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Objective Ref:10/05264 MP: 06_0183

Dear Ms Kelly,

RE: MP 06_0183 - 147 Soldiers Point Road, Soldiers Point - Proposed Mixed Use Development

I write to provide you with feedback on your above mentioned project.

An initial scheme was presented in the Preliminary Environmental Assessment report. The Department had a number of concerns with the scheme, which were expressed in our letter of the 30 June 2006, which accompanied the Director General's Environmental Assessment Requirements (DGR's).

An amended scheme was presented at an on-site meeting held on the 3 September 2008. The amendments made included breaking down the mass of the buildings and a review of the heights. The outcomes of this meeting included:

- Further site analysis to occur to inform the urban design of the development. This would also generate site specific development controls for the site to inform the future Concept Plan;
- The maximum height of the buildings should be consistent with that of the height to the trees in the foreshore reserve;
- That the design of the development should activate both street frontages and retail space should be kept to a minimum, as occupancy rates are low in other retail areas in the vicinity of the site;
- That landscaping should be provided to soften the appearance of the development from the street, the depth this may vary between 15- 25m; and,
- Design to also include basement car parking to be provided, and asset protection zones.

A further amended scheme was presented at a meeting held on 8 February 2010. The amendments made included the relocation of the entrance to the northwest corner, with the introduction of a porte-cochere and landscaping to this corner. It is noted that in this latest scheme the FSR has been reduced to 1.6:1 and the total floor area by 5000m² and 24 apartments, again responding to concerns regarding bulk and scale.

The design of the project has evolved positively in response to feedback from the Department and Council. You are encouraged to continue refining your design with these issues in mind.

At the meeting of 8 February 2010, you sought clarification on several aspects of the DGRs, including BASIX requirements, SEPP 65, expiration dates, climate change/ sea level rise and the extent of consultation with agencies and community groups. Our advice on these matters is as follows:

BASIX

The Environmental Assessment should address how the scheme will facilitate future applications being able to comply with BASIX requirements.

SEPP 65

The Environmental Assessment should include an assessment against SEPP 65 – Design Quality of Residential Flat Development. The assessment should demonstrate that future developments will be able to achieve design quality in accordance with the design quality principles and have regard to the publication Residential Flat Design Code (a publication of the Department of Planning, September 2002).

Expiration of DGR's and Climate Change/ Sea Level rise

Pursuant to Section 75F(3) of the *Environmental Planning and Assessment Act 1979*, you are required to undertake an assessment of address climate change/ sea level rise in your Environmental Assessment. This assessment should also address the *Draft NSW Coastal Planning Guideline: Adapting to Sea Level Rise*. A copy of which can be found on the Department's website – www.planning.nsw.gov.au.

As a result of this additional requirement, the DGR's have been reissued to reflect the above; they will now expire two years from the new issue date. A copy of the amended DGR's are attached

Consultation

The DGR's issued on 30 June 2008, contains a list of groups/ agencies to consult. It is understood that you are seeking clarification on whether you need to consult with all those listed. The consultation list has been updated in the amended DGR's (attached).

Please be advised that you should consult with all groups on the list. With respect to the RTA, you should consult only provided if:

- o the development is NOT subject to the SEPP (Infrastructure) 2007, and
- Soldiers Point Road is not classified as an RTA road.

If you wish to discuss this letter, please contact Lisa Pemberton using the details provided above.

Yours Sincerely

Ala**n** Bright **A/Director**

Regional Projects

(as delegate for the Director - General)

Cc: Amanda Gale, Port Stephens Council

Attachment 1 Director-General's Environmental Assessment Requirements

Section 75F of the Environmental Planning and Assessment Act 1979

Application number

MP06_0183

Project

Concept Plan Application: A concept plan approval is sought for the entire "Salamander Shores" redevelopment comprising a new hotel, commercial, residential flat buildings and associated parking. The application will involve approval of the following conceptual key design parameters: land use, indicative building envelopes and footprints, Floor Space Ratio, vehicular access and parking.

