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6th October 2010

Major Projects Assessment
Department of Planning
GPO Box 39
Sydney 2001

Attention Lisa Pemberton
Email: plan_comment@planning.nsw.gov.au

The Owners of Strata Plan 76216
135 Soldiers Point Road
Soldiers Point 2317
C/- CSTM Port Stephens
3/263 Soldiers Point Road
Salamander Bay 2317

Re:- MP06_0183 – 147 Soldiers Point Road, Soldiers Point

Dear Sir/Madam,

As the Strata Manager of SP 76216 I have been requested by the Owners to lodge an objection against the proposed development at 147 Soldiers Point Road, Soldiers Point.

The main reasons for this objection are as follows:

1. The area is a quiet residential area with very limited high density development, we have concerns over traffic. Has a traffic study been undertaken and will the development provide sufficient parking for a fully occupied development, together with guest parking? We would expect that an independent detailed traffic study has been undertaken. Please provide a copy for our review.
2. It appears to completely out of character for the area and over sized compared to the surrounding developments. Does the application fully comply with the current zoning? Please advise what the zoning is currently and the density / site coverage that is permissible and compliance with the zoning.
3. The proposed site is currently bushland and has some large significant trees. Has a Flora and Fauna as well as Aboriginal study been undertaken? Please provide copies for your review.
4. The current Salamander Shores Inn is already very noisy at night on weekends with bands and patrons late into the night. Will there be any curfew or noise restrictions imposed to ensure the quiet enjoyment of residents?



5. The proposed development seems to be more suited to the Nelson Bay precinct given its size.

I can be contacted at the Port Stephens office should you wish to discuss.

Kind regards



Gary Stanton
CSTM Port Stephens

CSTM Central Coast Pty Ltd

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(2)

Mr. Alan Bright
Acting Director Regional Projects
fax 9228 6455

15.10.2010

Dr. Olga Pylypyak
133 Soldiers Point Road, Soldiers Point, NSW 2317

Re: Development-147 Soldiers Point Road
Soldiers Point - MPO6-0183

Dear Mr. Bright,

Please accept my objection to the above project for the following reasons:

1. Soldiers Point is a well developed small coastal area and the project offers OVERDEVELOPMENT. Anna Bay, Fingal Bay, Tahill Bay just 20-30 min. away do need better development.
2. The existing overcrowding during Holiday Time is going to get worse with increased risk of infectious diseases.
3. The existing frequent interruptions in electricity supply during Summer is going to get even worse.
4. Significant strain on local water and sewage resources
5. Local narrow roads, limited parking and traffic problems are going to get worse too in Soldiers Point with the above project.

Thank you for considering my objection letter.

Dr / [REDACTED] /



2nd November 2010

Acting Director,
Regional Projects,
NSW Department of Planning,
GPO Box 39 SYDNEY, NSW, 2001

by email: Lisa.Pemberton@planning.nsw.gov.au

Attn: Ms L. Pemberton.

**RE: APPLICATION NUMBER 06-0183147
TOURIST DEVELOPMENT SALAMANDER SHORES MOTEL
147 SOLDIERS POINT ROAD SOLDIERS POINT NSW**

We refer to the above Development Application lodged under Section 3a of the Environmental Planning and Assessment Act (1979).

Whilst acknowledging firstly that any redevelopment of this site can only result in a substantially better quality of development than what presently exists, there is concern that the proposal appears to be in some conflict with councils current Development Control Plan (DCP 2007), which currently restricts building height levels across this site to 8 metres.

This control has been introduced since the current structure was constructed in 1969. Even so, the existing structures height is at RL30 and is not contained to the tree line canopy when viewed from the east, north and west and, to a certain extent, approaching from the south.

This proposal envisages a series of separate building structures ranging in various heights commencing at RL8 and rising to a maximum height of RL 35.5. This would result in building mass and height of hotel rooms fronting Soldiers Point Road rising some 20 – 22 metres off street level and even more significantly, the proposed Permanent Residential apartments towering some 30 metres above that point and some 5.5 metres more than existing structures.

As such, the Development fails to comply with the maximum allowable height provided within the DCP 2007, although it is understood that NSW Planning has had some discussions with Port Stephens Council in this regard. The Applicant acknowledges that the proposal is non compliant and has generally met with the Director General's requirement to contain building height levels beneath the tree canopy.

Whilst we acknowledge this, it is considered that the heights proposed, from both street frontages and the waterfront to be excessive in all respects.

