proponent seeking approval for the project.

It would be appreciated if you would contact the Department at least two weeks before you propose to submit the Environmental Assessment for the project to determine:

- the fees applicable to the application;
- consultation and public exhibition arrangements that will apply; and
- number and format (hard-copy or CD-ROM) of the Environmental Assessment that will be required.

A list of some relevant technical and policy guidelines which may assist in the preparation of this Environmental Assessment are attached at **Attachment 3**.

Prior to exhibiting the Environmental Assessment, the Department will review the document to determine if it adequately addresses the DGRs. The Department may consult with other relevant government agencies in making this decision. If the Director-General considers that the Environmental Assessment does not adequately address the DGRs, the Director-General may require the proponent to revise the Environmental Assessment to address the matters notified to the proponent.

Following this review period, the Environmental Assessment will be made publicly available for a minimum period of 30 days. The Director-General's requirements will be placed on the

Department's website along with other relevant information which becomes available during the assessment of the project. As a result, the Department would appreciate it if all documents that are subsequently submitted to the Department are in a suitable format for the web, and if you would arrange for an electronic version of the EA to be hosted on a suitable website with a link to the Department's website.

Please note that under 75U of the Act, Part 3A applications do not require certain permits/approvals required under other legislation. These matters are assessed as part of the Part 3A process. For example, Section 87 permits and Section 90 consents under the *National Parks and Wildlife Act 1974* are not required for Part 3A applications. Section 75U applies from the date of issue of the DGRs.

Notwithstanding, the Department still requires an equivalent level of information within the Environmental Assessment as would ordinarily be required for any such permit/approval to enable an assessment of the relevant works. Please notify the Department should any sub-surface testing be required during the preparation of your EA.

Copies of responses from government agencies to the Department's request for key issues and assessment requirements are enclosed at **Attachment 4**. Please note that these responses have been provided to you for information only and do not form part of the DGRs for the EA.

Preliminary Comments on the Development

The Department has concerns regarding the overall bulk, scale and height of the proposal as presented in the Preliminary Assessment.

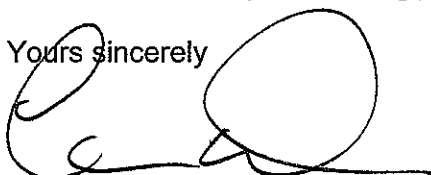
Although the controls in Local Environmental Plans and Development Control Plans do not strictly apply under Part 3A of the Act for proposals in the coastal zone, the Council's controls - provided they are well founded, are an important consideration. The DGR's make reference to the LEP and DCP controls, matters of the appropriate building form, height and visual amenity are also important considerations under SEPP71 -Coastal Protection.

It is noted that based on the information provided that the development appears to exceed the maximum height of existing buildings (RL 30m AHD). The Preliminary Assessment indicates that you will be developing the site at no greater than the current height of the existing buildings being RL 30. However, plans indicate that the maximum building height will be RL 35.5 in parts. It is noted that the height limit contained with the Port Stephens Development Control Plan 2007 (DCP 2007) for the subject site is 8m. Further it is noted that the proposed Floor Space Ratio exceeds the maximum 1.8:1 contained in DCP 2007.

We would be pleased to discuss the above issues with you at a meeting, as soon as possible, and prior to the formulation of the proposal and preparation of the Environmental Assessment.

If you have any queries regarding these requirements, please contact Lisa Pemberton on 9228 6485 or email lisa.pemberton@planning.nsw.gov.au

Yours sincerely



30.6.08

Chris Wilson
Executive Director,
Major Project Assessments
as delegate for the Director General

