

PRELIMINARY ENVIRONMENTAL ASSESSMENT REPORT



DEVELOPMENT OF A MOTEL AND HOTEL/ RESTAURANT 2 LAVIS LANE, WILLIAMTOWN

Prepared for
MIRIDIAN

planning workshop australia

11 Bond Street Newcastle PO Box 810 NSW 2300

Tel.+ 61- 2- 4929 6388 Fax (02) 4929 3188

A.B.N. 35 068 238 826

A Division of Lyneham Planning &
Management Consultants Pty. Limited A.B.N. 35 068 238 826

FEBRUARY 2009

PRELIMINARY ENVIRONMENTAL ASSESSMENT REPORT

DEVELOPMENT OF A MOTEL AND HOTEL/ RESTAURANT 2 LAVIS LANE, WILLIAMTOWN

Prepared for
MIRIDIAN

planning workshop australia

A Division of Lyneham Planning &
Management Consultants Pty. Limited A.B.N. 35 068 238 826

11 Bond Street Newcastle PO Box 810 NSW 2300
Tel.+ 61- 2- **4929 6388** Fax (02) 4929 3188

Document No.	Issue No.	Description of Issue	Prepared by /date	Verified by Director	Approved by Director
1	1	Draft Preliminary EAR	JK/081208	GF	GF
1	2	Final Preliminary EAR	JK/160209	GF	GF

Note: This document is preliminary unless it is approved by a Director of **planning workshop australia** Job No. 2080027

© This Publication is copyright. Other than for the purposes and subject to conditions prescribed under the Copyright Act, no part of it may, in any form nor by any means (electric, mechanical, microcopying, photocopying, recording or otherwise), be reproduced, stored in a retrieval system or transmitted without prior written permission. Inquiries should be addressed to the company in writing.

TABLE OF CONTENTS

1	INTRODUCTION	1
1.1	Background and project context	1
1.2	Purpose of the report	1
1.3	The proponent	2
2	THE SITE	2
2.1	Location	2
2.2	Site description	2
2.3	Land ownership and legal description	2
2.4	Surrounding development	3
3	PROJECT DESCRIPTION	7
4	STATUTORY AND STRATEGIC MATTERS	8
4.1	State and regional matters	8
4.2	Local matters	9
5	ENVIRONMENTAL IMPACTS	10
5.1	Water cycle management	10
5.2	Utilities and infrastructure	10
5.3	Soil stability and potential contamination	10
5.4	Social	10
5.5	Potential acid sulphate soils	14
5.6	Traffic and access	14
5.7	Weeds	14
5.8	Landscaping	14
5.9	Noise	14
5.10	Prime agricultural land	15
6	CONCLUSION	15
6.1	Key environmental issues	15

1 INTRODUCTION

1.1 Background and project context

This Preliminary Environmental Assessment Report (Preliminary EAR) is submitted to the Department of Planning (DoP) under Part 3A of the *Environmental Planning and Assessment Act 1979* to support a Major Project Application for a motel and hotel/restaurant at No. 2 Lavis Lane, Williamstown. This Preliminary EAR has been prepared by Planning Workshop Australia on behalf of the applicant, Miridian.

A previous proposal for development on the site (DA 190-8-2004) was submitted to DoP in 2004 under Clause 10(2) of *State Environmental Planning Policy 71- Coastal Protection*. The DA was subsequently refused, predominantly due to concerns about direct vehicular access from Nelson Bay Road; effluent disposal; and consistency with the objectives of the rural zoning. This current application differs from the previous proposal in fundamental ways, including the following key aspects that address DoP's concerns with regard to the previous proposal:

- The site will be connected to a reticulated sewerage system within approximately 3 years. Hunter Water Corporation has indicated its support for the installation of an appropriate effluent pump-out system in the interim.
- No pedestrian or vehicular access is proposed from Nelson Bay Road (a classified state road).
- The design of the development, the site layout, scale of landscaping, and close proximity to other commercial development will result in a development compatible with the rural character of the site.

This Preliminary EAR describes the subject site and surrounding area in Section 2; outlines the proposed development in Section 3; lists the relevant statutory matters in Section 4; and identifies the key environmental considerations arising from the proposal in Sections 5 and 6.

1.2 Purpose of the report

The purpose of this Preliminary EAR is to outline the nature of the project and identify the environmental issues that will be relevant to the project.

The Preliminary EAR is submitted to DoP under Part 3A of the Act to assist the Director-General in establishing the environmental assessment requirements for the preparation of the Environmental Assessment Report (EAR).

1.3 The proponent

Miridian holds interests in the subject site, and is the proponent for this Project Application.

2 THE SITE

2.1 Location

The site is located at No. 2 Lavis Lane, Williamtown on the NSW coast, within the Port Stephens Local Government Area. It is located approximately 14km north-east of Newcastle and approximately 10km south-east of Raymond Terrace. The site is located on the eastern side of Nelson Bay Road (a classified state road connecting Newcastle to the Port Stephens area), and is bounded on the north by Lavis Lane, a partly-unformed lane. Lavis Lane comprises a 'Y' shaped road, with the northernmost arm connecting to Nelson Bay Road, while the arm closest to the site has no such access. Lavis Lane provides access to rural properties, Stockton Beach, and a sand mining operation. Figures 1 and 2 show the location of the subject site.

