

SALAMANDER SHORES HOTEL REDEVELOPMENT

147 Soldiers Point Road, Soldiers Point

ENVIRONMENTAL ASSESSMENT - VOLUME 1



prepared for:
Department of Planning NSW

prepared by:
SAKE Development
Daryl Jackson Robin Dyke Architects

on behalf of:
Salamander Shores Hotel Propriety Limited

September 2010

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Appendix 2	Director General's Requirements	Department of Planning
Appendix 3	Survey Plan	Harpers Somers O'Sullivan
Appendix 4	Phase 1 Environmental Site Assessment	Coffey Environments
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Appendix 6	Register of Hazardous Materials Report	Coffey Environments
Appendix 7	Geotechnical Assessment	Coffey Geotechnics
Appendix 8	Aboriginal Cultural Heritage Assessment	Dominic Steele Consulting Archaeology
Appendix 9	Assessment of Traffic, Transport & Parking Implications.	Transport and Traffic Planning Associates

Appendix 10	Bushfire Protection Assessment	Ecological Australia
Appendix 11	Minutes of Meetings with Port Stephens Council	Port Stephens Council
Appendix 12	Urban Design, Landscape and Sustainability Report	DJRD Architects
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Appendix 20	QS Certificate of Cost	Davis Langdon

STATEMENT OF VALIDITY

This Environmental Assessment has been prepared and submitted under Part 3A of the Environmental Planning and Assessment Act 1979 (as amended).

Environmental Assessment prepared by

Name	Sarah Kelly
Qualifications	BTP, MSc (Hons)
Company	SAKE Development Pty Ltd
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In respect of	The Salamander Shores Hotel.

Applicant and Land Details

Applicant	Salamander Shores Hotel
Address	C/- SAKE Development Suite 11, 340 Darling Street BALMAIN
Land to be developed	147 Soldiers Point Road, Soldiers Point Lot 31 in DP 529002

Environmental Assessment

An Environmental Assessment (EA) is attached

Statement of Validity	I certify that I have prepared the content of this Environmental Assessment in accordance with the Director General's Requirements dated 16 March 2010 and to the best of my knowledge the information contained in the Environmental Assessment is neither false nor misleading.
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Signature



Name	Sarah Kelly
Date	1 September 2010

EXECUTIVE SUMMARY

This Environmental Assessment Report and accompanying Appendices have been prepared on behalf of Salamander Shores Hotel Pty Ltd in support of a Concept Plan and a Project Application submitted in accordance with Part 3A of the *Environmental Planning and Assessment Act 1979* for the redevelopment of the Salamander Shores Hotel, Soldiers Point.

The proposal seeks approval of the following two Part 3A applications, submitted for concurrent assessment and approval:

1. Concept Plan approval for redevelopment of the site comprising:
 - an overall FSR of 1.6:1 or an approximate overall floor space of 19,600sqm. This floor space primarily comprises a new hotel and hotel rooms, serviced apartments and associated tourist facilities (conference rooms, spa, restaurant and bar); and permanent residential accommodation.
 - 275 car parking spaces; 2 parking spaces for small coaches/mini buses, two coach parking spaces and parking for cyclists.
2. Project approval for the demolition of the existing building and structures and general site clearing including site establishment works.

The proposed hotel redevelopment is permissible within the 3(a) Business General zone under the Port Stephens Local Environmental Plan 2000. The proposed redevelopment is less than the permitted FSR for the site of 1.8:1 found in the Port Stephens DCP, which is a reduction of some 2,400sqm of floor space.

The development site covers an area of 1.22 hectares with a 106.7m frontage to Soldiers Point Road and 131 metre frontage to the open space area to the east. It currently accommodates a 3.5 star rated hotel containing 91 rooms and ranging in height from one to seven storeys.

The hotel was built in 1969 and is an outdated and unattractive building. The site does not relate well to the front streets being an imposing structure setback from the street with limited relief.

Immediately adjoining the site to the east is a large area of nature reserve which is essentially integrated with the hotel and attracts a wide range of birdlife and native fauna.

Objectives of the project are to create a high quality tourist destination that provides resort style accommodation and associated leisure facilities. The project also provides a component of residential accommodation to deliver a mix of development and ensure an inclusive and integrated development outcome for the overall site.

There is strong demand for quality accommodation in the Port Stephens region which is acknowledged in a number of strategic documents and policies, including the Lower Hunter Regional Strategy and the Port Stephens Economic Development Strategy. The proposed hotel redevelopment will help meet the significant demand for high quality and large scale hotel and conference facilities in Port Stephens and provide support for continued growth and expansion in tourism, which is important to the local economy and a significant local and regional employer.

The key environmental impacts associated with the development include:

- visual impact of the proposed development, particularly from foreshore areas
- urban design including the design quality of future buildings, overshadowing, privacy and landscape design
- traffic and access
- water management and the impacts of climate change and associated coastal hazards
- bushfire
- flora and fauna
- aboriginal heritage
- geotechnical
- future construction management
- residential accommodation

The environmental impacts of the proposed future development have been determined by reference to the consultation with government agencies particularly Port Stephens Council and the Department of Planning. In addition, community consultation that occurred as part of the preparation of the concept plan showed overwhelming community support for the redevelopment.

A number of detailed analyses have also been undertaken in relation to the proposal and its associated impact on the site, which are discussed in detail in Section 8 Key Issues of this EA. These studies clearly indicate that the site is suitable for the proposed redevelopment and that there will be no significant environmental impacts associated with the development that will adversely affect the values of the site or surrounds. Any impacts can be readily managed through appropriate mitigation measures. Key considerations including urban design and views, traffic and access, contamination, bushfire, water quality management and geotechnical constraints have all been addressed.

A draft statement of commitments has been prepared which identifies the proposed mitigation measures and means to ameliorate any impacts associated with future development. The applicant or future applicant will carry out the development in accordance with these commitments.

In summary, it is considered that the proposed future development will have a positive and beneficial environmental, social and economic impact in that it will:

- promote and encourage tourism in the Port Stephens locality consistent with a range of strategic planning documents including the Lower Hunter Regional Strategy
- provide significantly improved design quality through a diversity of buildings that create visual interest and respect the coastal environment
- provide a streetscape presence that is currently lacking
- become a future focal point for the local community with the provision of restaurants and cafes that cater for both tourists and local residents
- generate economic and employment opportunities during and post construction

No significant adverse environmental, social or economic impacts have been identified which would preclude the site being developed for mixed use purposes.

1 INTRODUCTION

1.1 Overview of the Project and Approval Sought

This Environmental Assessment (EA) is submitted to the Department of Planning (DoP) pursuant to Part 3A of the Environmental Planning and Assessment Act 1979 (EP&A Act) and State Environmental Planning Policy (Major Development) 2005 (the Major Development SEPP).

The application has been prepared in response to the Director General's Environmental Assessment Requirements (DGRs) issued on 16 March 2010.

The Proponent, the Salamander Shores Hotel Pty Ltd, is seeking concurrent Concept Plan Approval and Project Approval for demolition of the existing buildings on site. Therefore, in accordance with Section 75M of the EP&A Act, Concept Approval is sought for the redevelopment of the Salamander Shores Hotel as a mixed use development generally consistent with the following:

- Redevelopment of the site with an overall FSR of 1.6:1 or an approximate overall floor space of 19,600sqm. This floor space primarily comprises a new hotel and hotel rooms, serviced apartments and associated tourist facilities (conference rooms, spa, restaurant and bar); and permanent residential accommodation.
- 275 car parking spaces; 2 parking spaces for small coaches/mini buses, two coach parking spaces and parking for cyclists.

The concept plan process seeks a degree of flexibility with the finite detail determined once further Project and/or Development Applications are lodged. The architectural drawings that support this assessment provide an indicative layout and future development scenario which provides for:

- 44 permanent residential dwellings in Building H
 - 5 x 1 bedrooms
 - 9 x 2 bedrooms
 - 30 x 3 bedrooms
- 34 serviced apartments (Buildings A and B)
- 84 hotel rooms (Buildings D, E, F and G).
- Associated tourist facilities (Buildings B, C and D)
 - Bar / restaurant / cafe / conference and pre function areas
 - Gym, day spa and recreation areas
 - Retail
 - General back of house and storage.
- Car parking, coach parking and service vehicle areas

Section 5 of this report outlines the detailed aspects and an overview of the Concept Plan proposal.

Project Approval is being sought for early works including demolition of the existing hotel and associated facilities, and any remediation works that are required as part of this process. The Stage 1 Project Approval is detailed in Section 5.

Major Project Approval for subsequent stages of the Concept Plan will be subject to separate applications for approval at a later date. Detailed development plans will therefore be lodged at key stages and will be subject to detailed design and architecture.

The report includes the following information relevant to the project and as outlined in the EA requirements.

- A statement of validity;
- An executive summary;
- An outline of the scope of the project including:
 - Any development options;
 - Justification for the project taking into consideration any environmental impacts, the suitability of the site and whether the project is in the public interest;
 - Outline of the staged implementation of the project, if applicable.
 - A thorough site analysis including constraints mapping and description of the existing environment;
- Consideration of any relevant statutory and non statutory provisions and identification of any non compliances, in particular relevant provisions arising from environmental planning instruments, Regional Strategies and development control plans (DCPs);
- Consideration of the consistency of the project with the objects of the EP&A Act.
- Consideration of impacts, if any, on matters of National Environmental Significance under the Commonwealth EPBC Act 1999;
- 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;
- The relevant plans and documents.

Table 1 indicates where each DGR is addressed in this EA.

Table 1 Director General's Requirements

Director General Requirement	Report Location
General Requirements	
Executive Summary	Page v
Description/Scope of the Proposal	Section 5
– Development options	Section 6.5
– Site suitability	Section 6.1
– Justification	Section 6.2
Site Analysis including mapping	Section 2
Statutory and Non Statutory Provisions	Section 4, Section 8 and Section 9
Objects of the EP&A Act	Section 4.2
Impacts of National Significance in EPBC Act	Section 4.1
Assessment of Potential Impacts and draft SoCs	Section 8 and Section 9
Plans and documents	Under separate cover
Quantity Surveyor Certificate of Cost	Appendix 20
Assessment of key issues and table outlining how these key issues have been addressed	Table 8 in Section 8.15

Statement of Validity	Page iv
Key Issues	
Strategic Planning	Section 3
Urban design, visual impact and sustainability	Sections 2, 5.3 and 8.3
Traffic and access	Sections 5.5 and 8.4
Hazard management and mitigation	Section 8
– Coastal processes	8.5
– Contamination	8.6
– Acid sulphate soils	8.7
– Bushfire	8.8
– Geotechnical	8.9
– Flooding	8.10
Water cycle management	Section 8.11
Heritage and archaeology	Section 8.12
Flora and fauna	Section 8.13
Noise	Section 8.14
Consultation	Section 7
Port Stephens Council	Section 7.1
Agencies and other authorities	Section 7.2
Aboriginal cultural heritage and consultation	Section 7.2 and Section 8.12
The public	Section 7.3
Project Application for Demolition	Section 5.8
Demolition and Waste Management Plan	Section 5.8
Soil and Water Management Plan	Section 5.8

This EA has been prepared by SAKE Development Pty Ltd in collaboration with Daryl Jackson Robin Dyke Architects Pty Ltd on behalf of the landowners Salamander Shores Hotel Pty Ltd. It should be read in conjunction with the following material:

Appendix 1	Major Project Opinion	Department of Planning
Appendix 2	Director General's Requirements	Department of Planning
Appendix 3	Survey Plan	Harpers Somers O'Sullivan
Appendix 4	Phase 1 Environmental Site Assessment	Coffey Environments
Appendix 5	Phase 2 Environmental Site Assessment	Coffey Environments
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Concept drawings prepared by Daryl Jackson Robin Dyke Architects Pty Ltd are also provided under separate cover and support this application.

1.2 Background

The Salamander Shores Hotel (the Hotel) occupies a 1.22 hectare site set back some 80 metres from the waters of Port Stephens. The hotel was built in 1969 and is an outdated, concrete monolithic building. The site is elevated above the surrounding predominately flat landscape, being located within a green knoll. Physically, the hotel does not relate well to the site and has no street presence. The hotel operates as a 3 ½ star, 91 room hotel with complementary facilities such as a pub, restaurants, pool and conference areas. Since 2008, the hotel has been managed by the Accor Group under the All Seasons banner.

The site is zoned 3(a) General Business under Port Stephens Local Environmental Plan 2000 (LEP 2000). This zone covers both the major commercial centres of Port Stephens and the smaller neighbourhood shopping centres. The zone is characterised by a mix of commercial uses and some associated tourist facilities and residential uses. The LEP does not prescribe any development controls; these are found in the Port Stephens Development Control Plan 2007 (DCP 2007), including height and FSR. The planning controls do not reflect the unique nature of the site, in terms of its location and land use.

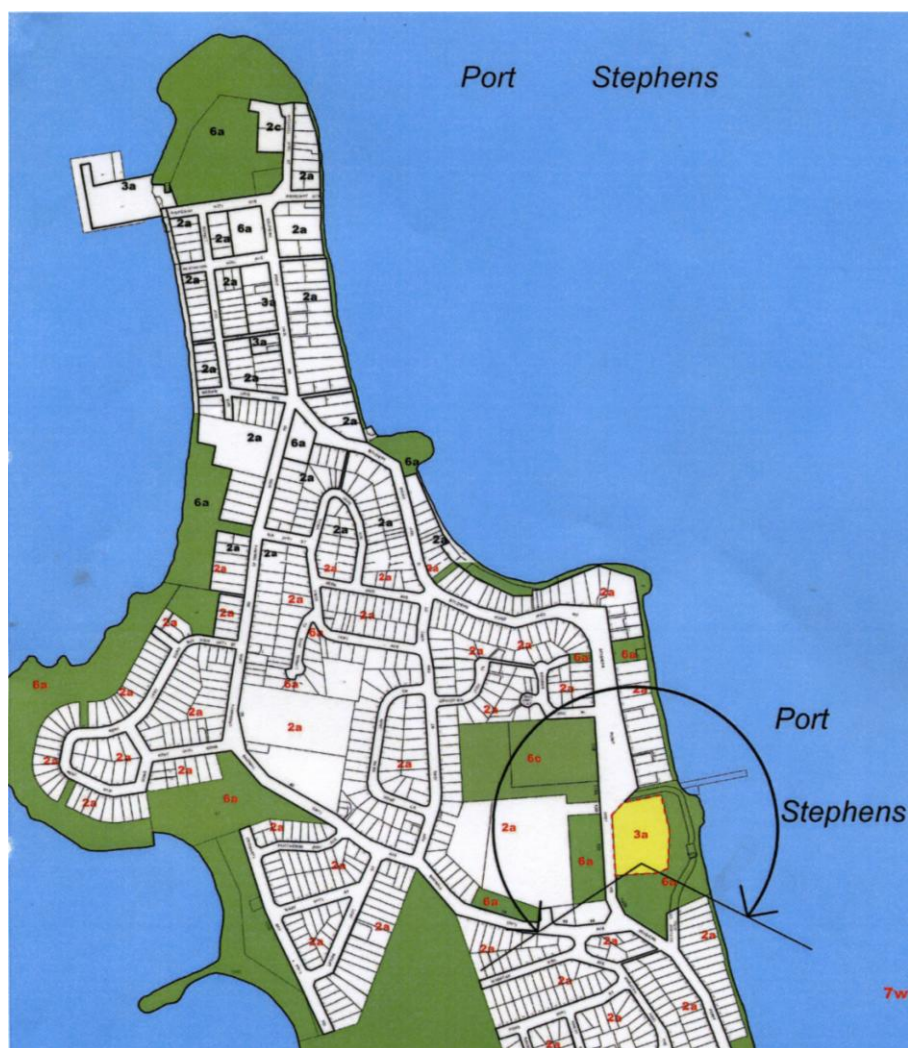


Figure 1. The site is located at 147 Soldiers Point Road Soldiers Point and is zoned 3(a) General Business under Port Stephens LEP 2000

The Major Development SEPP identifies development of State Significance. On 14 September 2006, the Minister's delegate formed the opinion that the proposed tourist facility is a Project and that Part 3A of the EP&A Act applies. On 17 October 2006, the Minister for Planning authorised the preparation of a Concept Plan for the tourist facility application under Section 75M of EP&A Act (see advice attached at Appendix 1). In accordance with Section 75F, the Director General issued the requirements for the Environmental Assessment on 30 June 2006. The Director General's Requirements were modified by the Department of Planning on 16 March 2010 and re-issued in accordance with Section 75F(3) of the EP&A Act. A copy of the Director-General's advice is found at Appendix 2.

The Port Stephens region is a spectacular location which is experiencing development pressure as more people seek out the area as a tourist destination and as a permanent and seasonal place of residence. The local economy has moved from traditional fishing and agriculture to tourism and service industries. There is growing demand for high quality conference facilities and associated accommodation (Draft Nelson Bay Strategy 2008).

Nelson Bay has also been identified as a significant growth area in the Lower Hunter Regional Strategy, released by the Minister for Planning in October 2006 with a focus on sustainable growth and economic development while protecting natural assets and resources. Soldiers Point is part of the Nelson Bay tourism precinct – a specialised centre of regionally significant economic activity and employment. 1,500 new jobs are projected and required in the Nelson Bay precinct and 1,200 new dwellings are anticipated to support population growth.

In 2006, the owners of the site commenced the planning and design process to revitalise the hotel and provide contemporary tourist facilities, combined with some permanent residential accommodation. The project team was therefore appointed and background research and consultation undertaken to determine the best outcome for the site. During this time, the owners recognised that the current hotel, in terms of its layout, facilities and form of accommodation did not meet contemporary tourism demands and required significant upgrading to capture the conference and domestic / international tourist market. The physical layout of the hotel was poor and the unique scenic and locational aspects of the hotel were being underutilised.

This project builds on the locational qualities of the site, the economic drivers of the area and the environmental constraints to deliver a well considered and appropriate development outcome. Through the Concept Plan process, an integrated mixed use development will be delivered for the Hotel.

2 SITE DESCRIPTION

2.1 Regional Context

Soldiers Point is located in the Lower Hunter Region of New South Wales within the local government area of Port Stephens. Port Stephens is 220 kilometres from Sydney Central Business District or a 2.5 hour drive. Newcastle, the regional capital, is located some 60 kilometres to the south of the site and is the main centre for business, specialised shops, professional services, entertainment, educational and health facilities. The Pacific Highway, the main transport route, bypasses the Port Stephens region. The key regional roads are therefore Richardson and Nelson Bay Roads that connect the peninsula with the major highway and freeway systems. Key local sub-arterial and collector roads include Nelson Bay Road, Port Stephens Drive and Salamander Road.

Public transport services in vicinity of the Salamander Shores Hotel are essentially limited to the bus service operated by Port Stephens Coaches which connects Soldiers Point and Newcastle. The service operates in the morning and afternoon during weekdays with a weekend and public holiday service. Port Stephens has an extensive network of cycleways, both formal and informal (shared facilities and off road). These consist of links between recreation areas, schools, business centres and community facilities.

In terms of population, Port Stephens has a significant retired population with people moving to the area for lifestyle and amenity reasons, while being relatively close to facilities and services in Newcastle and Sydney. The population of Soldiers Point is characterised by an aged population, with 1 in 3 people being over 60 years in age (Port Stephens Economic Development Strategy, 2007).

In terms of employment and the regional economy, much of the employment is generated by a strengthening in key sectors being Williamstown airport and associated aviation services, the RAAF base and defence support, engineering industries such as mining in the Hunter and general growth generated by population increase (Port Stephens Economic Development Strategy, 2007). Tourism and service industries remain an important employment generator and contributor to the local economy. Tourism services the local resident population and is a strategically important sector. It also provides significant part time and seasonal employment (ibid).

Port Stephens is located in a spectacular natural setting and environment with waterways and national parks. It is located within the Tomaree Peninsula. The Port Stephens waterway is a protected marine park and the Tomaree National Park provides the southern natural border. The locational and scenic qualities therefore make Port Stephens a desirable and attractive tourist and residential destination.



Figure 2. The Salamander Shores Hotel is located at Soldiers Point, in the Lower Hunter region.

2.2 Site Location

The Salamander Shores Hotel (Hotel) is located at 147 Soldiers Point Road in Soldiers Point, 7 km north west of Salamander Bay, Port Stephens. The real property description is Lot 31 in DP 529002. The site covers an area of 12,200sqm and has a frontage of 106.68 metres to Soldiers Point Road and 131 metres to the open space area to the east. The depth of the site is some 95 metres.

Soldiers Point is located in Port Stephens and is a relatively long and isolated peninsular. There are views from Soldiers Point to Hawks Nest/Jimmys Beach, Tea Gardens and the waters of Port Stephens. The headlands of Yacaaba and Tomaree are very prominent and provide a stunning outlook from parts of the hotel

The site location is shown in Figures 1 and Figure 2.

2.3 Existing Development

The Hotel is currently managed by the Accor Group which offers a range of accommodation (from backpackers to executive suites), conference facilities and associated recreational and leisure facilities including a bar and restaurant. The hotel occupancy is 47% and the key market segments are split between leisure, inbound tours, conference, wedding, corporate and government accommodation.

The main improvement is the 3.5 star rated hotel with 91 rooms. It ranges in height from one to seven storeys to a maximum height of RL31. The hotel, built in 1969, is an outdated and monolithic building with limited public domain benefits. It has no street presence being dominated by the bitumen car park with views from Soldiers Point Road into the open hotel corridors. The open car park accommodates some 135 vehicles and provides limited landscaping. The site is well screened along its sea frontage but generally does not relate well to the front streets being an imposing structure setback from the street with limited relief.

The hotel's associated facilities and amenities include the open car parking, a swimming pool, bar, restaurant, bottle shop, landscape gardens and children's playground. There are three conference areas (Marlin, Bayview and Spinnaker rooms).

Immediately adjoining the site to the east is a large area of nature reserve which includes established and mature trees, seating areas and walkways to the waterfront. The reserve is essentially integrated with the hotel and attracts a wide range of birdlife and native fauna.

Physically, the site is located on a knoll and from the low point on Soldiers Point Road there is a significant gradient and slope to the south east. The current building form accommodates the steep terrain. The lowest point on Soldiers Point Road generally sits at RL7. The site slopes to a maximum height of approximately RL21 at the south east corner of the property which results in a 14 metre height variation across the site.

The current building form therefore sits within the terrain and slope of the land, and the building steps up the hill. The pub and restaurant located on the ground floor near the right of way to the waterfront is a single and double storey building. The reception area through to the highest level on the site which includes areas of unfinished building work on the upper level is seven storeys, which generally reflects the slope of the site and significant level change. The majority of the buildings are however three to five storeys. Figure 3 illustrates the overall building form and height.



