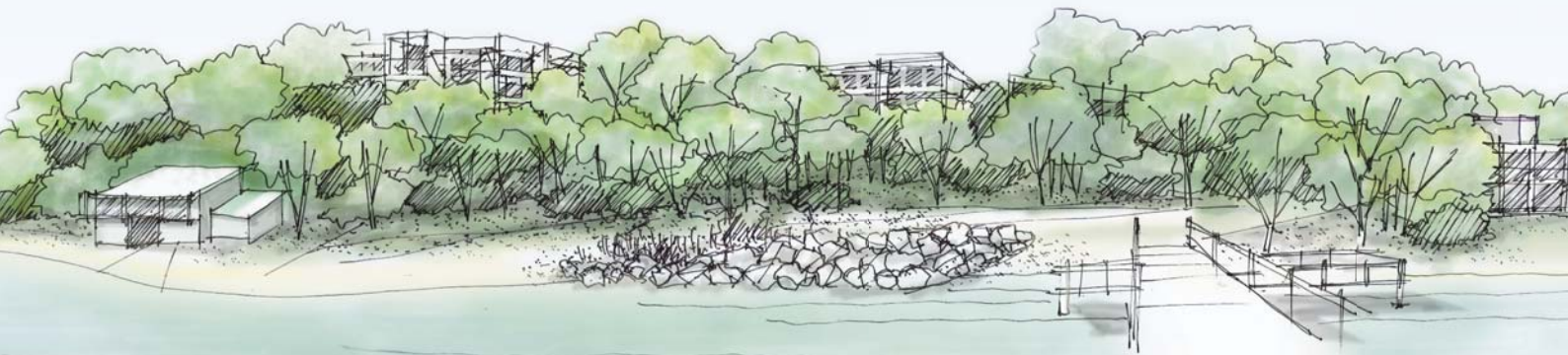


SALAMANDER SHORES HOTEL REDEVELOPMENT

147 Soldiers Point Road, Soldiers Point

PREFERRED PROJECT REPORT & RESPONSE TO SUBMISSIONS



prepared for:
Department of Planning NSW

prepared by:
SAKE Development
Daryl Jackson Robin Dyke Architects

on behalf of:
Salamander Shores Hotel Propriety Limited

February 2011

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STATEMENT OF VALIDITY

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

Preferred Project Report prepared by

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In respect of	The Salamander Shores Hotel.

Applicant and Land Details

Applicant	Salamander Shores Hotel
Address	C/- SAKE Development Suite 1.4 135 Victoria Road, DRUMMOYNE
Land to be developed	147 Soldiers Point Road, Soldiers Point Lot 31 in DP 529002

Statement of Validity

I certify that I have prepared the content of this Preferred Project Report in accordance with the requirements of Part 3A and to the best of my knowledge the information contained in the report is neither false nor misleading.

Signature



Name	Sarah Kelly
Date	28 February 2011

1 INTRODUCTION

1.1 Background

An Environmental Assessment Report (EA) for the redevelopment of the Salamander Shores Hotel was submitted to the Department of Planning in September 2010. 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 EA Report was exhibited for 30 days from 8 October to 8 November 2010. In response to the public exhibition, six submissions were received from State government agencies, one from Port Stephens Council, seven public submissions and eight letters of support.

This Preferred Project Report (PPR) has been prepared on behalf of the Salamander Shores Hotel following the exhibition of the EA Report. It sets out the responses to the issues raised in the letter from the Department of Planning dated 17 November 2010, the submissions received and outlines a number of revisions to the Concept Plan Application and concurrent Project Application for which development approval is sought. A revised set of architectural drawings accompanies the application.

1.2 Summary of Submissions

Submissions were received from the following government agencies:

- Port Stephens Council
- Rural Fire Service
- NSW Office of Water
- NSW Department of Environment, Climate Change and Water
- Roads and Traffic Authority
- Department of Defence
- NSW Department of Industry and Investment

Submissions received from nearby residents and resident groups raised concerns primarily in relation to traffic, access and parking; built form and urban design including height, bulk, scale and visual impact; local character; services; permanent residential accommodation; noise and amenity; and precedent.

This PPR is therefore structured as follows:

- Section 1 Introduction and overview
- Section 2 Response to the Department of Planning issues
- Section 3 Response to the key issues raised in the public submissions
- Section 4 Description of the changes to the Concept Plan and Project Application
- Section 5 Revised Statement of Commitments

This PPR should be read in conjunction with the Environmental Assessment dated October 2010 and its accompanying specialist plans and reports, as well as more recent plans submitted to the Department of Planning.

2 DEPARTMENT OF PLANNING ISSUES

2.1 Correspondence

The following is a response to the issues raised by the Department of Planning in its letter of 17 November 2010.

1) Landform and height:

(a) The highest point of the site should not be built upon in order to reinforce the existing canopy and provide opportunities to establish further canopy. No building should exceed the current adjacent maximum tree canopy height.

(b) The arrangement of buildings across the site appears haphazard and does not respond sensitively to topography and aspect. Buildings should be rearranged accordingly and building heights stepped down the site to respect the landform.

Response

The highest point of the site, in the south east corner, sits at RL 21 and the proposed development is not built into this area (refer to survey plan and architectural drawings which illustrate heights and terrain). A 10m asset protection zone needs to be provided from the building to the boundary, therefore opportunities for further tree canopy are difficult in this location. The response from the Rural Fires Service also notes the entire site will need to be maintained as an Inner Protection Area and landscaping is to comply with Appendix 5 of 'Planning for Bushfire Protection 2006'. Refer to further discussion in Section 2.2 of this report.

As the tree survey was completed in September 2008, the proponent will update the survey once further applications are submitted for the detailed design of buildings to ensure no building exceeds the maximum height of the surrounding tree canopy. The survey notes that the tree and ridge heights were taken by remote means and are approximate only. Tree heights in the south east corner have therefore been interpreted from both photographs and the survey and have been estimated as ranging in height from RL25 to approximately RL36. It is also likely that the trees have grown in the last two and a half years.

The photographs overleaf and at Appendix 5 illustrate the relative height of the existing hotel building at RL29.7 with the height of trees in the adjoining reserve, particularly to the south of the site. It is evident that the tree canopy sits above the hotel and that it also screens the hotel, particularly from the waterfront, pier and distant vantage points such as Wanda Wanda headland.

As noted in the EA, the proposed buildings range in height from RL 20.5 (Building C) to the tallest building, Building H, at RL 35.5 located to the rear of the site in the south east corner. The height of buildings D, E and F along the Soldiers Point road frontage are RL 24.5 and buildings A, B and G sit at RL33.5, 34 and 27.5 respectively. The average building height is RL28. The height of the existing hotel is RL29.7 with the lift overrun sitting at RL31.

In response to further discussions with the Department of Planning regarding the height of buildings, the proponent will commit to reduce the height of Building H by 500mm to RL 35, by reducing the floor to ceiling levels in the basement car park. This is reflected in the updated Statement of Commitment (SoC) KK.

It should be noted that significant planning and design has been undertaken to ensure the buildings respond to the physical terrain and urban design objectives, including:

- Breaking down the mass and “wall” of the existing hotel with large breaks and separation between the buildings which provide view corridors through buildings and open spaces. This is particularly evident through the middle Section 02 which breaks down the wall of the current hotel that fronts the reserve.
- The location of Building H which is well screened by the adjoining reserve to the south and east and from key vantage points.
- The location of basement car parking to the rear particularly to reduce the visual impact of the concrete car park to the street.
- The setback of buildings to Soldiers Point Road, which enable a significantly improved streetscape presentation with modulation of building facades and landscaping.

The model views in the Urban Design, Landscape and Sustainability Report illustrate the stepping of buildings to reflect the terrain, particularly Figure 1. Similarly, in the EA and supporting urban design reports (appendices 12, 13 and 16 - particularly Section 4.3 and 4.4 of the Urban Design, Landscape and Sustainability Report), it is noted that the subject site forms part of a green knoll, with a significant rise and gradient from Soldiers Point Road through to the highest point on the site to the south of proposed Building H. There is a level change of 14m from RL 7 to RL 21.



Source: Jackson Dyke Architects, April 2007

View taken from walkway at the upper level of the Salamander Shores Hotel looking south. Note trees in the background sitting above the height of the existing hotel. The roof of the hotel is RL29.7, therefore heights of adjoining trees exceed RL 29.7.



Source: Jackson Dyke Architects, March 2008.

View of the Salamander Shores Hotel from Port Stephens. Note the height of trees in the south east corner, which screen the current hotel, which is the proposed location of Building H. The hotel roof sits at RL 29.7.

2) Urban design:

- (a) The siting of buildings should establish a strong street address with active frontages.*
- (b) Provide clearly identifiable street addresses/separate identity for all buildings.*

Response

A key urban design objective has been to provide a strong urban design focal point and active streetscape, particularly at the north western corner of the site near the pier and pedestrian walkway where it will attract greater public patronage. A café is proposed in this location. The entry to the hotel and porte cochere provides a strong street address, which currently does not exist at the hotel, and a small retail space is proposed at the hotel entry adjacent to the access road to the pier and foreshore.

In addition, the proponent has provided additional pedestrian links at the hotel entry and the improvements will enhance this space for pedestrians in terms of access and safety. Building H, the permanent residential building, has been substantially redesigned. The main entry lobby has been relocated to the west and smaller entries are provided to the north and south with a separate pedestrian pathway also provided to Soldiers Point Road (see amended plans). A new pedestrian entry and walkway to the residential building provides scope to include letterboxes at street level. The design of the pathway, particularly with respect to access and any impacts on flora will be further examined in the detailed applications. The pathway will be sited to minimise loss of trees.

A pedestrian cycle and movement diagram has been prepared which illustrates the new pathways and entry points to the buildings, particularly to the permanent residential building and pathways along Soldiers Point Road. These changes and improvements ensure that future buildings will have clear entry points and street addresses.

Further, as part of the detailed design for the hotel and permanent residential buildings, building design, colour and palettes could be used to integrate and identify the various uses. Again, this will be addressed in the future applications.

3) Permanent Residential Building (Building H):

(a) Reduce the width to improve internal amenity and reduce bulk and scale.