2.2 Site description

The land has a generally rectangular shape and an area of approximately 2.5ha, with a 250m frontage to Nelson Bay Rd and a 100m frontage to Lavis Lane. The site has a generally flat topography, with a very slight slope to the south. Existing development on the site comprises a dwelling house at the northern end of the site and cleared vacant land on the remainder. A fenced area adjacent to the dwelling house was previously used as a vehicle storage area for a tour company, but is currently vacant. Vegetation on the site predominantly comprises exotic pasture grasses, exotic trees surrounding the dwelling-house and a few scattered native trees. A line of mature, exotic trees, planted on the neighbouring property, stretch over half-way along the site's eastern boundary. No agricultural activities have been undertaken on the site in recent times. The site is zoned 1(a) Rural Agriculture 'A' under the Port Stephens LEP 2000. Additional environmental factors affecting the site are discussed in Section 5.

2.3 Land ownership and legal description

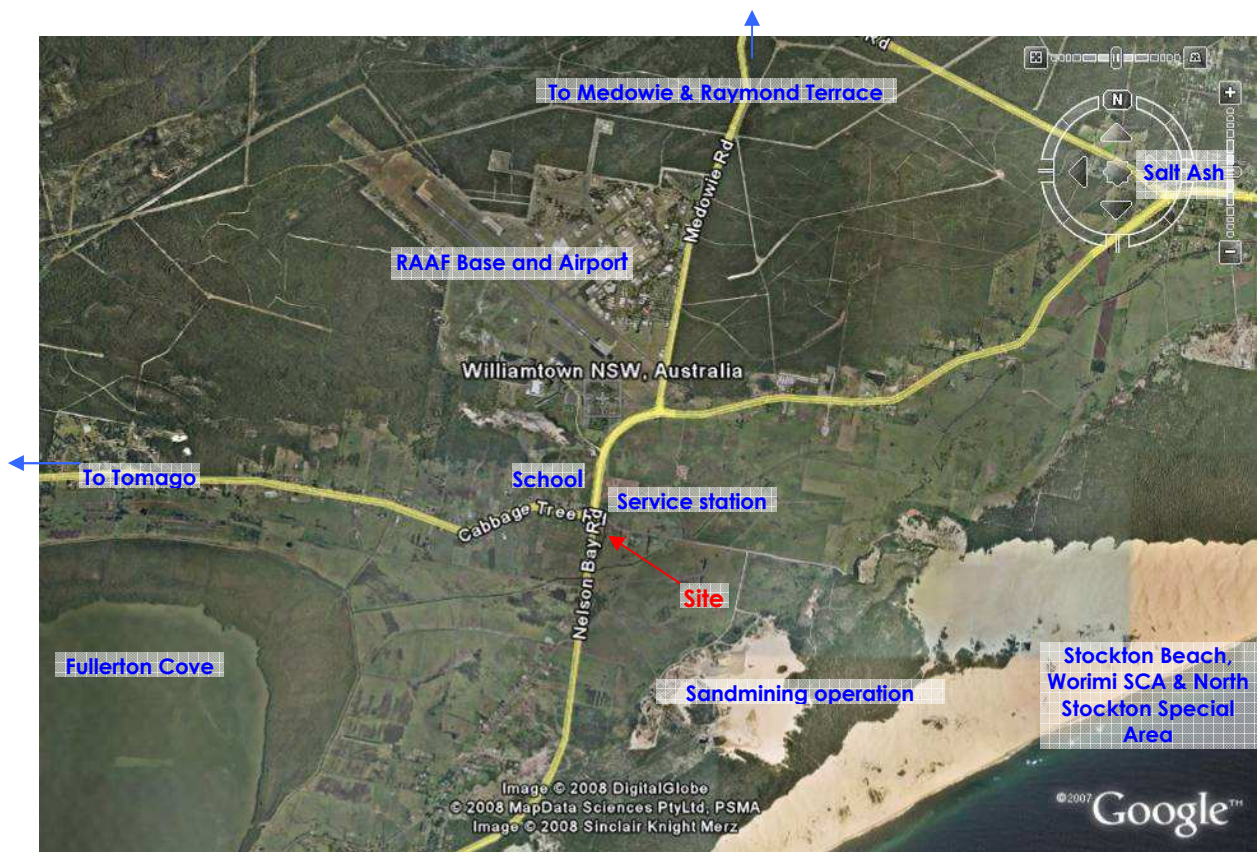
The land the subject of the Project Application comprises Lot 21 in DP 628819 (see Figure 2). The site is owned in its entirety by David Raymond Geddes. Miridian holds interests in the development of the site.