Photo 1. Aerial view of the Salamander Shores Hotel looking east.



Photo 2. Aerial views of the Salamander Shores Hotel looking west. Note the jetty in the foreground and the heavily vegetated nature reserve between the hotel and water.



Figure 3. The Salamander Shores Hotel showing existing heights and landform. Note the steep slope from Soldiers Point Road to the upper car park (Source: DJRD September 2008).

2.4 Surrounding Development

Directly to the north of the hotel is a right of way and loop road to the waterfront, boat launch and the Port Stephens Sailing and Aquatic Club. A public wooden jetty is also located adjacent to the boat launch. All the land surrounding the Hotel is zoned for public open space purposes and therefore the uses reflect this zoning. As noted above, along the eastern, northern and southern boundaries are native bushland areas with some amenities (such as seating). The wooded open space to the east of the site towards the beach and waterfront provides a well needed visual break to the dense urban beachscape.

On the opposite side of Soldiers Point Road is a degraded park with very limited facilities and vegetation, with the Soldiers Point Holiday Park further beyond. Soldiers Point Bowling Club which is a large and popular Club in the locality is located north of the park.



Photo 3 Beach front housing located to the north of the hotel. Generally three storeys high with limited landscaping or setback from the beach.



Photo 4 View of the hotel from Soldiers Point travelling north. Note the hotel is completely screened from view by the existing mature trees and dense vegetation.

2.5 Site Opportunities and Constraints

An analysis of the site's constraints and opportunities has been undertaken by Daryl Jackson Robin Dyke architects to inform the design of the proposed new tourist facility and permanent residential accommodation. The key opportunities and constraints are shown in Figures 5 and 6.

The site is unique to Soldier's Point having the following characteristics:

- It is one of the few developments that is setback from the water;
- It is completely surrounded by land zoned open space containing native bushland;
- It is well screened by dense vegetation and open space with the tree canopy sitting up to RL36 but generally at RL30;
- It is contained within a green knoll which rises steeply from both Soldier's Point Road and the water's edge.

The topography and surrounding bushland therefore screen the site from view, particularly from the water, key public domain areas including Wanda Wanda headland, the adjoining public jetty and for motorists travelling north along Soldiers Point Road.

Principles for future development generated by the detailed site analysis include:

- The height of future development to be 15m from natural ground level.
- Future development will be contained within the height of the existing tree line and canopy surrounding the site.
- Street front retail to be minimal as the site is located in close proximity between linear strip shops to the south at Salamander Bay as well as new shops located to the north on Soldiers Point Road. It is considered that additional retail development on this site would be economically unviable and result in vacant retail space as has been demonstrated elsewhere.
- Street front public facilities to address and activate the north west corner of the site.
- Provision of a 10m bush fire setback to the eastern and southern boundaries
- Provision of a 15-25m landscape setback along Soldiers Point Road to help minimize the visual mass of the future development
- Car parking to be located under the development to maximize open space/landscape adjacent to buildings
- Provision of permanent residential accommodation to support the viability of the project and to create a mixed use development.

The layout and facilities of the existing hotel do not meet contemporary tourism needs particularly demand for high quality accommodation and conference facilities. Market research and anecdotal evidence suggest that there is demand for quality accommodation with conference facilities for over 200 delegates in the Port Stephens area. It is considered that benefits of the redevelopment include:

- The opportunity to provide a contemporary hotel facility that meets market demand.
- The opportunity to provide community benefits including improved access to the foreshore and connectivity with adjoining lands notably public reserves, open space areas, the public jetty and sailing club and the upgrading and revitalization of adjacent public open space areas.
- The opportunity to improve car parking and access to the boat ramp and jetty, particularly the parking and set down areas for bus coaches.
- Improved architecture and building design with sustainable development features including water management, energy conservation and building materials.
- Urban design improvements including a street address and presence along Soldiers Point Road.
- A landscaped vegetation buffer to Soldiers Point Road rather than a hard urban edge built to the street alignment as described in the DCP.
- Potential improvements to stormwater management particularly water quality and quantity control measures for waters entering Port Stephens.
- Short and long term economic development improvements including increased permanent workforce participation rates with the additional hotel units and conference facilities; and the associated multiplier effects.

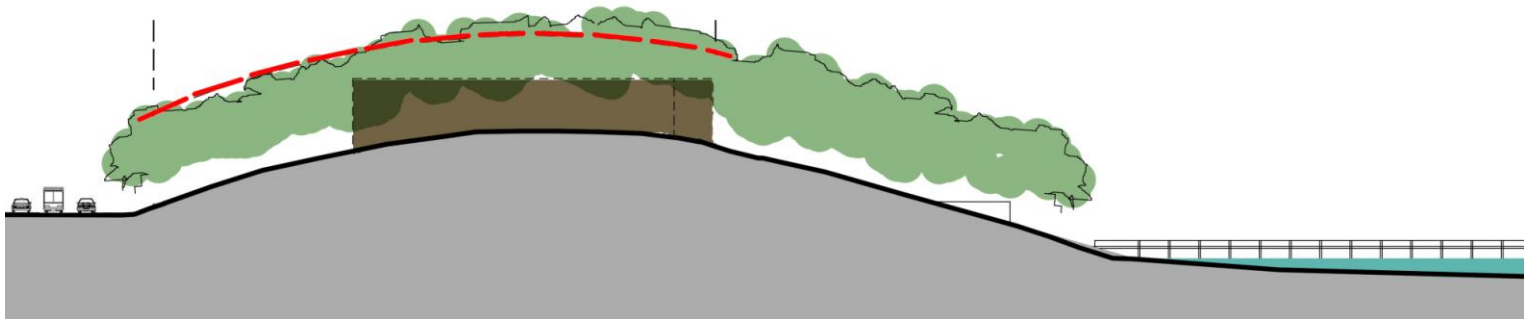


Figure 5. The height of future development will be contained within the existing tree line and canopy surrounding the site.



- | | | | |
|---|--------------------------------------|---|--|
|  | 10m BUSH FIRE SET BACK |  | PUBLIC FACILITIES (PUB, CAFE, SHOP) TO ACTIVATE NORTH WEST CORNER |
|  | 10-15m LANDSCAPED SETBACK |  | ROOMS / APARTMENTS TO VIEW EAST & WEST AND TO SIT WITHIN EXISTING TREE CANOPY 10-15m |
|  | UPGRADE CAR PARKING & ACCESS TO PIER |  | CENTRAL GARDEN AND POOL |
|  | MINIMAL INTERNAL ROAD CIRCULATION |  | CAR PARKING UNDERGROUND |
|  | FORMAL ENTRANCE | | |

Figure 6 Site Analysis Plan and Concept Development

3.0 PLANNING FRAMEWORK AND CONTEXT

3.1 Strategic Context

3.1.1 Lower Hunter Regional Strategy

The Minister for Planning released the Lower Hunter Regional Strategy in October 2006 with a focus on sustainable growth and economic development while protecting natural assets and resources. The Lower Hunter is a major population centre that includes the regional city of Newcastle, the State's second largest urban centre. The Strategy provides the strategic land use planning framework and is an important document in the growth and development of the Lower Hunter Region.

The Hunter Region has enjoyed strong job growth and employment self sufficiency. It has a robust mining and industrial manufacturing heritage upon which it is building an increasingly diverse economic base and workforce with new jobs being created in the tourism sector. Soldiers Point is part of the Nelson Bay tourism precinct – a specialised centre of regionally significant economic activity and employment within the broader Hunter Region. 1,500 new jobs are projected and required in the Nelson Bay precinct, together with an additional 1,200 dwellings to support population growth and development.

Other elements in the Strategy relevant to the redevelopment include natural hazards including climate change – sea level rise, coastal recession and flooding. As a coastal plain, the Lower Hunter region has inherent risks. Future urban development will not be located in areas of high risk. As the Salamander Shores Hotel is setback from the water, is located on an elevated green knoll and is not flood prone, it is not significantly affected by coastal hazards. The impacts of climate change have been assessed as part of this application and are discussed in detail in Section 8 of this report. The investigation found that the changes in sea levels would not have an adverse affect on flooding on the site, as the majority of the site sits well above the 100 year flood level, with or without climate change.

3.1.2 NSW Coastal Policy and Coastal Design Guidelines

The NSW Coastal Policy, released in 1997, sets the direction for coastal zone management, planning and conservation. The Coastal Policy adopts a number of principles and strategic actions. An assessment of the proposal against the relevant provisions and strategic actions are provided in Table 2.

The Coastal Design Guidelines for NSW (CDG) were released on 4 March 2003 by the Minister for Planning. The guidelines provide advice on a design framework for the public domain and private development in the coastal zone and provide design practices and principles to achieve the sensitive development of unique natural and urban settings of coastal places in NSW. The Guidelines identify seven coastal settlement types and provide “desired future character” statements for each settlement type.

Table 2 Coastal Policy Assessment

Strategic Action	Provision	Response
1.1.8	The implementation of SEPP 14 - Coastal Wetlands and SEPP 26 - Littoral Rainforest	There are no wetlands or areas of littoral rainforest in close proximity of the site.
1.2.7	Threatening processes (such as clearing, noxious weeds), being processes which threaten or have the capacity to threaten the survival or evolutionary development of species, populations or ecological communities, will be identified for coastal species in accordance with the Threatened Species Conservation Act 1995 and where possible controlled.	A detailed assessment has been undertaken in relation to the impact of the proposal on threatened species and measures have been incorporated and proposed to ensure the long term protection of threatened species, including koalas that are known in the Port Stephens areas. Refer to Section 8 and Appendix 15.
1.3.2	Problems of non-point source pollution will be addressed through a range of actions including the setting of ambient water quality objectives; the development of stormwater management plans; the promulgation of environmental guidelines; and encouraging the adoption and implementation by industry and developers of "best management practices" for minimising pollution.	An assessment of the proposal's impact on water quality and quantity has been undertaken (refer Appendix 14 and Section 8 of this report), and a range of measures have been incorporated into the development to ensure best management practices for minimising pollution and maintaining or improving water quality.
1.3.8	The discharge of contaminated stormwater to coastal waters will be minimized with the aim being to ensure environmentally sound management of stormwater and prevent contamination in the future.	Refer to discussion above. A stormwater concept plan has been prepared by Worley Parsons and is found at Appendix 14.
1.3.14	The State Groundwater Policy will be developed used in the management of the groundwater resources covered by the coastal policy to ensure the maintenance of essential linkages between groundwater, surface water and the coastal environment.	The site is part of the Tomago Tomaree Stockton Groundwater source. No groundwater extraction is proposed as part of the development. An assessment of the proposal's impact on ground water is discussed in detail in the Water and Coastal Engineering report prepared by Worley Parsons (see Appendix 14).
1.4.5	Development proposals on the coastline which are threatened by coastal hazards or where they pose a threat to the physical well being of the coastline will be approved subject to conditions which minimise impacts or rejected where they pose an unacceptable threat to the physical well being of the coastline.	An assessment of coastal processes and hazards including wind and waver action, coastal erosion and sea level rise has been undertaken (see Section 8 and Appendix 14). An assessment of the proposal with respect to these and other coastal hazards has also been undertaken.
2.1.3	Physical and ecological processes and hazards will be considered when assessing development applications	A detailed assessment of physical and ecological processes and hazards has been undertaken for this EA. Refer Section 8 for details.

4.1.4	Planning instruments, development control plans and design guidelines will identify and consider significant views and vistas within and from towns, including street patterns and layout and items of heritage significance, in planning for towns.	An assessment of the proposal's impact on significant views and vistas has been undertaken by Daryl Jackson Robin Dyke Architects as part of this process and is provided under separate cover and discussed in Section 8 of this report.
4.2.3	Criteria and procedures to enable the identification of coastal sites of significance to Aboriginal heritage will be established	An assessment of the proposal's impact on Aboriginal heritage is provided at Appendix 8 and discussed in Section 8.12 of this report. There are no sites of Aboriginal significance identified on the site.
5.1.2	The land use requirements identified in regional economic development strategies, including tourism strategies, will, be considered in the preparation of LEPs and REPs	The proposed development of the site as a mixed use tourist development is consistent with the relevant regional strategies and local economic development strategy, which notes demand in high quality tourist accommodation and conference facilities to cater for the short stay and conference market.
6.1.1	Coastal urban planning/settlement strategies prepared by the DUAP will ensure recognition of environmentally sensitive areas or natural and cultural heritage resources when identifying suitable areas for urban growth.	Mixed use and tourism development of the site is consistent with the Lower Hunter Regional Strategy prepared by the Department of Planning and adopted by the Minister for Planning.
6.2.2	The design of towns and buildings should have regard to energy efficient principles, for example compact town form related to transport networks, in order to reduce energy dependency	The proposed development incorporates a range of measures to ensure efficient water and energy use, or commits to future requirements, including rainwater storage, water sensitive urban design treatments and energy efficient buildings.

The Guidelines define coastal villages as small centres with a population of up to 3,000 people. Salamander Bay, Soldiers Point and Taylors Bay have a combined population of some 6,000 people. Soldiers Point is therefore considered a coastal village.

Issues identified for the future development of towns include ribbon development that reduces the separation of settlements, degradation of coastal lakes and water quality, protection of heritage values and degradation of the town centres. Opportunities include creating functional urban areas in close proximity to areas of natural beauty, regeneration of degraded natural assets and the consolidation of future growth.

The proposal's consistency with the Guidelines is addressed in further detail in the Urban Design Report (see Appendix 12) and Section 8 of this EA including the desired future character statements and design principles. The proposed future development will implement the guidelines through:

- Preserving views and view corridors.
- No additional overshadowing of the foreshore including the beach and pier.
- An appropriate built form including building height, scale and bulk to suit the scale of the coastal village and tourist facilities in the area.
- Buildings that are sensitively designed within their existing context so as to positively contribute to the local character in terms of height, footprint, massing, and materials
- Maximising setbacks to ensure appropriate asset protection zones, landscaped buffers and opportunity for deep soil planting.
- Public domain improvements including formalising off street car parking for the jetty and pier along the foreshore.

A Site Analysis and Visual Impact Report has been prepared by Daryl Jackson Robin Dyke architects that examine in detail the character of Soldiers Point and the Port Stephens region from that nature of beachside development through to streetscape characteristics. Proposed principles and controls have been developed to ensure a high quality and integrated tourist facility that meets the needs of both tourists and visitors.

3.1.3 Port Stephens Economic Development Strategy

The Port Stephens Economic Development Strategy was adopted by Council in December 2007. The strategy aims to ensure that Port Stephens achieves its full potential as a place to live, work, visit and conduct business. The attractiveness of Port Stephens is based on a combination of its natural features, waterways and rural character, accessibility, location and access to a significant regional labour market.

The economic drivers in Port Stephens are centred on the defence and aviation economy (Williamstown Airport), global manufacturing, services and tourism. A large cluster of high skilled jobs are concentrated around the Williamstown airport, particularly defence and associated industries. The Strategy estimates that tourism accounts for around 8% of total jobs (1350 jobs) across the whole local government area and these are focused on the Peninsulas (particularly in Nelson Bay and Salamander Bay). Tourism is therefore a major industry in Port Stephens.

In future, there is scope to develop tourism related activities - particularly business tourism (conferences), the short stay market and visits associated with major events. The development of Newcastle Airport has opened up opportunities for interstate

visitors and for international visitors. Port Stephens is also highly accessible to the Sydney and Hunter markets.

The Economic Development Strategy aims to build Nelson Bay as one of the key regional tourism hubs. Economic drivers and factors for tourism include increasing developments in the short stay domestic markets and international markets. The immediate challenges are to strengthen existing business activity in retail, tourism and services sectors, while working on the longer term infrastructure and investment requirements to underpin future industry development. Improving tourist areas and facilities (including accommodation, retail facilities and restaurants) is a key action contained in the Strategy.

There are a number of key development issues that are recognised in the tourism sector including:

- the seasonality of the market;
- the quality of the offering (accommodation and facilities) that is currently available to the high value, high yield market, including the short stay markets;
- a need to improve the range and quality of cafes and restaurants and other services in the tourism centres,
- problems in securing the business visitor market due to inadequate conference facilities; and community ambivalence to the tourism sector and its positive impacts.

3.1.4 Draft Nelson Bay Strategy 2030

Port Stephens Council released the Draft Nelson Bay Strategy (Draft Strategy) in June 2008 which is a strategic planning document for the growth and future direction of the Nelson Bay Town Centre. Whilst the Draft Strategy does not directly apply to Soldiers Point, it is an important planning document, particularly with respect to regional growth, tourism and the future pattern of development.

The Draft Strategy notes that the region has experienced significant growth during the post war period, when the community was a small fishing village. There has been a significant increase in permanent and seasonal residents and structural economic changes, notably a move away from agriculture and fishing to tourism and related services such as retail. The community is also seeking to link future development and tourism more closely with the natural environment.

In terms of tourism, the strategy notes that current opportunities lie in increased boat based tourism, overnight and short stay visitation. A lack of high level accommodation was viewed as limiting business opportunities and international tourism. There is interest and demand for increasing tourism accommodation, providing high quality conference facilities and improved urban infrastructure. Improved architecture and the quality of the public domain were also seen as important opportunities.

In summary, the Draft Strategy notes that opportunities for the tourist and accommodation sector include:

- Conference facilities and resorts;
- Serviced apartments;
- Cafes and restaurants;
- Day spas.

The proposed redevelopment of the Salamander Shores Hotel will therefore meet the objectives of the relevant tourism and economic development strategies. It will satisfy demand for accommodation and the tourist facility has been designed cognizant of the above opportunities.

4 STATUTORY FRAMEWORK

4.1 Commonwealth Legislation

4.1.1 Environmental Protection and Biodiversity Conservation Act, 1999

Approval from the Commonwealth Environment Minister is required under the EPBC Act if the action (can include a project, development, undertaking or activity) will, or is likely to, have a significant impact on matters considered to be of national environmental significance (NES matters). The EPBC Act does not define significant impact but identifies matters that are necessary to take into consideration.

The EPBC Act Administrative Guidelines on Significance set out 'Significant Impact Criteria' that are to be used to assist in determining whether a proposed action is likely to have a significant impact on matters of national environmental significance. Matters listed under the EPBC Act as being of national environmental significance include:

- Listed threatened species and ecological communities
- Listed Migratory species
- Wetlands of International Importance
- The Commonwealth marine environment
- World Heritage properties
- National Heritage places
- Nuclear actions

The *Flora and Fauna Assessment Report* prepared by Eco Logical Australia Pty Ltd (May 2010) (Appendix 15) has undertaken an assessment of the proposal in relation to the EPBC Act and Guidelines. The following species were assessed for impacts under EPBC Act guidelines in the report:

- Grey-headed flying-fox (*Pteropus poliocephalus*)
- Large-eared Pied bat (*Chalinolobus dwyeri*)
- Satin Flycatcher (*Myiagra alecto*)

This assessment showed that the proposed redevelopment of the site is unlikely to have significant impacts on these species based on the criteria of assessment. Further discussion on this issue is provided in Section 8.13.

4.2 NSW Legislation

4.2.1 Environmental Planning and Assessment Act, 1979

This combined Concept Plan Application and part Project Application is being undertaken in accordance with the provisions of Part 3A (Section 75F) of the EP&A Act. Under Part 3A the Minister for Planning is the consent authority for the development. The proposal comes within the ambit of Part 3A by virtue of the provisions of the Major Development SEPP. Specifically, the proposed development falls under Schedule 1 Group 6 Section 17 as it is tourism related development with a capital investment value exceeding \$100 million and is located within a sensitive coastal location.

Section 5 of the EP & A Act sets out its objects. They are:

(a) to encourage:

(i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment;

(ii) the promotion and co-ordination of the orderly and economic use and development of land;

(iii) the protection, provision and co-ordination of communication and utility services;

(iv) the provision of land for public purposes;

(v) the provision and co-ordination of community services and facilities;

(vi) the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities and their habitats;

(vii) ecologically sustainable development;

(viii) the provision and maintenance of affordable housing;

(b) to promote the sharing of the responsibility for environmental planning between the different levels of government in the State; and

(c) to provide increased opportunity for public involvement and participation in environmental planning and assessment.

The proposed development is consistent with the objects in that:

- it is consistent with the regional and local strategic framework established for Port Stephens and the Lower Hunter Region (refer Chapter 3 Strategic Overview);
- it provides for the orderly and economic use of a site by replacing the currently underutilised and poorly designed hotel development with a contemporary hotel facility and apartments that meet market demands;
- it complies with relevant environmental planning instruments (refer following sections of this chapter);
- it provides community benefits including improved access to the foreshore and connectivity with adjoining lands notably public reserves, open space areas, the public jetty and sailing club and the upgrading and revitalisation of adjacent public open space areas to formalise car parking for the public jetty;
- it achieves improved urban design and public domain outcomes for the site and surrounds;
- it protects and enhances the environmental qualities of the site and surrounds, including flora and fauna and water quality;
- it provides for increased opportunities for public involvement and participation through a detailed stakeholder and community engagement process (refer Chapter 7).

Under Section 75U of the EP&A Act, a number of authorisations under other NSW legislation are not required. These include (but are not limited to) the following:

- *Water Management Act 2000* (ss89, 90 & 91)
- *Coastal Protection Act 1979* (concurrence under Part 3)
- *Heritage Act 1977* (Part 4, s139)
- *National Parks and Wildlife Act 1974* (s. 87, 90)
- *Protection of the Environment Operations Act 1997* (Ch. 4)

However, the Department of Planning still requires an equivalent level of information within the Environmental Assessment as would ordinarily be required for any approval, order or the like referred to in Section 75U to enable an assessment of the works. This is reflected in the Director-General's EA Requirements (refer Appendix 2).

4.2.2 Threatened Species Conservation Act 1995

The Threatened Species Conservation Act (TSC Act) aims to protect and encourage the recovery of threatened species, populations and communities listed under the Act. The Act is integrated with the EP&A Act and requires consideration of whether a development or an activity will affect threatened species, populations and ecological communities or their habitat.

Draft Guidelines have been prepared for the assessment of impacts on threatened species, populations or ecological communities or their habitats arising from project applications assessed under Part 3A of the EPA Act. The Assessment Guidelines outline guiding principles for the provision of information to "enable decision makers to ensure that developments deliver the following environmental outcomes:

- *Maintain or improve biodiversity values (i.e. there is no net impact on threatened species or native vegetation);*
- *Conserve biological diversity and promote ESD;*
- *Protect areas of High Conservation value (including areas of Critical habitat);*
- *Prevent the extinction of threatened species;*
- *Protect the long-term viability of local populations of a species, population or ecological community; and*
- *Protect aspects of the environment that are matters of National Environmental Significance" (pursuant to the EPBC Act).*

An assessment of the proposed project in relation to the Assessment Guidelines has been undertaken in Appendix B of the *Flora and Fauna Assessment Report* (provided at Appendix 15 of this EA).