A: P.O. Box 290. Nelson Bay 2315 E: chairman@trra.com.au W: www.trra.com.au

We also request that any development approvals meet the requirements of the Hunter Regional Environmental Plan 1989, the Port Stephens Local Environmental Plan 2000 and, as it is within SEPP 71 – Coastal Protection Policy - that it adheres to the principles of that policy

We have the following comment.

1. Building Bulk, Size and Scale.

This is a 'gateway' development leading into the residential area of Soldiers Point. As such, any redevelopment of the site should be of a size, bulk and scale that are suitable for such a locality.

Further, structures should not detract from the visual amenity of the area, and more specifically should be sympathetic to the surrounding residential housing in the immediate vicinity.

It should be noted that whatever is approved in relation to the building heights and size will set a benchmark for other development, not only within Soldiers Point, but other Bay and beachside locations. As such this needs to be and should be consistent with Council's existing and proposed planning instruments.

2. Floor Space Ratio.

Does this proposal meet the building floor space site ratios?

We have not been able to accurately calculate the FSR from the information contained within the DA. The Architectural drawings indicate an FSR of 1.6:1 or 19,520 sm. It is noted that a floor area has not been stated for the carpark level RL7 where we assume it is deemed as underground parking from the natural site ground level commencing at RL8.

In cross section, the loading docks only are shown at RL7 whereas all site carparking appears to commence at RL8. Clarification needs to be ascertained as to what elements of carpark, if any, fall within any FSR calculation.

From the areas stated on the architectural drawings the overall development appears to be in excess of 30,000 sqm, including all carpark areas.

Clarification should be sought as to the actual level by level square meterage of floor space applicable to the proposal FSR.

3. Building Heights and Visual Impact.

The proposal calls for 8 individual structures ranging in heights from 3 to 7 levels with all parking contained within basement levels.

The hotel room buildings facing Soldiers Point Road will vary between 3 and 5 levels the main impact being 5 levels for the main road frontage. This is considered an excessive height and should be restricted to, say, 10 metres including all roof top structures to ensure that there is not an overwhelming dominance across the street frontage.

Similarly, along the boat ramp access road it is proposed to construct buildings ranging from 3 to 7 levels and higher on the site it is proposed to construct an 5 level apartment building over a 4 level

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carpark. i.e. 9 levels from RL8.

Whilst Planning have required heights to remain under the tree canopy (10 - 15m), this restriction should apply to the tree canopy heights that exist at the RL upon which the individual structures are to be located to ensure heights are commensurate with the topography of the land.

The SEE acknowledges that it is non-compliant in this regard.

Upon examination of the Site Analysis and Visual Impact Report (pages 7 – 12) the proposed buildings are significantly higher than the existing structure, they are dominant from all directions and effectively not contained within the existing tree line or *below* the tree canopy surrounding the site. As mentioned above, the existing structure is some 5.5 metres lower and offers significant dominance now, particularly from the east (waterfront) and west. Additional height and bulk will only exacerbate this impact.

The visual impact of the development must comply with state government coastal development policies.

We request consideration be given to the retaining of an Urban Planning Consultant by NSW Planning to independently assess this aspect.

4. Plant and Equipment

There is no provision in the Concept Plans for areas encompassing Plant and Equipment, air conditioning, lift shafts and lift motor rooms. Detail as to locations and impact on additional building heights should be ascertained as if these can significantly add to the proposed building heights that will extend well above the tree line and canopy. Building heights, when finally approved should include the uppermost height of all built form, including any roof top plant rooms and lift shafts. Further, the external facade of the roof should incorporate architectural treatment so as to hide any unsightly impact of such structures.

5. Parking

Parking is to be provided for 275 vehicles in basement areas commencing at RL7/8 to RL17.

TRRA Estimates of Parking Requirements.

Serviced apartments @ 1.5 spaces per apartment	51
84 Hotel rooms	84
Apartments 1 beds	5
2 beds @ 1.5 per apartment	14
3 beds @ 2 per apartment	60
Apartment visitor bays	11
Staff Parking	25
	250
Balance for local hotel patrons/bar/cafe/restaurant	25

It is considered that inadequate parking is being provided to meet all parking requirements, particularly in peak periods, for the high level of accommodation and other facilities/services proposed.

Further, as all parking is in undercroft locations, (1 basement and 3 levels above natural ground level under residential apartments) it is of concern that, by default, the adjacent council owned land that fronts

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the residential properties will become a short- term carpark for locals and others visiting the hotel bar/restaurant/cafe facilities.

'On grade' visitor parking should be included within the proposal. As part of any Development Approval the Applicant, or council, under S94 funding, should kerb and gutter and reseal the boat ramp access road, and construct in such a manner to prevent parking on the reserve land outside the adjacent residential housing.