2.4 Surrounding development

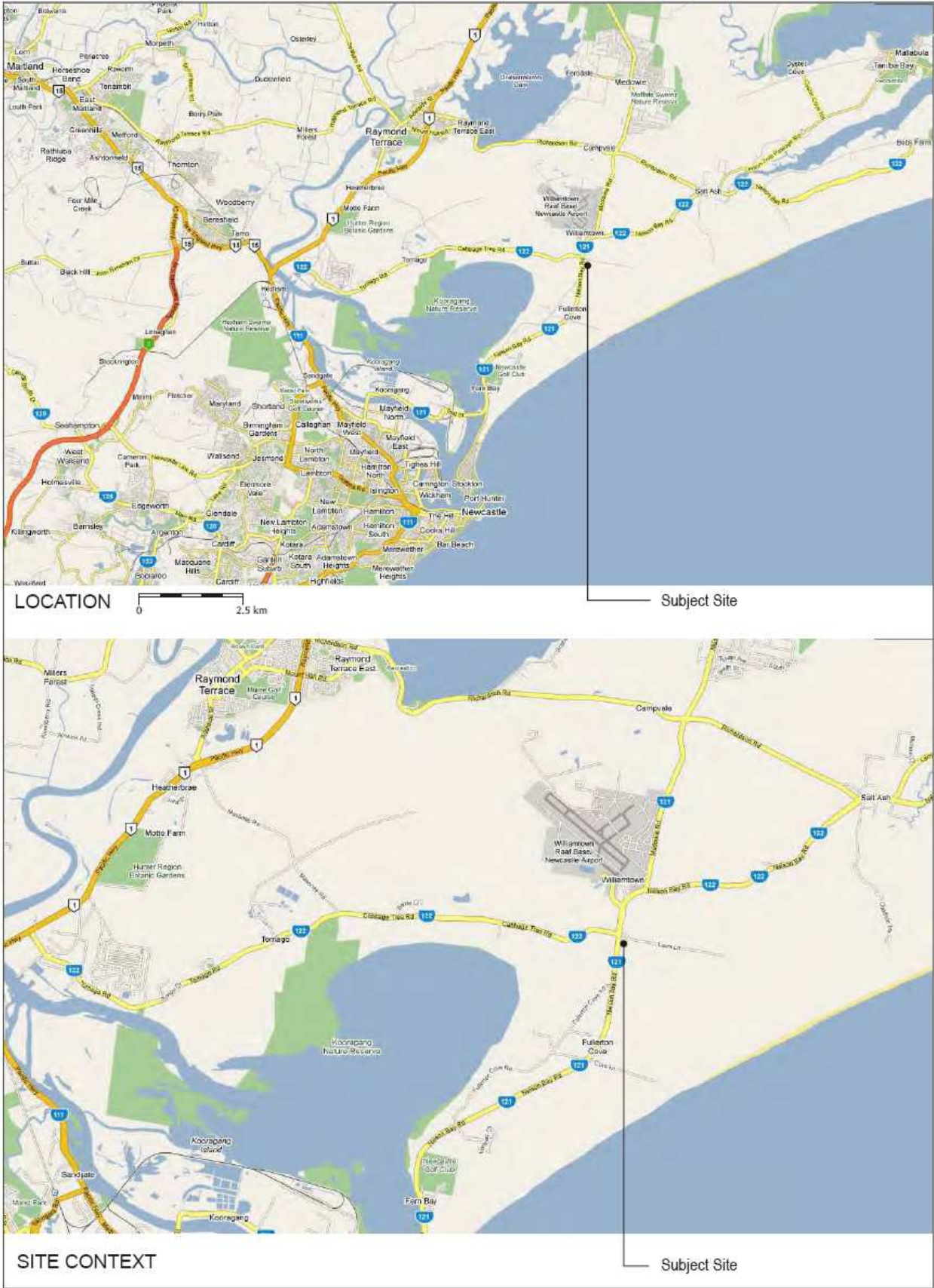
The site is located close to the NSW coast, approximately 3.5km north-east of Fullerton Cove and 3.5km north-west of the Tasman Sea. The Williamstown area is generally rural in character, comprising mostly rural and rural-residential development and grazing land, with the major exception of the Williamstown Royal Australian Air Force (RAAF) base and Newcastle Regional Airport, located 800m to the north. Around 1.8km to the south-east of the site is the North Stockton Special Area, a drinking water catchment administered by the Hunter Water Corporation, and the Worimi State Conservation Area.

A small cluster of development exists in the immediate vicinity of the site, centred on the intersection of Nelson Bay Road and Cabbage Tree Road. A large service station is located on the northern side of Lavis Lane (adjacent to the roundabout) and Williamtown Public School (now closed) is located on the opposite side of Nelson Bay Road. A number of rural residential dwellings are located close to the School on Cabbage Tree Road, and on Lavis Lane, east of the site. Land adjacent to the subject site's eastern boundary comprises rural land owned by the Commonwealth Department of Defence, and an electricity sub-station adjoins the site's southern boundary.

The nearest town to the site is Salt Ash, approximately 7.5km to the north-east, which contains a small shopping centre and some services. All other services are available at the centres of Medowvie, Raymond Terrace and Stockton, all within 10-30 minutes drive of the site. The image below shows the subject site in its local context.