(b) Building A is a suggested location for Building H. This would improve residential amenity and satisfy aspects of SEPP 65.

As this is a concept plan, the building footprint has been designed to enable some flexibility and adjustment of floor plates at the detailed design / DA stage. Notwithstanding, significant redesign to Building H has occurred to address the above comments particularly to reduce the bulk and scale, reduce the north south width and improve solar access and cross ventilation to future apartments.

The internal lobby and circulation space has been significantly reduced and a central void / atrium proposed along the north south and east west axes. These breezeways will improve access to natural light and cross ventilation. The building footprint has also been reduced, particularly along the northern and western facades, being setback up to 10 metres in some areas. The number of permanent apartments has therefore been reduced to 40 units. The new design substantially breaks down the building reducing its bulk and scale.

It is considered that proposed building H is very well screened by both the nature reserve and proposed buildings. It will not be viewed as a bulky building but will be screened from public view. The articulation to the facades provides an interesting building particularly when viewed from within the resort. It is considered that Building H can continue to meet the requirements of SEPP 65.

As part of the design process, the proponent explored locating the permanent residential in the area of Building A on a number of occasions, however the project team felt that a commercial use was more appropriate in this location adjacent to the pier with access to the beach. The area currently proposed for the permanent residential has the least noise impacts and good privacy levels.

Notwithstanding, following discussions with the Department of Planning, the proponent is seeking some flexibility in any concept approval that would enable the uses between Buildings A and B, with Building H to be swapped. That is, permanent residential apartments could be located in this area. There would be no increase in the yield of permanent residential and the number would remain the same (ie 40 units). In addition, the floor space of Buildings A and B, with Building H, is much the same (5,100sqm and 4,845sqm respectively).

It is likely that the serviced apartment Buildings A and B would need to be connected to comply with SEPP 65 requirements, in that a lobby would need to be created linking these two buildings (in vicinity of the area shaded red between Buildings A and B on Drawing SK-107b Roof Plan).

4) Orientation and solar access:

(a) Improve solar access to northern facade of Building B.

(b) Address the potential for cross-over unit design to allow northern aspect for all units in Building B.

Response

The northern facade of proposed Building B will receive very good solar access, particularly the serviced apartments (refer to Section 251 in the current architectural drawings). We understand following a meeting with the Department of Planning on 1 December 2010, that these comments therefore refer to Building H.

In terms of the residential building (Building H), substantial changes to the overall design have occurred including the relocated lobby (to the west rather than northern façade and significantly reduced in area), modified central circulation space with new internal atrium and breezeways, new skylight roof (refer to roof plan) and the reduced building footprint. These changes will improve access to natural light and enable a greater number of units with cross ventilation. The proposed building footprint has also been designed to enable flexibility for future design and layout, particularly to enable cross over units and a central light well. These aspects and other design details will be reviewed at the DA stage.

(c) The corridor along the eastern sides of Buildings G and F (represented in grey) potentially restricts a.m. solar access to the proposed rooms. Reconsider access to the units to address this.

Response

These corridors and walkways will be open, and not enclosed, therefore providing solar access along this façade, particularly at the upper levels (see notes on drawing SK105-B which refers to the open corridor). The proponent will also commit to provide highlight windows to the hotel rooms to enhance natural light. There is a need to balance privacy and limit noise levels while providing access to natural light. These matters are included in the updated Statement of Commitments (Soc) in Section 5.

(d) The shadow diagrams should show all site boundaries and the limits of overshadowing. Where the proposal overshadows the adjoining 6(a) zoned Council reserve, consideration should be given to amending the proposal to ameliorate the impacts.

Response

An additional shadow diagram has been prepared which compares the existing shadow cast by the current hotel and the proposed level of shadow by the redevelopment. The comparison drawing also shows the site boundary, which clearly illustrates areas of sun gain, current areas to remain in shade and proposed areas of shade gain. The drawing clearly illustrates that much of the adjoining reserve is cast in shadow by the existing tree canopy and hotel.

As noted in the EA, 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. 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.

(e) Provide for better future cross-flow ventilation and solar access, and potential crossover units for Building H.

Response

See comments above under 3 and 4 above. The redesigned residential building (H) has included a central atrium with new breezeways and circulation space which will improve access to natural light and enhance air circulation, particularly cross ventilation. Significant redesign has occurred to address the Department's comments about bulk, scale and amenity including solar access, cross ventilation and street address.

5) Parking and Circulation:

(a) Access and circulation within the site appear inefficient and vehicular oriented with potential conflict points at Soldiers Point Road, the port cochere, internal driveways and car park. The permanent residential building does not appear to have a logical, safe pedestrian access from the street.

Response

Design changes have been made to the vehicular entrance and car park areas in consultation with our traffic engineer Transport and Traffic Planning Associates (TTPA) to improve pedestrian safety. These measures include closing part of the porte cochere egress, providing pedestrian crossings near the reception, increasing the width of the walkway near the reception, providing pedestrian refuges on Soldiers Point Rd and a pedestrian link from the residential building to Soldiers Point Road to the south. Pedestrian paths are now included on the architectural plans which accompany this report.

A Pedestrian and Cycle Movement Plan and Vehicle Movement Plan have been prepared by Daryl Jackson Robin Dyke Architects to illustrate these links and connections both on and beyond the site including access to the beach and pier, along Soldiers Point Road in vicinity of the Bowling Club and within the site. As previously noted, a new pedestrian pathway will connect to the relocated foyer of the permanent residential building providing a clear address and pedestrian access from the street.

(b) Demonstrate internal circulation-which maximises efficient and safe vehicular, pedestrian and cycle movement within the site and via links beyond the site, particularly to the adjoining Council reserve and foreshore.

Response

As noted above, pedestrian / cycle and vehicle access plans demonstrate improved movement through and beyond the site, including pedestrian refuges on Soldiers Point Road, changes to the porte cochere area, new pedestrian crossings and enhanced pathways.

(c) Address the provision of visitor parking easily accessible from the street for the bar and retail uses.

Response

The proponent will commit to 75 of the 99 car parking spaces at ground level for use by bar, café and retail patrons which is included in the revised SoC. The traffic report prepared by TTPA dated June 2010 identifies 75 car parking spaces are required for the bistro (60) and visitors (15). This can be included in future management plans as part of the subdivision application. It is likely the site will be subdivided under the Community Land Development Act as a community title scheme.

6) Landscaping

(a) Provide opportunities for further canopy-forming type vegetation, particularly along the east/west axis of the pool, to create pockets/fingers of vegetation to enhance views and sightlines to the Port.

Response

There would appear a conflict with providing further canopy forming vegetation in the pool area and enhance views to the Port. It is considered that there are adequate areas of planting and vegetation, particularly along the Soldiers Point frontage. The landscape design reflects the use, an integrated tourist facility with leisure areas.

The landscape design statement within the Urban Design, Landscape and Sustainability Report prepared by DJRD dated 15 July 2010 notes that *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.... provide contemplative garden spaces for overlook and recreation.* The project team feels the landscape design reflects the proposed use in this leisure area and is appropriate.

(b) Address the provision of deep soil planting areas, particularly in the basement parking layout and the site's central portion.

Deep soil planting (with no basement car parking) is provided along the periphery of the site, particularly the Soldiers Point frontage. There is opportunity for deep soil planting under the basements, refer to Section 01 in the architectural drawings. These areas are generous and will allow for some larger mature trees, with depths of 6-8m. The Residential Flat Design Guidelines recommend 25% of open space areas should be deep soil zones, and the proposed future development will achieve approximately 30% (refer to SEPP 65 assessment at Appendix 16 of the EA) particularly along the boundary perimeter in side and rear setbacks and the street front landscaped area. The Residential Flat Design Guidelines for deep soil planting only apply to the residential building.

2.2 Other Matters

In a meeting with the Department of Planning, it was suggested that the PPR also address staging and future title. In terms of staging, it is likely that the basement car park will need to occur in one construction stage due to the geotechnical conditions and excavation requirements. Section 8.9 of the EA provides a detailed discussion on the geotechnical constraints.

In terms of the overall development including the hotel, serviced apartments, residential units and associated leisure facilities, staging for these elements will be addressed in future applications once this aspect is more clearly defined.

It is likely that the development will be subdivided under the Community Land Development Act as a community title scheme, which provides for shared facilities, access arrangements and accommodates a variety of uses in various strata units. Subdivision will therefore be addressed in future applications and include the necessary management and subdivision plans.

Email correspondence from the Department of Planning dated 15th February 2011 sought clarification on the legal entrance to the site along the northern boundary and whether this forms part of the right of carriageway.

The proponent has liaised with the surveyor, traffic engineer and lawyer with respect to the proposed access arrangements. The ingress driveway for hotel guests and buses is located along the northern boundary, south of the right of carriageway (marked as A on the survey). Ingress is not provided from the right of carriageway. A copy of the cadastre has been obtained from the NSW Land and Property Management Authority which identifies this as Soldiers Point Road (see Appendix 4). Residents located to the north of the hotel are also provided with vehicle access to Soldiers Point Road from this location. The surveyor has confirmed that access to the site (Lot 31 in DP 529002) is from Soldiers Point Road which adjoins the subject site to the north west.

3 RESPONSE TO PUBLIC SUBMISSIONS

3.1 Introduction

The EA Report was exhibited for 30 days from 8 October to 8 November 2010. In response to the public exhibition and in addition to the issues raised by the Department of Planning, six submissions were received from State government agencies, one from Port Stephens Council, seven public submissions and eight letters of support including a very positive letter of support from the Mayor of Port Stephens Council. The proponent has reviewed all of the submissions and responses are given in the following sections.

3.2 Government submissions

Submissions were received from the following government agencies:

- Port Stephens Council
- Rural Fire Service
- NSW Office of Water
- NSW Department of Environment, Climate Change and Water
- Roads and Traffic Authority
- Department of Defence
- NSW Department of Industry and Investment

A summary of the detailed submissions and the responses are provided in Appendix 1 and the key issues are discussed below in detail.

Port Stephens Council

Port Stephens Council raises issues surrounding height, access and parking, construction management and stormwater but is generally supportive of the development. Refer to the detailed response to the issues at Appendix 1. Council has provided a list of suggested conditions if the Concept Plan and Project Application are approved.