Attachment 1

Director-General's Environmental Assessment Requirements

Section 75F of the *Environmental Planning and Assessment Act 1979*

Application number
MP06_0183
Project
<p>Concept Plan Application: A concept plan approval is sought for the entire "Salamander Shores" redevelopment comprising a new hotel, commercial, residential flat buildings and associated parking. The application will involve approval of the following conceptual key design parameters: land use, indicative building envelopes and footprints, Floor Space Ratio, vehicular access and parking.</p> <p>Project Application: A part project application is sought for the demolition of the existing buildings on site</p>
Location
147 Soldiers Point Road, Soldiers Point (Lot 31 DP529002)
Proponent
Salamander Shores Hotel P/L
Date issued
Expiry date
2 years from date of issue
General requirements
<p>The Environmental Assessment (EA) must include:</p> <p>Part A: Concept Plan Application</p> <ol style="list-style-type: none"> 1. An executive summary; 2. An outline of the scope of the project including: <ul style="list-style-type: none"> • any development options; • justification for the project taking into consideration any environmental impacts of the project, the suitability of the site and whether the project is in the public interest; • outline of the staged implementation of the project if applicable; 3. A thorough site analysis including constraints mapping and description of the existing environment; 4. Consideration of any relevant statutory and non-statutory provisions and identification of any non-compliances with such provisions, in particular relevant provisions arising from environmental planning instruments, Regional Strategies (including draft Regional Strategies) and Development Control Plans. 5. Consideration of the consistency of the project with the objects of the <i>Environmental Planning and Assessment Act 1979</i>. 6. Consideration of impacts, if any, on matters of National Environmental Significance under the <i>Commonwealth Environment Protection and Biodiversity Conservation Act 1999</i>; 7. An assessment of the potential impacts of the project and a draft Statement of Commitments, outlining environmental management, mitigation and monitoring measures to be implemented to minimise any potential impacts of the project; 8. The plans and documents outlined in Attachment 2;

9. A signed statement from the author of the Environmental Assessment certifying that the information contained in the report is neither false nor misleading;
10. A Quantity Surveyor's Certificate of Cost to verify the capital investment value of the project; and
11. An assessment of the key issues specified below and a table outlining how these key issues have been addressed.

Part B: Project Application

1. The matters listed above in Part A; and
2. A detailed description, including plan details of the project component

Key Issues: Part A for the Concept Plan

The EA must address the following key issues:

1. Strategic Planning

- 1.1 Justify the proposal with reference to relevant local, regional and State planning strategies. Provide justification for any inconsistencies with these planning strategies, including justification of any non compliance with the LEP and any relevant DCP's.

2. Urban Design, Visual Impact and Sustainability

- 2.1 Address the design quality with specific consideration of the façade, massing, setbacks, proportions to openings, building articulation, and amenity. In particular, address impacts on the amenity of the foreshore, overshadowing of public reserves, loss of views from public places, cumulative impacts, amenity impacts for adjoining and surrounding development.
- 2.2 Address impacts in relation to privacy, views and overshadowing and relevant mitigation measures, including overshadowing of adjoining and surrounding development and of adjacent open space/coastal reserve.
- 2.3 Use visual aids such as scale model and photomontage to demonstrate visual impacts. Amelioration of visual impacts through design, use of appropriate colours and building materials, landscaping and buffer areas must be addressed.
- 2.4 Demonstrate the suitability of the proposal with the surrounding area in relation to bulk, scale, amenity (including noise) and visual amenity having regard to the *Coastal Design Guidelines of NSW (2003)* and the *NSW Coastal Policy 1997*.
- 2.5 Demonstrate in concept, compliance with SEPP 65 and BASIX.
- 2.6 An indicative external materials and finishes schedule is to be submitted.

3. Traffic and Access

- 3.1 Prepare a traffic impact study in accordance with Table 2.1 of the RTA's Guide to Traffic Generating Developments which addresses, but is not limited to the following matters:
 - The capacity of the road network to safely and efficiently cater for the additional traffic generated;
 - Access to and within the site;
 - Servicing and parking arrangements;
 - Intersection site distances;
 - Connectivity to existing developments;
 - Impact on public transport (including school bus routes);
 - Provision of access for pedestrians and cyclists to, through and within the site; and
 - Identify suitable mitigation measures, if required to ensure the efficient functioning of the road network.
- 3.2 Protect existing public access to and along the beach and coastal foreshore and provide, where appropriate, new opportunities for controlled public access. Consider access for the disabled, where appropriate.