Project Application: A part project application is sought for the demolition of the existing buildings on site

Location

147 Soldiers Point Road, Soldiers Point (Lot 31 DP529002)

Proponent

Salamander Shores Hotel P/L

Date issued

16 March 2010

Expiry date

2 years from date of issue

General requirements

The Environmental Assessment (EA) must include:

Part A: Concept Plan Application

- An executive summary;
- 2. An outline of the scope of the project including:
 - any development options;
 - justification for the project taking into consideration any environmental impacts of the project, the suitability of the site and whether the project is in the public interest;
 - outline of the staged implementation of the project if applicable;
- 3. A thorough site analysis including constraints mapping and description of the existing environment;
- Consideration of any relevant statutory and non-statutory provisions and identification of any noncompliances with such provisions, in particular relevant provisions arising from environmental planning instruments, Regional Strategies (including draft Regional Strategies) and Development Control Plans.
- 5. Consideration of the consistency of the project with the objects of the *Environmental Planning and Assessment Act* 1979.
- 6. Consideration of impacts, if any, on matters of National Environmental Significance under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999;
- 7. An assessment of the potential impacts of the project and a draft Statement of Commitments, outlining environmental management, mitigation and monitoring measures to be implemented to minimise any potential impacts of the project:

- 8. The plans and documents outlined in Attachment 2;
- 9. A signed statement from the author of the Environmental Assessment certifying that the information contained in the report is neither false nor misleading;
- 10. A Quantity Surveyor's Certificate of Cost to verify the capital investment value of the project; and
- 11. An assessment of the key issues specified below and a table outlining how these key issues have been addressed.

Part B: Project Application

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

Key Issues: Part A for the Concept Plan

The EA must address the following key issues:

1. Strategic Planning

Justify the proposal with reference to relevant local, regional and State planning strategies.

Provide justification for any inconsistencies with these planning strategies, including justification of any non compliance with the LEP and any relevant DCP's.

2. Urban Design, Visual Impact and Sustainability

- 2.1 Address the design quality with specific consideration of the façade, massing, setbacks, proportions to openings, building articulation, and amenity. In particular, address impacts on the amenity of the foreshore, overshadowing of public reserves, loss of views from public places, cumulative impacts, amenity impacts for adjoining and surrounding development.
- 2.2 Address impacts in relation to privacy, views and overshadowing and relevant mitigation measures, including overshadowing of adjoining and surrounding development and of adjacent open space/coastal reserve.
- 2.3 Use visual aids such as scale model and photomontage to demonstrate visual impacts.

 Amelioration of visual impacts through design, use of appropriate colours and building materials, landscaping and buffer areas must be addressed.
- 2.4 Demonstrate the suitability of the proposal with the surrounding area in relation to bulk, scale, amenity (including noise) and visual amenity having regard to the *Coastal Design Guidelines of NSW* (2003) and the *NSW Coastal Policy* 1997.
- 2.5 Demonstrate in concept, compliance with SEPP 65 and BASIX.
- 2.6 An indicative external materials and finishes schedule is to be submitted.

3. Traffic and Access

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

4. Hazard Management and Mitigation

Coastal Processes

4.1 Address coastal hazards and the provisions of the Coastline Management Manual. In particular consider impacts associated with wave and wind action, coastal erosion, sea level rise and more frequent and intense storms.

Contamination

4.2 Identify any contamination on site and appropriate mitigation measures in accordance with the provisions of SEPP 55 – Remediation of Land.

Acid Sulfate Soils

4.3 Identify the presence and extent of acid sulfate soils on the site and, where relevant, appropriate mitigation measures. Identify the need for an Acid Sulfate Management Plan (prepared in accordance with ASSMAC Guidelines).

Bushfire

4.4 Address the requirements of Planning for Bush Fire Protection 2006 (RFS).

Geotechnical

4.5 Provide an assessment of any geotechnical limitations that may occur on the site and if necessary, appropriate design considerations that address these limitations.