6. Asset Protection Zone

It is proposed to clear a further 14 trees to allow for developed structures excluding any asset protection zone surrounding the site.

Firstly, the removal of 14 trees is considered excessive most of them being to the water front (eastern) boundary of the site. This will create a further strong visual impact of the development from the water and hence should be further considered.

Further, with regard to any asset protection zone, this should be contained within the site boundaries with no further removal of established or mature trees from outside the site boundaries. Any clearance should be limited to undergrowth vegetation.

Even so, under the current operation, reserve land is 'managed' external to the site (land creep) on its eastern boundary, which has been generally cleared and grassed with some mature trees remaining. There should be no further tree removal to this area, or to the waterfront reserve, that would result in further significant visual impact from the waterfront.

It is noted in the Bushfire Protection Assessment that the site is considered to be of low hazard and it is further noted that in Part 3 Page 10 that: - "The subject land is already managed as an Inner Protection Area (IPA) as described by PBP. Additional tree or vegetation removal is not required".

7. Permanent Residential Apartments

The permanent residential component consists of 44 apartments. Historically, in such Resort Style developments they do not attract long term, full time occupiers.

More specifically for this proposal, the siting of the apartments and access through and past the hotel facilities would further limit permanent occupation. In the main, apartments contained in such complexes are purchased as holiday investment accommodation, utilised by owners on an occasional basis and 'managed' through the hotel similarly to the serviced apartment component.

Accordingly, we note, there is a request within the proposal to waiver the 90 day occupancy component as 'not financially viable'.

Is there a need for residential apartments within this development at all given its hotel, conference and tourist status?

If apartments are to be permitted, what will be the zoning for rating purposes, as, like numerous development of a similar ilk throughout Tomaree, they are rated residential but operated as businesses to the financial detriment of council and full time residential ratepayers.

Finally, commercial considerations aside, if the permanent apartment component was omitted, this would ultimately result in a smaller, less intense development, more appropriate to the confines of the site, building height levels overall could be reduced and parking could be provided without the envisaged, de-facto, use of external land for such purpose.

8. Setbacks and Landscaping

Planning have stipulated that landscaping from the street (Soldiers Point Rd) is to be between 15 - 25 metres, however there needs to be a defined landscaping brief to include trees that will reach a mature height that will soften any adverse visual impact. In addition, there should be a similar landscaped zone of, minimum, 8 - 10 metres to the boat ramp access road. This area could include some on-grade parking as mentioned previously. It is noted that components along this frontage are proposed to be built to the boundary which would further adversely impact the adjacent residential housing.

9. Architectural Design.

The final architectural design, form and appearance must be of sufficient quality to enhance the site, the locality and minimise impact to the surrounding residential housing.

As mentioned earlier, this should include attention to roof detail so that the unsightly appearance roof plant and equipment rooms are hidden.

10. Traffic Management.

Soldiers Point Rd is the primary access road into some 3000 dwellings and there needs to be strong consideration given to a traffic management plan due to the additional vehicle movements that such a development will attract.

This will be exacerbated, not only from the resultant increase in tourists utilising the hotel rooms, apartments and conference facilities, but local increased usage to the cafe, bar and restaurant facilities.

Ingress and egress to and from the hotel off Soldiers Point Road could create significant congestion, especially during peaks periods with all vehicles arriving being required to cross southbound traffic for access.

We are more than happy to further discuss the above in further detail if required. The writer can be contacted on 02 49846323 or 0416219219.

Yours sincerely,

R.A.Young,
Chairman,
Tomaree Ratepayers and Residents Association

From: Geoff Warrener <[REDACTED]>
To: <Lisa.Pemberton@planning.nsw.gov.au>
Date: 5/11/2010 8:23 am
Subject: Objection to aspects - application 06-0183147

4

RE: APPLICATION NUMBER 06-0183147

TOURIST DEVELOPMENT SALAMANDER SHORES MOTEL

147 SOLDIERS POINT ROAD SOLDIERS POINT NSW

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Planning regulations are designed amongst other issues to give residents some certainty as to the nature, style, and physical characteristics of their surrounds. The State Government and Councils should be the guardians of these regulations. It is the nature of development to chip away at these regulations to maximize profits for the developer who at the end of the day will walk away. The adjacent residents unfortunately can not walk away.

*
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*Without going into self evident specifics, this development **significantly exceeds NSW government and Port Stephens Council regulations in terms of bulk, height and parking facilities and as such should be modified to avoid just another example of crass shoreline high rise and unnecessary destruction of the natural environment.*

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Geoffrey Warrener
[REDACTED]

100 Soldiers Point Rd
Soldiers Pt 2317

STRATEGIC AVIATION SOLUTIONS

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5th November, 2010

Acting Director,
Regional Projects,
NSW Department of Planning,
GPO Box 39 SYDNEY, NSW, 2001
by email: Lisa.Pemberton@planning.nsw.gov.au
Attn: Ms L. Pemberton.