Rural Fire Service

The letter from the RFS dated 3 November 2010 notes the following four comments. A number of discussions have occurred between the proponent's bushfire consultant Ecological Australia and the RFS, and the proponent and Council regarding the on going management of the adjoining reserve to the east and south which is owned by Port Stephens Council. A summary of this submission and the response are provided below.

1. *The construction requirements under AS3959 recommended within the Bushfire Protection Assessment Report are based upon external asset protection zones (APZ). In this regard no details are provided on the on-going management of the adjoining reserve to the east and south of the site, and whether this can be included as part of the asset protection zone. This may effect the construction requirements.*

The reserve adjacent the proposed development is owned by Port Stephens Council and is a nature reserve, a managed landscape being assessed as a component of the APZ. The Salamander Shores Hotel currently maintain this area on an informal basis on behalf of Council so it acts as an APZ. This informal arrangement has occurred during the tenure of the current owners and it is understood by previous owners over a number of years.

Port Stephens Council has acknowledged that the Salamander Shores Hotel has maintained the reserve for many years and has no objection to this activity. Council note that to formalize the arrangement with an agreement, the land would need to be reclassified as operational land. Further, Council has no objection to considering such a proposal currently or as part of the development concept. A copy of Council's letter is found at Appendix 3.

The current management regime is simple and involves mowing the area on a regular basis (approximately every six weeks in summer and less during winter months). As this is a Concept Plan, a maintenance plan of the APZ within the adjoining reserve has not been developed however a draft version is found at Appendix 6. The Proponent will commit to preparing the final Maintenance Plan in consultation with the Rural Fire Service and Port Stephens Council which will clearly outline works to be undertaken in this zone. The Plan will seek to ensure no loss of existing screen vegetation particularly mature trees.

It should be noted that the Bushfire Protection Assessment that accompanied the EA (Appendix 10) states that:

- mature trees may be within the APZ providing they;
 - Do not occur within 2m of a building (including crowns);
 - Have a separation between crowns or clumps of crowns (e.g. a small group of trees) so that the canopies are discontinuous between the hazard and a building;
- Smaller trees and all understorey shrubs and vegetation are not to be within the APZ unless the trees and shrubs are well spread out and do not form a contiguous pathway to the development;
- A minimal ground fuel is to be maintained to include either mown/slashed grass, mulch, managed groundcovers, organic matter, bare or sealed ground, providing the final groundcover equals less than 4 tonnes per hectare of fine fuel

The SoCs under Fire Management have therefore been amended to reflect these requirements.

2. *Preliminary concept plans indicate that Buildings A & H encroach into the proposed 10 metre internal APZ. This may effect the construction requirements.*

Some of the balconies to buildings A and H are located within the proposed 10m APZ (refer to architectural drawings SK101 – 106 which clearly illustrate the outline of balcony areas to the APZ setback of 10m). The bushfire consultant Ecological Australia has stated that the balconies are non-combustible elements and will not add to the bushfire threat. It is considered that the balconies can extend slightly into the APZ zone. The redesigned residential building has also significantly reduced the area of encroachment within the APZs.

3. *The recommended perimeter access way to be located within the proposed 10 metre APZ should have direct access onto Soldiers Point Road at the south west corner of the site.*

As noted earlier, a new pathway connecting the relocated foyer of the residential building (Building H) is proposed linking Soldiers Point Road. The pathway can also act as a perimeter access. Some clearing will be required in this area but the proponent will commit to minimising the loss of trees and will work with the ecologist to reduce impacts in this area. In addition, the pathway provides perimeter access around the entire site and provides access to Soldiers Point Road to the north, near the porte cochere and hotel entry.

4. *The entire site will be required to be maintained as an inner protection area and landscaping within the site will be required to comply with Appendix 5 of 'Planning for Bush Fire Protection 2006'.*

The landscape will need to be managed as per section 4 of the Bushfire Protection Assessment provided by Eco Logical Australia (Appendix 10 of the EA). The requirement for an inner protection area as per the Planning for Bushfire Protection 2006 is:

'An IPA should provide a tree canopy cover of less than 15% and should be located greater than 2 m from any part of the roofline of a dwelling. Garden beds of flammable shrubs are not to be located under trees and should be no closer than 10 m from an exposed window or door. Trees should have lower limbs removed up to a height of 2 m above the ground.'

NSW Office of Water

The NSW Office of Water raises issues regarding local groundwater and licensing; riparian protection and surface water protection.

In terms of groundwater, it is noted that groundwater take within the Tomago, Tomaree Stockton Groundwater Source requires a licence. This aspect can be addressed in future applications once details of levels of extraction can be more accurately determined. The updated SoC notes that a ground water licence needs to be obtained from the relevant authority.

The proposed development is setback some 50m from the Port Stephens waterway particularly due the nature reserve located to the east of the hotel. NSW Office of Water recommend core riparian zones of up to 40m, plus an additional 10m vegetated buffer. Therefore an adequate core riparian zone and vegetated buffer is provided.

In terms of stormwater protection, further detail can be provided once more detailed applications are prepared and submitted to the relevant approval authority.

NSW Office of Water recommend conditions of project approval which are acceptable to the proponent.

NSW Department of Environment, Climate Change and Water

DECC raise two issues relating to threatened species and aboriginal cultural heritage.

In terms of threatened species, DECC is generally of the opinion that the proposal will be unlikely to have a detrimental impact on threatened species, populations, ecological communities and/or their habitats. DECCW generally concurs with the conclusions presented by Eco Logical Australia. However, they do make some comments with respect to targeted surveys for certain orchids.

The Flora and Fauna assessment by Ecological Australia dated August 2010 did review the two orchids in question, Red Helmut Orchid and Leafless Tongue Orchid. The report concluded that the site was too disturbed and the habitat of the study area considered unsuitable to support these orchids. The subject site has been and continues to be affected by built gardens and maintenance, car parking areas and the hotel. Nonetheless, the proponent will commit to undertaking more targeted surveys for these species at the detailed design stage, consistent with the recommended conditions of approval by DECC.

In terms of aboriginal heritage, DECC has requested that the proponent seek final comments/evidence from the Worimi Local Aboriginal Land Council regarding the nature and outcomes of the consultation process prior to finalising the ACH assessment process. A letter of support has now been received from the Worimi Local Aboriginal Land Council (letter dated 15th December 2010 at Appendix 2). The letter states that:

It is the view of the Worimi Local Aboriginal Land Council that the report supplied by Dominic Steele Consulting Archaeology is an all-inclusive account of the assessment undertaken on the 22nd September 2008 and an accurate assessment of the likely impact to be placed on Aboriginal heritage subject to the proposed redevelopment of Salamander Shores Hotel at Soldiers Point.

The WLALC is supportive of the recommendations (page 43- 44) 7.0 Management Recommendations listed 1 to 7 and trust that the commitment shown thus far by the proponent will be extended to these recommendations being implemented.

It is the opinion of the WLALC that these recommendations do not restrict or adversely affect the proposed development.

Dominic Steele Consulting Archaeology along with SAKE Development carried out extensive consultation on the project. The details of the aboriginal cultural heritage consultation are found in Section 7.2.10 and Section 8.12 of the EA. Consultation included a site walkover, notifications in the newspapers and written consultation with the relevant land councils and other interest groups.

It is therefore recommended that the proposed conditions of consent regarding aboriginal heritage are not required as this matter has now been addressed. The SoC also outlines ongoing management measures with respect to Aboriginal cultural heritage during construction works.

Roads and Traffic Authority

The RTA consider the proposed development will not significantly impact the classified road network and the application is not required to be referred to the Hunter Regional Development Committee. The RTA has no objections to or requirements for the proposed development.

Department of Defence

Defence has assessed the proposal and has no objection to the proposed development and notes that the proposed development is outside the 20 Australian Noise Exposure Forecast (ANEF) zone as shown on the current 2025 ANEF map for RAAF Base Williamtown. The proposal is also outside the Defence Area Control Regulations for the base.

NSW Department of Industry and Investment

The Department raises no objections to the proposed development being approved.

3.3 Public Submissions

The seven public submissions and letters of objection identified a number of issues which can be grouped into the following categories:

- bulk and scale
- building height and visual impact
- building design;
- local character
- traffic, access and parking
- permanent residential accommodation
- noise and amenity
- precedent

The individual submissions and the key points raised are addressed in the table at Appendix 1.

Eight letters of support were received from local business groups, individuals and the Mayor of Port Stephens Council. Support for the development is focused on the contribution that the Salamander Shores Hotel provides to the community particularly local sporting and other groups. The renewed facility will be able to host greater events in the future and further support tourism in the region. The new and expanded Salamander Shores hotel will enhance Port Stephens as a tourism destination particularly for conferencing, conventions, weddings and vacations at a grander scale.

4 DESCRIPTION OF THE CHANGES TO THE CONCEPT PLAN AND PROJECT APPLICATION

The project as originally proposed involved the complete redevelopment of the Salamander Shores Hotel with Concept Plan approval for key elements of the future development and Project Approval for demolition and site preparation. The architectural drawings that accompanied the EA provided the following future development scenario:

- 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

In general, it is considered that the impacts from the Concept Plan and Project Application can be appropriately managed through the range of measures detailed in the EA Report and subsequently refined through the updated architectural drawings and SoCs that accompany this PPR.

The following amendments have been made to the project in response to submissions and following further discussion with relevant agencies. Accordingly, the Concept Plan and Project Application (as exhibited), together with the following amendments, comprise the Preferred Project.