Flooding

- 4.6 Provide an assessment of any flood risk on site in consideration of any relevant provisions of the NSW Floodplain Development Manual (2005) including the potential effects of sea level rise and an increase in rainfall intensity.
- 4.7 Consider the potential impacts of any filling on the flood regime of the site and adjacent lands.
- A risk management assessment of climate change impacts to the year 2100, is to be undertaken using the latest available information from the International Panel on Climate change (IPCC), Department of Environment and Climate Change (DECC) and the CSIRO. This should include sensitivity analyses for low level, mid range and high level ocean impacts as set out in relevant DECC Guideline (Floodplain Risk Management Guideline: Practical Consideration of Climate Change, 2007), and the Draft NSW Coastal Planning Guideline: Adapting to Sea Level Rise (DOP 2009)

5. Water Cycle Management

- Address and outline measures for Integrated Water Cycle Management (including stormwater) based on Water Sensitive Urban Design principles which addresses impacts on the surrounding environment, drainage and water quality controls for the catchment, and erosion and sedimentation controls at construction and operational stages.
- Assess the impacts of the proposal on surface and groundwater hydrology and quality during both construction and occupation of the site; including consistency with the rules of the Gazetted Water Sharing Plan for the Tomago Tomaree Stockton Groundwater Sources, where relevant.
- Provide details of works likely to intercept, infiltrate or connect with the groundwater sources; details of any proposed groundwater extraction, details on prevention of groundwater pollution, and on protective measures for any groundwater dependent ecosystems.

6. Heritage and Archaeology

- 6.1 Identify whether the site has significance to Aboriginal cultural heritage and identify appropriate measures to preserve any significance. The assessment must address the information and consultation requirements of the draft Guidelines for Aboriginal Cultural Heritage Assessment and Community Consultation (DEC 2005) and Interim Community Consultation Requirements for Applicants (DEC 2004)
- 6.2 Identify any items of European heritage significance and, where relevant, provide measures for

the conservation of such items.

7. Flora and Fauna

- 7.1 Assess the potential direct and indirect impacts of the development on flora and fauna taking into consideration impacts on any threatened species, populations, ecological communities and/or critical habitat and any relevant recovery plan in accordance with DECC's *Guidelines for Threatened Species Assessment* (2005) Describe the actions that will be taken to avoid or mitigate impacts or compensate unavoidable impacts, where relevant.
- 7.2 Outline measures for the conservation of existing wildlife corridor values and/or connective importance of any vegetation on the subject land.
- 7.3 Address measures to protect and manage the riparian corridor and adjacent aquatic habitats.
- 7.4 Assessment of flora and fauna should be done in accordance with the *Draft Guideline for assessment of impacts on Threatened Species under Part 3A (Department of Planning 2005)*

8. Noise

8.1 Address potential noise impacts, in particular road traffic noise, for future residents and appropriate mitigation measures.

Key Issues: Part B for the Project Application

The EA must address the following key issues:

9. Demolition

- 9.1 A demolition & waste management plan should be prepared, which addresses demolition and construction wastes that may be generated including likely quantities, proposed disposal destinations and best practices for safe handling and disposal in accordance with WorkCover's Occupational Health and Safety requirements must be provided;
- Compliance with requirements for the Concept Plan
- 10.1 The EA must demonstrate consistency with all DGRs detailed in Key Issues: Part A Concept Plan

Consultation

You should undertake an appropriate and justified level of consultation with the following agencies during the preparation of the environmental assessment:

- (a) Agencies or other authorities:
 - Port Stephens Council;
 - Department of Environment and Climate Change;
 - Department of Primary Industries;
 - Department of Defence;
 - NSW Rural Fire Service:
 - Department of Water and Energy;
 - Roads and Traffic Authority:
 - Department of Lands;
 - NSW Police Service;
 - Port Stephens Great Lakes Marine Park Authority:
 - The relevant Local Aboriginal Land Council/s and other Aboriginal community groups; and

(b) Public:

Document all community consultation undertaken to date or discuss the proposed strategy for undertaking community consultation. This should include any contingencies for addressing any issues arising from the community consultation and an effective communications strategy.

The consultation process and the issues raised should be described in the Environmental Assessment.