4. Hazard Management and Mitigation	
<i>Coastal Processes</i>	
4.1	Address coastal hazards and the provisions of the Coastline Management Manual. In particular consider impacts associated with wave and wind action, coastal erosion, sea level rise and more frequent and intense storms.
<i>Contamination</i>	
4.2	Identify any contamination on site and appropriate mitigation measures in accordance with the provisions of SEPP 55 – Remediation of Land.
<i>Acid Sulfate Soils</i>	
4.3	Identify the presence and extent of acid sulfate soils on the site and, where relevant, appropriate mitigation measures.
<i>Bushfire</i>	
4.4	Address the requirements of Planning for Bush Fire Protection 2006 (RFS).
<i>Geotechnical</i>	
4.5	Provide an assessment of any geotechnical limitations that may occur on the site and if necessary, appropriate design considerations that address these limitations.
<i>Flooding</i>	
4.6	Provide an assessment of any flood risk on site in consideration of any relevant provisions of the NSW Floodplain Development Manual (2005) including the potential effects of sea level rise and an increase in rainfall intensity.
4.7	Consider the potential impacts of any filling on the flood regime of the site and adjacent lands.
4.8	A risk management assessment of climate change impacts to the year 2100, is to be undertaken using the latest available information from the International Panel on Climate change (IPCC), Department of Environment and Climate Change (DECC) and the CSIRO. This should include sensitivity analyses for low level, mid range and high level ocean impacts as set out in relevant DECC Guideline (<i>Floodplain Risk Management Guideline: Practical Consideration of Climate Change</i> , 2007).
5. Water Cycle Management	
5.1	Address and outline measures for Integrated Water Cycle Management (including stormwater) based on Water Sensitive Urban Design principles which addresses impacts on the surrounding environment, drainage and water quality controls for the catchment, and erosion and sedimentation controls at construction and operational stages.
5.2	Assess the impacts of the proposal on surface and groundwater hydrology and quality during both construction and occupation of the site; including consistency with the rules of the Gazetted Water Sharing Plan for the Tomago Tomaree Stockton Groundwater Sources, where relevant.
5.3	Provided details of works likely to intercept, infiltrate or connect with the groundwater sources; details of any proposed groundwater extraction, details on prevention of groundwater pollution, and on protective measures for any groundwater dependent ecosystems.
6. Heritage and Archaeology	
6.1	Identify whether the site has significance to Aboriginal cultural heritage and identify appropriate measures to preserve any significance (Aboriginal community consultation should be undertaken in accordance with DECC's <i>Interim Community Consultation Requirements for Applicants</i> . The assessment should be undertaken in accordance with the <i>Draft Guideline for assessment of impacts on Aboriginal Heritage under Part 3A (Department of Planning 2005)</i>).
6.2	Identify any items of European heritage significance and, where relevant, provide measures for the conservation of such items.