View of the subject site in its local context



2 Lavis Lane - Williamstown

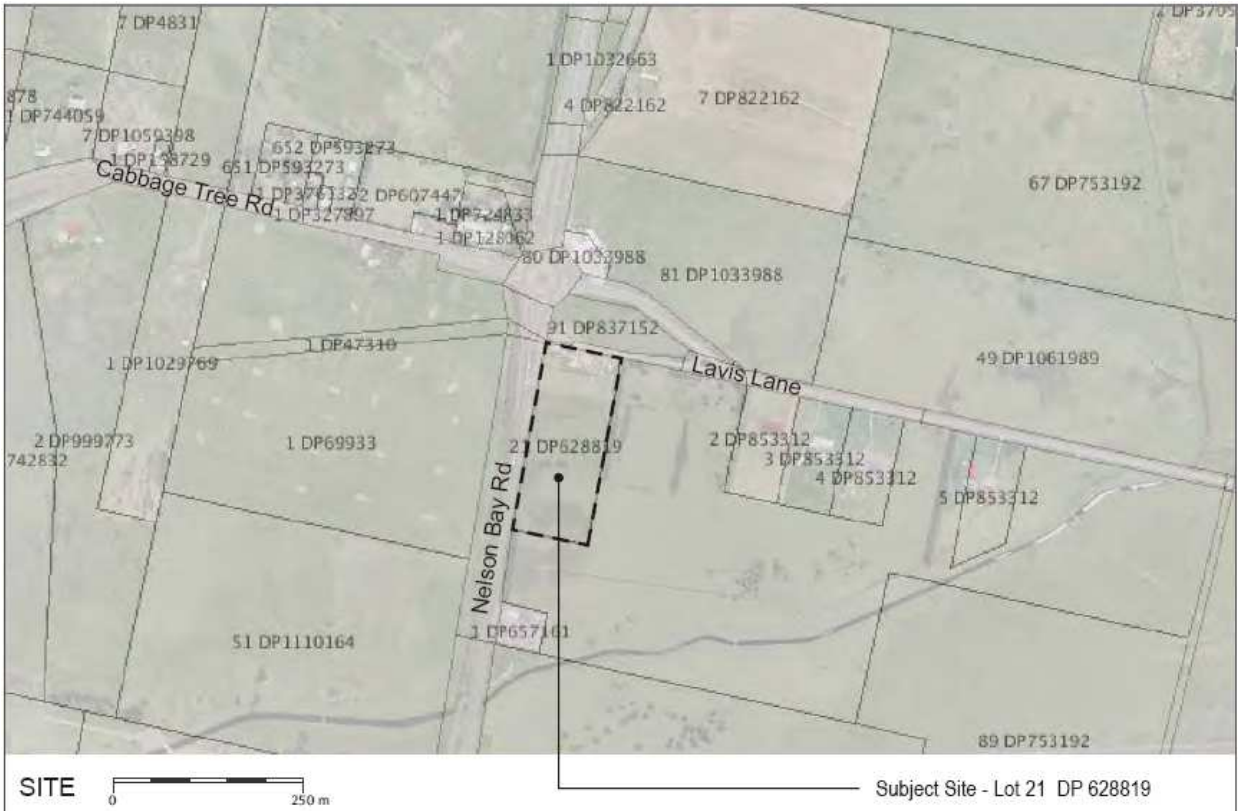
Location

prepared by **planning workshop australia**
2080027\graphics\slb-fig.cdr

0 2.5 km

issued 25 Nov 08

Fig 1



2 Lavis Lane - Williamtown

Site

prepared by **planning workshop australia**
2080027graphic.sds.fig.cdr

0 100 m

issued 25 Nov 08

Fig 2



View of the central and southern portions of the subject site from opposite side of Nelson Bay Road, looking south-east