Deemed Refusal Period

60 days

Attachment 2 Plans and Documents to accompany the Application

Plans and Documents of the development

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

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

- Any easements, covenants or other restrictions either existing or proposed on the site;
- Type of subdivision proposed (Torrens, strata and/or community title).
- 6. The Architectural drawings are to be drawn to scale and illustrate the following general features, where relevant:
 - the location of any existing building envelopes or structures on the land:
 - the floor plans;
 - the location of lifts, stairs and corridors;
 - adaptable housing requirements;
 - section plans;
 - · fenestrations, balconies and other features;
 - · communal facilities and servicing points;
 - the height of the proposed development in relation to the land;
 - significant level changes;
 - · parking and vehicular access arrangements; and
 - pedestrian access to, through and within the site.
- 7. Elevations of the proposed buildings drawn to the same scale as the architectural drawings. The elevations are to indicate height and key datum lines, building length and articulation, the composition of the façade and roof design, existing buildings on the site, building entries (pedestrian, vehicular and service), and profile of buildings on adjacent properties.
- 8. Stormwater Concept Plan illustrating the concept for stormwater management from the site and must include details of any major overland flow paths through the site and any discharge points to the street drainage system. Where an on-site detention system is required, the type and location must be shown and must be integrated with the proposed landscape design. Site discharge calculations should be provided;
- Erosion and Sediment Control Plan plan or drawing that shows the nature and location of all erosion and sedimentation control measures to be utilised on the site;
- 10. Landscape Concept Plan plan or drawing that shows the basic detail of planting design and plant species to be used, listing botanical and common names, mature height and spread, number of plants to be utilised and surface treatments (i.e. pavers, lawn etc);
- 11. **BASIX** compliance details and relevant certificates;
- 12. **View analysis** artist's impression, photomontages, etc of the proposed development in the context of the surrounding development; and
- 13. Shadow Diagrams diagrams showing solar access to the site and adjacent properties, including the public reserve, at summer solstice (Dec 21), winter solstice (Jun 21) and the equinox (Mar 21 and Sept 21) at 9am, 12 midday, 3pm and 6.30pm.

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

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

	 appropriate scale) and show: the location of the land, the measurements of the boundaries of the land, the size of the land and north point; the existing levels of the land in relation to buildings and roads; location and height of existing structures on the site; and location and height of adjacent buildings and private open space.
	 A plan of demolition identifying: the location of the land, the measurements of the boundaries of the land, the size of the land and north point; the existing levels of the land in relation to buildings and roads; and all structures to be demolished.
	3. Erosion and Sediment Control Plan – plan or drawing that shows the nature and location of all erosion and sedimentation control measures to be utilised on the site.
Specialist advice	Specialist advice, where required to support your Environmental Assessment, must be prepared by suitably qualified and practising consultants in relation to issues including, but not limited to, the following:
	 Planning Flora and Fauna; Bushfire; Landscaping; Geotechnical and/or hydro geological (groundwater); Stormwater/drainage; Urban Design/Architectural; Contamination in accordance with the requirements of SEPP 55; and Acid Sulphate Soil Management Plan.
Documents to be submitted	 Consult with the Department of Planning for the number of hard copies of the Environmental Assessment, architectural and landscape plans to scale (including one (1) set at A3 size (to scale)), copies copy of the Environmental Assessment and plans on CD-ROM (PDF format), not exceeding 5Mb in size (see below); and
	 If the Environmental Assessment is bulky and lengthy in volume, you will be required to package up each Environmental Assessment ready for distribution by the Department to key agencies.
Electronic Documents	Electronic documents presented to the Department for publication via the Internet must satisfy the following criteria:-
	 All files should be approximately 5 Mb. Large files of more than 5 Mb will need to be broken down and supplied as different files. can publish them in the correct order.