7. Flora and Fauna	
7.1	Address the potential impacts of the project on any threatened species, populations or ecological communities listed in the <i>Threatened Species Conservation Act 1995</i> and the <i>Fisheries Management Act 1994</i> in accordance with the <i>Draft Guidelines for Threatened Species Assessment (DECC 2005)</i> .
7.2	Outline measures for the conservation of existing wildlife corridor values and/or connective importance of any vegetation on the subject land.
7.3	Address measures to protect and manage the riparian corridor and adjacent aquatic habitats.
7.4	Assessment of flora and fauna should be done in accordance with the <i>Draft Guideline for assessment of impacts on Threatened Species under Part 3A (Department of Planning 2005)</i>
8. Noise	
8.1	Address potential noise impacts, in particular road traffic noise, for future residents and appropriate mitigation measures.
Key Issues: Part B for the Project Application	
The EA must address the following key issues:	
9. Demolition	
9.1	A demolition & waste management plan should be prepared, which addresses demolition and construction wastes that may be generated including likely quantities, proposed disposal destinations and best practices for safe handling and disposal in accordance with WorkCover's Occupational Health and Safety requirements must be provided;
10. Compliance with requirements for the Concept Plan	
10.1	The EA must demonstrate consistency with all DGRs detailed in <i>Key Issues: Part A Concept Plan</i>
Consultation	
You should undertake an appropriate and justified level of consultation with the following agencies during the preparation of the environmental assessment:	
(a) <i>Agencies or other authorities:</i>	
<ul style="list-style-type: none"> • Port Stephens Council; • Department of Environment and Climate Change; • Department of Primary Industries; • Department of Defence; • NSW Rural Fire Service; • Department of Water and Energy; • Roads and Traffic Authority; • Department of Lands; • NSW Police Service; • State Emergency Service; • Port Stephens – Great Lakes Marine Park Authority; • The relevant Local Aboriginal Land Council/s and other Aboriginal community groups; and 	
(b) <i>Public:</i>	
Document all community consultation undertaken to date or discuss the proposed strategy for undertaking community consultation. This should include any contingencies for addressing any issues arising from the community consultation and an effective communications strategy.	
The consultation process and the issues raised should be described in the Environmental Assessment.	
Deemed Refusal Period	
60 days	

Attachment 2

Plans and Documents to accompany the Application

Plans and Documents of the development

The following plans, architectural drawings and diagrams of your proposal as well as the relevant documents will be required to be submitted for your **Concept Plan** application:

1. The **existing site survey plan** is to be drawn to 1:500 scale (or other appropriate scale) and show:
 - the location of the land, the measurements of the boundaries of the land, the size of the land and north point;
 - the existing levels of the land in relation to buildings and roads;
 - location and height of existing structures on the site; and
 - location and height of adjacent buildings and private open space.
2. An **aerial photograph** of the subject site with the site boundary superimposed.
3. A **Site Analysis Plan** must be provided which identifies existing natural elements of the site (including all hazards and constraints), existing vegetation, property dimensions, footpath crossing levels and alignments, existing pedestrian and vehicular access points and other facilities, slope and topography, natural features such as watercourses, rock outcrops, utility services, boundaries, orientation, view corridors and all structures on neighbouring properties where relevant to the application (including windows, driveways etc.).
4. A **locality/context plan** drawn to 1:500 scale (or other appropriate scale) should be submitted indicating:
 - significant local features such as parks, community facilities and open space, water courses and heritage items;
 - the location and uses of existing buildings, shopping and employment areas;
 - traffic and road patterns, pedestrian routes and public transport nodes; and
 - The existing site plan and locality plan should be supported by a written explanation of the local and site constraints and opportunities revealed through the above documentation.
5. **Subdivision plans**, if relevant, are to show the following:-
 - The location, boundary dimensions, site area and north point of the land, and names of roads fronting the land;
 - Title showing the description of the land with lot and DP numbers etc;
 - Existing and proposed subdivision pattern including all measurements and sites areas of existing and proposed allotments;
 - Location and details of all proposed roads and footpaths;
 - Location of all structures proposed and retained on site;
 - Cross sections of roads, including gradients, widths, road names, footpaths etc.
 - Existing and proposed finished levels in relation to roads, footpaths and structures;
 - Location and details of access points to the subdivision;
 - Existing vegetation on the land and vegetation to be retained;
 - Location of services and infrastructure, and proposed methods of draining the land;

- Any easements, covenants or other restrictions either existing or proposed on the site;
- Type of subdivision proposed (Torrens, strata and/or community title).

6. The **Architectural drawings** are to be drawn to scale and illustrate the following general features, where relevant:

- the location of any existing building envelopes or structures on the land;
- the floor plans;
- the location of lifts, stairs and corridors;
- adaptable housing requirements;
- section plans;
- fenestrations, balconies and other features;
- communal facilities and servicing points;
- the height of the proposed development in relation to the land;
- significant level changes;
- parking and vehicular access arrangements; and
- pedestrian access to, through and within the site.