View of dwelling house located in the northern portion of the site



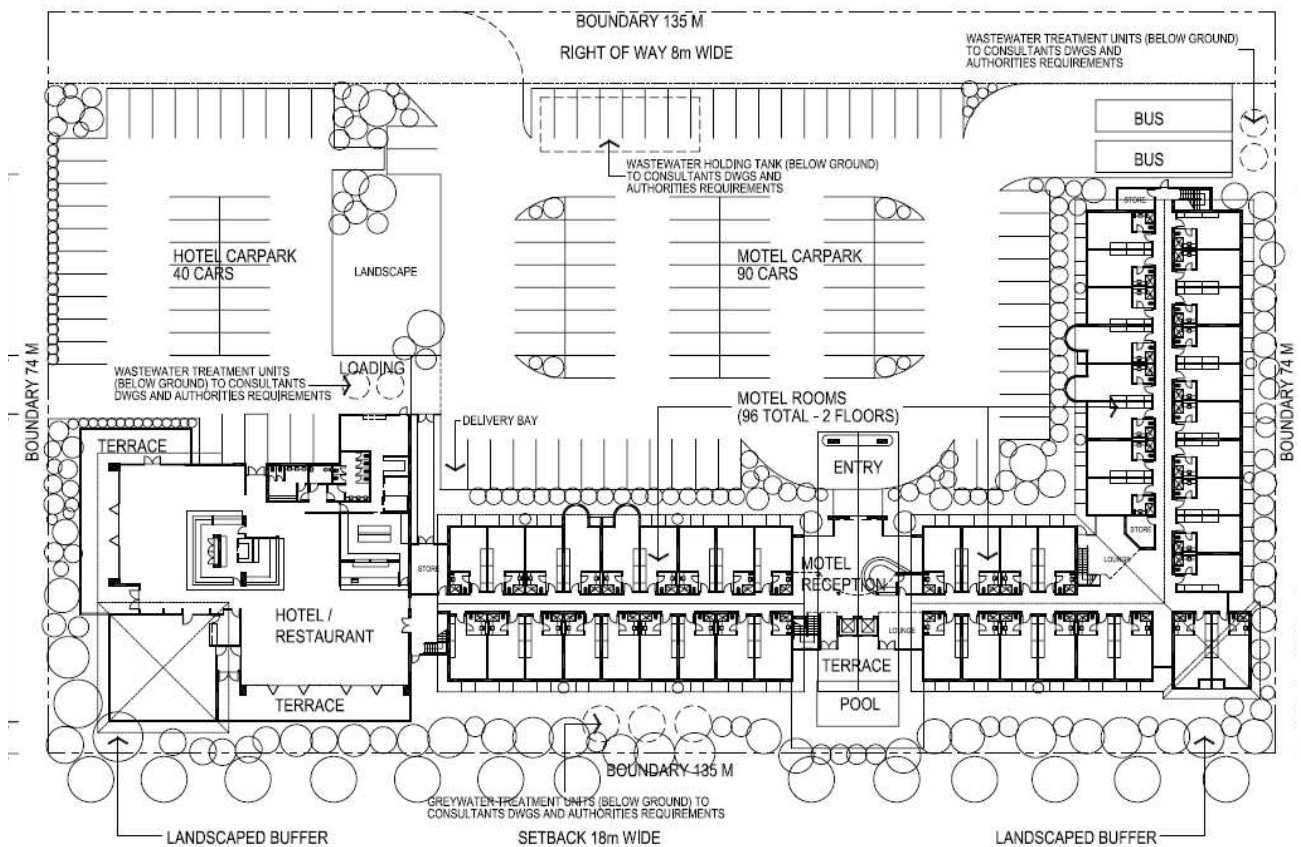
View of fenced and vacant storage area adjacent to dwelling house in the northern portion of the site. Lavis Lane is shown in the right of the photograph

3 PROJECT DESCRIPTION

The proposed development is conceptually illustrated in the plan and images attached at Appendix 1. It will be located on a 9,990m² area in the northern part of the site and comprises the following key elements:

- 2-storey building comprising a 96-room motel, with associated swimming pool and terrace;
- 1-storey building comprising a hotel and restaurant;
- Ground-level access and car parking associated with the hotel and restaurant, with separate access and car/bus parking associated with the motel (both accessible from Lavis Lane);
- Interim sewage pump-out system (until connection to a reticulated sewerage system occurs, expected within 3 years); and
- Landscaping, including a vegetated buffer to Nelson Bay Road.

An outline of the proposal is shown below. Refer to the Concept Plan at Appendix 1 for further detail.



Conceptual layout of proposed development

4 STATUTORY AND STRATEGIC MATTERS

The legislation, planning instruments and strategic matters relevant to the site and proposal are itemised below. These will be addressed in detail in the EAR, to accompany the Project Application for approval under Part 3A of the Act.

4.1 State and regional matters

Under Part 3A of the Act, the Minister is not directly required to take into consideration any environmental planning instruments, development control plans or Section 94 Contributions Plans. However, Table 1 indicates the state and regional matters which are relevant to the project and which should be considered in the EAR.

Table 1: Relevant state and regional matters for consideration

State or regional matter	
State Environmental Planning Policy No. 71- Coastal Protection	The site is located within the NSW Coastal Zone and therefore must address the provisions of SEPP 71, particularly the Clause 8 matters for consideration and Clauses 15 and 16 (Effluent Disposal and Stormwater).
State Environmental Planning Policy No. 55- Remediation of Land	<p>The planning guidelines related to SEPP 55 list activities that may result in land contamination, including 'agricultural/ horticultural' activities. As the site is zoned rural and could potentially have accommodated agricultural uses in the past (though such uses have not been undertaken in recent times) the site should be treated as potentially contaminated land. Accordingly, a preliminary investigation will be carried out to determine the presence/ absence of contamination. A more detailed investigation and potentially, remediation works, may be required, depending on the outcome of the preliminary investigation.</p> <p>It is noted that the site contains potential acid sulphate soils (see Figure 3 and Section 5.5 of this Preliminary EAR). Accordingly, the potential for acid sulphate soils should be considered and addressed before any remediation works 1m or more below the soil's surface occur.</p>
State Environmental Planning Policy (Major Projects) 2005	The site is located within the NSW Coastal Zone. Clause 1(f)(ii) of Schedule 2 of the Major Projects SEPP provides that ' <i>recreational or tourist facilities ...outside a sensitive coastal location that are not connected to an approved sewerage treatment work or system that provide accommodation (or additional accommodation) for 25 persons or more</i> ' are 'specified sites' to which the SEPP applies. As the proposal is not currently connected to a reticulated sewerage system and will accommodate approximately 96 people, the project is identified as a Part 3A project, and is to be determined by the Minister for Planning.
Hunter Regional Environmental Plan 1989	The proposal is subject to the provisions of the Hunter REP, and in particular to those provisions relating to Rural Land (Part 4 Division 1) as the site contains 'Prime Crop and Pasture Land'; and Tourism (Part