Attachment 3 State Government technical and policy guidelines

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

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

Aspect	Policy /Methodology
Biodiversity	r dilay mietria dalagy
Diodiversity	Draft Guidelines for Threatened Species Assessment (DEC & DPI, 2005)
	The state of the s
	Threatened Species Assessment Guidelines: The Assessment of significance - DECC 2007
	Guidelines for Development Adjoining DECC Land (DECC, 2008)
	Guidelines for Development Adjoining DECC Land (DECC, 2008)
	Why do Fish Need to Cross the Road? Fish Passage Requirements for Waterway Crossings (NSW Fisheries, 2003)
-	Policy and Guidelines: Aquatic Habitat Management and Fish Conservation (NSW Fisheries, 1999)
	Threatened Species Management Manual (NPWS, 1998)
Coastal Planning	
	NSW Coastal Policy 1997 - A sustainable Future for the New South Wales Coast, NSW Government, 1997
	Coastal Design Guidelines for NSW, PlanningNSW, February 2003
	NSW Wetlands Management Policy (DLWC, March 1996)
	Coastline Management Manual (NSW Government 1990)
	Practical Consideration of Climate Change – Floodplain Risk Management
	Guideline (DECC, October 2007)
	Draft Coastal Risk Management Guide: Incorporating sea level rise
	benchmarks in flood risk assessments (DECCW, 2009)
	Draft Coastal Risk Management Guide: Incorporating the sea level rise benchmarks in coastal hazard assessments (DECCW, 2009)
	Draft NSW Coastal Planning Guideline: Adapting To Sea Level Rise (DoP,
	2009)
Community Consultation	
	Guidelines For Major Project Community Consultation, (NSW Department of Planning, 2007)
Bushfire	
	Planning for Bushfire Protection 2006 (NSW Rural Fire Service)
Contamination and Soils	
	Managing Land Contamination: Planning Guidelines SEPP 55 – Remediation of Land (DUAP & EPA, 1998)
	Best Practice in Contaminated Sites (Commonwealth DEH, 1999, ISBN 0 642 546460)

Aspect	Policy /Methodology
	Contaminated Sites: Sampling Design Guidelines (EPA, 1999)
	NSW Acid Sulfate Soil Management Advisory Committee - Acid Sulfa Soil Manual (ASSMAC,1998).
	National Environment Protection (Assessment of Site Contamination Measure (NEPC 1999)
Environmental Manager	ment Systems
	NSW Government Interim Water Quality and River Flow Environmental Objectives (DEC)
	Guidelines for the preparation of Environmental Management Plans (DIPNR, 2004)
Heritage	
Aboriginal	Draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation (DEC, 2005)
	Interim Community Consultation Requirements for Applicants (DEC, 2004
Non-Indigenous	Assessing Heritage Significance Update for Heritage Manual, NS Heritage Office, 2000
	Statements of Heritage Impact, NSW Heritage Office 2002
	NSW Heritage Manual, NSW Heritage Office 1996
Noise	
<u>.</u>	Environmental Criteria for Road Traffic Noise (EPA, 1999)
	Acoustics - Road traffic noise intrusion - Building siting and construction (Standards Australia, 1989, AS 3671-1989)
	Interim Construction Noise Guideline (DECC, 2009)
Safety and Hazards	
	Electrical Safety Guidelines (Integral Energy)
	Crime prevention and assessment of development applications 2001
Traffic & Transport	
	Guide to Traffic Engineering and Guide to Geometric Design of Rural Roads (Austroads, 2003, AP-G1/03)
	Guide to Traffic Generating Developments (RTA, 2002)
Urban Design: Cycleway	/Pathway Design
	Guidelines for the Design and Construction of Paths and Cycleways along Watercourses and Riparian Areas (Version 2) (DIPNR/DNR)
Vibration	
	Assessing Vibration: A Technical Guideline (DEC, 2006)
Water	
Water Quality	Water quality guidelines for the protection of aquatic ecosystems for uplar rivers. (ANZECC, 2000)
	Australian and New Zealand Guidelines for Fresh and Marine Water Qual (ANZECC 2000)
Effluent Reuse	Environmental Guidelines for the Utilisation of Treated Effluent by Irrigatio (NSW DEC 2004)
Floodplain	NSW Government Floodplain Development Manual - the Management of Flood Liable Land (DIPNR, 2005)
	Practical Consideration of Climate Change - Floodplain Risk Managemen

Aspect	Policy /Methodology
Groundwater	NSW State Groundwater Quality Protection Policy (DLWC, 1998, 0 7313 0379 2)
	NSW State Groundwater Quality Protection Policy (DLWC 1998)
	NSW Groundwater Dependent Ecosystem Policy (DLWC 2000)
Stormwater	Managing Urban Stormwater: Soils & Construction – Volume 1 (NSW Landcom, March 2004) - "The Blue Book"
	Managing Urban Stormwater: Soils & Construction – Volume 2 (DECC, January 2008)
	Managing Urban Stormwater: Harvesting and Reuse (DEC, May 2006)
	Constructed Wetlands Manual (NSW DLWC 1998)
Waterways	Waterways Crossing Design & Construction (Version 4 – DIPNR/DNR Draft Guidelines)
Wetlands	NSW Wetlands Management Policy (DLWC 2000)