4.3 State Environmental Planning Policies

4.3.1 State Environmental Planning Policy (Major Development) 2005

The Major Development SEPP identifies development to which Part 3A of the EP&A Act applies and for which the Minister is the consent authority. Clause 6 of the SEPP states that development, which in the opinion of the Minister is development of a kind referred to in Schedule 1 (Classes of Development, Schedule 2 (Specified Sites) or Schedule 3 (State significant development) of the SEPP, is declared to be a project to which Part 3A applies.

Under Schedule 1 (Group 6) development for the purpose of tourist related facilities is a project to which Part 3A applies if it:

- (a) has a capital investment value of more than \$100 million, or
- (b) employs 100 or more people,
- (c) or has a capital investment value of more than \$5 million and is located in an environmentally sensitive area of State significance or a sensitive coastal location,

A sensitive coastal location means any of the following which occur in the coastal zone:

- (a) *land within 100m above mean high water mark of the sea, a bay or an estuary,*
- (b) *a coastal lake,*
- (c) *a declared Ramsar wetland within the meaning of the Environment Protection and Biodiversity Conservation Act 1999 of the Commonwealth,*
- (d) *a declared World Heritage property within the meaning of the Environment Protection and Biodiversity Conservation Act 1999 of the Commonwealth,*
- (e) *land declared as an aquatic reserve under the Fisheries Management Act 1994,*
- (f) *land declared as a marine park under the Marine Parks Act 1997,*
- (g) *land within 100m of any of the following:*
 - (i) *the water's edge of a coastal lake,*
 - (ii) *land to which paragraph (c), (d), (e) or (f) applies,*
 - (iii) *land reserved under the National Parks and Wildlife Act 1974,*
 - (iv) *land to which State Environmental Planning Policy No 14—Coastal Wetlands applies,*
- (h) *residential land (within the meaning of State Environmental Planning Policy No 26—Littoral Rainforests) that is within a distance of 100m from the outer edge of the heavy black line on the series of maps held in the Department and marked "State Environmental Planning Policy No 26—Littoral Rainforests (Amendment No 2)".*

The subject development falls within (c) as it has a capital investment value of more than \$5 million and is located in a sensitive coastal location i.e. it is within 100m of mean high water mark of Port Stephens Bay.

On 14 September 2006 the Director-General, as a delegate for the Minister for Planning, formed the opinion that the proposed redevelopment of the Salamander Shores Hotel as a tourist facility is a Major Project and that Part 3A of the Act applies (see Appendix 1).

4.3.2 State Environmental Planning Policy No 44 – Koala Habitat Protection

State Environmental Planning Policy 44 – Koala Habitat Protection (SEPP 44) was introduced to protect potential and core koala habitat in NSW. Under SEPP 44, developers of land with koala habitat (as defined in the SEPP) have to consider the impact of their proposals on koalas, and in certain circumstances, prepare individual koala plans of management for their land.

Councils are encouraged to prepare shire wide koala plans of management and, once agreed to by the NSW Department of Planning, they could be used by developers to address koala issues – individual plans would no longer be required.

Port Stephens Shire Council has prepared a Comprehensive Koala Plan of Management (CKPOM) and therefore the provisions of the CKPOM must now be considered in place of SEPP 44. The Port Stephens Council CKPOM provides performance criteria against which development is to be assessed to determine how a proponent will protect and manage koala habitat appropriately. In order to show compliance the proponent must indicate how the development will comply or ameliorate impacts as outlined by the performance criteria.

A detailed assessment of the proposal in relation to Council's CKPOM is provided in the *Flora and Fauna Assessment Report* prepared by Eco Logical Australia Pty Ltd (May 2010), a copy of which is provided at Appendix 15. Based on this, the proposed redevelopment will not involve impacts on important koala habitat (ie Preferred Habitat), as the proposal is mostly infill and involves retention of trees wherever possible. As such, the proposal is considered to be consistent with the CKPOM performance criteria.

4.3.3 State Environmental Planning Policy No 55 – Remediation of Land

SEPP 55 requires the consent authority to consider whether land the subject of a development proposal is contaminated, and if contaminated whether the land will be suitable for the proposed use once remediated.

An Environmental Site Assessment (March 2009 and April 2010) was completed by Coffey Environments Pty Ltd to assess the potential for contamination to exist on the site from previous and current land uses, and to provide recommendations on the need for any remediation (refer Appendices 4 and 5). This included a Phase 1 and Phase 2 Environmental Site Assessment. A Register of Hazardous Materials Report was also completed in March 2009 by Coffey Environments Pty Ltd (refer to Appendix 6). A summary of the scope of work, key findings and recommendations of the Environmental Site Assessment and Register of Hazardous Materials are discussed in detail in Section 8.

The Phase 1 ESA conducted by Coffey revealed five areas of environmental concern (AEC), relating to fill on site, storage areas (general storage and pool chemical storage) and the maintenance shed/fuel storage areas. Ten boreholes were drilled to target these AECs. Selected soil samples were submitted for laboratory analysis for a number of contaminants of concern, including heavy metals, hydrocarbons, pesticides, asbestos and chloride. The laboratory results were assessed against the criteria relevant to the site redevelopment (residential with minimal access to soils). The assessment indicated that contaminant concentrations were either below laboratory reporting limits or the adopted investigation levels. Asbestos was not detected in the samples analysed.

Based on the laboratory results, the likelihood for significant contamination to be present at the site is considered to be low, and further investigations (including management or remediation) are not required in accordance with SEPP 55 Remediation of Land.

4.3.4 State Environmental Planning Policy No 65 – Residential Flat Design

SEPP 65 applies to residential flat buildings of three or more storeys comprising 4 or more self contained dwellings. The SEPP aims to improve the design quality of residential flat development in NSW. It identifies ten principles which provide the basis for evaluation of the merit of the design of proposed residential flat buildings.

The DGR's require the project to demonstrate in concept, compliance with SEPP 65. A compliance check has therefore been completed for Building H, the permanent residential apartments, against the design quality principles, and the publication *Residential Flat Design Code* (a publication of the Department of Planning, September 2002).

Daryl Jackson Robin Dyke architects have prepared an evaluation of the proposed development for consistency with the design quality principles and an assessment of the development against the rules of thumb contained within the Residential Flat Design Code (see Appendix 16). A Design Verification Statement has not been prepared for the Concept Plan stage but will be once the detailed design and further applications are submitted.

It is considered that the proposed future residential flat building, Building H, will generally be able to comply with the aims of SEPP 65. The future residential building responds to the coastal environment and context in terms of height and scale, location, provides visual interest and contributes to the supply of sustainable housing in Port Stephens. The development also responds positively to the rules of thumb. Key elements include access to natural light, cross ventilation, spacious apartments and generous balconies.

4.3.5 State Environmental Planning Policy No 71 – Coastal Protection

State Environmental Planning Policy No SEPP 71 – Coastal Protection (SEPP 71) identifies specific matters for consideration and other development controls for development of land within the coastal zone, as defined under the *Coastal Protection Act 1979*. The Salamander Shores Hotel site is located within the coastal zone.

Clause 8 Matters for Consideration

Clause 8 of SEPP 71 identifies a number of matters that must be considered by a consent authority when determining an application for development. An assessment of the proposed project in relation to these matters for consideration is provided in Table 3.

Table 3 SEPP 71 Matters for Consideration

MATTER FOR CONSIDERATION	RESPONSE
<i>(a) The aims of the Policy set out in Clause 2, viz:</i>	
<i>To protect and manage the natural, cultural, recreational and economic attributes of the New South Wales Coast</i>	The natural, cultural, recreational and economic attributes of this part of the NSW Coast will not be affected by the redevelopment. The site has already been developed and the proposed redevelopment will result in an improved design outcome for the site which protects the attributes of the site and its surrounds. The adjoining public reserve and access to the beach will not be affected by the redevelopment.
<i>To protect and improve existing public access to and along coastal foreshores to the extent that this is compatible with the natural attributes of the coastal foreshore</i>	The existing public access to the foreshore will not be impeded in any way by the redevelopment. Informal tracks that currently provide access from the hotel through the adjoining reserve to the foreshore will not be affected by the development and will be maintained. Pedestrian and vehicle access to the foreshore via the road reserve to the north, including access to the public jetty, will also be unaffected by the development.

MATTER FOR CONSIDERATION	RESPONSE
<i>To ensure that new opportunities for public access to and along coastal foreshores are identified and realised to the extent that this is compatible with the natural attributes of the coastal foreshore.</i>	Good public access is currently available to the foreshore and public jetty via the road reserve, Seaview Crescent and formal / informal pedestrian walkways. It is not considered necessary or desirable to increase public access to the foreshore, as this may also result in the loss of established vegetation.
<i>To protect and preserve Aboriginal cultural heritage, and Aboriginal places, values, customs, beliefs and traditional knowledge</i>	A detailed Aboriginal Cultural Heritage Study has been undertaken and is discussed in Section 8.12. The report concludes that the study area retains little of its original natural heritage values, and hence the Aboriginal archaeological and cultural heritage sensitivity of the place is considered to be low.
<i>To ensure that the visual amenity of the coast is protected</i>	There will be no adverse impact on visual amenity, as discussed in Section 8.3. View impact has been a key consideration, particularly views of the site from the public domain including the beach, foreshore areas and headlands.
<i>To protect and preserve beach environments and beach amenity</i>	There is an existing public reserve between the hotel site and the beach foreshore. The proposed redevelopment is confined to the site of the existing hotel and therefore the beach environment and amenity will remain unchanged.
<i>To protect and preserve native coastal vegetation</i>	Native coastal vegetation will be protected and enhanced, as discussed in the Flora and Fauna section of this report. The existing vegetation on the adjoining public reserve will not be impacted by the proposal.
<i>To protect and preserve the marine environment of New South Wales</i>	Water quality entering Port Stephens has been assessed and discussed in Section 8.11. Water quality run off will improve the measures proposed such as a reduction in impervious area and the provision of rainwater tanks.
<i>To protect and preserve rock platforms</i>	Not applicable
<i>To manage the coastal zone in accordance with the principles of ecologically sustainable development (within the meaning of section 6(2) of the Protection of the Environment Administration Act 1991)</i>	The proposed development incorporates a range of ecologically sustainable development (ESD) elements, including rainwater tanks providing some 50kL of storage to reduce mains water consumption which will be used for toilets, garden irrigation and the swimming pool. The overall design has aimed to maximise energy efficiency through passive solar design including orientation, the potential future layout of permanent residential apartments, views and breezes.
<i>To ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area</i>	A key consideration has been the visual impact of the development, particularly when viewed from the foreshore and coastal areas. The design concept aims to minimise visual impact, dispersing the development's bulk across five separate buildings and ensuring adequate privacy separation between buildings, which also enables view sharing. A key principle for building height has been to limit the height of new development consistent with the height of the adjoining tree canopy, approximately RL 35.5.
<i>To encourage a strategic approach to coastal management</i>	The redevelopment provides for an attractive, high quality tourist facility within the existing urban footprint and without adversely impacting on the coastal values of the site and surrounds. As noted in Section 3, the proposed redevelopment is consistent with strategic directions for the Port Stephens area.

MATTER FOR CONSIDERATION	RESPONSE
<i>(b) existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved.</i>	As noted above, the existing public access to the foreshore will be protected. Good public access is currently available to the foreshore and public jetty via the road reserve, Seaview Crescent and formal / informal pedestrian walkways. It is not considered necessary or desirable to increase public access to the foreshore, as this may also result in the loss of established vegetation.
<i>(c) opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability</i>	Refer above.
<i>(d) the suitability of the development given its type, location and design and its relationship with the surrounding area</i>	The new hotel is to be located on the site of an existing hotel therefore the site is suitable for the proposed development. It is within the existing urban footprint and has been designed to fit within the existing topography and tree canopy.
<i>(e) any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore</i>	The existing public reserve adjacent to the coastal foreshore will continue to provide a buffer between the hotel site and the beach. An assessment of the potential overshadowing of the development on the coastal foreshore is provided in Section 8.3 which shows no further shadowing to be beach by the proposed development with shadow cast by the existing trees located in the reserve to the east. Existing views from a public place to the coastal foreshore will not change as a result of the redevelopment.
<i>(f) the scenic qualities of the New South Wales coast, and means to protect and improve these qualities</i>	There will be no adverse impact on the scenic qualities of the coast, as discussed in Section 8.3.
<i>(g) measures to conserve animals (within the meaning of the Threatened Species Conservation Act 1995) and plants (within the meaning of that Act), and their habitats</i>	The Flora and Fauna Assessment Report (Appendix 15) undertaken for the project found that there are unlikely to be any significant impacts on threatened species, populations or ecological communities as a result of the project. In order to mitigate the overall environmental effects of the project the report includes a number of recommendations and mitigation measures which have been incorporated into the Draft Statement of Commitments (refer Chapter 10). Further detail on flora and fauna is provided in Section 8.13.
<i>(h) measures to conserve fish (within the meaning of Part 7A of the Fisheries Management Act 1994) and marine vegetation (within the meaning of that Part) and their habitats</i>	There is no impact on fish, marine vegetation or their habitats as a result of the proposed redevelopment.
<i>(i) existing wildlife corridors and the impact of development on these corridors</i>	The site does not provide any wildlife corridors, although the surrounding bushland provides significant connectivity for many species such as the koala. The Flora and Fauna Assessment Report states that the proposal will not result in a reduction of existing wildlife corridor values or connectivity within and adjacent to the site. However, it recommends that planting of additional koala feed trees and winter flowering eucalyptus trees such as Swamp Mahogany and Forest Red Gum be undertaken to ensure

MATTER FOR CONSIDERATION	RESPONSE
	that connectivity with surrounding bushland continues for the local koala population.
<i>(j) the likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards</i>	The development will not impact on, or be impacted by, coastal hazards or processes. See further discussion in Section 8.
<i>(k) measures to reduce the potential for conflict between land based and water based coastal activities</i>	As there is some 60 - 80m wide public reserve buffer between the site and the foreshore, any conflict between land based and water is unlikely.
<i>(l) measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals</i>	There are no known Aboriginal relics on the site nor is the site a place of Aboriginal cultural value. The recommendations in the Aboriginal Cultural Heritage Study have been incorporated into the Draft Statement of Commitments in Chapter 10.
<i>(m) likely impacts of development on the water quality of coastal waterbodies</i>	Water quality and run off from the development will improve. The total volume of pollutants discharged from the site under redeveloped conditions (with treatment) is below volumes generated under existing conditions. Worley Parsons conclude that the proposed development would improve water quality runoff. The total improvements when compared to the existing conditions are discussed in detail in Section 8.11
<i>(n) the conservation and preservation of items of heritage, archaeological or historic significance</i>	The site does not contain any items of heritage, archaeological or historic significance.
<i>(o) only in cases in which a council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact towns and cities</i>	N/A
<i>(p) (i) the cumulative impacts of the proposed development on the environment,</i> <i>(ii) measures to ensure that water and energy usage by the proposed development is efficient</i>	No cumulative impacts are anticipated from the proposed development as it is effectively replacing an existing tourist facility of a similar size and nature. Environmental protection measures incorporated into the project will ensure its impact will be appropriately managed. Future development will also incorporate a range of measures to ensure efficient water and energy usage, including rainwater tanks, water saving devices (such as AAA rated tap ware and the use of indigenous landscape species) where possible and appropriate.

Clause 14 Public Access

Clause 14 provides that a consent authority must not approve development if it impedes or diminishes the physical, land-based right of access of the public to or along the coastal foreshore. The project does not in any way impede or diminish the public access to the foreshore in this location and therefore is consistent with this clause.

Clause 15 Effluent Disposal

Clause 15 provides that a consent authority must not approve development where effluent is proposed to be disposed of by means of a non-reticulated system which will have a negative effect on the water quality of the sea or any nearby beach, or

an estuary, a coastal lake, a coastal creek or other similar body of water, or a rock platform. As the proposed hotel will be connected to the existing reticulated sewerage system this clause does not apply.

Clause 16 Stormwater

Clause 16 provides that a consent authority must not grant consent to a development if it considers it will, or is likely to, discharge untreated stormwater into the sea, a beach, or an estuary, a coastal lake, a coastal creek or other similar body of water, or onto a rock platform.

A Stormwater Concept Plan has been prepared by Worley Parsons (refer to Appendix 14). The redeveloped hotel would maintain both the west and east catchments, as no major changes have been proposed apart from grades within the site. As per existing conditions, the west catchment will continue to drain into Council's stormwater drainage line along Soldiers Point Road, while the east catchment would continue to discharge directly into Salamander Bay via the existing 525 mm stormwater drainage line located in the direction of the Jetty on the foreshore of hotel. There is no change to the discharge patterns, however there is expected to be a reduction in flows discharging to the Soldiers Point Road street drainage system.

4.3.5 State Environmental Planning Policy (Building Sustainability Index: BASIX)

The aim of the BASIX SEPP and accompanying regulation is to 'encourage sustainable residential development'. The DGRs require the project to demonstrate in concept, compliance with BASIX. A compliance check has therefore been completed for Building H, the permanent residential apartments. The assessment examines the sustainability of future dwellings to reduce consumptions of mains supplied water, to reduce greenhouse gas emissions and to perform in a thermally efficient manner (See Appendix 12 for compliance check).

4.3.6 State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)

The aim of the Infrastructure SEPP is to facilitate the effective delivery of infrastructure across the State. Amongst a broad range of functions, the SEPP requires that applications for specific types of traffic generating development are referred to the Roads and Traffic Authority (RTA) for comment prior to determination. Under the provisions of Schedule 3 of the SEPP, development that provides parking for 200 or more vehicles is required to be referred to the RTA. As the Concept Plan includes parking for more than 200 vehicles, referral to the RTA will be required.

Clause 102 of the Infrastructure SEPP 102 – "Impact of road noise or vibration on non-road development" also states for roads with much higher traffic volumes that if the development is for residential use, "LAeq levels are not exceeded:

- (a) *in any bedroom in the building — 35 dB(A) at any time between 10 pm and 7 am,*
- (b) *anywhere else in the building (other than a garage, kitchen, bathroom or hallway)*
— 40 dB(A) at any time.

This matter has been addressed in Section 8.14 regarding acoustic impacts and includes recommendations regarding glazing to comply with the above requirement.

4.4 Key Local Planning Controls

Although the controls in Local Environmental Plans and Development Control Plans do not strictly apply under Part 3A of the EP&A Act, the Director-General's EA Requirements stipulate that appropriate consideration should be given to relevant provisions in environmental planning instruments and development control plans. Accordingly, the following provides an assessment of the project against relevant provisions in the Ports Stephens Local Environmental Plan 2000 and Port Stephens Development Control Plan 2007.

4.4.1 Port Stephens Local Environmental Plan 2000

The site is zoned 3(a) Business General A under Port Stephens LEP Plan 2000 (see Figure 1). This zone covers both the major commercial centres of Port Stephens and the smaller neighbourhood shopping centres. It is characterised by a mix of commercial uses and some associated tourist accommodation and residential uses.

The objectives of the Business General "A" Zone are:

- (a) to provide for a range of commercial and retail activities, and uses associated with, ancillary to, or supportive of, retail and service facilities, including tourist development and industries compatible with a commercial area, and

The proposal provides for tourist development (hotel and serviced apartments) integrated with residential apartments. As the site is not located within a commercial centre there are limited associated retail and service facilities. However the uses are permissible in the zone and compatible with commercial activities.

- (b) to ensure that neighbourhood shopping and community facilities retain a scale and character consistent with the amenity of the locality, and

The proposal is not located within a neighbourhood shopping centre or similar. The site is self-contained and located some distance from nearest commercially zoned centre.

- (c) to maintain and enhance the character and amenity of major commercial centres, to promote good urban design and retain heritage values where appropriate, and

The site is not within a major commercial centre therefore this objective is not relevant.

- (d) to provide commercial areas that are safe and accessible for pedestrians, and which encourage public transport patronage and bicycle use and minimise the reliance on private motor vehicles, and

Safe vehicular and pedestrian access has been a key consideration in the design of the new hotel. A port-cochere is provided at the entry to enable safe drop off and pick up of passengers, including a bus / coach layover. Good sight lines and distances are also provided at this location. A bus stop is located on the opposite side of Soldiers Point Road that provides a regular bus service to Newcastle. Storage areas for bicycles will be provided as Port Stephens has an extensive network of cycleways for leisure and commuting purposes. The hotel patrons can make use of the excellent cycling conditions in the region.

- (e) to provide for waterfront-associated commercial development whilst protecting and enhancing the visual and service amenity of the foreshores.

The project provides for the redevelopment of an existing commercial site for tourist related development which is compatible with surrounding waterfront uses. The visual amenity of the area will be protected and enhanced through appropriate and high quality design of the facility, protection and enhancement of landscape and by ensuring that the bulk and scale of buildings fits within the topography and existing tree canopy.

The proposed uses on the site, that is, hotel, serviced apartments and permanent residential apartments (urban housing), are permissible with development consent within the 3(a) Business General Zone.

Other relevant provisions in the Port Stephens LEP 2000 are addressed below.

Clause 44: Appearance of Land and Buildings

Clause 44 requires the consent authority to take into consideration the probable aesthetic appearance of a development which is within view of any waterway, public reserve etc. In deciding whether to grant consent to the development, the consent authority is to consider the following:

- (a) the height and location of any building that will result from carrying out the development,

The buildings have been designed to fit within the existing tree canopy and the landscape characteristics. A key consideration has been the visual impact of the development, particularly when viewed from the foreshore and coastal areas. The design concept aims to minimise visual impact, dispersing the development's bulk across five separate buildings and ensuring adequate privacy separation between buildings, which also enables view sharing. A key principle for building height has been to limit the height of new development consistent with the height of the adjoining tree canopy, to a maximum height of approximately RL 35.

- (b) the reflectivity of materials to be used in carrying out the development,

The materials to be used will be non-reflective.

- (c) the likely effect of carrying out the development on the stability of the land,

A Geotechnical Assessment of the proposed development has been undertaken and is provided at Appendix 7. The assessment states that there is no evidence of instability. Further discussion on this issue is provided in Section 8.

- (d) any bushfire hazard,

A Bushfire Protection Assessment has been undertaken for the proposed development and is provided at Appendix 10 and discussed in Section 8 of this EA. The recommendations of the Assessment have been incorporated into the design of the project and/or included in the Statement of Commitments as appropriate.