The proponent is still seeking approval for:

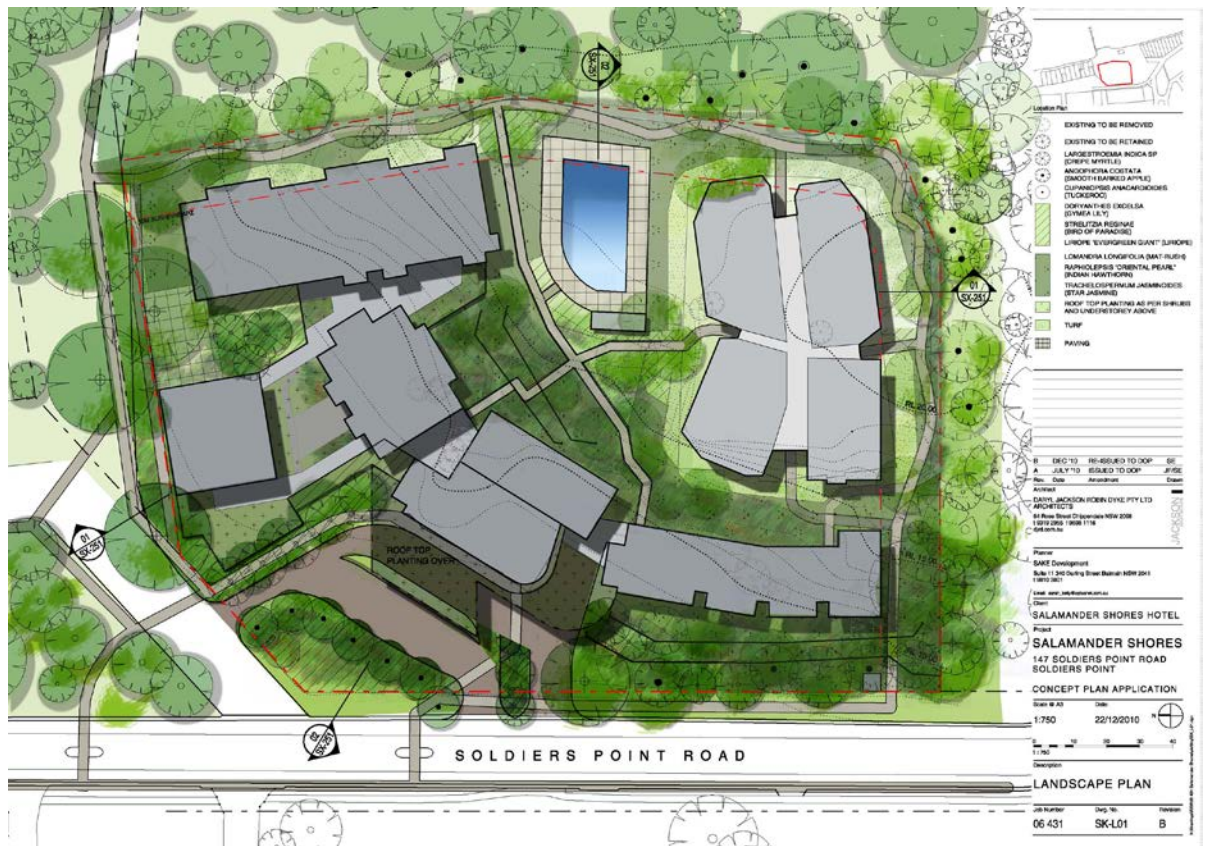
1. Concept Plan approval for redevelopment of the site comprising:
 - an overall FSR of 1.6:1 or an approximate overall floor space of 19,600sqm. This floor space primarily comprises a new hotel and hotel rooms, serviced apartments and associated tourist facilities (conference rooms, spa, restaurant 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 updated architectural drawings that accompany this report dated 22 December 2010 (see drawings details and numbers in the revised SoC) provide for the following development scenario:

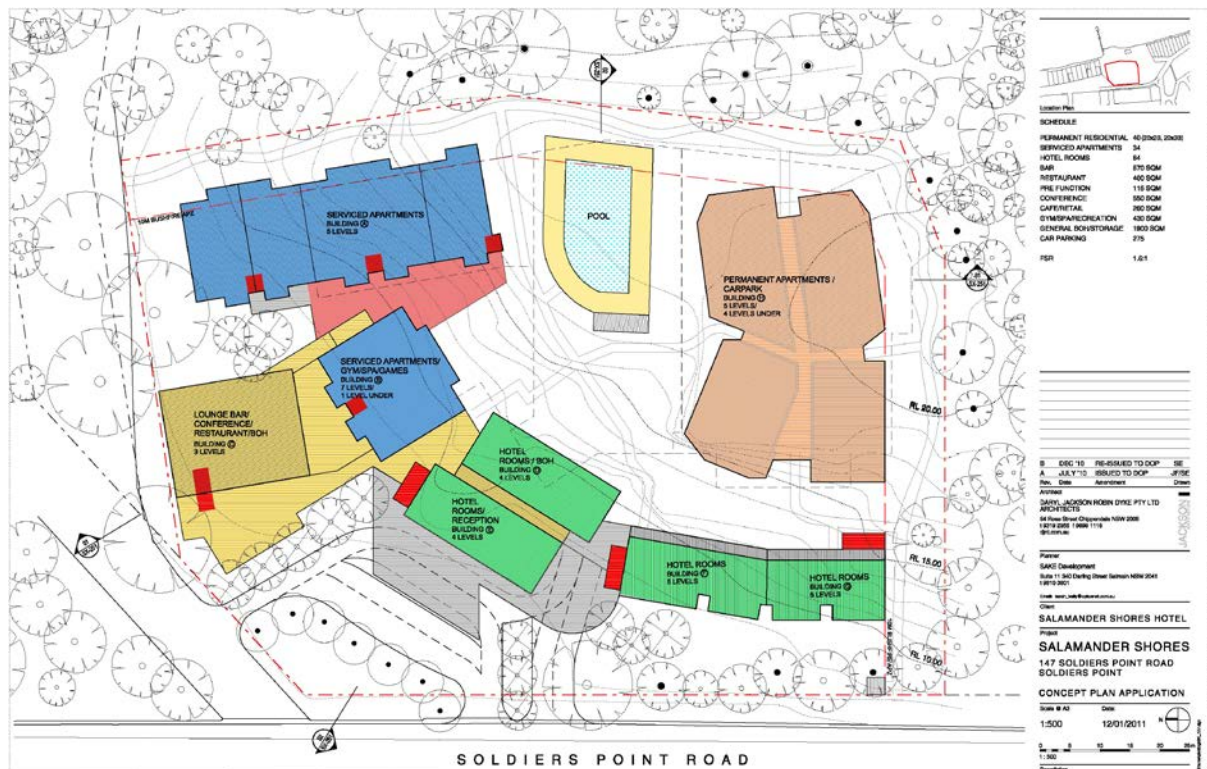
- 40 permanent residential dwellings in Building H including:
 - 20 x 2 bedrooms
 - 20 x 3 bedrooms
- 34 serviced apartments (Buildings A and B)
- 84 hotel rooms (Buildings D, E, F and G).
- Associated tourist facilities (Buildings B, C and D)
 - Bar / restaurant / cafe / conference and pre function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

Key changes to the Concept Design can be summarized as:

- Significant redesign of the permanent residential building, (H), including:
 - the reduced floor area of the central foyer and lobby and an overall reduction in the building footprint, particularly along the northern and western facades;
 - relocation of the lobby to the west with direct pedestrian access provided from new pathways to Soldiers Point Road and beyond;
 - two new north south access points providing scope for minor entries in addition to the main lobby;
 - new internal breezeways and roof skylight that provide natural light and air;
 - modified balcony designs including reduced areas that encroach into the 10m asset protection zones; and
 - an overall change in the building layout and footprint including significant articulation along the northern façade with a faceted face to provide visual interest and reduce the bulk of the building footprint.
 - a 500mm reduction in building height to RL35.
- Changes to the hotel entrance, porte cochere and foyer including widening of some pathways, additional paths along the reception frontage connecting to two (2) new pedestrian refuges on Soldiers Point Road, and a new pedestrian pathway and extended landscape area near the coach parking area also connecting to Soldiers Point Road.
- A new pathway along the Soldiers Point frontage which connects with the residential building and hotel units providing additional access and a street address.
- Additional pathways and connections including two pedestrian refuges on Soldiers Point Road.
- Open corridors along the western façade of the hotel buildings (Building F and G).
- Additional bike racks near the retail space at the hotel entrance adjacent to the access road that connects with the pier, in addition to the bike racks located in the basement car park.



The revised landscape plan showing the modified permanent residential building, new pathways and pedestrian refuges on Soldiers Point Road.



The revised Concept Plan with key changes to the residential Building H.

5 REVISED STATEMENT OF COMMITMENTS

In accordance with the Director-General's EA requirements, the following amended statement of commitment identifies the proposed mitigation and environmental management measures for the proposed development. The SoC respond to the amended design post exhibition and identifies those measures that will need to be implemented for the Project Approval and Concept Plan in order to minimise impacts on the environment. 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 Revision B dated 22 December 2010), landscape plan (SK-L01 Revision B dated 22 December 2010) and sections/elevations (SK-201, SK-202, SK-251 Revision B dated 22 December 2010) prepared by Daryl Jackson Robin Dyke Architects Pty Ltd, provided under separate cover;
- Movement Diagram – Vehicles (SK-MD01 dated 22 December 2010) prepared by Daryl Jackson Robin Dyke Architects provided under separate cover.
- Movement Diagram – Pedestrian and Cycle (SK-MD02 dated 22 December 2010) prepared by Daryl Jackson Robin Dyke Architects 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. Should any hollow bearing trees need to be removed, prior to construction, a management plan is to be developed in consultation with DECC addressing what will happen to the displaced fauna.

G. Prior to construction commencing, targeted surveys at the appropriate time of the year will occur for *Corybas dowlingii* (eg late June to late July) and *Cryptostylis hunteriana* (eg November to January). Should these orchids be detected on site, a management plan must be developed in consultation with DECC and any recommendations implemented prior to construction commencing on site.

WATER CYCLE MANAGEMENT AND CLIMATE CHANGE

H. 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.

I. A groundwater license is to be obtained where any extraction of water from groundwater is required. Authorisation is also required from Council for any discharge of intercepted groundwater into the sewer or stormwater networks.

FIRE MANAGEMENT

J. Asset protection zones 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. The Proponent will prepare the Maintenance Plan in consultation with the Rural Fire Service and Port Stephens Council and will clearly outline works to be undertaken in this zone and ensure no loss of existing screen vegetation.

K. Where the proponent and Port Stephens Council entered a formal agreement regarding maintenance of the adjoining reserve, the reserve would need to be classified as operational land. The proponent would need to work with Council to reclassify the land.

L. Provision of reticulated water using a hydrant system with hydrant spacing, sizing and pressures to comply with AS 2419.1 – 2005.