RE: APPLICATION NUMBER 06-0183147

TOURIST DEVELOPMENT SALAMANDER SHORES MOTEL

147 SOLDIERS POINT ROAD SOLDIERS POINT NSW

I write in support of the excellent analysis provided by Mr Young on behalf of Tomaree Ratepayers and Residents "hereafter TRRA".

I would advise that to approve this development in anything like its current form will create a very dangerous precedent for the major redevelopment of the Nelson Bay foreshore to be undertaken by Arden Developments in conjunction with NSW Maritime.

[REDACTED]

Even when Conditions are applied to DA's they are not policed nor enforced in any way.

This development if inappropriately handled by NSW Planning has the potential to be used as a very dangerous planning precedent in Port Stephens.

As you can see demonstrated in Mr Young's letter, TRRA has amongst its membership a wide span of expertise in Planning, environment, architecture and law who are able to produce very well qualified submissions to Planning Panels or matters in the Land and Environment Court.

If the department was to look at the foreshore from Corlette around to Soldiers Point to the West you would clearly see that this proposed building shares none of the acceptable characteristics of commercial development of the foreshore.

Developments like Peppers Anchorage is sympathetic to the foreshore and in line with the type of development contemplated for foreshore development of places like Sydney Harbour.

Of great concern is the proposed 44 residential units included in the development.

This would be a continuation of the application of the "Oaks" type of development where the bulk of units are strata titled to allow the individual units to be let as a commercial enterprise that's annual turnover falls below the GST qualification level and as such are let with no GST chargeable. Further since they are considered residential the council is not able to levy a commercial rate to the property and the community subsidises a commercial enterprise. This is despite them being acquired for hire and reward. Of even more concern is that these units if owned by a pensioner, the pensioner can claim the \$250 rate rebate dispensed by the Council from funds applied by the NSW Government.

If you were to look at the properties for sale in the area of the proposed development you will see up to 50 properties for sale in the "Pacific Oaks" development at Salamander Bay with similar numbers available in most of these types of developments on Tomaree. Most regrettably are mortgagor in possession and being offered dramatically under the sale price.

Therefore it isn't that there is a demand for the proposed type of unit it is more that this is a lower cost way of financing 44 accommodation units as the units are sold with the residential rate and GST advantage and the developer acts as a marketing agent. If the condition was applied that they could only be let for 90 days per year then they would want to not sell them off in this way and the ruse would be exposed. Unless a specific condition is made to the DA that the remainder of the development can't be strata titled in the future there is always the potential for this development to become another "Oaks" tax scheme to the detriment of all other rate payers and the State and Federal Governments. There is case precedent that even when a residential unit is let for the majority of time Council's may not apply the applicable commercial rate nor is GST payable as each unit's turnover is individually rated. Another laughable aspect is since each unit is residential the waste is removed individually by Council's contractor whereas the rest of the complex would have bulk waste removal from skips and compaction units. It is an absolute eyesore to see 100 red bins and 100 yellow bins lined up of the kerb 2 and 3 times per week for 12 hours at a time!

Thus the 44 alleged residential units should be included as part of the entire development and under the same title as all other accommodation in the proposed development or not be approved at all. We note in the submission that unless residential content is included economic viability isn't delivered which is proof positive that the 44 residential units are more about financing rather than enhancing the accommodation offering and satisfying a market demand.

There is a gross oversupply of residential units on the Tomaree Peninsula. Many unit blocks in Nelson Bay have only one full time resident with the remainder being idle for up to 6 months of the year. The Nelson Bay area has one the highest rate of bank repossessions in Australia with more to be recovered.

Since Soldiers Point Road is a narrow artery traversed by a large number of boats on trailers and caravans to the 2 major holiday parks the access and egress to the site would become very dangerous and would require a very well-considered plan of management. Unless onsite parking requirements are increased it would be irresponsible to allow the operation

of the bar and restaurant to attract external patrons as they would have to park on a narrow artery which is on a bus route.

During a time of a natural disaster this proposed development could cause a bottle neck to enable residents to escape and emergency services to gain access.

The current development is a monument to everything bad when a Council is allowed to control a development of this type. If approved in anything like what is proposed your department will facilitate yet another inappropriate development and at the same time create planning precedents that will be used by PSC to roll out developments at any price just to get economic development.