- (e) whether carrying out the development is essential to the viability of the land concerned,

The viability of the existing hotel is limited. It was built in 1969 and is an outdated, concrete monolithic building. In terms of its layout, facilities and form of accommodation, the hotel does not meet contemporary tourism demands and requires significant upgrading to capture the conference and domestic / international tourist market. The physical layout of the hotel is poor and the unique scenic and locational aspects of the hotel are underutilised. The viability of the site will be greatly improved with its redevelopment.

- (f) the likely extent and effect of carrying out the development on vegetation on the land concerned.

Remnant vegetation within the site comprises scattered trees around the existing development. More intact remnant vegetation occurs outside of the subject site. The Flora and Fauna Assessment (Appendix 15) found that the proposed redevelopment is unlikely to have significant impact on any threatened species, populations, ecological communities or migratory species. The recommendations in the report regarding protection of existing vegetation and planting of native tree species have been incorporated into the Statement of Commitments.

Clause 50 Tree Preservation

Minimal tree removal will occur as part of the development, although up to 14 trees may require removal. Trees to be removed are shown on the Demolition Plan prepared by Daryl Jackson Robin Dyke architects found in the plans attached to this Environmental Assessment.

Clause 51A Development on land identified on Acid Sulphate Soils Planning Map

Clause 51A sets out certain controls for land which has been identified as containing acid sulphate soils or potential acid sulphate soils. The Geotechnical Assessment undertaken by Coffey Geotechnics (March 2009) includes an assessment of the risk of acid sulphate soils or potential acid sulphate soils occurring on the site (see Appendix 7). The assessment states that it is highly unlikely that acid sulphate soils are present on the site and as a result an Acid Sulphate Soils Management Plan is not required.

4.4.2 Port Stephens Development Control Plan 2007

The site is subject to the provisions of Port Stephens Development Control Plan 2007 (DCP 2007). Numerical standards such as building height and FSR are contained in the DCP together with a range of controls found in other sections such as Part B3 Parking, Traffic and Transport, B4 Commercial and Mixed Use Development and B8 Residential Flat Building. Key controls include:

- Building envelope controls including an FSR of 1.8:1 for land zoned 3(a) Commercial with a minimum of 0.3:1 commercial floor space located on the ground floor.
- Building heights of 8 or 15 metres in 3(a) commercial areas. The hotel has an 8m height limit which is incongruous with the height of existing buildings on site.
- Energy efficiency and sustainability such as passive solar design, water conservation devices and the like.
- A minimum of 10% of the ground level of the site is to be landscaped in the 3(a) Commercial zone.

It would appear that many of the controls for commercial and mixed use relate to development located in town or neighbourhood centres that are focal points for the community. The Salamander Shores Hotel is located in an isolated area and is a self

contained hotel with associated facilities. It is not a neighbourhood destination and therefore some of the principles and planning controls are not particularly relevant.

The detailed site analysis has been important to inform the site planning and concept design, particularly with respect to building heights, views and view analysis, streetscape presence and the like. Based on the site analysis discussed in Section 2.5, a range of planning and development principles have been generated which include building height to be contained to the height of the adjoining tree canopy, setbacks to Soldiers Point Road, side and rear setbacks and design principles relating to car parking.

Whilst the controls contained in the DCP do not strictly apply under Part 3A for Major Project development, they have been a consideration. Issues such as building height, floor space, landscaping, visual impact, car parking and amenity considerations (including privacy and overshadowing) are discussed in detail in Section 8 of this report.

The key non compliance with the DCP relates to the 8 metre building height. Significant analysis has occurred to justify the proposed building height of the redeveloped hotel which is discussed in detail throughout this EA. A detailed site analysis was undertaken to examine the impact of the development from various view points with height, bulk and scale being a key consideration. Justification for the non compliance is therefore based on:

- Consistency with the height of the existing hotel and the numerous urban design benefits of the proposed redevelopment
- View impacts and the screening of hotel from the waterfront by the adjoining nature reserve and tree canopy
- Future development to be contained within the height of the existing tree line and canopy surrounding the site.

5.0 CONCEPT PLAN AND PROJECT DESCRIPTION

5.1 Introduction and Project Overview

This application is for both Concept Plan and Project Approval. The Concept Plan establishes the planning framework for the future development of the Salamander Shores Hotel in terms of building envelopes (height, floor space and building footprints); land use; access and circulation; and public domain and landscape works. It articulates what the owners are seeking to achieve and sets the broad parameters for future the development of the site. To achieve the future pattern of development, Project Approval is also sought for demolition of the existing buildings and a program of early works. Detailed development plans will therefore be lodged at key stages and will be subject to detailed design and architecture.

Concept Plans and an Urban Design, Landscape and Sustainability report and a Site Analysis and Visual Impact report have been prepared by the architect, Daryl Jackson Robin Dyke Architects, which provides the overall block plans, perspectives for future development and future development principles (refer to Appendices 12 and 13). These documents present the overall vision for the site and outline key urban design objectives. The Concept Plan has also been guided by community consultation and a number of detailed technical investigations including hydrology and water management; geotechnical constraints; bushfire; flora and fauna; and contamination.

This section of the report therefore describes the Concept Plan Application and overall development principles, and addresses:

- Urban Design and Built Form
 - Building envelopes
 - Gross Floor Area
 - Setbacks
 - Building Materials
 - Overshadowing
 - Amenity
 - Land use
- Access
 - Vehicular access and entries
 - Car parking and service vehicles including coaches, mini vans and cyclists.
 - Loading and waste management
- Sustainable Development
- Landscaping and Public Domain Improvements
- Staging

5.2 Concept Approval and Project Objectives

5.2.1 Concept Approval

In accordance with Section 75M of the EP&A Act, Concept Approval is sought for the redevelopment of the Salamander Shores Hotel as a mixed use development generally consistent with the following:

- Redevelopment of the site with an overall FSR of 1.6:1 or an approximate overall floor space of 19,600sqm. This floor space primarily comprises a new hotel and hotel rooms, serviced apartments and associated tourist facilities (conference rooms, spa, restaurant and bar); and permanent residential accommodation.
- 275 car parking spaces; 2 parking spaces for small coaches/mini buses, two coach parking spaces and parking for cyclists.

The concept plan process seeks a degree of flexibility with the finite detail determined once further Project and/or Development Applications are lodged. The attached architectural drawings provide an indicative layout and future development scenario which provides for:

- 44 permanent residential dwellings in Building H including:
 - 5 x 1 bedrooms
 - 9 x 2 bedrooms
 - 30 x 3 bedrooms
- 34 serviced apartments (Buildings A and B)
- 84 hotel rooms (Buildings D, E, F and G).
- Associated tourist facilities (Buildings B, C and D)
 - Bar / restaurant / cafe / conference and pre function areas
 - Gym, day spa and recreation areas
 - Retail
 - General back of house and storage.
- Car parking, coach parking and service vehicle areas

The permanent residential accommodation accounts for approximately one third of the overall floor space or some 6,500sqm.

5.2.2 Project Objectives

Objectives of the project are to create a high quality tourist destination that provides resort style accommodation and associated leisure facilities. The project also provides a component of residential accommodation, located within Building H, to deliver a mix of development and ensure an inclusive and integrated development outcome for the overall site. The key elements of the development and its objectives are as follows:

Land Use

- To provide a high quality tourist destination with large scale conference facilities and contemporary accommodation to cater for the domestic and international tourist market.
- Provide high quality residential accommodation that will meet demand created by an ageing population.
- Provide a mixed use development that can service the needs of tourists but also cater for residents and act as an attractive local destination and focal point for the community.

Urban Design

- To improve the architecture and built form with a design concept that aims to minimise visual impact and provide an interesting and high quality development outcome that respects the coastal environment.
- To provide a diversity of built form in terms of height of buildings, separation and materials / finishes. The future palette of colours and materials are to respect the coastal environment.
- Respect views and view corridors, particularly from the Port Stephens waterways and the iconic Yacaaba and Tomaree headlands by limiting the height of buildings to that of the adjoining tree canopy.
- To site the buildings in such a way that they minimize overlooking, maximize views and define spaces that create useful and appropriate landscaped gardens and open space areas.
- To provide a strong urban design focal point and active streetscape at the north western corner of the site where it will attract a greater public patronage.
- To provide significant boundary setbacks to ensure that site coverage is appropriate to the area and the peripheral landscaping can be created to provide visual screening.

Water Management and Sustainability

- Implement best practice sustainable design to achieve compliance with BASIX targets for water and energy.
- Manage stormwater runoff from the site with the aim of improving water quality considering the proximity of Port Stephens waterways.

Access and Transport

- Provide adequate off street car parking at basement level to minimise impact of car parking areas. Provide centralised access points for vehicles to minimise vehicle entries.
- Provide a landscaped access point for vehicles through a port cochere that is well integrated with the hotel design and is not intrusive.
- Maintain public access to the waterfront and formalize car parking to service the jetty.

Landscaping and Public Domain

- Protect significant and mature trees on site, particularly the angophoras located near the road reserve at the north of the site.
- Promote permeability throughout the site and adjoining bushland, open space and foreshore areas. Maintain connectivity to the beach and jetty areas from the hotel environs.
- Public domain improvements including landscaped front and side setbacks, improved car parking to service the waterfront and public jetty and a landscape design that takes advantage of local amenity and proximity to the waters of Port Stephens.

5.3 Built Form and Urban Design

5.3.1 Building Envelope

The building envelope refers to the three dimensional space in which the development will occur including the building footprint, building height and floor space. The proposed development comprises a total of six (6) buildings, titled A – H on the overall site plan. The hotel and tourist buildings are identified as buildings A to G and are integrated and interconnected in both a physical and design sense.

Figure 7 and the concept drawings provided under separate cover illustrate the indicative building layout and building envelopes where future buildings will be sited. Architectural projections and treatments may occur beyond these footprints such as balconies, awnings, shading devices and the like, however a footprint for balconies is shown on the Concept Plans. There may be some variation as to the actual location of balconies or other projections beyond the envelope control.

The proposed buildings are setback from the street edge and neighbouring nature reserve by some 10 to 28 metres. A 10m bushfire buffer is located along the southern and eastern boundaries, which enables a landscaped setback and asset protection zone. Along the Soldiers Point Road frontage, the setback is enhanced and increases towards the proposed vehicular entrance. A large green buffer and landscaped entry is therefore provided.

The buildings vary in height from three storeys along the northern facade and are generally four to five storeys in height. The height reflects the slope of the land and the principle of containing all future development in line with the adjoining and on site tree canopy. An overall maximum building height has been established at RL 35.5, consistent with the height of the adjoining tree canopy and knoll.

The central building, Building B, is seven storeys to a maximum building height of RL 34. The height reflects the lowest point of the site, at RL 8, and the slope of the land. The existing Salamander Shores building is also seven storeys at this location (from the pub and reception through to the conference areas to the top floor accommodation level). The elevations show the significant level change from the back of house area through to the pool level where Building B is proposed.

Views and view sharing, privacy and access have been central to the design, particularly to provide all future occupants optimal amenity and enjoyment of their individual building and the overall setting. This has occurred through the placement of buildings and the location of the pool / leisure facilities. The design concept has achieved this by dispersing the developments bulk across five separate buildings, maximising views while minimising overlooking and providing a central and functional communal open space area. Residents and visitors are provided with a pleasant outlook and aspect, overlooking the pool. Views to the surrounding bushland and through to Port Stephens have been considered, together with views to the west and the waters beyond.

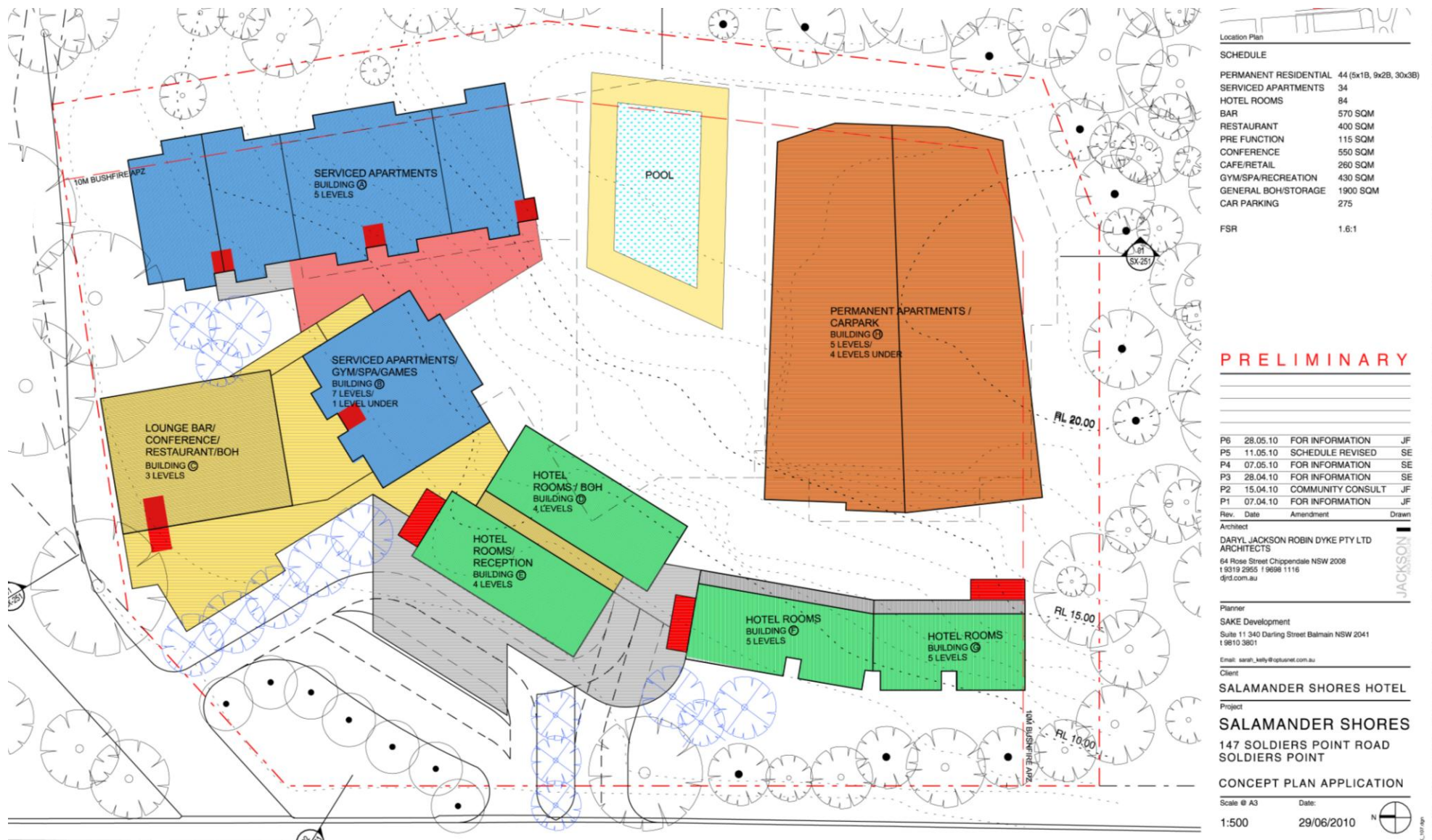


Figure 7 The Concept Plan noting building layouts and floor space

In summary, the buildings can be described as follows:

	General Use	Maximum Height
Building A	Serviced apartments, cafe, gym and storage	RL 34
Building B	Serviced apartments, games, spa and back of house	RL 34
Building C	Lounge, bars, conference, restaurant and retail	RL 21
Building D	Hotel rooms and back of house	RL 25
Building E	Reception and hotel rooms	RL 25
Building F	Hotel rooms	RL 25
Building G	Hotel rooms	RL 28
Building H	Permanent residential apartments	RL 35.5

The maximum floor space ratio for the development is 1:6:1 or approximately 19,600sqm.

5.3.2 Building Separation

The siting of buildings has been an important consideration, particularly with respect to privacy, overlooking and day light access, ensuring an appropriate setback between buildings. Compliance with the rules of thumb of SEPP 65 Design Quality of Residential Flat Development has also been an important consideration for the residential building (Building H). A 13 metre setback is provided between Building H and Buildings D, F and G, to comply with SEPP 65 requirements and to ensure a high level of privacy for future residents. A walkway to the hotel rooms has been provided along the eastern elevation, to further increase the separation between future habitable rooms.

The internal pool and landscaped surrounds provide a major focal point and view corridor through the development, and also provide pedestrian access through the site. A series of interconnected and at grade walkways connect the buildings, but enable the appropriate building separations and setbacks. A perimeter and internal walking track is also incorporated into the side and rear setbacks and through the central open space area to enhance permeability and connections to and within the site.

5.3.3 Building Articulation

The objectives of building articulation include a high quality tourist facility that makes a positive contribution to the streetscape and public domain at Soldiers Point. This will be achieved through the architectural quality of the buildings, an appropriate selection of building materials and colour palette, a variation of building setbacks and a variation of facade treatments appropriate to building function and / or land use.

The hotel rooms facing Soldiers Point Road will be framed by balconies that will breakdown the mass and scale of this façade, which is also screened by landscaping within the proposed setback area. The hotel bar and café anchor the resort on the north west corner providing for an active public presence. The façade at ground level will be characterised by open glazing, awnings and terraces that will be utilised by resort guests and visitors as well as the public using the beach and jetty.

The taller serviced apartment building and permanent residential building located to the east and south will utilize screening provided by the existing dense vegetation located in the bushland to the east. These buildings will also be characterised by the articulation of balconies across the façade.

The hotel entry will be framed by a porte cochere awning that will provide a sense of arrival and identity as well as breaking down the linear nature of the façade along Soldiers Point Road.

Important considerations at the detailed design stage include colours, materials and reflectivity of roofscapes, particularly when viewed from the foreshore and waterways. The varied façade treatments and the provision of awnings and balconies to provide visual interest will also be important considerations at the detailed design stage.

5.3.4 Building Materials

Building materials will be selected to generally acknowledge the coastal environment and resort style of development. This will include local stone for paving and walls, timber (both recycled and sustainably grown), rendered concrete, aluminium windows. Colours will be recessive in order that they blend in to the surrounding vegetation and landscape and any highlight colours will be complementary to the local palette.

5.4 Landscaping and Public Domain Improvements

The landscape and public domain improvements plan proposes six distinct open space types plus the public domain improvements to the north:

- *The south and east bushfire setbacks*: that will contain low, well maintained shrub varieties to ensure that the fuel loading is kept a minimum but will provide a transition to the adjacent native bushland. A walking / jogging trail is incorporated in these areas.
- *Soldiers Point Road southern set back* will contain landscape terraces planted with native species found in the neighbouring bushland that will extend the natural bush landscape into the site.
- *Hotel entrance and Porte Cochere* to create a strong sense of arrival and visual identity for the resort the landscape in this area will present a formal statement with accent planting and groupings of flowering and canopy trees.
- *Upper level Pool garden*: the central open space for the resort contains the swimming pool, passive gardens and formal terraces to link with the lower areas. Planting will screen the impact of pool fencing and provide contemplative garden spaces for overlook and recreation.
- *Northern Boundary* is the more public frontage of the resort and will attract visitors to the beach and jetty. The proposed café courtyard will provide a formal terrace under existing mature trees to service both the café and bar.
- *Roof top terraces*: the areas over the low roof of the conference area will contain planter beds and usable rooftop spaces.
- *Northern Boat Parking Area*: immediately outside the northern boundary, an area is currently utilised for vehicle and boat trailer parking associated with the public jetty. Parking occurs in an informal manner and is visually unattractive to the immediate neighbours. The concept plan proposes to incorporate ten (10) double length parking bays and screen landscaping to Soldiers point Road and the hotel boundary.



View of the Salamander Shores Hotel from Soldiers Point Road looking south

5.5 Traffic, Access, Transport and Parking

5.5.1 Vehicular Access

The *Assessment of Traffic, Transport and Parking Implications* (Appendix 9) prepared by Transport and Traffic Planning Associates (TTPA) describes the proposed future vehicular access arrangements as follows:

- a combined ingress/egress driveway on Soldiers Point Road for the car park and service vehicles (in the location of the existing access)
- an ingress driveway on the northern road reserve for porte-cochere and coach access
- an egress driveway on Soldiers Point Road for porte-cochere and coach egress.

These accesses will be located on relatively straight and level sections of road where good sight distances are available. The proposed accesses will comply with the design requirements of AS 2890.1 and 2.

The internal circulation arrangements will comprise:

- porte-cochere area for the hotel
- basement car park area for the hotel, restaurant and function elements
- basement car park area for the serviced apartments
- basement car park area for the residential apartment.

The design of these areas will accord with the requirements of AS 2890.1 and the relevant Port Stephens Council Code. The internal circulation arrangements will accommodate all vehicles requiring access to the development elements and will include provisions for disabled drivers.

5.5.2 Car Parking and Servicing

A total of 275 car parking spaces will be provided on site, within a basement car park. The basement car park will be excavated into the landscape, particularly within the knoll located at the south eastern corner of the site. The basement car park level sits at RL 8 through to RL 17 but is located below ground. As noted above, access is provided from Soldiers Point Road and northern road reserve (the access handle that provides connections to the waterfront and jetty). In addition, on site parking is provided for two mini buses and two bus coaches. A loading dock and service area is also provided at the back of house, with all loading and deliveries therefore occurring on site.

Whilst the car parking is integrated into the overall design of the development and universal access is provided, the car park areas can be separated for future occupants. That is, a separate and secure car parking for permanent residents can be provided which is sectioned from the overall development. The detailed design of the car park can be finessed in future project and or development applications.

Service vehicle movements for the development will be accommodated in a dedicated separate dock area off the main access driveway. This dock will be suitable for all deliveries and garbage removals to enter and depart in a forward direction.

Small service vehicle will also be able to park in the visitor parking spaces while separate parking areas will be provided for tour coaches (2 spaces) and mini coaches (2 spaces) adjacent to the porte-cochere.

5.5.3 Bicycle Facilities

Bicycles will be available for hotel and serviced apartment guests while bicycle parking will be available for all elements comprising:

- a storage area in the basement
- an external rack
- individual storage for residential apartments

The design of bicycle parking and facilities will be resolved at the detailed design stage.

5.6 Sustainable Development

Key ESD initiatives will be developed at the detailed design stage, but will incorporate the following measures and principles aimed at reducing water consumption and to maximise energy efficiency:

- Optimization of solar control within the building including external shading devices
- Passive heating and cooling design
- Adequate levels of wall and roof insulation
- Energy efficient glazing (3.5star+) and operable windows
- Use of smart electrical metering and compact fluorescent or LED lighting throughout
- Use of water saving devices such as AAA rated tap wear and dual flush toilets'
- Use of low water species in landscape areas
- Rain water harvesting for landscaping and flushing including storage for 50kL of rainwater in centralised or dispersed tanks throughout the site.

