



2nd Novemeber 2010

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

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

Attn: Ms L. Pemberton.

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

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

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

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

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

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

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

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

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

We have the following comment.

1. Building Bulk, Size and Scale.

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

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

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

2. Floor Space Ratio.

Does this proposal meet the building floor space site ratios?

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

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

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

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

3. Building Heights and Visual Impact.

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

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

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

carpark. i.e. 9 levels from RL8.

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

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

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

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

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

4. Plant and Equipment

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

5. Parking

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

TRRA Estimates of Parking Requirements.

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

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

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

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

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

6. Asset Protection Zone

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

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

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

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

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

7. Permanent Residential Apartments

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

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

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

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

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

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

8. Setbacks and Landscaping

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

9. Architectural Design.

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

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

10. Traffic Management.

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

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

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

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

Yours sincerely,

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