State or regional matter	
	3 Division 3). The Minister should consult with officers from the Department of Agriculture and Fisheries with regard to the impacts of the proposal on the productive potential of the land; and should consider the principles related to Tourism and Rural Land before determining the Project Application.
Lower Hunter Regional Strategy	The LHRS contains outcomes and actions to be considered with regards to the Project Application, particularly with regard to Rural Landscape and Rural Communities, and Water. It is noted that the LHRS identifies a major area of employment land (the Newcastle Airport Employment Zone) to be located north-west of the site, on the opposite side of Nelson Bay Road.

4.2 Local matters

The table below (Table 2) lists the potential local matters that may be relevant to the proposed development. It is noted that, under Part 3A of the Act, the Minister is not directly required to take into consideration any of the following local matters. However, these matters will be addressed in the EAR as required by the Director-General.

Table 2: Relevant local matters for consideration

Local matter	
Port Stephens Local Environmental Plan 2000	The site is zoned 1(a) Rural Agriculture 'A' under the LEP, and the proposed use is permissible with consent. The proposal is generally consistent with the provisions of the LEP. The EAR should consider relevant provisions including the objectives of the 1(a) zone; access to certain roads; and provisions relevant to flood prone land and land with the potential for acid sulphate soils.
Port Stephens Development Control Plan 2007	Port Stephens DCP contains a number of provisions with some relevance to the proposal, including provisions related to parking, traffic and transport, and environmental and construction management. In particular, the DCP provides relevant provisions concerning acid sulphate soils, contaminated land, weed control, waste water, and aircraft noise. The site is located in the locality of the Williamstown RAAF base and Newcastle Regional Airport and is affected by aircraft noise (see Figure 4).
Areas affected by Flooding Inundation Policy	This Policy provides a number of factors for consideration for development on land affected by flooding inundation, including identification of the risk or severity of flooding and measures to mitigate such risks. The site is identified as flood prone land (see Figure 5). An appropriate flooding assessment will be prepared to address potential flooding issues.
Consultation with Port Stephens Council officers	The proposal was discussed with the Council's Development Advisory Panel in October 2008. The Council identified a number of key issues to be considered, including design and overall bulk and scale; traffic/ access and parking provision, and landscaping. These issues will be addressed within the EAR.

5 ENVIRONMENTAL IMPACTS

5.1 Water cycle management

The site is located in a flood prone area (see Figure 5) and the EAR will need to address flooding issues. In addition, the EAR will need to demonstrate consistency with water sensitive urban design (WSUD) principles and strategies. While BASIX does not apply to the proposed development, the proposal will incorporate features to demonstrate an appropriate level of water efficiency.

The EAR will also address groundwater issues and the potential for contamination with regard to the proposed interim sewage pump-out system (see Section 5.2). The EAR will be supported by detailed plans with regard to the proposed water management system.

5.2 Utilities and infrastructure

A reticulated sewerage system is not currently available to the site, although Hunter Water Corporation has advised that a sewerage system will become available in approximately 3 years. This system is to be introduced to serve the proposed Defence and Airport Related Employment Zone and is also able to serve the proposed development of the subject land. In the meantime, Hunter Water has indicated its support for the installation of an appropriate sewage pump-out system to serve the proposed development.

An appropriate level of investigation will be undertaken to ensure that contamination does not result from installation and use of any proposed pump-out system, and that all other necessary utilities are available to the site.

5.3 Soil stability and potential contamination

As the site's previous land uses may have included agricultural activities, there is the potential for some soil or water contamination to be present. Accordingly, a preliminary contamination investigation will be undertaken to determine the contamination status of the site. A further detailed investigation, and potentially a remedial action plan, will be prepared if required.

An appropriate erosion and sedimentation plan will be prepared and implemented to ensure that soil erosion is minimised and waterways are not contaminated with sediments and runoff.

5.4 Social

The EAR will address the potential for any social impacts that may arise from the proposed development, particularly with regard to the operation of the hotel.