5.7 Staging

In terms of staging, it is anticipated that the development will occur in one sweep with no staging. The project has been designed to occur as one construction stage, particularly with respect to the basement car park and access thereto. Future Project Application(s) and/or Development Application(s) will be lodged progressively for the redevelopment of the site.

5.8 Project Approval

Project approval is sought for the demolition of the existing building and structures including the bitumen car park, the hotel complex, pool area and workshop, together with approximately eleven trees as illustrated on the Demolition Plan at Appendix 19 (15 palm trees will be transplanted). Approval is also sought for general site clearing including site establishment, the implementation of environmental controls such as temporary fencing and the implementation of the erosion and sediment control plan (see Appendix 14).

Worley Parsons has prepared a Soil and Water Management Plan (SWMP) as the site is greater than 2,500sqm (erosion and sediment control plans are required for sites less than 2,500sqm). The SWMP provides a control strategy for each sub catchment to ensure appropriate runoff quality. These controls consist of filter fences, run off diversion mounds, a sediment basin and stabilised site access. The basin would be designed to trap all runoff for storms up to the design event. Runoff would not be released from the sediment basin until the quality becomes acceptable.

Detailed SWMPs would be required to accompany applications for further works in the detailed design stages of future development.

Removal of hazardous materials will be completed in accordance with the recommendations of the Hazardous Materials Survey completed by Coffey Environments (see Appendix 6) which was undertaken to enable the future management and formation of a hazardous materials management plan associated with demolition of the hotel. The demolition and the removal of hazardous materials will therefore be carried out in accordance with the requirements of the Hazardous Materials Survey. Works and measures include:

- Removal of asbestos to be carried out by a licensed contractor and disposed of in accordance with the WorkCover Authority Occupational Health and Safety Regulation 2001, the Australian Standard Demolition of Structures AS2601-2001 and other relevant legislation.
- Suspected hydro chlorofluorocarbons (HCFC) in air conditioning units throughout the existing development will be decommissioned for recycling and reuse of the refrigerant by a licensed contractor.

A Demolition and Waste Management Plan has been prepared by Daryl Jackson Robin Dyke Architects (see Appendix 19) and the works will be undertaken consistent with the requirements of this plan. The plan notes that an on-site waste management plan will be developed by the building contractor. This waste plan will address the recycling of construction waste materials and encourage the use of recyclable packaging for any materials sent to site and encourage the recycling of demolition debris. The plan details the quantities of demolition waste likely to be generated including concrete, steel, sheet metal, glass and asbestos.

The Salamander Waste Transfer Station accepts building demolition and construction waste and has the capabilities for recycling concrete, brick, tiles, metals and timber. Other demolition materials that are suitable for recycling will be identified during the detailed design and tender stages.

The overall development design aims to reduce the generation of waste both during construction and over the operational life of the buildings.

6.0 HEADS OF CONSIDERATION

6.1 Site Suitability

The site is currently utilised for tourist purposes with the Salamander Shores Hotel, which has been operating since the late 1960s. The hotel is currently trading under the All Seasons banner, part of the Accor brand of hotels. The hotel offers a range of accommodation with 91 rooms, conference facilities and associated leisure and recreational areas including a pool and bar / restaurant.

The hotel and facilities are very outdated and do not meet contemporary tourism requirements or demands particularly quality accommodation, modern conference facilities and leisure areas including restaurants, cafes and bars. The hotel has not been renovated in recent years and is in need of significant improvement. Refurbishment of the hotel has been considered, however it was assessed that the current layout and form of the hotel does not enable a high quality development outcome and it was determined that the best option was to demolish the existing hotel.

The site is zoned for commercial purposes which permits and encourages tourist developments. It also permits permanent residential accommodation (defined as urban housing in the Port Stephens LEP 2000). A number of strategic studies and policy documents prepared by or on behalf of Port Stephens Council and other regional policies support expansion of tourist facilities in the area. These include the Port Stephens Economic Development Strategy, the Lower Hunter Regional Strategy and the Draft Nelson Bay Strategy 2030.

These policy documents note the economic drivers in Port Stephens are centred on the defence and aviation industries, global manufacturing, services and tourism. The Strategy estimates that tourism accounts for around 8% of total jobs across the local government area and these are focused on Nelson Bay and Salamander Bay. Tourism is therefore a major industry in Port Stephens. In future, there is scope to develop tourism related activities - particularly business tourism (conferences), the short stay market and visits associated with major events.

A number of detailed analyses have also been undertaken in relation to the proposal and its associated impact on the site, which are discussed in detail in Section 8 Key Issues of this EA. These studies clearly indicate that the site is suitable for the proposed redevelopment and that there will be no significant environmental impacts associated with the development that will adversely affect the values of the site or surrounds. Any impacts can be readily managed through appropriate mitigation measures. Key considerations including urban design and views, traffic and access, contamination, bushfire, water quality management and geotechnical constraints have all been addressed.

6.2 Project Justification

There is strong demand for quality accommodation in the Port Stephens region which is acknowledged in a number of strategic documents and policies, including the Lower Hunter Regional Strategy and the Port Stephens Economic Development Strategy. Soldiers Point is part of the Nelson Bay tourism precinct – which the Lower Hunter Regional Strategy states:

is a specialised centre of regionally significant economic activity and employment within the broader Hunter Region. 1,500 new jobs are projected and required in the Nelson Bay precinct, together with an additional 1,200 dwellings to support population growth and development.

To this end, the Strategy sets a clear and sustainable path for future growth that will continue to build on the region's strengths.

Community consultation that occurred as part of the preparation of the concept plan showed overwhelming community support for the redevelopment. In fact, following the community information night held in April 2010 and in response to the feedback sheets provided to participants, 100% of the respondents supported redevelopment of the Salamander Shores Hotel including future residential accommodation. Positive aspects of the development included improvement to the building and facilities without encroaching on bushland areas, new restaurants, cafe and bar; and an overall visual improvement with facilities for residents and the local community.

6.3 Environmental Impacts

The key environmental impacts associated with the development include:

- visual impact of the proposed development, particularly from foreshore areas
- urban design including the design quality of future buildings, overshadowing, privacy and landscape design
- traffic and access
- water management and the impacts of climate change and associated coastal hazards
- bushfire
- flora and fauna
- aboriginal heritage
- geotechnical
- future construction management
- residential accommodation

The environmental impacts of the proposed future development have been determined by reference to the consultation with government agencies particularly Port Stephens Council and the Department of Planning. Key issues were identified in an onsite workshop held in September 2008 that presented a detailed site analysis and examined future development of the site. Community consultation in the form of a community information night and liaison with other government agencies also informed the key environmental impacts. The environmental impacts of the proposed future development have also been identified by specialist technical experts engaged as part of the project.

These potential impacts, together with other less significant environmental issues, are discussed in much detail in Section 8 of this Environmental Assessment. The assessment of key and other environmental issues in Section 8 indicates that there will be no significant environmental impacts associated with future development and that all impacts can be adequately mitigated through appropriate design and construction measures. A table outlining how the key issues have addressed is also provided in Section 8.

6.4 Economic and Social Impacts

The proposed development will have a positive and beneficial social and economic impact including:

- Meeting the significant demand for high quality and large scale conference facilities in Port Stephens for the domestic corporate market including accommodation and leisure facilities.
- Support for continued growth and expansion in tourism, which is important to the local economy and a significant local and regional employer.
- Additional tourist accommodation will result in more full time and casual employment.
- Generate economic and employment opportunities during construction with multiplier effects on the local economy with increased trade in food outlets and hardware.
- Support the aging population and high proportion of retirees in the Port Stephens area that are seeking to downsize or relocate to high quality and secure accommodation that requires minimal maintenance.
- Provide greater housing diversity and choice in Soldiers Point.

No significant or adverse social or economic impacts have been identified which result from the redevelopment of the Salamander Shores Hotel.

6.5 Consideration of Alternatives

A number of options and alternatives were explored as part of the development process and at various stages of the Major Project process, these include:

- Preliminary Environmental Assessment
- Refurbishment of the Salamander Shores Hotel
- A full scale five star luxury resort and hotel accommodation

6.5.1 Preliminary Environmental Assessment

The preliminary environmental assessment presented a new hotel branded under the Accor banner as All Seasons and Grand Mercure hotels. The concept plan that supported the application provided for a 180 room hotel and associated tourist facilities and 84 residential apartments. The overall floor space was 1.98:1. Proposed building heights ranged from four storeys along Soldiers Point Road and six to seven storeys for the residential buildings and internal hotel. Minimal setbacks were proposed, particularly from Soldiers Point Road. A description of the development was as follows and the proposal is found at Figure 8 below.

DESCRIPTION	FSR
– 60 budget rooms along Soldiers Point Road with retail below	2,050m ²
– 120 mid to high range rooms closer to the foreshore and reserve area	7,800m ²
– Conference facilities for 200 delegates	300m ²
– Wellness centre, café, pub and recreation including pool & gym.	950m ²
– 84 residential apartments	12,315m ²
– Retail areas such as cafes, restaurants and shops	1,050m ²
TOTAL FLOOR SPACE	24,465m²
	1.98:1 FSR

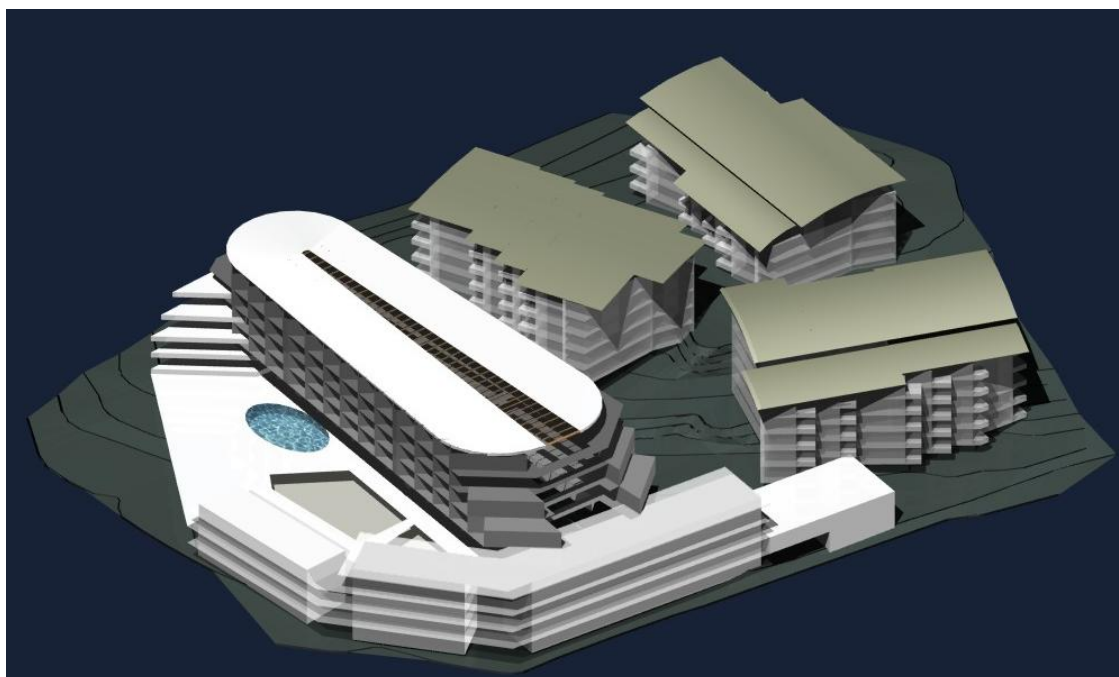


Figure 8 The proposed redevelopment of the Salamander Shores Hotel included in the Preliminary Environmental Assessment.

Advice from the Department of Planning dated 30 June 2008 noted concerns with the overall bulk, scale and height of the proposal. Following receipt of this advice and further consultation and review, the overall scale and bulk of the development was substantially reduced, consistent with the current proposed scheme.

This application therefore seeks approval of an overall FSR of 1:6:1 or 19,600sqm of floor space, which is a loss of more than 4,500sqm of floor space (almost a 20% reduction) and significant reduction in the overall development yield.

6.5.2 Refurbishment of the Salamander Shores Hotel

A number of options examining refurbishment and adaptive reuse of the existing hotel were explored early in the design development process. This option was discounted early in the process as the layout and the form of the hotel is not

conductive to refurbishment. Urban design improvements such as enhanced setbacks and the provision of underground car parking could not be achieved. The room sizes and layout did not meet contemporary standards and it was considered that the best option was to demolish the existing hotel and undertake a complete and detailed analysis to determine the best outcome for the site which included community benefits and met the needs of the tourism industry.

6.5.3 Five star luxury resort and hotel accommodation

Daryl Jackson Robin Dyke Architects prepared a scheme accommodating a five star luxury resort with all the associated facilities as expected by guests at this type and style of accommodation (see Figure 9). Five star resorts not only provide high quality accommodation but provide additional facilities such as 24 hour reception and large reception areas, concierge and valet services, mini bars and 24 hour room service, in house facilities such as safes, laundry and IT connections and range of leisure facilities including pools, gyms, spas, restaurants and bars of a very high standard.

This proposal therefore included some 221 hotel rooms, 48 apartments and parking for 166 vehicles. The scheme included a number of function areas, large gym and pools, restaurants and conference areas. The overall FSR was 2.26:1. Figure 8 overleaf illustrates this proposed option. The proposed development was very bulky and intrusive, not consistent with the relaxed coastal village character or scale of surrounding development. It was considered this form and scale of development was not appropriate and undesirable.



Figure 9 Five star option developed for the site. This scheme was discounted as the bulk and scale was considered excessive.

7.0 CONSULTATION

In accordance with the Director General's requirements, the following section of the report details consultation with the nominated government agencies and other stakeholders, as amended by the Department of Planning (via email on 23 February 2010) and the DGRs dated 16th March 2010. It also identifies how the proposal has been refined as appropriate to respond to any issues raised. A summary of the government and community consultation is as follows.

7.1 Local Government – Port Stephens Council

A number of meetings were held with Port Stephens Council including an onsite workshop on 3 September 2008. The workshop was held in conjunction with the Department of Planning. The sequence of meetings held with Council during the preparation of the Concept Plan was as follows:

- Project inception and prior to the lodgement of the Preliminary Environmental Assessment
- Information gathering and presentation of the preliminary development scheme
- An onsite interactive workshop held in conjunction with the Department of Planning. The workshop enabled a detailed review of the site and locality, discussion of the development constraints and opportunities and future development principles
- Presentation of the final draft Concept Plan following detailed consultation and the completion of a range of technical studies.

Notes were taken at these meetings and are found at Appendix 11. Generally, Council considered that the key issues were visual impact and the treatment of buildings (notably height, bulk and scale); traffic and access; water quality management; construction management and staging.

The onsite workshop was a major component of consultation with Council which provided the opportunity to present the key aspects of the site, its challenges and the unique opportunities for future development. It was felt through the Concept Plan process, a set of development guidelines could be prepared. The key locational and other characteristics of the Salamander Shores Hotel were identified as – being setback from the waterfront and surrounded by bushland, being located on a green knoll, its current poor urban design, lack of streetscape presentation and its outdated tourists facilities which did not meet market demand.

Following the workshop, a summary and initiatives for the way forward were prepared by the project team. These were generally accepted by Council and the Department of Planning, and included:

- The height of future development to be 15m from natural ground level;
- Future development to be contained within the height of the existing tree line and canopy surrounding the site;
- Street front retail to be minimal as the site is located in close proximity between linear strip shops to the south at Salamander Bay and to the north on Soldiers Point Road;
- Street front public facilities to address and activate the north west corner of the site;
- A 10m bush fire set back to be provided to the eastern and southern boundaries;

- A 15-25m landscape set back to be provided along Soldiers Point Road to help minimize the visual mass of the future development;
- Car parking to be provided under the development to maximize open space/landscape adjacent to buildings;
- Permanent residential accommodation to be provided to support the viability of the project and to create a mixed use development; and
- The 90 day permanent residential occupancy limit to be precluded as this control is not working in the Hunter region resulting in high vacancy rates.

The overall concept design was therefore significantly modified in response to the workshop. Notably, building heights were generally capped at 15m from natural ground level, the total on site FSR was reduced (from approximately 24,500 to 19,600sqm), extensive landscaping was provided along the Soldiers Point frontage and public domain improvements were included such as formalising off street car parking for jetty users.

7.2 State Government Agencies

In terms of State Government agencies, the DGRs required consultation with:

- Department of Environment and Climate Change
- Department of Primary Industries
- Department of Defence
- NSW Rural Fire Service
- Department of Water and Energy
- NSW Roads and Traffic Authority
- Department of Lands
- NSW Police Service
- Port Stephens – Great Lakes Marine Park Authority
- The relevant Local Aboriginal Land Council/s and other Aboriginal Community groups

Consultation with all agencies occurred throughout preparation of the application including written correspondence (letter and email), site meetings and telephone conversations. A number of the specialist reports contained in the attached appendices also address consultation with the relevant government agencies.

7.2.1 *Department of Environment, Climate Change and Water*

Eco-Logical Australia as part of preparation of the Flora and Fauna Assessment consulted with the Department of Environment, Climate Change and Water (DECCW) regarding the proposed redevelopment of the Hotel (refer to Flora and Fauna Assessment at Appendix 15). Consultation occurred with the Newcastle office via email in May 2010. A copy of the concept plan and the ecological characteristics of the site were presented in the correspondence. Key points raised by DECCW included consideration of secondary offsite impacts, such as noise and dust generation; management of habitat features such as hollows; and the importance of the survey period for seasonal species, such as locally occurring orchids. These key points have been addressed in the Flora and Fauna Assessment and this EA.

In addition, Worley Parsons as part of the preparation of the Water and Coastal Engineering Report also consulted with DECCW. DECCW were not prepared to make any comments without any formal reference from the Department of Planning.

There is further opportunity to comment on the application once the Concept Plan and Environmental Assessment is placed on public consultation.

7.2.2 Department of Industry and Investments (Formerly Department of Primary Industries)

Worley Parsons as part of preparation of the Water and Coastal Engineering Report consulted with the Department of Industry and Investments (formerly the Department of Primary Industries) regarding the proposed redevelopment of the Hotel (refer to Water and Coastal Report at Appendix 14). An email was sent to the Department on 12 April 2010 and they provided the following recommendations with respect to the proposed redevelopment:

- Erosion and sediment measures are to mitigate potential sedimentation impacts on the nearby waterway.
- There is no encroachment into the vegetated riparian buffer zone.
- Impacts to the adjacent waterway and aquatic habitats from stormwater discharge are not increased and water sensitive urban design measures are used to minimise any such impacts.

These requirements are achieved as the extent of the works are defined and enclosed within the site and modelling completed by Worley Parsons indicates no adverse effect on peak stormwater flows. Pollutant levels generated from the proposed development are improved with the treatment train of measures such as the reduction of impervious areas and the provision of rainwater tanks. An Erosion and Sediment Control Plan has also been prepared to ensure construction works are managed to ameliorate impacts on water quality including sedimentation.

7.2.3 Department of Defence

A letter was sent to the Department of Defence on 8 April 2010 including the modified Concept Plan. It noted that whilst Department of Defence had made previous comments, including that the site was outside the ANEF map for the RAAF Base and is also located outside the Obstruction Clearance Surface for the Base, that the project team was inviting further comments and input. No further response was received from Defence. However, there is further opportunity to comment on the application once the Concept Plan and EA is placed on public exhibition.

7.2.4 NSW Rural Fire Service

Eco-Logical Australia as part of preparation of the Bushfire Protection Assessment Report consulted with the NSW Rural Fire Service (RFS) regarding the proposed redevelopment of the Hotel (refer to Bushfire Assessment at Appendix 10). Consultation occurred by telephone on 15 April 2010 with Mr Mark Hawkins following Eco-Logical Australia sending via email a copy of the concept plan and aerial photography of the subject site. The issues discussed and the general comments by RFS included the following:

- A phone conference was suggested by the RFS as the project seemed straightforward from a bushfire protection point of view. It was agreed by both parties that a phone conference would be adequate for consultation purposes as required under the Rural Fires Act 1979 and consultation requirements contained in the DGRs.
- Eco-Logical Australia provided a description of the proposal. It was noted that even though the development cannot achieve the 'Planning for Bushfire Protection' acceptable solutions, it did not need to as the development consists of infill development (redevelopment of an existing situation).

- Mark Hawkins from the RFS agreed with the infill approach and noted the ability for the development to comply with the 'Planning for Bushfire Protection' infill objectives by creating a better bushfire protection outcome than the existing situation.

Eco-Logical Australia described the bushfire protection strategies that would be included with the development including a 10 m building setback (defendable space) from the boundary common to the remnant bushland, the replacement of all buildings with new construction that can comply with AS 3959 'Construction of Buildings in Bushfire Prone Areas' and compliant hydrant system. These recommendations were accepted by RFS.

7.2.5 Department of Water and Energy

The NSW Department of Water and Energy was abolished in July 2009. The water responsibilities are now managed by Department of Environment, Climate Change and Water and the energy responsibilities are managed by the Department of Industry and Investments. Both these government agencies were consulted on the proposed redevelopment of the hotel.

7.2.6 NSW Roads and Traffic Authority

Transport and Traffic Planning Associates (TTPA) consulted with the Roads and Traffic Authority (RTA) and Port Stephens Council as part of preparation of the Traffic, Transport and Parking Report. Consultation occurred with Mr David Young of the RTA Newcastle office via telephone conversation on 8 June 2010. Comments regarding traffic conditions in the area and the proposed development included:

- there were no proposed or envisaged works or changes which would impact on the proposed development;
- there were no apparent difficulties or problems in relation to the existing development;
- the proposed development did not appear to present any new or undue adverse traffic implications.

7.2.7 Department of Lands

A letter was sent to the Department of Lands on 12 April 2010 including the modified Concept Plan. The letter noted that it was expected the application would be lodged with the Department of Planning in July 2010 and the project team would be happy to discuss the application, consider any comments or address any additional matters. No further response was received from the Department of Lands.

It should be noted there is further opportunity for the Department of Lands to comment on the application once it is placed on public exhibition.

7.2.8 NSW Police Service

A letter was sent to the Nelson Bay Local Area Command on 10 April 2010 including the modified Concept Plan and an invitation to attend the Community Information Night. The letter noted that it was expected the application would be lodged with the Department of Planning in July 2010 and the project team would be happy to discuss the application, consider any comments or to address any additional matters. No further response was received from the NSW Police.

There is further opportunity for stakeholders including government agencies to comment on the application once the Concept Plan and EA is placed on public exhibition.

7.2.9 Port Stephens Great Lakes Marine Park Authority

Worley Parsons as part of preparation of the Water and Coastal Engineering Report consulted with the Port Stephens Great Lakes Marine Park Authority regarding the proposed redevelopment (refer to Water and Coastal Report at Appendix 14). The Authority was primarily concerned with run-off and the potential pollutants to enter the marine park which would impact on water quality and adjacent habitats in the marine park. The Authority was not concerned with the actual development as works are located within the site boundary.