7. **Elevations** – of the proposed buildings drawn to the same scale as the architectural drawings. The elevations are to indicate height and key datum lines, building length and articulation, the composition of the façade and roof design, existing buildings on the site, building entries (pedestrian, vehicular and service), and profile of buildings on adjacent properties.

8. **Stormwater Concept Plan** - illustrating the concept for stormwater management from the site and must include details of any major overland flow paths through the site and any discharge points to the street drainage system. Where an on-site detention system is required, the type and location must be shown and must be integrated with the proposed landscape design. Site discharge calculations should be provided;

9. **Erosion and Sediment Control Plan** – plan or drawing that shows the nature and location of all erosion and sedimentation control measures to be utilised on the site;

10. **Landscape Concept Plan** – plan or drawing that shows the basic detail of planting design and plant species to be used, listing botanical and common names, mature height and spread, number of plants to be utilised and surface treatments (i.e. pavers, lawn etc);

11. **BASIX** – compliance details and relevant certificates;

12. **View analysis** – artist's impression, photomontages, etc of the proposed development in the context of the surrounding development; and

13. **Shadow Diagrams** – diagrams showing solar access to the site and adjacent properties, including the public reserve, at summer solstice (Dec 21), winter solstice (Jun 21) and the equinox (Mar 21 and Sept 21) at 9am, 12 midday, 3pm and 6.30pm.

The following plans, architectural drawings and diagrams of your proposal as well as the relevant documents will be required to be submitted for your **Project Application**:

1. The **existing site survey plan** is to be drawn to 1:500 scale (or other

	<p>appropriate scale) and show:</p> <ul style="list-style-type: none"> the location of the land, the measurements of the boundaries of the land, the size of the land and north point; the existing levels of the land in relation to buildings and roads; location and height of existing structures on the site; and location and height of adjacent buildings and private open space. <p>2. A plan of demolition identifying:</p> <ul style="list-style-type: none"> the location of the land, the measurements of the boundaries of the land, the size of the land and north point; the existing levels of the land in relation to buildings and roads; and all structures to be demolished. <p>3. Erosion and Sediment Control Plan – plan or drawing that shows the nature and location of all erosion and sedimentation control measures to be utilised on the site.</p>
Specialist advice	<p>Specialist advice, where required to support your Environmental Assessment, must be prepared by suitably qualified and practising consultants in relation to issues including, but not limited to, the following:</p> <ul style="list-style-type: none"> Planning Flora and Fauna; Bushfire; Landscaping; Geotechnical and/or hydro geological (groundwater); Stormwater/drainage; Urban Design/Architectural; Contamination in accordance with the requirements of SEPP 55; and Acid Sulphate Soil Management Plan.
Documents to be submitted	<ul style="list-style-type: none"> Consult with the Department of Planning for the number of hard copies of the Environmental Assessment, architectural and landscape plans to scale (including one (1) set at A3 size (to scale)), copies copy of the Environmental Assessment and plans on CD-ROM (PDF format), not exceeding 5Mb in size (see below) ; and If the Environmental Assessment is bulky and lengthy in volume, you will be required to package up each Environmental Assessment ready for distribution by the Department to key agencies.
Electronic Documents	<p>Electronic documents presented to the NSW Department of Planning for publication via the Internet must satisfy the following criteria:-</p> <ul style="list-style-type: none"> Adobe Acrobat PDF files and Microsoft Word documents must be no bigger than 1.5 Mb. Large files of more than 1.5 Mb will need to be broken down and supplied as different files. File names will need to be logical so that the Department can publish them in the correct order. Avoid sending documents that are broken down in more than 10 files. Image files should not be bigger than 2Mb. The file names will need to be clear and logical so the Department can publish them in the correct order. Graphic images will need to be provided as [.gif] files. Photographic images should be provided as [.jpg] files. Large maps will need to be presented as individual files and will need to be calibrated to be no more than 2Mb each. Images inserted into the document will need to be calibrated to produce files smaller than 1.5Mb. Large images will need to be presented as individual files and will need to be calibrated to be no more than 2Mb each. The file names will need to be clear and logical so the Department

	<p>can publish them in the correct order.</p> <p>Alternatively, these electronic documents may be placed on your own web site with a link to the Department of Planning's website.</p>
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Attachment 3

State Government technical and policy guidelines

The following list provides relevant technical and Policy Guidelines which may assist in the preparation of the Environmental Assessment. It should be noted, however, that this list is not exhaustive as other documents and policies may need to be reviewed. It is also important to note that not of all of these guidelines may be relevant to your proposal.