M. Appropriate installation, location and maintenance of electricity and gas services.

N. 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

O. 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.

P. 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.

Q. 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

R. 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.

S. 75 of the 99 car parking spaces at ground level shall be made available for visitor car parking. This aspect will be formalised in future applications in any plan of management associated with subdivision of the development.

ACOUSTICS

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

SUSTAINABILITY

U. Adequate levels of wall and roof insulation and high efficiency performance glazing are to be used in future buildings.

V. Use of smart electrical metering and compact fluorescent or LED lighting throughout the hotel buildings including serviced apartments.

W. Use of low water consumption plant species in landscape areas.

X. 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.

Y. Use of water saving devices such as AAA rated tap wear and dual flush toilets.

DEMOLITION AND CONSTRUCTION MANAGEMENT

Z. 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.

AA. 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.

BB. 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.

CC. 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.

DD. 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.

EE. 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.

URBAN DESIGN

FF. The detailed tree survey prepared by Harper Somers O'Sullivan (dated 2 September 2008) is to be updated for future applications and the maximum height of buildings is not to exceed the maximum height of the adjoining tree canopy at that date.

GG. As part of the detailed design for the hotel and permanent residential buildings, building design, colour and palettes are to be used to integrate and identify the various uses and provide an overall colour and design theme for the development

HH. A staging plan is to be prepared in future applications with respect to both construction staging and staging of works.

II. Highlight windows to the hotel rooms along the eastern façade of Building F and G will be provided to provide further solar access to these units.

JJ. In liaison with Port Stephens Council, examine formalizing the boat and trailer car parking located to the north of the hotel, in the Soldiers Point Road reserve area. Refer to Movement Diagram prepared by Daryl Jackson Robin Dyke Architects (SK-MD02).

KK. The proponent will modify the levels of the basement car park to limit the height of Building H to RL 35.

APPENDIX 1

Review of Public Submissions

Review of Public Submissions

Salamander Shores Hotel

Agency and Key Issue	Comment
Port Stephens Council	
<i>Building Height</i>	
<p>The development as proposed represents a significant departure from councils height controls contained in Development Control Plan 2007. It is noted in preliminary discussions and advice with the Department of Planning and Council's that a height variation consistent with the height of the trees in the foreshore reserve may be acceptable.</p> <p>The submitted detail survey (Harper Somers O'Sullivan, dated 2nd Sept 2008, ref: 25400) indicates trees in the foreshore reserve area have a canopy height in the range of 20m-25m AHD. The higher portions of the site appear to have canopy height in the order of 30m-35m AHD.</p> <p>Further to this the submitted Site Analysis and Visual Impact Report (Daryl Jackson Robin Dyke Architects dated 14 July 2010) states the site is "<i>well screened by dense vegetation and open space with tree canopy up to 37m but generally 30m</i>". Assessment of the proposal should ensure that the development height is consistent with the tree canopy.</p>	<p>Significant discussion and consultation has occurred with Council and the Department of Planning regarding building height and variation of the DCP height control including an on site workshop in September 2008. It was agreed that the heights of buildings should not exceed the general tree canopy height, particularly for trees in the adjoining nature reserve, to 15m above natural ground.</p> <p>The site is located in a green knoll and is well screened from public view from a number of vantage points (refer to Site and Visual Impact Report at Appendix 13 of the EA). The proponent has agreed to update the tree survey at the time of lodgement of future applications to ensure no building exceeds the maximum height of the adjoining tree canopy.</p> <p>The proposed buildings on site range from RL 20.5 to RL 35 with an average height of RL28, therefore sitting below and within the adjoining tree canopy. It is anticipated that the trees have grown since the previous survey in 2008. The overall building design has been to breakdown the mass of the current hotel building through the series of buildings A to H with variations in height and typology. The proponent has agreed to reduce the height of Building H to RL35 which has been sited to the rear of the property and a significant redesign has occurred to reduce its overall bulk and scale.</p>
<i>Transport, Access and Parking</i>	
<p>Parking requirements are not fully met to Councils standard (DCP B3) of 282 spaces; however Development Engineering agrees with the applicant that due to the 'mixed use' nature of the development, 275 spaces is adequate. Development engineering advises that onsite parking plan to be designed in accordance with AS2890 and the Port Stephens DCP (B3.6 & B4.13)</p> <p>Access to the proposed development will comply with AS 2890.1 and 2, as stated In the Assessment of Traffic, Transport and Parking Implications report. This complies with council standards and requirements.</p> <p>Visitor parking for the bar and café should be easily accessed in order to discourage parking in the adjoining road reserve.</p>	<p>Noted.</p> <p>The proponent has agreed to allocate 75 of the 99 car parking spaces at ground level for use by bar, café and retail patrons which is reflected in the revised Statement of Commitments (SoC). This can be included in future management plans as part of the subdivision application. It is likely the site will be subdivided under the Community Land Development Act as a community title scheme. The traffic report prepared by TTPA identifies 75 car parking spaces is required for the bistro (60) and visitors (15).</p>

Review of Public Submissions

Salamander Shores Hotel

<i>Construction Management</i>	
Assessment of the proposal needs to consider the impacts of demolition and construction on the local community. A construction management plan should be submitted for consideration	A concept Soil and Water Management Plan is provided in the Water Management, Flooding and Coastal Processes Report by Worley Parsons dated September 2010. It notes that detailed soil and water management plans would be completed to accompany further applications for construction and other works. The Statement of Commitment BB and CC provides further detail on this matter and requires that SWMPs be prepared at future stages.
<i>Stormwater and Drainage</i>	
The proposed development is located within a 100 year detention/infiltration zone. However, due to site geology, close proximity to Salamander bay and existing site drainage conditions, infiltration/detention is considered inappropriate and excessive. The Water Management, Flooding and Coastal Processes report details proposed stormwater and drainage for the development. Development Engineering considers the concept plan adequate with one exemption. Development Engineering would question the practice of pumping or draining intercepted groundwater into the sewer network, and authorisation from relevant authorities should be sought before proceeding further.	In terms of groundwater, Worley Parsons advise that authorisation would be required for discharge of intercepted groundwater into the sewer network. This was an option outlined in the Water Management, Flooding and Coastal Processes Report that accompanied the EA (refer to Appendix 14). Another option would be to discharge the groundwater into the stormwater network. Both options requires Council approval and the revised SoCs notes that these options will be discussed with Council at the appropriate stage of the development and that approval needs to be obtained from Council (SoC I).
<i>Conditions</i>	
Should the application be approved, suggested conditions of consent have been attached in "Attachment 1 – Suggested Conditions of consent. Conditions should also be included around Construction Management and Conditions reflecting the Draft statement of Commitments in the EA.	Noted

Review of Public Submissions

Salamander Shores Hotel

Public / Resident Objections and Key Issue	Comment
CSTM Strata	
1. Quiet residential area with limited high density development. Has a traffic study been prepared?	A Transport, Traffic and Parking Assessment has been prepared and accompanied the EA. It concluded that there will not be any unsatisfactory traffic implications. Vehicle access and circulation arrangements will be suitable and appropriate, the proposed parking provisions will be adequate and comply with RTA guidelines and the proposed arrangements for pedestrians, cyclists and service vehicles are appropriate. Port Stephens Council has also supported the car parking provisions. The proponent has committed to allocating car parking for visitors to the facility within the ground level parking area.
2. Out of character and oversized compared with surrounding development. Does the development comply with zoning and density / site coverage.	The proposed development is not considered an overdevelopment and is below the FSR control for the site. The site is zoned 3(a) General Business and the mixed use development is a permitted use in the zone, which also permits urban housing.
3. The site is bushland and contains large trees. Has a flora and fauna study and aboriginal study been completed.	The site contains minimal areas of bushland and some large trees, but is surrounded by a nature reserve to the east and south of the subject site. A flora and fauna report and aboriginal heritage report have both been prepared and accompanied the EA (refer to Appendices 15 and 8).
4. The current hotel is very noisy at night. Will there be any curfew of noise restrictions imposed.	This is a concept plan application only seeking approval for general building envelopes (height and floor space), car parking and land use. Detailed applications will need to be lodged for these and other aspects including hours of operation. Management plans can be prepared in the future to address operational and management aspects of the hotel and facilities.
5. The proposed development seems more suited to the Nelson Bay precinct given its size.	The proposed development is not considered an overdevelopment and is below the FSR control for the site. The site is zoned 3(a) General Business and is a permitted use in the zone, which also permits urban housing. Soldiers Point is part of the Nelson Bay Tourism precinct in The Lower Hunter Strategy, which is identified as a centre of economic activity and employment. The proposal seeks to redevelop the site as an integrated tourism development and expand on the outdated facilities that exist on the site such as hotel rooms, conference facilities and the like. The redevelopment is a considered a significant improvement.
133 Soldiers Point Road	
1. Soldiers Point is a well developed small coastal area and the project offers an overdevelopment. Anna Bay, Fingal Bay etc do need better development.	The proposal is not considered an overdevelopment and is well under the FSR for the subject site at 1.6:1 where the permitted FSR is 1.8:1 (a deficit of some 2,440 sqm, equivalent to approximately 14 residential apartments). The site currently operates as a large tourist facility and the proposed development is considered a significant improvement.