These impacts have been addressed in the Worley Parsons report and were found to be negligible. The total volume of pollutants discharged from the site associated with the redevelopment is actually reduced, therefore water quality improvements will be observed. Water quality and the water management strategy are discussed in detail in Section 8.11 of this EA and the Water and Coastal Engineering Report at Appendix 14.

7.2.10 Aboriginal Land Council

An Aboriginal Cultural Heritage Assessment was prepared by Dominic Steele Consulting Archaeology for the Concept Plan Application and provides further detail on Aboriginal consultation (see full report at Appendix 8). The subject site falls within the administrative boundaries of the Worimi Local Aboriginal Land Council (WLALC). In addition, a number of organisations and individuals also claim traditional and historical links within the greater Port Stephens landscape of which the subject site forms a part.

Aboriginal community consultation for the proposed redevelopment of the Hotel involved the following:

- The placement of a public notice about the project (as per DECCW guidelines) in the Port Stephens Examiner on the 14th of August 2008.
- The initiation of consultation with the CEO of the Worimi Local Aboriginal Land Council (Mr Andrew Smith) and the provision of background information about the project to the WLALC concurrent with the public notification process.
- Continued consultation with Mr Jamie Merrick (WLALC Senior Sites Officer/Traditional Owner) who advised that consultation should be initiated with Nur-Run-Gee Pty Ltd and Mur-Roo-Ma Incorporated. Background information about the proposal was provided to each of the above organisations at this time.
- Formal written responses expressing their respective interests in the project were received from the Worimi Local Aboriginal Land Council, Nur-Run-Gee Pty Ltd and Mur-Roo-Ma Incorporated.

The DECCW, the NSW Native Title Services, and the Registrar of Aboriginal Owners were also contacted concurrent with the placement of the public notification advertisement. In response to the broader consultation, no additional Aboriginal community groups or individuals expressed an interest in the project (either written or via phone/fax/email) following the closure of the public notification period.

The WLALC (represented by Mr Jamie Merrick), Mur-Roo-Ma Incorporated (represented by Mr Anthony Anderson), and Nur-Run-Gee Pty Ltd (represented by Ms Leanne Anderson) undertook an inspection and Aboriginal Cultural Heritage Survey of the Salamander Shores Hotel site and its immediate surrounds in association with Dominic Steele and Jakub Czystaka (Dominic Steele Consulting Archaeology), and Mr Brad Deger (Hotel General Manager) on the 22nd of September 2008.

Consultation was maintained with the above Aboriginal community groups during preparation of the Aboriginal Cultural Heritage Assessment. A draft version of the document was provided to these groups for review and comment upon the completion of the site inspection.

The respective Cultural Heritage Statements prepared by each of these organisations are attached to the Aboriginal Cultural Heritage Assessment. A letter from Nur-Run-Gee Pty Ltd was received on 5 December 2008 that supports the recommendations contained in the Aboriginal Cultural Heritage Assessment prepared by Dominic Steele Consulting Archaeology (see Appendix 8 for all correspondence and letter from Nur-Run-Gee Pty Ltd).

7.3 Local Community

A community information night was held on Thursday 15th April 2010 from 5:00pm – 7:30pm at the Salamander Shores Hotel regarding the proposed redevelopment. The information night was attended by core members of the project team enabling adjoining residents, businesses and other interested stakeholders to view the proposed plans, ask questions of the project team and discuss the development process. Staff at the hotel were also provided with a separate briefing about the redevelopment.

A letter box of adjoining streets surrounding the development site invited neighbours to attend the information night and a notice was also placed in the hotel. Port Stephens Council officers and councillors were invited to attend the information night via letter. An advertisement was placed in the local paper, the Port Stephens Examiner, on Wednesday 8th April 2010 advising of the Information Night. The Port Stephens Examiner ran an article on the development and noted that an Information Night was being held at the hotel on 15th April. Therefore, there was wide ranging communication with the local community advising of the Information Night.

Thirty three people attended the information night which was held at the Spinnakers Room in the hotel. Information sheets were available for residents to complete on the night. Only three feedback sheets were completed on the evening and two more were received following the information night. See Appendix 17 for a copy of the feedback sheet. Feedback was generally very positive on the night and following the review of Concept Plans.

In responses to the questions on the feedback sheets received on the night and following the information session:

- All respondents (100%) supported redevelopment of the Salamander Shores Hotel including future residential.
- Positive aspects of the development included improvement to the building and facilities without encroaching on bushland areas, new restaurants, cafe and bar. Overall visual improvement with facilities for residents and local community.
- Concerns related to the quality and standard of the future hotel (4-5 star rating), noise and traffic/access including bus parking.

Features that residents would like to see in the draft plan include opening the gym and pool to residents, sustainable development features and good restaurants / bars that can be used by local residents.

All the comments received from the community and following the information night have been considered in the formulation of the Concept Plan and in this Environmental Assessment.

8.0 KEY ISSUES AND ASSESSMENT

8.1 The Director General's Environmental Assessment Requirements

This section of the report assesses and responds to the environmental impacts of the Concept Plan proposal and the key issues. It addresses the matters for consideration set out in the Director General's Environmental Assessment Requirements (DGRs). The draft Statement of Commitments supports the findings of this section and is found in Section 9.

8.2 Strategic Planning

Sections 3 and 4 of this Environmental Assessment address strategic and statutory planning matters and heads of consideration. These include the Lower Hunter Regional Strategy, Port Stephens Economic Development Strategy and Draft Nelson Bay Strategy 2030. In terms of statutory requirements, Section 4 of this EA provides a comprehensive summary of all relevant Commonwealth, state and local planning controls. It addresses relevant matters and provides justification for any inconsistencies or non compliances.

8.3 Urban Design, Visual Impact and Sustainability

Daryl Jackson Robin Dyke Architects have prepared a number of reports including an Urban Design, Landscape and Sustainability Report and a Site Analysis and Visual Impact Report (see Appendices 12 and 13). The proposed urban character, built form, relationship with surrounding and foreshore areas, regional context and visual impact of the proposed development are addressed in detail. The reports also address in concept compliance with SEPP 65 and BASIX. The accompanying Concept Plan drawings provide shadow diagrams and visual aids including photomontages to demonstrate the visual impacts of the proposed development and measures to ameliorate any impacts.

Urban Design

The urban design report notes the key existing drivers and constraints that have formed the basis for the urban design parameters for which the overall mixed use development has evolved. These include the coastal setting, isolation from neighbours due to adjoining open space areas and bushland areas and the natural visual screening. The key site planning and design principle has therefore been to set building heights to that of the height of the existing trees, at approximately RL 36.

The development has been designed as a high quality resort and mixed use development. Anchoring the development are public orientated facilities, particularly located in focal areas, such as the hotel bar and café. The hotel entry will be framed by a Porte Cochere to provide a sense of arrival and identity along Soldiers Point Road, as well as breaking down the linear façade.

Overshadowing

Based on the shadow diagrams included at Appendix 12, the proposed future development will not have an adverse overshadowing impact upon the public domain or the foreshore. The shadow drawings show the existing impact of the current Salamander Shores Hotel and that the dense tree canopy to the east of the hotel

causes the most significant shadow to the foreshore, particularly at the winter solstice from 3pm. The beachfront and foreshore are in shadow from 3pm at this time.

The shadow diagrams illustrate how the concept design minimizes overshadowing both internally and beyond the site by not causing any further overshadowing. The internal open space area and northern façade of the residential building (Building H) receives an abundance of light even at the winter solstice. At 3pm, the northern façade of the residential building and much of the pool area still receives light and is not cast in shadow.

There is no additional overshadowing to the foreshore or pier caused by the proposed development. As the site is surrounded by open space areas, there is no overshadowing to any residential building. Overshadowing of the bushland reserve to the east is not increased by the development.

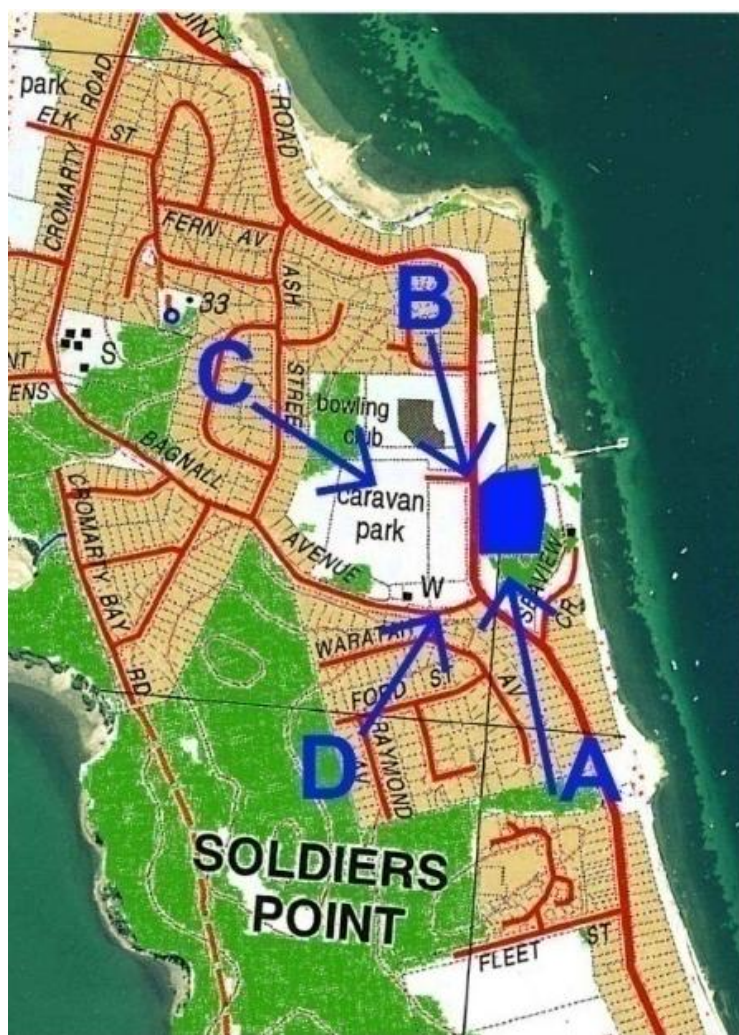
Visual Impact

The Site Analysis and Visual Impact Report prepared by Daryl Jackson Robin Dyke Architects (see Appendix 13) provides a detailed discussion and assessment of views and the visual impact of the proposed development. The following is a summary of the key findings of the report.

The visual impact of the proposed site has been assessed from four visual catchments that may contain potentially sensitive receivers. These comprise:

- roads approaching the site notably Soldiers Point Road
- residential neighbourhoods to the north at higher elevations
- adjoining properties including the Bowling Club
- adjacent coastal edges and their extended areas to the north and south including Wanda Wanda headland, the jetty and waterways.

In terms of the land based assessment, the key plan below identifies the view points that were assessed as part of the report including the elevated residential areas and Soldiers Point Road. Soldiers Point Road is the main distributor when approaching the site from the south. The proposed development is fully screened from view by the existing wooded knoll. Similarly when viewed from the north, existing large eucalypts outside the boundary on the road reserve, screen the distant approach views.



Key – Land Based View Locations

It is not until the viewer is within 100 metres of the development on Soldiers Point Road that the impact becomes apparent. However this is softened by the upper canopy of the woodland to the east and south which protrudes above the height of the development. Similarly views of the development from roads to the south west and well filtered by the existing woodland.

Immediately opposite the site the proposed development is screened by existing road side vegetation and the proposed landscaped setback within the hotel frontage will further mitigate the mass of the buildings when viewed from this aspect. Visual impact will also be minimised by the proposed careful architectural articulation of the facades, the breaking up of the building massing together with the choice of recessive and appropriate colours.

In terms of the land based visual assessment, the report concludes that the existing vegetated hill to the east and south of the proposed development will provide significant visual screening when it is viewed from most locations surrounding the site to the north, west and south. The proposed heights and massing of the new buildings, being controlled by the existing tree heights, will ensure that in general, the proposed development will sit within the existing vegetation and have minimal visual impact on the adjoining residential developments.

In terms of the coastal impact view assessment, the key plan below identifies the view points that were assessed as part of the report. Locations include Wanda Wanda headland, the view from the end of the jetty, and views from the waterways and the beach from the north and south of the hotel.



Key - Coastal Impact View Locations

The report concludes in terms of coastal impact that the existing vegetated hill to the east and south of the proposed development will provide significant visual screening when it is viewed from along the coast, from the jetty and off shore. The proposed height and massing of the new buildings, being controlled by the existing tree heights, will ensure that in general, the proposed development will have minimal visual impact on the coast line and adjoining residential developments.



View of the proposed Soldiers Point Hotel from the jetty along the waterfront.

Sustainability

The Urban Design Landscape and Sustainability Report outlines initiatives that will be included in the design of the future development. These initiatives are also included in the draft Statement of Commitments (refer to Chapter 9 of this EA). The report also outlines future BASIX commitments and compliance with the SEPP. Initiatives provided in the report include:

- Operable windows and natural ventilation;
- Adequate levels of wall and roof insulation, materials with low embodied energy;
- High efficiency performance glazing and use of smart electrical metering;
- Dedicated compact fluorescent or LED lighting throughout
- Provision of energy and water efficient appliances (3.5star+)

8.4 Traffic, Access and Parking

Transport and Traffic Planning Associates (TTPA) prepared an Assessment of Traffic, Transport and Parking Implications for the proposed concept plan application and future development of the Salamander Shores Hotel. The report is found at Appendix 9.

8.4.1 Existing Traffic and Transport Conditions

The road network servicing the area comprises:

- Nelson Bay Road - a State Road and sub arterial route providing the principal connection between the southern headland of Port Stephens and the Pacific Highway.
- Port Stephens Drive – a collector route connecting Salamander Bay and Nelson Bay Road.
- Salamander Road – a collector road route connecting Nelson Bay Road and Soldiers Point.
- Foreshore Drive-Sandy Point Road-Government Road – a collector route running along the southern shore.
- Bagnall Avenue-Cromarty Road – a minor collector route along the western side of Soldiers Point.

The road geometry for Soldiers Point Road adjacent to the site has a straight and level alignment, some 12 metres wide. There are relatively few traffic controls applying to the road system in the area. Key features however include:

- the roundabouts at the Port Stephens Road/Nelson Bay Drive and Port Stephen Road/Soldiers Point Road/Salamander Way intersections
- the roundabout at the Soldiers Point Road/Mars Road/Randall Drive intersection
- the 50 kmph speed restriction on Soldiers Point Road
- the GIVE WAY control on the side streets intersecting with Soldiers Point Road
- the centre line marking along Soldiers Point Road including the barrier line near the Bagnall Avenue intersection
- the bus stops on Soldiers Point Road

Traffic conditions in the area provided by data published by the RTA indicates a typical steady increase of traffic flows from 1998 to 2004 from a permanent counting station north of Cabbage Tree Road. Unique features of traffic flows include fairly consistent flows throughout business hours and heightened flows during the summer months.

TTPA also completed traffic surveys in vicinity of the site in February 2010. The results of the surveys during the morning and afternoon peak periods and Saturdays on Soldiers Point Road and Point Stephens Drive indicate the operational performance at existing peak demand is satisfactory. The level of service (A) and average vehicle delay reveal good operational performance.

In terms of transport service, there is a regular bus service operated by Port Stephens Coaches which connects between Soldiers Point and Newcastle. This service offers 4 morning and 4 afternoon services in each direction on weekdays and 5 services in each direction on Saturdays, Sundays and Public Holidays. A bus stop is located directly opposite the hotel.

8.4.2 The Proposed Future Development

In terms of assessing traffic impact and parking requirements, the future redevelopment scheme was assumed to comprise:

- 44 Permanent Residential apartments
 - 5 x one-bedroom
 - 9 x two-bedroom
 - 30 x three-bedroom
- 34 Serviced apartments
 - 34 x two-bedroom (dual key)
- Hotel 84 rooms
- Ancillary facilities including

○ Bar/lounge	570m ²
○ Bistro	400m ²
○ Pre-function	115m ²
○ Conference	550m ²
○ Café/retail	260m ²
○ Gym/games/recreation	430m ²
○ Back of house/storage	1900m ²

275 parking spaces are proposed in basement car parking areas. The basement car park will be excavated to RL8 and car parking will extend over three to four basement levels.

The proposed future development will provide vehicle access as follows:

- a combined ingress/egress driveway on Soldiers Point Road for the car park and service vehicles (in the location of the existing access).
- an ingress driveway on the northern road reserve porte-cochere and coach access.
- an egress driveway on Soldiers Point Road for porte-cochere and coach egress.

These accesses will be located on relatively straight and level sections of road where good sight distances are available. The proposed accesses will comply with the design requirements of AS 2890.1 and 2.

8.4.3 Traffic Impact

The RTA Traffic Generating Guidelines do not contain any criteria in relation to the traffic generation characteristics of tourist hotels, however a study undertaken by the Traffic Authority of NSW for motels reveals a generation rate per room during the weekday morning and afternoon periods of some 0.36 vtpH.

Reference to the Institute of Transportation Engineers "Trip Generation" publication (2003) includes criteria for the "Resort Hotel" category which comprises accommodation rooms, restaurants, bars, retail, convention/meeting rooms and recreational facilities. The average occupancy rate of the hotels surveyed was 82% and is summarised as follows:

Av vtpH per room in morning and afternoon on-street peak periods:

AM 0.31 (72% IN / 28% OUT)
PM 0.42 (43% IN / 57% OUT)

It is apparent that the hotel rooms and serviced apartments will exhibit a similar generation characteristic. The proposed hotel will have 80 rooms and 34 serviced apartments, and on this basis (ie the criteria provided for 82% occupancy) the weekday morning and afternoon peak traffic generation for 114 accommodation units will be:

AM 36 vtpH (26 IN / 10 OUT)
PM 48 vtpH (21 IN / 27 OUT)

As such, the traffic generation circumstances of these elements will not reflect the criteria contained in the RTA's Development Guidelines. That criteria is sourced from surveys undertaken in the Sydney Metropolitan Area and accordingly does not reflect the lifestyle, demographics or residential/accommodation nature of dwellings in the Port Stephens area and more specifically that of the proposed development.

The traffic generation of residential apartments is somewhat less than that of single dwelling houses particularly for two-bedroom apartments as demonstrated in the RTA's criteria for medium density housing (0.4 – 0.5 vtpH). However, in order to provide some 'sensitivity provision' in the generation rates the following criteria has been adopted in relation to the proposed development scheme:

Peak Traffic Generation

Residential apartments - 0.35 vtp/h

Application of this criterion to the proposed residential apartment element would indicate the following peak traffic generation:

44 apartments @ 0.35 vtp/h – 16 vtp/h

AM		PM	
IN	OUT	IN	OUT
4	12	12	4

The other proposed elements of the development will not contribute to additional generated movements in these periods because they will not generate movements during these periods (ie bar, restaurant) and they are very largely ancillary to the accommodation elements (ie function, café, retail).

Thus, the total projected generation of the concept scheme development will be:

	AM		PM		Sat	
	IN	OUT	IN	OUT	IN	OUT
Hotel/Serviced Apartments	26	10	21	27	39*	39*
Residential	4	12	12	4	6	6
Other (service, coaches etc)	4	4	4	4	2	2
Total	34	26	37	35	47	47

**Factored from existing generation*

The operational performance of the main access driveway has been assessed using SIDRA and the results are summarised as follows:

	Saturday	AM	PM
Level of Service	A	A	A
Degree of Saturation	0.042	0.058	0.058
Average Vehicle Delay	1.8	1.9	2.2

The results indicate a quite satisfactory operational performance with significant spare capacity.

8.4.4 Parking

Assessment in relation to the appropriate parking provision for the various elements of development scheme has had regard to Council's DCP and the RTA Development Guidelines. Ancillary considerations include the likely 'retiree' nature of residents; the shared use of the hotel, restaurant/function parking facilities; and the general occupation levels of the hotel rooms and serviced apartments.

Council's DCP № 2007 specifies the following car parking rates:

Residential apartments	
One and two-bedroom	- 1 space
Three-bedroom	- 2 spaces
Visitors	- 1 per 3 apartments

Tourist facility	-	1 space per unit + 1 space per 2 staff
Restaurant	-	15 spaces per 100m2 GFA
Function	-	Not stated

Application of this criterion would indicate the following:

5 x one-bedroom apartments	5 spaces
9 x two-bedroom apartments	9 spaces
30 x three-bedroom apartments	60 spaces
Visitors	15 spaces
Hotel/serviced apartments	118 spaces
Staff (30)	15 spaces
Bistro 400m2	60 spaces
Total	282 spaces

The provision of this level of parking (ie compound maximums) would be excessive and not in keeping with 'sustainable' principles or actual need given the dual use (restaurant/hotel room/apartment), the travel mode of hotel guest/serviced apartments involving coaches, shared travel etc and the unlikely event that all 3 bedroom apartments would require 2 space and the normal level of occupancy.

By comparison application of the RTA Development Guideline criteria require:

Hotel rooms	84 @ 1 per 4	21 spaces
Serviced apartments	34 @ 1.2 spaces	41 spaces
Residential apartments	5 x 1 bed @ 1 space	5 spaces
	9 x 2 beds @ 1.2 spaces	11 spaces
	30 x 3 beds @ 1 per 5	51 spaces
	Visitors @ 1 per 5	9 spaces
Restaurant	400m2 @ 15 per 100m2	60 spaces
Total		198 spaces

It is proposed to provide a total of 275 parking spaces and this is considered to be an appropriate quantum which would have a 'flexible' component of public access spaces. If there is any concern for potential occasional usual demands needs for high occupancy or conference use, this could be dealt with by the provision of valet parking services with some stacking in the hotel guest section of the car park (as per RTA Guidelines). An appropriate component of spaces for disabled drivers would also be incorporated into this proposed provision in accordance with the DCP criteria.

8.5 Coastal Processes

Worley Parsons completed a Water and Coastal Engineering Report, which is found at appendix 14. The report investigates coastal processes including wind and wave action, coastal erosion, sea level rise and more frequent and intense storms associated with climate change.

The subject property is situated on an elevated outcrop of high strength volcanic rock. Therefore, traditional coastline hazards such as erosion and recession are unlikely to apply at the subject property. The geotechnical investigation completed by Coffey Geotechnics (2010) indicates that the rock underlying the site and seaward

of the subject property is inerodible. The rock is believed to be a solid mass, upon which lie relatively shallow soils.

