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Online submission NSW Government Department of Planning & Environment  
Cc: [emma.butcher@planning.nsw.gov.au](mailto:emma.butcher@planning.nsw.gov.au)

## **Submission: Major Project MP 06\_0183 CP Mod 2 – Revised Concept Plan for Salamander Shores/Bannisters Hotel redevelopment**

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=10703](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=10703)

### ***Introduction***

The Tomaree Ratepayers and Residents Association Inc (TRRA) represents the community on a range of issues which affects the Tomaree Peninsula in Port Stephens LGA, including planning and development, economic development, cultural infrastructure and resources, the built and natural environment, tourism and other grass roots issues.

We made a submission dated 2 November 2010 when the first concept plan was publicly advertised. At the time we raised concerns on 10 issues. We submit that most of these remain concerns in the community, in particular the visual impact of the new buildings, the effect on the adjacent environment and the traffic implications.

As a response to the constraints of hard rock on the previous plans for excavated car parks, and a desire to change the mix of accommodation, this latest concept plan is broadly similar in scale but includes some modest height increases, significant redesign of the carparking locations and a change in the mix – no longer any serviced apartments but 6 more hotel rooms and 24 more 'permanent' residential apartments.

TRRA acknowledges that the general scale of the proposed development has already been approved and in principle we welcome the investment in the redevelopment of the site along with provision of a modern conference facility. However, we believe that several issues highlighted below need to be addressed prior to these proposed modifications being approved.



## Objections

### 1. Visual impact

The proponent argues that the small increase in heights (up to 2.2 metres on one building but only 600mm on the highest building) are balanced by the growth of the surrounding trees in the last decade, resulting in the visual impact being little different. This may be the case but no 'photomontages' showing the new design relative to the tree line from various viewpoints have been provided.

Appendix C to the Environmental Assessment Report (EAR) - *Site Analysis and Visual Impact Report* provides a range of viewpoints showing the 2010 image with the approved concept building outlined in red. If this was possible in 2010, with now greatly improved graphical programs, TRRA can see no excuse why the proponent has not provided 2021 images overlaid with the approved and proposed building outlines.

The Elevation Sheets 1 and 2 within Appendix I - Modified Architectural Plans (Pages 11 and 12) clearly show large sections of the development extending at least 3 to 4 storeys above trees, implying that trees alone will not soften the scale and bulk of the development.

Council has confirmed that subsequent DAs will be referred to Council's Design Review Panel for comment, but any input from the Panel will come too late to limit the overall height and bulk of the buildings once they have been approved in a revised Concept Plan.

We note that the reduction in the number of separate buildings from 8 to 6 may have a material effect on the visual impact and perceived bulk of the complex. The blue and green comparison models presented on page 7 of Appendix C does not provide a real comparison of the change in bulk, particularly when viewed from the ground level along Soldiers Point Road. We reject the assertion that :

*'The height, bulk and scale are effectively identical. For the purposes of viewline comparison, the envelopes are considered the same.'* (p7)

The claim that the FSR will remain at 1.6:1 (and no change to the GFA) does not guarantee the overall perceived bulk will not alter given the significant proposed changes to carparking (which are not included in the FSR but will affect the new building heights).

**We submit that** 'photomontages' showing the new design relative to the current tree line from various viewpoints should be required, allowing for a comparison with the photomontages of the approved plan. Directly comparable photomontages for both the approved design and the modified proposal, from the

same viewpoints, should be made public for comment before any decision is made on the Concept Plan.

## 2. Traffic & parking

In the decade since the 2011 approval, traffic on Soldiers Point Road has increased significantly, with many new residences on the peninsula, and many more approved or proposed. In its meeting with the developer in October, Council noted that an updated Traffic and Car Parking Report would be required to include integration with the road network. However, the Report submitted (Appendix F) mainly addresses parking (see below). We also submit that a change to more apartments which potentially could all have permanent residents will significantly change the traffic usage, further warranting a revised traffic assessment.

The proponent claims that the plans satisfy all relevant parking requirements, although there appears to be no provision for parking associated with the conference facility – it seems unlikely that conferences would be confined to hotel guests, as stated. With the removal of serviced apartments this effectively results in a reduction of the original 118 available rooms (84 hotel + 34 serviced apartments) to only 90 hotel rooms for conference guests. The traffic assessment notes that the 98 residential apartments would also be available for rent. Unless they are approved as short stay tourist/serviced apartments with strict limits on the length of stay, it is possible that all apartments will be occupied by permanent residents, but experience suggests that many will be bought by investors. There appears to be no way of controlling or predicting how many, if any, of the residential apartments would be available at any one time for short lets.

Little detail has been provided about the operation of the proposed bar. No allowance has been provided in parking for patrons attending the bar who are not staying onsite. Given the experience with inadequate parking for the Cheeky Dog pub, leading to overflow parking on public land, we question whether there is sufficient provision for parking for visitors to the new complex.

From the unpleasant experience during the recent renovations with increased traffic and parking from construction workers and supply trucks on the local community, a very detailed plan will be required at the DA stage.

**We submit that** a revised and updated traffic assessment, including current and forecast traffic counts on Soldiers Point Road both at the site and at the Wanda Beach shops 'choke-point', should be required, and made public for comment before any decision is made on the Concept Plan. Similarly, further consideration of parking demand and provision is required.

### 3. Ecological impact

It is understood that there will be a loss of 28 trees under or close to the proposed new building footprint. The Environmental Assessment Report (EAR) on page 19 notes that a small number of additional trees will be removed because of the modified design. We have found it very difficult to assess where these trees are located.