The majority of these documents can be found on the relevant Departmental Websites, on the NSW Government's on-line bookshop at <http://www.bookshop.nsw.gov.au> or on the Commonwealth Government's publications website at <http://www.publications.gov.au>.

Aspect	Policy /Methodology
Biodiversity	
Flora and Fauna	Draft Guideline for assessment of impacts on Threatened Species under Part 3A (Department of Planning 2005)
Fish and Aquatic Ecosystems	Why do Fish Need to Cross the Road? Fish Passage Requirements for Waterway Crossings (NSW Fisheries, 2003)
	Threatened Species Management Manual (NPWS, 1998)
Coastal Planning	
	NSW Coastal Policy 1997 - A sustainable Future for the New South Wales Coast, NSW Government, 1997
	Coastal Design Guidelines for NSW, PlanningNSW, February 2003
	NSW Wetlands Management Policy (DLWC, March 1996)
Bushfire	
	Planning for Bushfire Protection 2006 (NSW Rural Fire Service)
Contamination of Land	
	Best Practice in Contaminated Sites (Commonwealth DEH, 1999, ISBN 0 642 546460)
Environmental Management Systems	
	NSW Government Interim Water Quality and River Flow Environmental Objectives (DEC)
	Guidelines for the preparation of Environmental Management Plans (DIPNR, 2004)
Heritage	
Aboriginal	Draft Guideline for assessment of impacts on Aboriginal Heritage under Part 3A (Department of Planning 2005)
	Interim Community Consultation Requirements for Applicants (DEC, 2004)
Non-Indigenous	Assessing Heritage Significance Update for Heritage Manual (Heritage Office, 2000)
	NSW Heritage Manual (NSW Heritage Office, 1996)
Noise	
	Environmental Criteria for Road Traffic Noise (EPA, 1999)
	Acoustics - Road traffic noise intrusion - Building siting and construction (Standards Australia, 1989, AS 3671-1989)
Rehabilitation	
	Managing Urban Stormwater: Soils & Construction (NSW Landcom, March 2004) - "The Blue Book"

Aspect	Policy /Methodology
Safety and Hazards	Electrical Safety Guidelines (Integral Energy)
Soils	Acid Sulfate Soil Manual (ASSMAC) Contaminated Sites: Sampling Design Guidelines (EPA, 1999)
Traffic & Transport	Guide to Traffic Engineering and Guide to Geometric Design of Rural Roads (Austroads, 2003, AP-G1/03) Guide to Traffic Generating Developments (RTA, 2002)
Urban Design: Cycleway/Pathway Design	Guidelines for the Design and Construction of Paths and Cycleways along Watercourses and Riparian Areas (Version 2) (DIPNR/DNR)
Water	Water quality guidelines for the protection of aquatic ecosystems for upland rivers. (ANZECC, 2000)
Floodplain	NSW Government Floodplain Development Manual - the Management of Flood Liable Land (DIPNR, 2005) Practical Consideration of Climate Change – Floodplain Risk Management Guideline (DECC, October 2007)
Groundwater	NSW State Groundwater Quality Protection Policy (DLWC, 1998, 0 7313 0379 2) NSW Groundwater Quantity Management Policy NSW Groundwater Dependent Ecosystem Policy
Stormwater	Managing Urban Stormwater: Soils & Construction (NSW Landcom, March 2004) - "The Blue Book"
Waterways	Waterways Crossing Design & Construction (Version 4 – DIPNR/DNR Draft Guidelines)

Attachment 4
Agency Responses to Request for Key Issues
- For Information Only