The site survey indicates that the lowest land levels are around RL 6.5 m AHD, while the building floor levels have been nominated at RL 7.5 m AHD and above. The Port Stephens Flood Study indicates that the current 100 year (ARI) flood level for the subject site is RL 2.4 m AHD, and with sea level rise of 0.9 m to 2100, the 2100 flood level can be adopted as RL 3.3 m AHD.

Based the above information, coastline hazards (including erosion, recession and inundation) are of limited concern at the site, noting that all buildings and other significant structures should be founded on rock or as otherwise recommended by a geotechnical engineer.

Therefore the investigation into coastal processes found the site is located well above the 100 year flood level and that there are no impacts as a result of wind and wave action and coastal erosion. The assessment was also undertaken in accordance with the guidelines set by the Coastline Management Manual and the NSW Coastal Policy.

8.6 Contamination

An Environmental Site Assessment (March 2009 and April 2010) was completed by Coffey Environments Pty Ltd to assess the potential for contamination to exist on the site from previous and current land uses, and to provide recommendations on the need for any remediation as required (refer Appendices 4 and 5). A Register of Hazardous Materials Report was also completed in March 2009 by Coffey Environments Pty Ltd (refer to Appendix 6). A summary of the scope of work, key findings and recommendations of the Environmental Site Assessment and Register of Hazardous Materials are provided below.

8.6.1 Phase 1 Site Assessment

A Phase 1 environmental site assessment was initially carried out to identify potentially contaminating activities that are currently occurring on site and that may have been performed in the past. An assessment of potential areas of environmental concern (AEC) and an assessment of potential for contaminated soil and groundwater to exist was also undertaken.

Information about the site was obtained from:

- A site walk over by an experienced geotechnician to observe site conditions;
- A historical land title search to review previous landowners and possible past uses of the site;
- Review of aerial photographs;
- A search of NSW DECC records;
- A review of Port Stephens Council records;
- WorkCover records and licences;
- Interviews with available personnel familiar with the history of the site; and
- Collation of the above.

The site history investigation did not identify an investigation or remediation order relating to the above site under Section 149 (2) and (5) of the Environmental Planning and Assessment Act, 1979. NSW WorkCover Dangerous Goods Records

indicate above-ground LPG tanks have been present on site since at least 1976. Titles information indicated that prior to use as a commercial property, the site was formerly under the ownership at one time by Port Stephens Council, the Commonwealth of Australia, or the farming Cromarty Family. Historic aerial photographs indicate that prior to at least 1963 the site was undeveloped, and by 1976 part of the current hotel development had been constructed.

Observations made during the site visit indicate potential AECs across the site associated with fill materials, car parking areas, storage areas, and pool chemical storage. Upon assessment of site history in conjunction with a site visit, it was concluded that four AEC were identified by the Phase 1 investigation.

Based on the results of the Preliminary Environmental Site Assessment, the report recommended that a Phase 2 Environmental Site Assessment to assess potential soil contamination associated with the proposed development at the site was required. Due to the likely presence of fill materials on site, it was recommended that a broad suite of contaminants be analysed for during Phase 2 ESA investigative works.

8.6.2 Phase 2 Site Assessment

Based on the Phase 1 ESA and the identification of four AEC, a Phase 2 Environmental Assessment was completed in April 2010 targeting these areas. The objectives of the Phase 2 ESA were to make an assessment of the contamination status of the site, and to provide recommendations for further investigations, management and/or remediation (if required).

To achieve the objective, the following scope of work was undertaken:

- A brief review of previous investigations conducted at the site;
- Field investigations including soil sampling from 10 locations with a hand auger;
- Laboratory analysis of selected soil samples; and
- Data assessment and preparation of this Phase 2 ESA report.

A review of the previous Phase 1 ESA conducted by Coffey revealed the four AEC relating to fill on site, storage areas (general storage and pool chemical storage) and the maintenance shed/fuel storage areas. The 10 boreholes were drilled to target these AECs, and also to provide spatial coverage across the site. A borehole could not be drilled by hand methods near the maintenance shed due to the existing pavements in and around the shed.

Selected soil samples were submitted for laboratory analysis for a number of contaminants of concern, including heavy metals, hydrocarbons, pesticides, asbestos and chloride. The laboratory results were assessed against the criteria relevant to the site redevelopment (residential with minimal access to soils). The assessment indicated that contaminant concentrations were either below laboratory reporting limits or the adopted investigation levels. Asbestos was not detected in the samples analysed, and a maximum chloride concentration of 63mg/kg was recorded.

Based on the laboratory results, the likelihood for significant contamination to be present at the site is considered to be low, and further investigations (including management or remediation) are not required.

8.6.3 Hazardous Materials Survey

A hazardous materials survey (March 2009) of the Hotel was completed by Coffey Environments Pty Ltd to assist identify and locate hazardous materials. The survey

was undertaken to enable the future management and formation of a hazardous materials management plan with demolition of the hotel. From the site survey and laboratory analysis results a register has been produced in accordance with the requirements of the National Occupational Health and Safety Commission Code of Practice for the Management and Control of Asbestos in Workplaces, and other relevant legislation.

The following scope of work was undertaken to assist in the formation of the register:

- Mobilise a technician to and from the site.
- Liaise with personnel and collect data on the history, use and function of the site.
- Conduct a standard sampling hazardous materials survey on the site, to locate asbestos containing materials, lead paint, ozone depleting substances, polychlorinated Biphenyls in light capacitors (PCB's) and damaged, high risk synthetic mineral fibre (SMF) in accessible areas.
- Collect samples of suspect asbestos and lead paint material (where accessible) and submit samples for laboratory analysis with only 'typical' suspected occurrences collected and sampled (e.g. one in every same fire door).
- Document the details of materials identified including photographs of any samples taken
- Record, collate and report the findings including a Prioritised Action Classifications

The report notes that the building is mainly constructed of brick and concrete with flat corrugated metal roofs. For the purpose of the survey work, the site was split into three different sections. Section 1 is on the northern end and contains the reception, bar, restaurant and Spinnakers function room and bar. Section 2 is located with the centre of the site; it is the largest out of the three sections and contains the Bayview function room and bar. Section 3 is on the south end of the property and is home to the Marlin function room.

Coffey Environments adopt a risk management approach in order to assess the risks associated with individual asbestos containing materials including a risk score of very low (0-6), low (7-12), medium (13-18) and high (19-24). Following the assessment for both asbestos containing and hazardous materials an action score is assigned, Action A1 through to A4. A1 action requires restriction of access and removal of the material, whilst Action A4 requires no remedial action with a periodical reinspection.

Following the survey and assessment of the Salamander Shores Hotel, no high risk asbestos containing materials were identified or suspected during the survey. All areas or actions were classified as A3 and A4 Actions, which can be summarized as below. These areas are identified in the register and including asbestos cement sheeting eaves and canopy lining located on all external faces.

Action A3 Remove during refurbishment or maintenance – Reinspect Periodically

As a guide, the material conforms to one, or more, of the following:

- Asbestos debris or stored material in rarely accessed areas
- Further disturbance or damage unlikely other than during maintenance or service
- Readily visible for further assessment
- Asbestos friction materials, gaskets and brake linings

Action A4 No remedial action – Reinspect Periodically

As a guide, the material conforms to one, or more, of the following:

- Firmly bonded to substrate and readily visible for inspection
- Inaccessible and fully contained
- Stable and damage unlikely

In terms of other hazardous materials on site, such as ozone depleting substances (refrigerants) the report notes the following:

- Air conditioning systems were identified as containing refrigerants. A licensed contractor who will recycle and reuse the refrigerant should decommission CFC and HCFC based equipment.
- Management measures for lead based paints, training and control measures for contractors for lead dust in the overall Asbestos Management Plan should be addressed.

8.7 Acid Sulphate Soils

The Geotechnical Assessment undertaken by Coffey Geotechnics (March 2009) includes an assessment of the risk of acid sulphate soils or potential acid sulphate soils occurring on the site (see Appendix 7). Reference to the Acid Sulphate Soils (ASS) Risk Map for Port Stephens indicates the site is located in an area where there is no known occurrence of ASS materials. The map also indicates that the landform is dominated by bedrock slopes, elevated Pleistocene and Holocene dunes and elevated alluvial plains.

The results of sampling for the presence of ASS and PASS obtained during field investigation and laboratory testing indicated that the samples were well below recommended criteria and that all samples tested were not ASS or PASS. This combined with the residual nature of the site and minimum elevation over the site of RL6 suggests that it is highly unlikely for ASS to be present. As a result, an ASS Management Plan would not be required for this project.

8.8 Bushfire

A Bushfire Protection Assessment has been prepared for the site by Eco Logical Australia (April 2010) and is provided at Appendix 10. A summary of the key findings of the assessment is provided below.

8.8.1 Existing Conditions

Bushfire prone vegetation occurs immediately to the south and east of the proposed development. It comprises a remnant of Nerong Smooth-barked Apple Forest which is classified as dry sclerophyll forest. This vegetation is comprised of an area under 1ha in size to the south and a corridor to the east that is approximately 0.5ha and varies in width from 20m to 30m. Due to the size and shape of the vegetation it may be classified as 'low hazard'.

The remnant vegetation slopes down from the subject land to the south west in the Planning for Bushfire Protection 2006 (PBP) slope class of 'downslope >5-10 degrees' and to the south east and north east along the length of the corridor also in the PBP slope class of 'downslope >5-10 degrees'.

8.8.2 Legislation and Bushfire Protection Assessment Requirements

The subject land is identified as bushfire prone land by Port Stephens Council. Hotels, motels or other tourist accommodation are identified as 'Special Fire Protection Purpose' (SFPP) developments. In general, SFPP developments within bushfire prone land require a Bush Fire Safety Authority (BFSA) from the NSW Rural Fire Service (RFS) under Section 100B of the Rural Fires Act 1997. However, in the case of projects being assessed under Part 3A, Section 75U of the EP&A Act states as follows:

- (1) The following authorisations are not required for an approved project (and accordingly the provisions of any Act that prohibit an activity without such an authority do not apply):

...

- (g) a bush fire safety authority under section 100B of the Rural Fires Act 1997,

Accordingly, a separate BFSA under Section 100B of the Rural Fires Act is not required in this instance. Notwithstanding, the Department of Planning still requires an equivalent level of information within the Environmental Assessment as would ordinarily be required for any such approval to enable an assessment of the works. The Director-General's EA Requirements therefore require an assessment of the proposal in accordance with the PBP.

PBP lists the planning controls and specific objectives for SFPP developments. The specific objectives are to:

Provide for the special characteristics and needs of occupants. Unlike residential subdivisions, which can be built to withstand the fire event, enabling occupants and firefighters to provide property protection after the passage of fire, occupants of SFPP developments may not be able to assist in property protection. They are more likely to be adversely affected by smoke or heat while being evacuated.

Provide for safe emergency evacuation procedures. SFPP developments are highly dependent on suitable emergency evacuation arrangements, which require greater separation from bushfire threats. During emergencies, the risk to firefighters and other emergency services personnel can be high through prolonged exposure, where door-to-door warnings are being given and exposure to the bushfire is imminent.

8.8.3 Asset Protection Zones

Based on the asset protection zone (APZ) standards established in the PBP document, an acceptable solution for the site would be the establishment of 50m of managed vegetation to the south and east. However, this distance is not available within the subject land. A 10m APZ has therefore been provided along these boundaries. With a minimum 10m APZ and inclusion of other bushfire protection provisions, the proposal complies with the PBP SFPP infill objectives as shown in Table 4.

Table 4: Assessment against infill objectives

SPECIFIC INFILL OBJECTIVES	COMPLIANCE
Specific Objective 1 - ensure that the bushfire risk to adjoining lands is not increased.	The development would not increase the bushfire risk to adjoining lands and will be constructed to minimise material ignition including BCA requirements.
Specific Objective 2 - provide a minimum defendable space	The proposed buildings will have a minimum defendable space of 20 metres of managed land within the proposed APZ where fire fighters could operate. Half of this is provided within the subject land. The APZ will range from 20 to 40 m.
Specific Objective 3 - provide a better bushfire protection, on a redevelopment site, than the existing situation. This should not result in new works being exposed to greater risk than the existing building	The proposal involves the replacement of an existing hotel building with 6 buildings that will involve the improvement of the APZ and compliance with building construction standards under AS 3959 'Construction of Buildings in Bushfire Prone Areas'.
Specific Objective 4 - ensure that the footprint of the proposed building does not extend towards the hazard beyond existing building lines on neighbouring land	The proposed development will not be located closer to the hazard than the existing buildings. The development will be setback from the hazard an additional 10 m than the existing situation.
Specific Objective 5 for infill developments is to "not result in an increased bushfire management and maintenance responsibility on adjoining land owners unless they have agreed to the development".	The development does not increase or offset bushfire management onto neighbouring lands. An area of managed land (up to 20 m) exists within the neighbouring reserve that complements the 10 m APZ to be provided within the subject land.
Specific Objective 6 - ensure building design and construction enhance the chances of occupant and building survival	Appropriate construction standards for bushfire protection will be incorporated into the development.

The subject land is already managed as an Inner Protection Area (IPA) and additional tree or vegetation removal is not required.

8.8.4 Other Bushfire Protection Measures

The Bushfire Protection Assessment includes a number of other recommendations to ensure the development meets the requirements of the PBP. These are:

- Implementation of an APZ Maintenance Plan which includes requirements relation to landscaping, tree management and maintenance of ground fuel.
- The application of appropriate construction standards for buildings depending on their location;
- Provision of reticulated water using a hydrant system with hydrant spacing, sizing and pressures to comply with AS 2419.1 – 2005.
- Appropriate installation, location and maintenance of electricity and gas services;
- Access and egress via looped driveways linked to Soldiers Point Road, as well as perimeter access incorporated into the 10m wide APZ which is to be a minimum of 4m wide and able to support a Category 1 firefighting vehicle.

The proposed development will be undertaken in accordance with the recommendations in the Bushfire Protection Assessment. The Statement of Commitments includes a commitment to this effect.

8.9 Geotechnical

A Geotechnical Assessment of the proposal was undertaken by Coffey Geotechnics (March 2009) and is provided at Appendix 7. The report provides a geotechnical assessment for conceptual design and development approval purposes to identify the key geotechnical constraints at the site and provide preliminary design parameters. A summary of the key findings of the Geotechnical Assessment is provided below.

The geotechnical conditions of the site were determined based on field work (including borehole drilling, groundwater monitoring and test, site observations and mapping), laboratory testing and a review of existing geological mapping, relevant data and literature. The risk of slope instability has been assessed from the observed site conditions in accordance with the appropriate classification system (Coffey Geotechnics, p.7).

The principal site features identified and used in the assessment are:

- Position of the site on a northerly to north westerly facing slope within slightly undulating terrain;
- Regional slope angles on the site in the order of 5° to 15°;
- An aeolian sand soil profile over lying rock of up to 1.3m or greater;
- High strength rhyodacite outcrop noted over the site;
- No evidence of seepage within the natural soils over the investigation area;
- A measured groundwater table within the Rhyodacite at approximately RL 9m;
- Good surface drainage directed into dedicated stormwater structures, and infiltration into sand ;
- No evidence of instability or significant erosion.

On the basis of these site features, the assessment concludes that the site has an overall low risk of slope instability. It notes that it would be normal practice in the Port Stephens area for development to proceed on a site with this risk level classification.

The assessment recommends that development be carried out in accordance with good hillside practice and includes a series of recommended general geotechnical constraints for development.

With respect to excavation conditions, the assessment notes that these pose the most significant geotechnical constraint to the project. This is because of the underlying rhyodacite which is an extremely high strength rock. As a result, bulk excavations using heavy construction plant (e.g. Caterpillar D10 or 30 tonne excavator) are unlikely to be possible as a result. Possible alternatives for excavation include:

- drilling presplit bores to aid hydraulic hammer;
- rock sawing or milling with excavators;
- blasting

Each of these alternatives require specialist equipment and raise particular health and safety issues which are likely to add to the cost of excavation. As a result, the Geotechnical Assessment recommends that where possible bulk excavations are limited to areas away from the rhyodacite.

8.10 Flooding

Worley Parsons completed a Water and Coastal Engineering Report, which is found at appendix 14. Flood levels for Port Stephens were investigated in the Port Stephens Flood Study (Manly Hydraulics Laboratory, Stage 3 - 1998). The three stages of the study considered the local wind-wave and ocean wave climate, as well as defining likely elevated still water levels and wave run-up levels.

The flood study quotes RL 2.4 m AHD as the 100 year average recurrence interval (ARI) flood level for Kangaroo Point, which is the nearest point to the subject site. This level includes wave run up with the 100 year ARI elevation still water level estimated as RL1.7m AHD. The lowest level on site is above RL 6.5 m AHD and therefore the flood risk to the development in the 100 year ARI is negligible. There are no other watercourses in the vicinity of the site.

The proposed development has provided a reduction in impervious percentage from 65% to 59%, as a direct result of moving car park spaces underground. With the increase in pervious area, peak flow rates and volumes generated across the site will decrease.

A sensitivity analysis into the impacts of climate change on flood levels was also undertaken against the NSW Sea Level Rise Policy Statement (2009), Practical Consideration of Climate Change – Floodplain Risk Management Guidelines (PCCC 2007) and the Department of Planning's Sea Level Rise Policy Statement (2009). It requires analyses to demonstrate sea level rise of up to 0.91 m will not have any detrimental effects on flooding within the site. The 0.91 m sea water level rise has been nominated to reflect the sea water level rises to the year 2100.

By taking into consideration the sea level rise to the year 2100 and the existing flood level of RL2.4, the new flood level would be RL 3.31 m AHD, still below the lowest point within the proposed site. The investigation found that the changes in sea levels would not have an adverse affect on flooding on the site, as the majority of the site sits well above the 100 year flood level, with or without climate change.

Therefore, investigations by Worley Parsons found no defined overland flow paths traversing either through or around the proposed site. Assessment into flooding shows the proposed site sits well above sea flood levels both with and without the impacts of climate change. Worley Parsons concludes the proposed site and development will not have any negative risk to hotel patrons and/or towards the surrounding environment.

8.11 Water Cycle Management

A Water and Coastal Engineering Report has been prepared for the concept plan by Worley Parsons which addresses water cycle management and is provided at Appendix 14. A summary of the report is provided below.

8.11.1 Existing Site Conditions

The site and existing hotel is located on a steep rocky hill face which fronts and slopes towards Soldiers Point Road. Grades across the site range from a maximum of 10%, at the centre of the site, to about 5% along the north and eastern boundaries. The majority of the site drains to the north west towards Soldiers Point Road, where stormwater generated across the site is discharged into Salamander Bay via underground stormwater pits and pipes in Soldiers Point Road. A small catchment along the eastern boundary of the site is believed to drain directly into Salamander Bay via a 525 mm stormwater line, which outlets near the jetty. There are no defined overland flowpaths traversing across the site, nor immediately surrounding it.

8.11.2 Water Management Strategy

The proposed integrated water management strategy is based on the principles of water sensitive urban design (WSUD) with a treatment train approach. The proposed development includes a range of best practice measures to meet WSUD objectives including:

- Reduction in potable water consumption through the use of water saving devices;
- Reduction in wastewater production;
- Utilisation of available rainwater;
- Minimisation of impacts on downstream receiving waters; and
- Safe conveyance of stormwater.

The main principles adopted as part of this development involve minimising the amount of impervious area on site and minimise the volume and peak flows generated within the site. These measures result in minimising pollutant loads and impact on receiving environments and waterways.

A RAFTS rainfall/runoff model was formulated for the hydrological analysis of the hotel redevelopment. The model was used to estimate catchment runoff under existing and developed catchment conditions for comparison of the 5, 20 and 100 year ARI storm events. The RAFTS modelling has not taken into account the proposed rainwater tanks which would potentially further assist in reducing peak flows.

The results of the hydrologic assessment illustrate that the proposed development would generate similar peak flows to those generated under existing conditions. This is largely credited to the minor changes to the catchment's areas and grades. Minor increases in flows were observed up to the 20 year ARI storm event within the east catchment but this increase is believed to be insignificant and will have little to no impact on drainage or to downstream environments.

Overall, the peak flows from the site associated with the proposed development show a considerable decrease from those generated under existing conditions. This is mainly due to decreases in peak flows within the western catchment, resulting in the overall improvements across the site.

With minor improvements in peak flows from the proposed development, compared to those generated under existing conditions, there would be little impact on existing surrounding stormwater infrastructure, particularly within Soldiers Point Road where significant peak flow improvements have been found.

Rainwater tanks are proposed as part of the proposed redevelopment of the hotel. The rainwater tanks would source rainwater collected off the roof areas of each of the proposed hotel buildings. The collected rainwater would be reused for internal non-potable uses (toilet flushing) only, as existing groundwater bores will continue to be used for irrigation purposes. As the hotel outsources its laundry requirements, rainwater would not be used for this purpose.

For small storms, the rainwater tanks have the potential to trap a significant portion of the runoff to either remove it or considerably slow down the runoff. In addition to the water re-use benefits evident with installation of a rainwater tank, there are also water quality benefits. Rainwater tanks contribute to the retention of rainwater thus resulting in a reduction of the quantity of runoff from the development which in turn reduces the annual pollutant loads.

The optimal tank size would be in the range of 20 – 50 kL. The rainwater tank volumes can be divided into separate tanks based on hotel/apartment rooms per building, or into a centrally located tank.

The Stormwater Concept Plan is shown in Figure 7 of the Water Management, Flooding and Coastal Processes report at Appendix 14.

8.11.3 Water Quality Strategy

In terms of water quality management, a WSUD approach has also been adopted to reduce runoff volume, flows and pollutant loads and reflect best practice. The NSW Department of Environment, Climate Change and Water (DECCW) recommends reduction targets in annual runoff pollutant loads for developments of:

- 85% for total suspended solids (TSS);
- 60% for total phosphorous (TP); and
- 45% for total nitrogen (TN).

This guiding principle is generally adopted for new developments where significant changes to the land use and impervious fraction are proposed, however since the proposed development is a redevelopment of an existing hotel, this assessment would concentrate on ensuring the proposed development does not have any adverse impact on existing pollutant volumes discharged from the site.

A MUSIC Water Quality model was applied to the development which was used to estimate the long term annual average stormwater volume as well as expected pollutant loads. MUSIC simulates the performance of a group of stormwater treatment measures. The primary objective is to achieve a no net increase in pollutant export relative to existing conditions. The treatments to reduce the annual pollutant loads include a decrease in impervious area across the site, a reduction in potable water consumption and the implementation of rainwater tanks (providing 50kL of water storage).

The proposed runoff management measures achieve reductions in runoff pollutant loads in all categories.