Review of Public Submissions

Salamander Shores Hotel

2. The existing overcrowding during holiday time will get worse with increased risk of infectious diseases.	The proposed development is not expected to increase infectious diseases. The proposal is a significant improvement, particularly to stormwater disposal (including water quality) and overall water management.
3. The existing frequent interruption in electricity supply in summer is going to get worse.	The project engineers Worley Parsons have confirmed the site can be adequately serviced.
4. Strain on local water and sewer	Again the project engineers have confirmed the site can be adequately serviced.
5. The narrow roads, limited parking and traffic problems will get worse with the proposed development.	A Traffic Transport and Parking Assessment has been prepared to support the redevelopment which addresses the capacity of the road network to support the redevelopment and car parking. The report concludes that there will not be any unsatisfactory traffic implications. Vehicle access and circulation arrangements will be suitable and appropriate, the proposed parking provisions will be adequate and comply with RTA guidelines and the proposed arrangements for pedestrians, cyclists and service vehicles are appropriate. Port Stephens Council has also supported the car parking provisions. The proponent has committed to allocating car parking for visitors to the facility within the ground level parking area.
Tomaree Ratepayers and Residents Association	
<i>Building Bulk, Size and Scale</i>	
<p>This is a gateway development leading into the residential area of Soldiers Point. Any redevelopment of the site should be of a size, bulk and scale that are suitable for such a locality.</p> <p>Structures should not detract from the visual amenity of the area, and should be sympathetic to the surrounding residential housing in the immediate vicinity.</p> <p>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.</p>	<p>The subject site is not considered a gateway. It is not located at a key intersection or entry to Soldiers Point, but located behind a green knoll. When driving north along Soldiers Point Road to the site, it is currently completely screened from view, and the future development will also be screened from view (refer to land based views in Appendix 13 Site Analysis and Visual Impact Report by Daryl Jackson Robin Dyke Architects). The future development will have minimal impact on views from the neighbouring residential development.</p> <p>The proposed redevelopment of the Salamander Shores Hotel is considered a significant improvement to the current structures and poor presentation to the street. Urban design principles and controls have been developed following detailed site analysis which are embodied in the Concept Plan.</p> <p>Unlike other developments, it is considered that the site is unique being located within a green knoll and well setback from the foreshore of Port Stephens (some 60m) and framed by the nature reserve and open space. A detailed site and local context analysis has generated site specific controls through the formulation of a concept plan for the site, examining building height, bulk, scale, access and land use.</p>

Review of Public Submissions

Salamander Shores Hotel

<p><i>Floor Space Ratio</i></p> <p>Does this proposal meet the building floor space site ratios? The Architectural drawings indicate an FSR of 1.6:1 or 19,520 sm.</p> <p>It is noted that a floor area has not been stated for the car park level RL7 where we assume it is deemed as underground parking from the natural site ground level commencing at RL8. Clarification needs to be ascertained as to what elements of car park, if any, fall within any FSR calculation.</p> <p>Clarification should be sought as to the actual level by level square meterage of floor space applicable to the proposal FSR.</p>	<p>Yes, the proposed development has a FSR of 1.6:1, below the permitted 1.8:1 contained in the Port Stephens DCP 2007. Car parking and space for the loading and unloading of goods is excluded from the definition of gross floor area in the DCP as follows:</p> <p><i>Gross floor area means the sum of the areas of each floor of a building where the area of each floor is taken to be the area within the outer face of the external closing walls as measured at a height of 1400 millimetres above each floor level excluding:</i></p> <ul style="list-style-type: none"> • columns, fin walls, sun control devices and any elements, projections or works outside the general line of the outer face of the external walls, and • lift towers, cooling towers, machinery and plant rooms and ancillary storage space and vertical air-conditioning ducts, • car parking needed to meet the requirements of Council and any internal access thereto; and • space for the loading and unloading of goods.
<p><i>Building Height and Visual Impact</i></p> <p>The proposal calls for 8 individual structures ranging in heights from 3 to 7 levels with all parking contained within basement levels.</p> <p>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 rooftop structures to ensure that there is not an overwhelming dominance across the street frontage.</p> <p>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 a 5 level apartment building over a 4 level car park.</p> <p>Whilst (the Department of) 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</p>	<p>Current buildings on site range from 1 to 7 storeys, with the current maximum building height being some 31 metres. In discussion with the Department of Planning and Port Stephens Council, significant site and urban design analysis has been undertaken to determine appropriate height controls which concluded that the height of future development be 15m from natural ground level, and future development be contained within the height of the existing tree line and canopy surrounding the site. Heights have therefore been shaped by issues relating to visual impact, views from and to the water and the inherent screening of the site by the adjoining reserve and tree canopy.</p> <p>A key principle has therefore been to keep future buildings below the height of the tree canopy. A tree survey was completed in September 2008. The proponent has committed to update the tree survey for future applications and ensure future buildings are within the height of the adjoining tree heights. This has been reflected in the modified SoC.</p> <p>The illustrations in the Site Analysis and Visual Impact report, together with the site survey (including tree survey) and the model views within the Urban Design report,</p>

Review of Public Submissions

Salamander Shores Hotel

<p>topography of the land. The SEE acknowledges that it is non-compliant in this regard.</p> <p>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. 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.</p> <p>We request consideration be given to the retaining of an Urban Planning Consultant by NSW Planning to independently assess this aspect.</p>	<p>provide more detail with respect to heights and view impact. Together these documents and drawings illustrate:</p> <p>The proposed future development is not dominant from all directions but is well screened from public view. 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.</p> <p>The maximum building height proposed is Building H to the rear and the proponent has agreed to reduce this to RL 35. The various illustrations show it sits within the tree canopy and will not be a dominate building when viewed from the foreshore or public vantage points. Building H has also been reduced in bulk and scale, with the number of residential apartments reduced from 44 to 40 and the balconies substantially modified. The redesigned building is less bulky and well articulated to provide visual interest.</p> <p>It is possible that future applications are determined by the Joint Regional Planning Panel.</p>
<p><i>Plant and Equipment</i></p>	
<p>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 rooftop 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.</p>	<p>This is a Concept Plan application. Details for plant and equipment will be provided once further detailed applications are lodged. The visual and other impacts of these elements of building design can be assessed at this stage. It should be noted that the Port Stephens DCP includes lift towers, machinery plant rooms and storage space within permissible height, while chimneystacks, vent pipes, television antennae and the like may exceed the permissible height if they are not readily visible from the public domain</p>
<p><i>Parking</i></p>	
<p>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.</p>	<p>275 car parking spaces are provided for the overall development. Port Stephens Council has accepted this number as appropriate to service the development, and there is only a minor shortfall from the Council requirement with the proposed</p>

Review of Public Submissions

Salamander Shores Hotel

<p>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 the residential properties will become short term car park for locals and others visiting the hotel and facilities.</p>	<p>development meeting the RTA requirements, which recommend 198 spaces be provided for this style of development (refer to Assessment of Traffic, Transport and Parking by TTPA dated June 2010). As previously noted, the proponent has agreed to allocate 75 of the 99 car parking spaces at ground level for use by bar, café and retail patrons to ensure that adequate on site park for visitors is available.</p>
<p><i>Asset Protection Zones</i></p>	
<p>It is proposed to clear a further 14 trees to allow for developed structures excluding any asset protection zone surrounding the site. 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.</p> <p>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.</p> <p>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.</p> <p>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".</p>	<p>On review, 11 trees are being removed plus 15 palm trees, shown on the amended demolition plan. These are mostly located within the car park and along the western and southern boundaries, not the waterfront. The team has worked hard to retain as many significant trees as possible, particularly the eucalypt trees located near the waterfront adjacent to the existing pub.</p> <p>In terms of the asset protection zone along the eastern and southern boundaries, this has been traditionally maintained by the landowners on an informal basis. The bushfire consultant has advised that this area simply needs to be mown on a regular basis.</p> <p>Port Stephens Council has acknowledged that the Salamander Shores Hotel has maintained the reserve for a number of years and Council does not object to this activity. Council also has no objection to considering a proposal to formalize this arrangement through an agreement. This would be subject to reclassifying the reserve as operational land. There are a number of examples of APZs falling onto adjoining lands both in the Port Stephens Council area and further afield. A draft management plan has been prepared for maintenance in the reserve and this will be finalized in consultation with Port Stephens Council and the RFS.</p>
<p><i>Permanent Residential Apartments</i></p>	
<p>The permanent residential component consists of 44 apartments. Historically, in such resort style developments they do not attract long term, full time occupiers. 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</p>	<p>Residential development is permitted in the zone (as urban housing). Council has confirmed that residential is a permissible use. A small component is proposed in building H, which following the redesign provides some 40 permanent residential apartments. Housing contributes to the mixed use nature of the project and a sense of identity and address. Further details will be outlined in future applications but will include a street address and entry; car parking provision and internal lobby. The permanent residential is significant to project viability and is an integral</p>

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<p>component.</p> <p>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?</p> <p>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. 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 could be reduced and parking could be provided without the envisaged use of external land for such purpose.</p>	<p>component of the development.</p> <p>There are examples of successful mixed use developments in the region such as the Shoal Bay Resort and Spa. It is understood that the Breakwater Tower within this resort is for permanent residential use. Further afield there are golf course estates that provide successful mixed use developments such as Magenta Shores and Kooindah Waters.</p> <p>As noted, the proponent has significantly redesigned the permanent residential building to reduce the bulk and scale, and reduced the number of units from 44 to 40.</p>
<p><i>Setbacks and Landscaping</i></p>	
<p>Planning has 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.</p>	<p>Significant setbacks are provided along the Soldiers Point Road frontage with dense areas of landscaping and screening to the hotel units which will soften the impact of the development. A more detailed landscape plan will be provided at the development application stage.</p> <p>In terms of public domain improvements and car parking, the proponent will examine formalizing car parking within the adjoining reserve for jetty users and providing for trailer parking in consultation with Council. This is reflected in the revised SOC.</p>
<p><i>Architectural Design</i></p>	
<p>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.</p>	<p>This is a Concept Plan application and does not outline the architecture of the buildings, but provides building envelopes only. Building design and architectural quality will be addressed in future applications, with further opportunity for public comment.</p>
<p><i>Traffic Management</i></p>	
<p>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.</p>	<p>A transport, traffic and parking report was prepared by TTPA addressing the existing road network capacity of the local road network, traffic management and access to the hotel. The traffic report concludes that there will not be any unsatisfactory traffic implications. Vehicle access and circulation arrangements will be suitable and appropriate, the proposed parking provisions will be adequate and comply with RTA guidelines and the proposed arrangements for pedestrians,</p>