2 Lavis Lane - Williamtown

Port Stephens Acid Sulphate Soil Planning Map

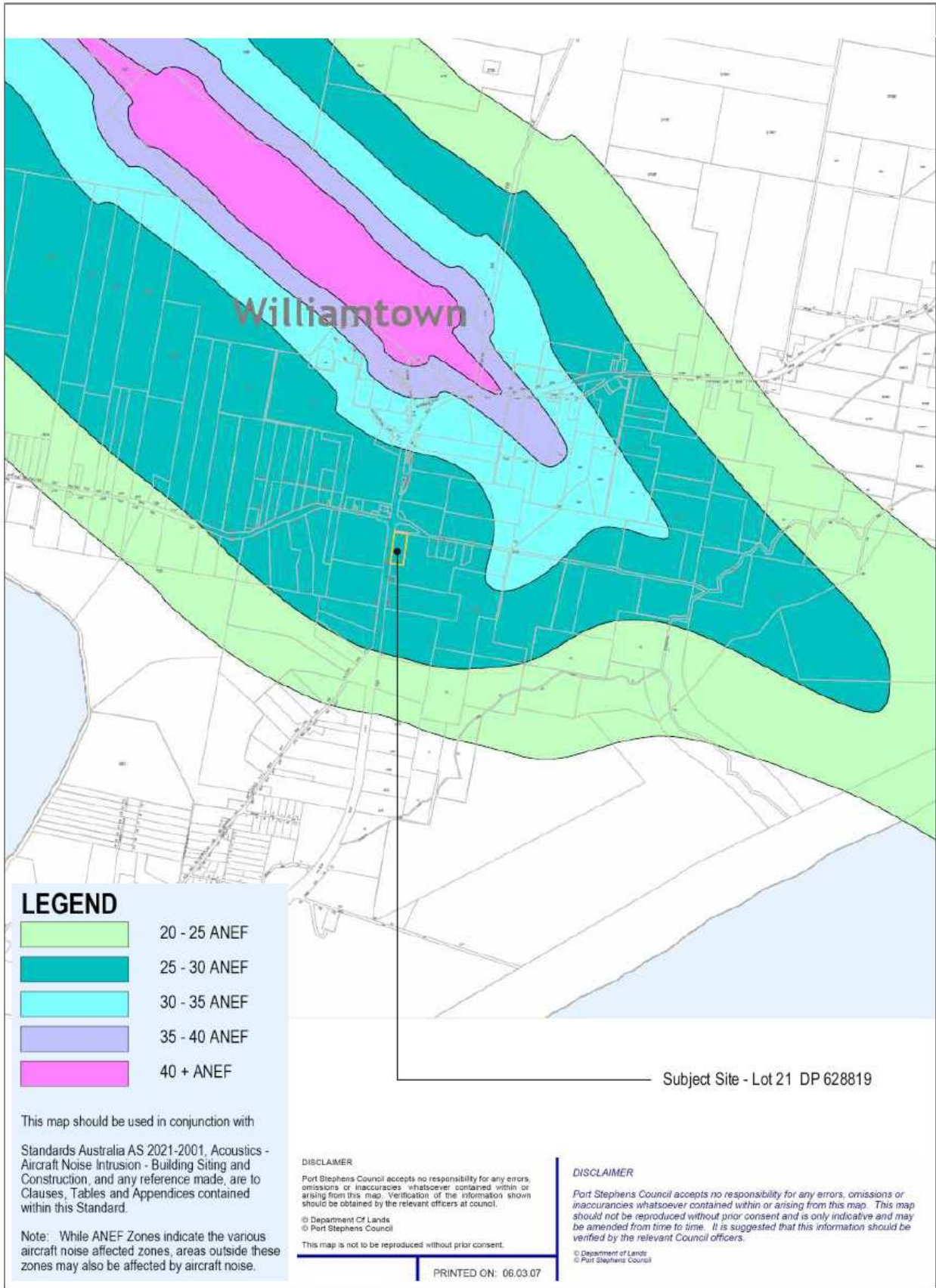
prepared by **planning workshop australia**
2080027\graphics\ds-fig.cdr