Table 5 – Annual Pollutant Export Loads, Summary of MUSIC Results

Scenario	Pollutant Load (kg/yr)			
	Suspended Solids	Total Phosphorous	Total Nitrogen	Gross Pollutants
Existing	1950	2.92	29.1	265
Developed State (no treatment)	1220	2.65	30.7	250
Developed State (with treatment)	1140	2.46	26.8	98.7
Percentage Reduction	42%	16%	8%	63%

The total volume of pollutants discharged from the site under re-developed conditions (with treatment) is below volumes generated under existing conditions. The MUSIC model suggests that the proposed development would improve water quality runoff. The total improvements when compared to the existing conditions are therefore

- Total Suspended Solids - 42% reduction
- Total Phosphorous - 16% reduction
- Total Nitrogen - 8% reduction
- Gross pollutants - 63% reduction

8.11.4 Ground Water

The site is located within the catchment area of the Tomaree groundwater system. The system is an important source of water for the region, so all water sharing within the Tomaree catchment must adhere to guidelines set by the Gazetted Water Sharing Plan for the Tomago Tomaree Stockton groundwater sources.

The geotechnical report notes the site is located in an area of high strength rhyodacite, a form of volcanic rock. The groundwater behaviour in the rock mass is controlled by the defects within the rock mass which allow rainfall recharge from the overlying aeolian sandy soils. The surface of the site is covered with alluvial soils to a maximum depth of 0.5 m followed by a layer of extremely weathered rhyodacite rock up to a maximum depth of approximately 0.8 m above fresh rhyodacite.

Currently, the majority of the site is largely impervious, dominated by the hotel and sealed car park areas which limit the amount of infiltration into the groundwater system. Under proposed conditions however, the pervious areas will increase, which would increase the amount of infiltration into the groundwater system. The hotel currently has a licence to extract water for irrigation of the hotel's gardens from a bore located within the north west corner of the site.

As the proposed redevelopment of the hotel will retain the groundwater extraction as currently exists, and no additional groundwater extraction bores are proposed. As a result, there are no changes to the current groundwater use and as a result Worley Parsons concludes that the proposed development would have no adverse affect on groundwater levels nor affect the Tomago Tomaree Stockton Groundwater source.

Perched groundwater would potentially be intercepted by the basement car park. Due to the minor size of the development, in respect to the size of the groundwater catchment, it is assessed that the proposed development would not have an adverse impact on groundwater levels external to the site. Worley Parsons has assessed that inflows into any excavation are likely to be minor. If however, a significant fault zone were intersected during excavation, larger inflows may be experienced with possible associated slope instability. Faulting was not reported in the Coffey Geotechnical, 2009 report hence this risk is assessed to be of low probability.

Groundwater inflow into an excavation either during its development or in the long term after completion is likely to be minimal and the area of influence restricted to within the site boundaries. Any captured groundwater is proposed to be either pumped or drained back into the sewer network to minimise risk of contamination to downstream environments.

There may be some groundwater dependence of more deeply rooted vegetation on the local water table occurring on the site and seasonal dependence of more shallow rooted vegetation. The extent of this dependence has not been quantified but given the low bulk hydraulic conductivity and fracture density (opportunity for root penetration) of the rhyodacite it is likely to be restricted. In any event, groundwater dependence can be offset by irrigation from the licensed bore on the property which is the current situation.

8.12 Heritage and Archaeology

An Aboriginal Cultural Heritage Assessment (2008) has been undertaken by Dominic Steele Consulting Archaeology and is found at Appendix 8.

The Aboriginal Cultural Heritage Assessment was undertaken between August through to December 2008 and commenced with background research into previous Aboriginal archaeological studies undertaken in the local landscape and an evaluation of the findings including the location and nature of previously recorded Aboriginal archaeological sites in the Soldiers Point area. A subsequent survey and assessment of the proposed development area was completed in partnership with the Worimi Local Aboriginal Land Council, Mur-Roo-Ma Incorporated and Nur-Run-Gee Pty Ltd which represent Aboriginal cultural heritage interests in this area of Port Stephens. The survey was undertaken in association with Dominic Steele Consulting Archaeology and the Salamander Shores Hotel. Section 7.2.10 provides a detailed discussion on the consultation.

The background Aboriginal archaeological and cultural heritage research, site inspection, analysis and assessment of the subject site and proposed development indicate that:

- No previously documented Aboriginal archaeological sites or 'objects' are known to occur within the boundaries of the 147 Soldiers Point Road property.
- No specific areas of Potential Aboriginal Archaeological Sensitivity relative to the current redevelopment proposal have been identified.
- No specific areas of Potential Aboriginal Cultural Heritage Sensitivity relative to the current redevelopment proposal have been identified through the program of consultation undertaken with the Aboriginal community organisations.
- The subject land has been extensively disturbed as a result of past land-use activities including the construction of the existing hotel and associated facilities including access roads, car-parking areas, and heavily landscaped open garden areas and decorative features. The study area retains little of its original natural heritage values, and hence the Aboriginal archaeological and cultural heritage sensitivity of the place is considered at this point in time to be low.

On the basis of the above considerations, the report concludes that the current redevelopment proposal is unlikely to have an adverse impact upon the Aboriginal cultural heritage values of the place and should proceed as proposed, subject to the following management recommendation including:

- No further archaeological work is required to be undertaken prior to the commencement of redevelopment works should approval be granted.
- The site is assessed to have low archaeological potential.
- In the unexpected circumstance that any Aboriginal cultural remains are unearthed during future development works, it is recommended that activities should temporarily cease and DECCW be contacted to advise on the appropriate course of action.
- It is considered unlikely that human burials are present on the site, however should human skeletal remains be exposed, works must cease immediately and DECCW and Aboriginal organisations will need to be contacted to determine the appropriate course of action.
- Should approval be granted by Minister for Planning, the Aboriginal community organisations should be given the opportunity to brief the proponents, site managers, and site contractors prior to the commencement of future works about their statutory responsibilities and obligations concerning Aboriginal cultural heritage according to the NPWS Act (1974).

It should be noted that there are no items of European heritage within, or in the vicinity of, the site.

8.13 Flora and Fauna

Eco Logical completed a Flora and Fauna Assessment report for the subject site and proposed development. The report is found at Appendix 15. The report provides results of completed flora and fauna surveys and habitat assessments of the subject site and a search of database records and literature to determine threatened species within the locality. Based on the results of the data and site investigations, an assessment of the proposal occurred against the NSW Threatened Species Conservation Act 1995, the Environment Protection and Biodiversity Conservation Act 1999 and other relevant guidelines.

8.13.1 Flora

The vegetation on the site is dominated by managed lawns and gardens. A number of remnant or native local species are represented in these gardens. The bushland surrounding the site to the east and south represents remnant vegetation and fits most closely within the Nerong Smooth Barked Apple Forest community.

The lawns surrounding the site are dominated by couch, Veronica and buffalo grass. The adjoining gardens to these lawn areas include a mixture of natives and exotics. The gardens throughout the western side of the building are dominated by smooth-barked apple (*Angophora costata*), cabbage palm (*Livistona australis*) and bangalow palm in the canopy with willow bottlebrush (*Callistemon salignus*), jacaranda (*Jacaranda mimosifolia*), bird of paradise (*Strelitzia*) and *Murraya paniculata* amongst other cultivated species in the lower strata.

The bushland which is present in the south-west corner of the site which also surrounds the site on the east and southern sides is most closely aligned to the Nerong Smooth Barked Apple Forest community. This vegetation community is dominated by broad-leaved white mahogany and smooth-barked apple (*Angophora costata*) in the canopy. A number of other species such as Sydney peppermint (*Eucalyptus piperita*), forest red gum (*Eucalyptus tereticornis*) and red bloodwood (*Corymbia gummifera*) is also intermittently present. The understorey is dominated by sweet pittosporum, blueberry ash, cheese tree and coffee bush. The lower strata is dominated by mat-rush (*Lomandra longifolia*), lantana and asparagus fern.

There are very few habitat resources on the site. Some isolated winter flowering tree species are present such as swamp mahogany (*Eucalyptus robusta*) and broad-leaved melaleuca, although only one or two individuals occur on site in the extreme south west. Two forest red gums which are also winter flowering and primary koala feed trees are found directly adjacent to the site in the north east. The other habitat features represented on-site were four small tree hollows (<5cm opening) and one large tree hollow (>5cm opening). These are all located in the north of the site within large smooth barked apple and broad-leaved white mahogany trees. The site does not provide any wildlife corridors, although the surrounding bushland provides significant connectivity for many species such as the koala.

8.13.2 Fauna

Based on the habitat assessments and property surveys, threatened fauna may occur on the property or may visit the site seasonally or intermittently in response to resource availability (habitat factors). Species recorded during the site inspection included locally abundant native avifauna such as the superb fairy-wren (*Malurus cyaneus*), eastern rosella (*Platycercus adscitus eximius*), masked lapwing (*Vanellus miles*), and galah (*Eolophus roseicapillus*). No threatened fauna species were recorded during the site inspection although several threatened species either previously recorded, or are known to occur locally were identified in the report including Koala, flying foxes, and microbats.

8.13.3 Mitigation Measures

Development principles and mitigating measure proposed include:

- Any pool fencing is to be designed to exclude koala from the pool enclosure;
- Fencing around the proposed infill development is not recommended, though if fences are necessary a gap at the base of the fence that allows for koala passage (ie 30-40cm) should be provided;
- Vehicular traffic speed is to be managed by speed control measures;
- Emergent trees are to be retained where ever possible;
- Appropriate sediment and erosion control barriers need to be in place prior to and throughout all demolition, earth works and building activities. This is particularly critical on the eastern and southern edge of the subject site to prevent impacts on stormwater and secondary impacts to the adjacent Salamander Bay water body.
- Appropriate stormwater management and treatment should be incorporated into the plans to avoid secondary impacts on Salamander Bay;
- Several native eucalyptus trees including any hollow bearing trees should be retained within the development plan. Where this is not possible, a suitably trained ecologist should inspect hollows prior to tree felling and be available during tree felling;
- Planting of additional koala feed trees and winter flowering eucalyptus trees such as Swamp Mahogany and Forest Red Gum.

8.14 Noise

Acoustic consultants Wilkinson Murray were asked to consider the potential noise impacts, notably road noise impacts, for future residents and appropriate mitigation measures. Their report is found at Appendix 18.

The Environment Protection Authority set out non-mandatory limits for external noise arising from road traffic noise for different types of development in Environmental Criteria for Road Traffic Noise (ECRTN) (1999). The proposed development falls

under Type 5, “new residential developments affected by collector traffic noise.” Australian Standard 2107:2000 sets out satisfactory and maximum internal noise levels for different areas of occupancy in buildings. 6 below details external noise limits for this type of development.

Table 6 External noise limits for new residential developments

Time Period	Criteria $L_{Aeq, (1hr)}$ (dBA)
Daytime (0700-2200)	60
Night (2200-0700)	55

The NSW State Environmental Planning Policy (Infrastructure), (SEPP) states for roads with much higher traffic volumes in Clause 102 – “Impact of road noise or vibration on non-road development” that if the development is for residential use, “ L_{Aeq} levels are not exceeded:

- (a) in any bedroom in the building — 35 dB(A) at any time between 10 pm and 7 am,
- (b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway) — 40 dB(A) at any time.

The assessment focused on the permanent residences located in the southern part of the (Building H in the Concept Plan). A receiver location was selected in the south west corner where it would receive the most noise. The prediction method used existing peak hour traffic volume data from Soldiers Point Road in the vicinity of the site and the Tomago road permanent traffic monitoring site and applied a scaling factor of 0.17 for Soldiers Point Road. The daytime traffic volume data was taken from a peak hours traffic survey on Soldiers Point Road completed by TTPA. Hours of highest traffic activity were selected as representative of the maximum noise levels for the time period which are presented in Table 7.

Table 7 Predicted Highest External Noise Levels at Permanent Residences

Time Period	Noise Level $L_{Aeq, (1hr)}$ (dBA)	10 Year Predicted Noise Level $L_{Aeq, (1hr)}$ (dBA)
Daytime (1645-1745)	55	56
Night (2200-2300)	46	47
Night (0600-0700)	53	54

As the external noise levels do not exceed the limits set out by the EPA for this type of development, the report recommends that no additional design measures are required to attenuate external road traffic noise for the permanent residences. The expected rise in noise levels from future traffic volume increases is estimated not to increase by more than 1dB in this period and therefore it will not exceed current external noise regulations. In the case of road traffic noise being the only dominant noise source present, then in order to comply with AS 2107:2000 and SEPP (Infrastructure) maximum levels, it is recommended that 6mm float glass be used for glazing. This calculation is based on typical sound absorption values and reverberation times for a bedroom located at the position where external noise is highest.

8.15 Summary of Key Issues

An assessment of the key issues and how these issues have been addressed in this EA is provided in Table 8.

Table 8 Assessment of Key Issues

Key Issue	Response
Visual impact of the proposed development	The proposed future development sits within the height of the adjoining tree canopy. It is also screened from view by the surrounding bushland areas, particularly the foreshore, beaches and jetty.
Urban design including the design quality of future buildings, overshadowing, privacy and landscape design.	Design quality has been a key consideration. The development is dispersed across five buildings of varying height and scale to contribute to visual interest and amenity. Landscaped setbacks are provided to ensure adequate privacy. No further overshadowing of the foreshore will occur.
Traffic and access	The proposed development will meet RTA guidelines and the appropriate level of service. Adequate on site basement car parking is provided to meet the needs of the hotel and future residents.
Water management and the impacts of climate change and associated coastal hazards	The site is located well above the 100 year flood level with or without climate change, and there are no impacts as a result of wind and wave action and coastal erosion
Bushfire	APZs of 10 metre are provided to bushland areas and sources of fire. Construction standards are also recommended for future buildings.
Flora and fauna	There are no significant constraints to future development or threatened species, populations or ecological communities. Mitigation measures are provided in the SoCs including pool and general fencing, particularly for koala populations.
Aboriginal heritage	The Aboriginal cultural heritage survey and consultation indicate no previously recorded Aboriginal sites and no objects were identified in the survey.
Geotechnical	Geotechnical investigations note no slope instability and provide recommendations regarding bulk excavation.
Future construction management	Construction waste management plans will be prepared prior to works commencing. All works will be undertaken consistent with WorkCover and other regulatory requirements.

Residential accommodation	The proposed future mixed use development can support permanent residential accommodation to meet housing demand and provide a diverse yet integrated development outcome.
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9.0 DRAFT STATEMENT OF COMMITMENTS

In accordance with the Director General's Environmental Assessment Requirements, the proponent is required to include a Draft Statement of Commitments in respect of environmental management and mitigation measures on the site. The applicant undertakes to carry out the development in accordance with the commitments given below.

GENERAL

- A. The proponent will undertake the development in accordance with the Environmental Assessment report prepared by SAKE Development Pty Ltd dated September 2010 including:
- Concept Plan Application drawings (SK101 to SK-107 dated 1 July 2010), landscape plan (SK-L01 dated 7 July 2010) and sections/elevations (SK-201, SK-202, SK-251 dated 1 July 2010) prepared by Daryl Jackson Robin Dyke Architects Pty Ltd, provided under separate cover;
 - Stormwater Concept plan in the Water and Coastal Engineering Report prepared by Worley Parsons (September 2010).
 - This Statement of Commitments.

FLORA AND FAUNA

- B. Planting of additional koala feed trees and winter flowering eucalyptus trees such as Swamp Mahogany and Forest Red Gum will be undertaken to ensure that connectivity with surrounding bushland continues for the local koala population.
- C. Any pool fencing is to be designed to exclude koalas from the pool enclosure.
- D. Fencing around the proposed development is not recommended, however if fences are necessary a gap at the base of the fence that allows for koala passage (ie 30-40cm) should be provided.
- E. Emergent trees are to be retained wherever possible.
- F. Where possible, native eucalyptus trees including any hollow bearing trees should be retained. Where this is not possible, a suitably trained ecologist should inspect hollows prior to tree felling and be available during tree felling.

WATER CYCLE MANAGEMENT AND CLIMATE CHANGE

- G. Water quality control measures will be designed and installed in accordance with the recommendations of the Water and Coastal Engineering Report prepared by Worley Parsons (September). Specific measures to be undertaken include, but are not limited to, the provision of rainwater tanks either centrally located on the site or dispersed amongst the buildings as shown on the Stormwater Concept Plan.

FIRE MANAGEMENT

- H. Asset protection zoned will be provided in accordance with the Bushfire Protection Assessment prepared by Ecological Australia dated June 2010 including the implementation of an APZ Maintenance Plan which includes requirements in relation to landscaping, tree management and maintenance of ground fuel.
- I. Provision of reticulated water using a hydrant system with hydrant spacing, sizing and pressures to comply with AS 2419.1 – 2005.
- J. Appropriate installation, location and maintenance of electricity and gas services.
- K. Access and egress via looped driveways linked to Soldiers Point Road, as well as perimeter access incorporated into the 10m wide APZ which is to be a minimum of 4m wide and able to support a Category 1 fire fighting vehicle.

CULTURAL HERITAGE

- L. If any artefacts or sites relating to Aboriginal heritage are uncovered during site works, all work should temporarily cease and the NSW Department of Environment and Climate Change will be contacted to advise on what action must occur prior to recommencing works.
- M. All site contractors will be briefed prior to the commencement of future works about the statutory responsibilities and obligations concerning Aboriginal cultural heritage according to the National Parks and Wildlife Act 1974. Aboriginal community organisations should also be given the opportunity to brief the proponents, site managers, and site contractors prior to the commencement of works.
- N. It is considered unlikely that human burials are present on the site, however should human skeletal remains be exposed, works must cease immediately and the Department of Environment and Climate Change and Aboriginal organisations will need to be contacted to determine the appropriate course of action.

TRAFFIC AND ACCESS

- O. Traffic and parking arrangements are to be consistent with the requirements of the Traffic, Transport and Parking Implications report prepared by TTPA including but not limited to:
 - Designing the accesses to comply with the requirements of AS 2890.1 and 2.
 - Provide the required number of spaces for disabled drivers.

ACOUSTICS

- P. 6mm float glass is to be used for glazing in the permanent residential accommodation (Building H)

SUSTAINABILITY

- Q. Adequate levels of wall and roof insulation and high efficiency performance glazing are to be used in future buildings.
- R. Use of smart electrical metering and compact fluorescent or LED lighting throughout the hotel buildings including serviced apartments.
- S. Use of low water consumption plant species in landscape areas.
- T. Rain water harvesting for landscaping and flushing including storage of between 20 - 50kL of rainwater in centralised or dispersed rainwater tanks throughout the site. The number and size of rainwater tanks will be determined in future applications.
- U. Use of water saving devices such as AAA rated tap wear and dual flush toilets.

DEMOLITION AND CONSTRUCTION MANAGEMENT

- V. Demolition and removal of materials will occur in accordance with the requirements of the hazardous materials survey prepared by Coffey Environments dated March 2009. Works will occur in accordance with the legislative requirements of the National Occupational Health and Safety Commission Code of Practice for the Management and Control of Asbestos in Workplaces and other relevant legislation.
- W. In relation to any obligations under other Acts, the proponent will ensure that all licences, permits and approvals are obtained as required throughout demolition works.
- X. All construction works associated with the demolition of the existing hotel will be undertaken in accordance with the Soil and Water Management Plan prepared by Worley Parsons dated September 2010 provided within the Water and Coastal Engineering Report.
- Y. Detailed Water and Soil Management Plan will be provided at future design phases of the hotel development and will accompany future development or project applications.
- Z. Demolition will occur consistent with the Demolition Plan prepared by Daryl Jackson Robin Dyke Architects dated 16 July 2010 and the Demolition and Waste Management Plan dated July 2010 prepared by Daryl Jackson Robin Dyke architects.
- AA. An on-site waste management plan will be developed in the future by the building contractor. This plan will address the recycling of construction waste materials and encourage the use of recyclable packaging for any materials sent to site and encourage the recycling of demolition debris.

10.0 CONCLUSION

This Environmental Assessment report is submitted to the Department of Planning under Part 3A of the Environmental Planning and Assessment Act 1979 and State Environmental Planning Policy (Major Development) 2005. The application seeks approval of a Concept Plan for the redevelopment of the Salamander Shores Hotel at 147 Soldiers Point Road Soldiers Point plus Project Approval for demolition of the existing hotel and associated facilities, plus preliminary site preparation works.

This EA demonstrates that the Concept Plan will guide future development of the site to be consistent with a range of state and regional plans and the local character. Significant site and visual impact analyses have been undertaken to determine the proposed building envelopes including heights, floor space and land use. The proposed redevelopment will meet demand for contemporary tourist facilities providing high quality accommodation, conference and leisure facilities, combined with an element of permanent residential accommodation.

The proposed hotel redevelopment is permissible within the 3(a) Business General zone under the Port Stephens Local Environmental Plan 2000. The proposed redevelopment is also less than the permitted FSR for the site of 1.8:1 found in the Port Stephens DCP, which is a reduction of some 2,400sqm of floor space.

The proposal involves the renewal and redevelopment of an outdated and monolithic Salamander Shores Hotel, built in 1969, to a contemporary mixed used tourist facility that will promote tourism and become a focal point for the local community. The proposed urban design and landscape plan provides the opportunity for an improved built form, streetscape presence and improved amenity with the provision of basement car parking and a series of landscaped areas including communal pool and planted setbacks.

The EA provides a detailed description of the proposed development site and the local and regional context, as well as an extensive evaluation of the potential environmental impacts of the proposed future development and measures to mitigate any impacts. It also examines a range of development options, reviews the suitability of the site and provides a detailed justification for the proposed future development. The EA has been prepared in accordance with the Director General's requirements which are detailed in the letter from the Department of Planning at Appendix 2.

The key potential environmental impacts of the proposed development were identified as:

- visual impact of the proposed development, particularly from foreshore areas
- urban design including the design quality of future buildings, overshadowing, privacy and landscape design
- traffic and access
- water management and the impacts of climate change and associated coastal hazards
- bushfire hazards
- flora and fauna
- Aboriginal heritage
- geotechnical
- future construction management
- residential accommodation

The environmental impacts of the proposed future development have been determined by reference to the consultation with government agencies particularly Port Stephens Council and the Department of Planning. A range of other issues are also addressed in the EA as required by the Director General's requirements, such as noise. None of these or the above issues raise significant environmental concerns or will result in adverse social or economic consequences.

Specialist studies accompanying this EA demonstrate the suitability of the site for the proposed future development. The studies demonstrate no significant adverse environmental, social or economic impacts have been identified that would preclude the site from being developed for mixed use purposes. Subsequent project or development applications on the site will be subject to further environmental assessment to identify issues that may arise as the result of more detailed designs.

A draft statement of commitments has been prepared which identifies the proposed mitigation measures and means to ameliorate any impacts associated with future development. The applicant or future applicant will carry out the development in accordance with these commitments.