It is imperative that NSW Planning realise that the consequences of this development have far reaching effects on the rest of Port Stephens.

Regards


Neil M Hansford

5 November 2010

Acting Director,
Regional Projects,
NSW Department of Planning,
GPO Box 39 SYDNEY, NSW, 2001
email: Lisa.Pemberton@planning.nsw.gov.au

Attn: Ms L. Pemberton:

**RE: APPLICATION NUMBER 06-0183147
TOURIST DEVELOPMENT SALAMANDER SHORES MOTEL
147 SOLDIERS POINT ROAD SOLDIERS POINT NSW**

We refer to the above Development Application lodged under Section 3a of the Environmental Planning and Assessment Act (1979). As residents of Soldiers Point, we strongly object to three aspects of the proposed development.

Firstly, we believe that some of the proposed buildings are too high and do not fit into the natural landscape. In fact, we do not think that the heights are consistent with local council zoning restrictions. This will become a high-rise development that sets the precedent for more of this type of ugly development in the Soldiers Point area. We live at Soldiers Point, sail on the waters in front of the proposed development and do not want to see a Surfers Paradise type of ugly high-rise development dominating the natural beauty of the landscape that surrounds Port Stephens. We believe the proponent should be made to change the design of the buildings to lower their impact on the natural landscape. They need to incorporate design concepts of existing low impact resorts such as the Kingfisher Resort on Fraser Island in Queensland. This example is a major resort development near the waterfront that is very difficult to see from a passing boat.

Secondly, we believe that provisions for parking are inadequate for the very large number of units that are being squeezed onto a relatively small site. We note that some of the proposed parking is to be provided in underground garages and wonder whether a geological survey of the site has been conducted. Based on experience at our Soldiers Point residence, we think that the construction of underground parking will be very expensive due to the cost of excavating the extremely hard type of rock that underlies Soldiers Point. Because this expense will have a significant impact on the profit

margin of the development, we believe there is a very high likelihood that underground car parking will be abandoned in the final construction. Our worst fear is that the parking shortfall will be rectified by turning the pleasant little flat reserve that is adjacent to the development site and opposite the Soldiers Point Bowling Club into a paved car park. This small open space with a few large native trees amid the surrounding development provides a much more pleasant view as we drive to and from our residence than a sterile parking lot.

[REDACTED]. Adequate parking must be provided on the development site so that use of the adjacent reserve is not allowed to happen!

Finally, there is no precedent in the Port Stephens area for successfully combining permanent residences in a resort development. We have a very recent example of the financial folly of this type of development just a few kilometres down the road. Pacific Blue is a brand new development that was designed to combine permanent and holiday type residences in a large, modern resort environment. This development is currently going through receivership and investors have lost huge sums of money. There is a large market for permanent residences or units in resort style developments (with pools, gyms, restaurants, etc.) that are primarily occupied by permanent residents. However, there is a more limited market in this area for permanent residences within a large resort that caters primarily to holiday tourists. The building containing permanently owned units should be dropped from the plan. Removal of one of the eight proposed buildings would also help to address both the visual impact and parking issues discussed above.

Please consider our arguments and require the developer to resubmit a revised Development Approval with less impact on the Soldiers Point environment.

Bruce and Trudy Pease
1 Ash Street
Soldiers Point

7

From: karen brown <[REDACTED]>
To: <lisa.pemberton@planning.nsw.gov.au>
CC: [REDACTED]
Date: 8/11/2010 1:24 pm
Subject: redevelopment of Salamander Shores Hotel

I would like the chance to comment on the proposed development application for the redevelopment of Salamander Shores Hotel at Soldiers Point NSW 2317. While I totally support the hotel being upgraded and the addition of a conference centre, the proposed development is far too big for the Soldiers Point area. As the mother of two young children I am particularly concerned at the impact this large resort and apartment towers will have on the traffic flow along Soldiers Point Road. This is already quite a dangerous road during the summer season when traffic increases significantly on what is essentially a winding, country road.

Soldiers Point is a quiet area with many retirees and families with school aged children. The attractions of living here include the opportunity for walking and cycling to the many small parks and beach areas. I worry that this will change with such a large development on our doorstep. There will be increased traffic congestion around the resort and car parking will spill out on to the nearby park and reserve. Already apartment developments lie half completed and half sold in this area, do we really need more high rise residential development? It is essential that any new buildings meets current height restrictions and be stepped back with appropriate landscaping. A smaller, boutique style resort and conference centre that compliments the bushland and waterfront setting would better enhance the area and protect the natural setting.

regards

Karen Brown
[REDACTED] Soldiers Point Road