0 500 m

issued 2 Dec 08



Fig 3



2 Lavis Lane - Williamtown

Australian Noise Exposure Forecast 2012

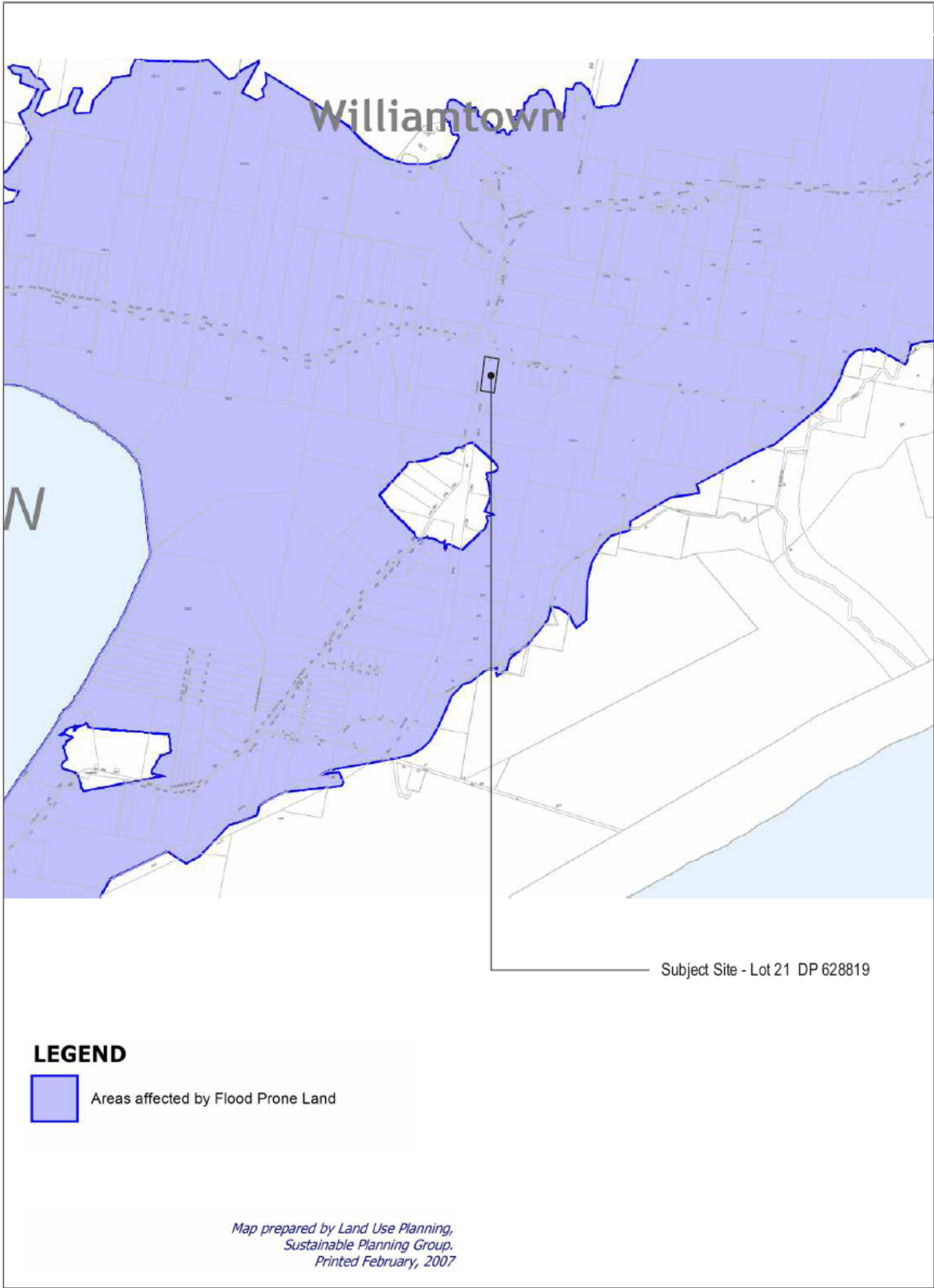
prepared by **planning workshop australia**
2080027graphic\dsi-fig.cdr

0 1000 m

issued 2 Dec 08



Fig 4



2 Lavis Lane - Williamtown

5.5 Potential acid sulphate soils

The site is identified as containing potential Category 3 acid sulphate soils in the Port Stephens Acid Sulphate Soil Planning Map (see Figure 3). This potential has implications for any development works extending beyond 1m below the natural ground surface. As the proposal minimises development below the ground surface, the potential for acid sulphate soils is low. However, a report addressing the potential for such soils, and any management techniques to mitigate these impacts, will be prepared with regard to any development proposed below ground (i.e. greywater treatment units, waste water holding tanks etc).

5.6 Traffic and access

A traffic assessment report will be prepared to address the potential traffic impacts of the development, including likely vehicular trip generation; the capability of the road network to support such an increase; and the requirements for adequate parking. The report will also address access issues, particularly in relation to the site's proximity to a main road (Nelson Bay Road) and the existing heavy-vehicle use of Lavis Lane by trucks associated with nearby sand mining operations.

5.7 Weeds

Port Stephens Council has identified the site as being located within a known 'Alligator Weed' area. Accordingly, an appropriate weed management plan will be prepared to accompany the EAR.

5.8 Landscaping

The site is located within a predominantly rural area and the EAR will consider and have regard to the visual impacts of the site and how they relate to the character of the area. Appropriate landscaping plans and documentation will be prepared to screen the bulk of the development; maximise the amenity of the site; and minimise any visual impacts.

5.9 Noise

The site is located in proximity to the Williamstown RAAF base, Newcastle Regional Airport and the relatively busy Nelson Bay Road, and is potentially affected by aircraft (see Figure 4) and vehicular traffic noise. Accordingly, a noise impact assessment will be prepared to determine the extent of noise impacts and to recommend appropriate mitigation measures.

5.10 Prime agricultural land

The site is mapped as containing Class 3 agricultural land (or 'prime pasture lands') by the Department of Primary Industries (DPI). However, DPI officers note that agricultural suitability mapping was performed at a broad scale and may not be precise when assessed at property-specific levels. Accordingly, an assessment of the site's agricultural capabilities and any impacts from the proposed development will be assessed as part of the EAR.

6 CONCLUSION

6.1 Key environmental issues

As identified throughout this Preliminary EAR, the key environmental issues that should be addressed in the Environmental Assessment Report are as follows:

- Water cycle management issues;
- Servicing availability and investigation of the most appropriate sewage pump-out system for the site;
- Preliminary investigation for contamination;
- Potential for acid sulphate soils;
- Potential for social impacts;
- Traffic impacts and management;
- Weed management;
- Landscaping plan to address amenity;
- Noise assessment; and
- Potential impacts upon prime agricultural land.

Detailed assessment of the environmental and statutory issues identified in the Preliminary EAR will provide an appropriate level of environmental assessment for the Project Application.

APPENDIX 1: CONCEPT PLAN AND IMAGES

EJE ARCHITECTURE