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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.	cyclists and service vehicles are appropriate. Port Stephens Council has also supported the car parking provisions.
Geoff Warrener	
Application of planning controls to ensure certainty with nature, style and physical characteristics of the surrounds.	The proposal is generally consistent with the development controls including FSR and site coverage. The building height control is found in the Port Stephens DCP 2007 and is therefore not a development standard. The Port Stephens LEP provides development standards. The EA provides much detail, discussion and justification regarding the departure from the DCP height limit of 8m. It should be noted that dwelling houses generally have a maximum building height of 9m, greater than the Salamander Shores hotel.
Proposed development significantly exceeds bulk, height and parking regulations and should be modified.	<p>Bulk is regulated amongst other measures by FSR and the proposed development is well below the permitted FSR of 1.8:1. The proposal provides 2,440 sqm less than permissible FSR at 1.6:1.</p> <p>As noted above, the proposal is not consistent with the height control contained in the DCP, which is 8m. The existing Salamander Shores hotel has a maximum building height of 31 metres and therefore does not comply with this control. Detailed analysis and justification has occurred with respect to achieving an appropriate building height outcome considering visual impact and urban design outcomes.</p> <p>The proposed development provides 275 car parking spaces is consistent with the RTA Guide to Traffic Generating Development (198) and slightly below the Council DCP (282). Nonetheless, Port Stephens Council support the number of car parking spaces provided and accept the discussion in the Transport Traffic and Parking Assessment by TTPA dated June 2010.</p>
Strategic Aviation Solutions	
Precedent for major redevelopment of the Nelson Bay foreshore by Arden Developments in conjunction with NSW Maritime. Precedent in Port Stephens too.	The proposed development is located in Soldiers Point and is unlikely to create a precedent in Nelson Bay. Any development in Nelson Bay will be subject to its own consultation and exhibition processes.
Does not share characteristics of acceptable commercial development of the foreshore. Anchorage is sympathetic to the foreshore.	The Salamander Shores Hotel, while within the coastal zone, does not sit on the foreshore and is in fact setback some 60m from the waters of Port Stephens. The

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	proposed development complies with most planning controls including FSR (is in fact well under the permitted FSR control), site coverage, RTA controls for car parking, water management and the like. There key are of non compliance is building height which has been recognized in the EA and discussed in some detail. Refer to Sections 4, 5 and 8.3 in the EA. The driving principle for building height has been to contain future buildings within the height of the adjoining tree canopy. This has been achieved and the proponent has agreed to update the tree survey for future applications. It is likely that the trees have grown since the last survey in 2008 and will be further contained with the height of the canopy.
Great concern is the 44 residential units.	Residential building has been substantially redesigned and now includes 40 apartments.
Residential development would be a continuation of the "Oaks" type of development where bulk of units are strata titled to allow individual units to be let as a commercial enterprise. No GST chargeable and if owned by pensioners the pensioner can claim the \$250 rate rebate.	The development is likely to be subdivided as a Community Title Scheme under the Community Land Development Act which enables separate strata for the residential component including management statements and the like. There is the potential that individual owners could let their apartments back into the overall tourist accommodation, however it is the intention that these are permanent residential units. As noted, urban housing is a permissible use in the zone.
A number of properties for sale in the area, including mortgagor in possession and being offered at reduced sale price.	It is not known how many mortgagor in possession sales are occurring in Soldiers Point. The owners have indicated that permanent residential is an important element of the overall development scheme.
Residential units considered a low 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. Specific condition in the DA that the remainder of the development can't be strata titled in the future there is the potential the development will become an Oaks tax scheme. No commercial rate or GST payable.	This is a concept plan application and further applications are required for subdivision. Rating is matter for the local council once the plan is registered at a later date with the Land and Property Management Authority.
Waste issues with the residential units and the potential for individual bins (both recycling and domestic waste).	Waste management will be addressed in detail in future applications. There is the potential that a building waste contractor can manage this to ensure excessive and individual bins are not placed on the street.
Residential units should be included as part of the entire development and under the same title as all other accommodation or not be approved at all. View residential as more about financing that enhancing accommodation on offer.	Noted. It is likely that the overall development will be subdivided under the Community Land Development Act.
Gross oversupply of residential units on the Tomaree peninsula. Many unit blocks have only one full time resident with the remainder being idle for up to six months of the year.	Noted. The Salamander Shores is a successful operation. It is considered that the addition of a component of residential accommodation will add to the mix and vibrancy of the development. The Salamander Shores is very well located and a desirable destination.

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Salamander Shores Hotel

Soldiers Point is a narrow artery traversed by a large number of boats and trailers and caravans. Access and egress to the site would become very dangerous and would require a plan of management. Unless on site parking is 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.	A transport and traffic report accompanied the EA which concluded that there will not be any unsatisfactory traffic implications. Vehicle access and circulation arrangements will be suitable and appropriate, the proposed parking provisions will be adequate and comply with RTA guidelines and the proposed arrangements for pedestrians, cyclists and service vehicles are appropriate. Port Stephens Council has also supported the car parking provisions. The proponent has committed to allocating car parking for visitors to the facility within the ground level parking area (75 of the 99 spaces at ground level).
During time of a natural disaster this development could cause a bottle neck to enable residents to escape and emergency services to gain access.	A number of hazards have been addressed in the EA including impacts of sea level rise on the development, flooding and bushfire. The EA concluded that the site is well located above the 1:100 year flood level and there are no impacts as a result of wind and wave action associated with climate change. An APZ of 10m has been provided around the site for bushfire protection purposes.
Issues of precedent and inappropriate development for economic development.	There are limited developments of this nature in Soldiers Point (ie mixed use developments setback from the waterfront). Any other application is subject to the development approvals processes, public consultation and environmental assessment.
Bruce and Trudy Pease	
Building height and fit with landscape, precedent for high rise development.	The proposed redevelopment of the Salamander Shores hotel has been subject to significant assessment and analysis, particularly the local landscape and character, view impacts and the like. The existing Salamander Shores Hotel has a maximum building height of 31m (to the lift overrun), therefore the proposed redevelopment sits generally within the existing profile of the current hotel, but with significant urban design improvements and outcomes.
Inadequate car parking, underground car parking and excavation issues.	<p>The proposed development provides 275 car parking spaces, consistent with the RTA Guide to Traffic Generating Development (198) and slightly below the Council DCP (282). Nonetheless, Port Stephens Council support the number of car parking spaces provided and accept the discussion in the Transport Traffic and Parking Assessment by TTPA dated June 2010.</p> <p>The Concept Plan is supported by a geotechnical report that addresses basement construction methods in some detail. It is recognized in the EA that the site is located on areas of high strength rhyodacite outcrop, an extremely high strength rock. Refer to Section 8.9 in the EA for a detailed discussion on basement construction methods.</p>

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Salamander Shores Hotel

No precedent for permanent residential and resort development being successful in the locality. Market for permanent residences in resort style developments that are primarily occupied by permanent residences (and not mixed use).	There are examples of successful mixed use developments in the region such as the Shoal Bay Resort and Spa. It is understood that the Breakwater Tower within this resort is for permanent residential use. It is understood that Shoal Bay Resort and Spa is a successful operation. Further afield there are golf course estates that provide successful mixed use developments such as Magenta Shores and Kooindah Waters.
Removal of one of the eight buildings would help reduce visual impact and car parking issues.	The residential building, Building H, has been reduced in bulk and scale and the number of apartments reduced to 40. The change in building layout and reduced footprint include significant articulation of the northern façade with a faceted face to provide visual interest and reduce the bulk of the building footprint. The balconies have been modified with reduced areas that encroach into the 10m APZs.
Karen Brown	
Totally support the hotel being upgraded and the addition of conference centre, but consider the proposed development too big for Soldiers Point	Note support for the redevelopment of the hotel. The proposed development is not considered too big, but is below the FSR for the site (at 1.6:1 as opposed to the permissible FSR of 1.8:1). The development also meets site coverage and RTA requirements for car parking. The key departure is building height and this aspect has been discussed in detail elsewhere in this report and the EA.
Concerned about impacts of traffic flow and particularly increases in seasonal traffic flow.	A transport and traffic report accompanied the EA which concluded that there will not be any unsatisfactory traffic implications. Vehicle access and circulation arrangements will be suitable and appropriate, the proposed parking provisions will be adequate and comply with RTA guidelines and the proposed arrangements for pedestrians, cyclists and service vehicles are appropriate. Port Stephens Council has also supported the car parking provisions and the RTA raised no objection to the proposed redevelopment.
Traffic congestion and parking spill onto the streets.	The proposed development provides 275 car parking spaces is consistent with the RTA Guide to Traffic Generating Development (198) and slightly below the Council DCP (282). Nonetheless, Port Stephens Council support the number of car parking spaces provided and accept the discussion in the Transport Traffic and Parking Assessment by TTPA dated June 2010.
Character and amenity impacts on nature of Soldiers Point	The proposed redevelopment of the Salamander Shores hotel is considered a significant improvement on the current building and operation, which is an unsightly and monolithic building. The proposed new building will have a street address with a range of improvements including a café near the pier, retail areas and a strong urban design.

Review of Public Submissions

Salamander Shores Hotel

Buildings to meet height restrictions with appropriate landscaping	The only area of non compliance with the Port Stephens DCP 2007 is building height. Landscaping complies with the relevant requirements, in terms of unbuilt upon area (site coverage). Workshops with the Department of Planning and Port Stephens Council concluded that the height of future development be 15m from natural ground level; and future development to be contained within the height of the existing tree line and canopy surrounding the site.
Small boutique style resort development with landscaping that compliments the bushland and waterfront setting would better enhance the area and natural setting	A small scale resort development is not feasible with very strong demand in the locality for high quality conference facilities that cater for 200 delegates. The proposed redevelopment with cater to the top end conference market, plus holiday makers and weddings. It will be a high quality development with significant areas of landscaping.

APPENDIX 2

Letter from Worimi Local Aboriginal Land Council



WORIMI LOCAL ABORIGINAL LAND COUNCIL

Our Ref: 1.1.20.4_Rsps_147_Salamander.doc

ABN 51 352 201 603

15th December 2010

Dominic Steele Consulting Archaeology
Attention: Dominic Steele
33 England Avenue
MARRICKVILLE NSW 2204

*2163 Nelson Bay Rd
Williamstown NSW 2318*

Dear Dominic,

*PO Box 56
Tanilba Bay NSW 2319*

**RE: Aboriginal Cultural Heritage Assessment – Salamander Shores Hotel
Redevelopment**

*Phone: 02 4965 1500
Fax: 02 4965 1799*

Thank you for your commitment in undertaking an Aboriginal Heritage Impact Assessment on the above-noted development.