The EAR argues that the effect on flora and fauna is not significant enough to require a full Biodiversity Assessment (BDAR), but the recent Flora and Fauna report (Appendix G) does not confirm that a BDAR waiver is justified – it instead asks that question in the context of the assessment pathway.

**We submit that** a full BDAR and more detail on the extra trees to be removed should be required and made public for comment before any decision is made on the Concept Plan.

### 4. Bushfire Impact

Unfortunately, the Appendix E, Bushfire Compliance Report (BCR) appears to result in more uncertainty on the proposal than confirmation that there will be no significant changes.

These concerns are compounded by an excessive and possibly unauthorized clearing in August 2021 of vegetation on the seaward side of the existing hotel by the proponent. This has been the subject of extensive and ongoing discussions between local community and Port Stephens Council, which the assessment should take into account.

In Clause 13 of the Notice of Determination No.MP06\_0183 there are three NSW Rural Fire Service conditions

- a. *The first application for the first building shall be accompanied by evidence that a legally formed easement has been created over the Asset Protection Zone (APZ) on adjoining land to ensure that the APZ maintained in perpetuity, together with the adjoining landowners' consent.*
- b. *If future environmental assessment requirement 13(a) cannot be meet, future applications shall include further details of the developments compliance with the requirement of 'Planning for Bush fire Protection, 2006' such as the introduction of higher construction standards in accordance with AS3959 for relevant buildings.*
- c. *Future applications must demonstrate that the NSW Fire Brigade emergency vehicles can adequately access the site, buildings and structures in the event of an emergency via the internal perimeter access road.*

The proponent has requested the removal of clause (c), which subject to approval from Fire authorities would appear reasonable.

The EAR (page 37) states that *'The previously approved bushfire protection arrangements required an Asset Protection Zone (APZ) located along the western boundary of the site immediately adjoining the existing Council reserve, this will remain unchanged as part of the proposed modifications.'* As the western boundary of the site adjoins Soldiers Point Road, we assume that the proponent is referring to the eastern boundary and still intends to use clause 13(a).

The BCR notes that since 2010 the site and adjacent public reserve are no longer considered Bushfire Prone Land shown on the Port Stephens Bush Fire Prone Map 2021. As a result, no bushfire construction or planning requirements would be warranted (page 8).

In the recommendation, the BCR states that the modified concept remains consistent with current standards following the establishment of the APZ easement on the lands to the south and east of the proposed development.

Recent advice from Port Stephens Council suggests that the proponent has yet to commence discussions with Council to discuss a possible arrangement for the establishment of an APZ on the public land. The proponent also has the option of condition 13(b) to reduce the APZ and use higher construction standards to meet the required the necessary requirements.

The BCR (page8) suggests that the APZ on the easement over the reserve (and any consequent clearing) could now be scaled back to improve biodiversity outcomes and recommends a further assessment. TRRA fully endorses these recommendations and encourages Council to support any such change that could improve outcomes for the community and environment.

**We submit that** a full report be prepared on reducing the APZ (including the possibility of retaining any mature trees on or adjacent to the site, see Point 3 Ecological Issues above) This report, to include clarification of any arrangement with Council for an easement, should be made public for comment before any decision is made on the Concept Plan.

## 5. Geotechnical

The modified development is claimed to result in the reduction of excavation, this would clearly result in a positive impact to the community and is presented as one of the main reasons for the proposed modification. However, it appears that some excavation will still be required for the new carparks under Buildings C and D/E.

No figures are provided of the overall reduction (either as a proportion or actual number) of reduced truck movements for the community to be able to gauge if the proposed increase in height and layout is justified as an acceptable 'trade off'.

**We submit that** full details on the changes to excavation and consequent truck movements, (for example is it only 5%, or 50%?), need to be clarified and made public for comment before any decision is made on the Concept Plan.

## 6. Apartment mix

The EAR (page 4) states that the modified concept plan is also driven by an objective: *'Accommodate the increased housing demand within the Hunter Region as well as facilitate economic growth and the creation of jobs within an expanding regional tourist destination through the COVID-19 economic recovery;..'*

Under the Strategic Context (EAR page 23) the proponent tries to tick two boxes at the same time by increasing the supply of residential accommodation as well as enhanced tourist and conference facilities. In our submission in 2010 we expressed concern about Resort Style residential apartments which in this area have historically had trouble attracting full time occupiers. As discussed above under Point 2, regarding parking and accommodation for conference attendees,

TRRA is concerned that the proposed modifications will not effectively meet either the demand for housing or the demand for tourist accommodation and facilities.

**We submit that** the applicant should be required to clarify the accommodation markets which it is proposing to serve with this proposal.

## ***Conclusion***

Although TRRA endorses in principle the redevelopment of the site, we submit the proposed modification has several important issues that require further clarification that need to be made public, with an opportunity for further submissions, before assessment is finalized and a determination made.

Given that the existing approval is more than ten years old, the community deserves more opportunity to fully assess the impact on a local environment which has undergone significant change in the meantime.

We submit that a development of this scale on such a prominent site should not be rushed through solely to *'facilitate economic growth and the creation of jobs within an expanding regional tourist destination through the COVID-19 economic recovery'* (EAR page 4). There are wider public interest issues at stake.

Nigel Waters  
Convenor, TRRA Planning Committee  
[planning@trra.com.au](mailto:planning@trra.com.au)  
0407 230 342