It is a fundamental course of action towards the identification and extent of Aboriginal sites and objects within proposed development areas, thus ensuring our Aboriginal heritage is not inadvertently or adversely compromised.

info@worimi.org.au

In finalising our comment we have taken into account the [Aboriginal Cultural Heritage Assessment – Salamander Shores Hotel Redevelopment Aboriginal supplied by Dominic Steele Consulting Archaeology (including their views), along with:

- our knowledge & understanding of the Worimi people (inc movements, practices and activities);
- the AHIMS Register;
- The cultural significant landscape.

It is the view of the WLALC that the report supplied by Dominic Steele Consulting Archaeology is an all-inclusive account of the assessment undertaken on the 22nd September 2008 and an accurate assessment of the likely impact to be placed on Aboriginal heritage subject to the proposed redevelopment of Salamander Shores Hotel at Soldiers Point.

The WLALC is supportive of the recommendations (page 43- 44) 7.0 Management Recommendations listed 1 to 7 and trust that the commitment shown thus far by the proponent will be extended to these recommendations being implemented.

It is the opinion of the WLALC that these recommendations do not restrict or adversely affect the proposed development.

We look forward to further participation to ensure the integrity and cultural heritage significance of the area is not adversely compromised. If you have any further enquiries in relation to this matter please do not hesitate to contact the WLALC on the numbers listed above

Yours sincerely,

Kyle Finlay
Project Coordinator
Worimi Local Aboriginal Land Council

APPENDIX 3

Letter from Port Stephens Council

116 Adelaide Street, Raymond Terrace NSW 2324
PO Box 42, Raymond Terrace NSW 2324
DX21406 ABN 16 744 377 876

Telephone Inquiries
Faye Johnstone
General Manager's Office
Tel : 4980 0246
Please Quote File No
PSC2009-08101

Chris Herbert
C/o Salamander Shores
147 SOLDIERS POINT ROAD
SOLDIERS POINT NSW 2317

Dear Chris,

Re : Proposed APZ at Salamander Shores Hotel

Further to our recent discussions with Council regarding the interface between your proposed development and the adjoining council reserve at Salamander.

It is acknowledged that your current development, salamander shores, has maintained an area of the council reserve for many years as part of the land scaping maintenance of your property. Council has had no objection to this activity. To formalise this arrangement with an agreement would re-quire the land to be re-classified from "community" to "operational" under the LG Act and EPA Act. This would be subject to public consultation, if this was proposed as an APZ any specific requirements would need to be clear. Council's designated asset owner, community and recreation services, have no objection to considering such a proposal currently or as part of your development concept.

Final acceptance would be subject to due process as discussed earlier. Finally Council is aware that the Rural Fire Service does not view APZ's on adjoining lands positively, Council is considering a number of similar proposals at this time and would require formal agreement as part of a suitable management plan is this was to eventuate.

Yours faithfully



PETER GESLING
GENERAL MANAGER

7 February 2011



APPENDIX 4

Cadastral Record for Lot 31 in DP 529002

Cadastral Records Enquiry Report

Ref : surv:epin-delfsn

Locality : SOLDIERS POINT

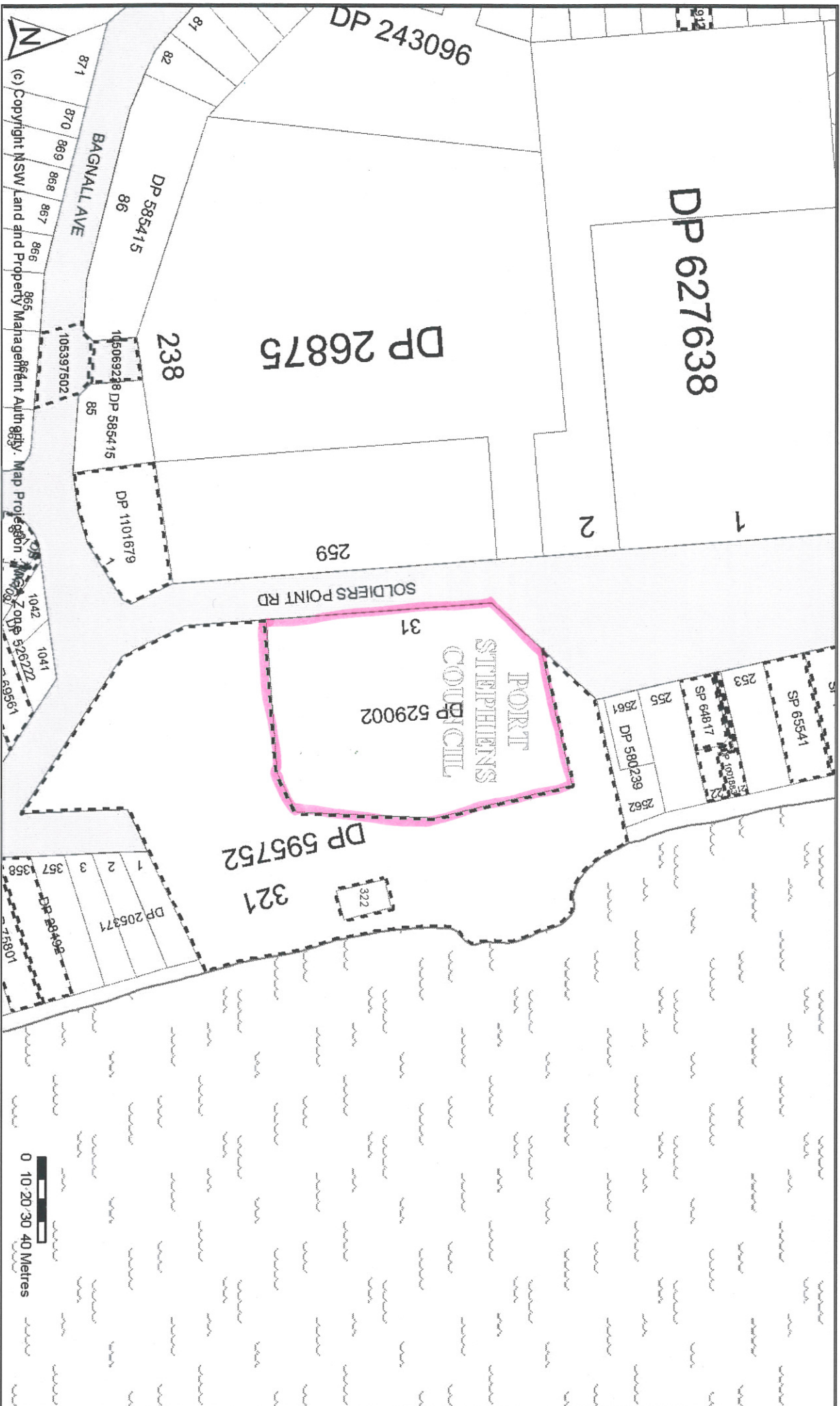
Requested Parcel : Lot 31 DP 529002

LGA : PORT STEPHENS

Parish : TOMAREE

Identified Parcel : Lot 31 DP 529002

County : GLOUCESTER



APPENDIX 5

Building Height and Massing Principles
by Daryl Jackson Robin Dyke Architects

SALAMANDER SHORES REDEVELOPMENT**BUILDING HEIGHT & MASSING PRINCIPLES**

1. Building height principles were presented and agreed at a meeting with the owners and planning team together with representatives from the Department of Planning and Port Stephens Council in September 2008.
2. A maximum height was agreed at approximately 35m based on a surveyor's assessment of the existing vegetation height at that time.
3. It was agreed that the buildings comprising the development should sit within the backdrop of the existing vegetated hill that surrounds the development property to the west and east.
4. Buildings are to step down the site with the contours in order that the development essentially sits within canopy line of the existing vegetation
5. The mass and "wall" that is currently presented by the existing hotel when viewed from the east, is to be broken down with large breaks and separations between the proposed buildings to provide view corridors through buildings and open spaces.
6. The view lines from the adjacent pier and the Wanda Wanda residential area are sensitive and the proposed development will be extensively screened by the existing reserve. (ref Figures 1, 2 and 3 over)
7. The adoption of basement car parking will reduce the visual impact of on and off street car parking from the street and enable the buildings facing Soldiers Point Road to terrace down and reduce the visual massing.
8. A 10-15 m setback of buildings to Soldiers Point Road, will enable a significantly improved streetscape presentation with modulation of building facades and landscaping.

APPENDIX 5

BUILDING HEIGHT MASSING MONTAGE



Figure 1 VIEW NORTH WEST FROM WANDA WANDA



Figure 2 VIEW WEST FROM END OF JETTY



Figure 3 VIEW WEST FROM PORT STEPHENS

APPENDIX 6

Draft Vegetation Maintenance Policy

DESCRIPTION:

Council Reserve - Vegetation Maintenance Policy D R A F T

Background

The eastern and southern boundaries of the hotel are bounded by native bushland which is owned by Port Stephens Council. The reserve is considered a potential fire hazard by the Rural Fire Services and over the past 10 years the maintenance of a 10m edge of this bushland which forms the boundary of the hotel property, has been undertaken by the Hotel on Council's behalf and with their informal approval. The maintenance works minimize the risk of bushfire occurrence along the hotel's boundary as well as provide a visual amenity for the hotel.

This policy sets out the annual maintenance requirements that are to be undertaken by the hotel within the reserve to satisfy the requirements of Rural Fire Services and Council.

Maintenance Tasks

1. Tree branches shall be pruned so that no branch shall be within 2 metres of any buildings
2. Groupings of understorey tree seedlings and shrubs shall be continually removed from the maintained zone. Isolated shrubs are acceptable.
3. The final ground cover (including managed ground covers, mulch, organic matter etc) shall be equal to or less than 4 tonnes per hectare of fine fuel as defined by the RFS.
4. To ensure that item 3 is adequately undertaken in order that a minimum ground fuel load is maintained throughout the year, the grass/ground cover is to be slashed/mown every four weeks in summer and every 8 weeks in winter.
5. All fallen branches, dead vegetation, under-scrub and saplings are to be removed from the area
6. Existing trees shall be inspected quarterly and any low growth from the trunk up to 2m from the ground shall be removed. Rough barked trees shall be maintained free of decorticated bark and other ladder fuels

Signature:.....

Position:.....

Date:.....