



**Statement of Environmental Effects  
For Proposed Subdivision of Lot 284 DP 806310  
Salamander Way, Salamander Bay**

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Prepared by:

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## 1.0 INTRODUCTION

RPS Harper Somers O'Sullivan (RPS HSO) acts on behalf of the landowner, Port Stephens Council, in preparing this Statement of Environmental Effects (SEE) for a one (1) into eight (8) lot subdivision of Lot 284 DP 806310, Salamander Way, Salamander Bay. The allotment is zoned 3(a) Business – General under *Port Stephens Local Environmental Plan 2000 (LEP)* and surrounds most of the northern, eastern and western boundaries of the Salamander Town Centre. The subdivision has been designed to provide seven (7) developable allotments ranging from 2,736m<sup>2</sup> to 30,500m<sup>2</sup>, which will facilitate the sale and commercial development of the Council owned land around the Salamander Town Centre. The eighth allotment is 2,207m<sup>2</sup> and is set aside as an environmental and stormwater reserve. Each of the allotments will have access to the proposed road network. The subdivision is permissible under the LEP and is being undertaken to assist in the future development of the Salamander Town Centre.

Cut and fill will be undertaken across the western and northern portions of the site, excluding the area already developed for the library and day care centre. Material will be extracted from the northern portion of the site, in the general location of proposed Lot 6 and used to fill the western portions of the site. The site re-contouring will help to achieve a comprehensive stormwater drainage regime for the whole subdivision, incorporating flows from the existing Salamander Town Centre. The stormwater drainage strategy will avoid the flow of untreated and uncontrolled water from the subject site to the wetlands west of the site.

Environmental outcomes have been included in the design of subdivision. For example, the drainage strategy incorporates untreated and unmitigated stormwater flows from the Salamander Town Centre that currently disperse across the subject site into the Mambo Wetland to the west. Improvements to the quality of water flowing through the subject site and into the wetlands will have significant environmental benefits.

Furthermore, land on the opposite side of Salamander Way will be provided as an offset for the loss of 3 hectares of Swamp Forest Endangered Ecological Community (EEC) that will be removed within the subject site. The offset lands are in close proximity to the subject site, contain the same EEC and are considered to be part of the habitat of the same local populations of Wallum Froglet and Koala that occupy the subject site. The offset lands contain four times the area of EEC as proposed to be removed.

To further reduce the ecological impact of the proposed development, koala habitat trees will be retained wherever possible within the road network, drainage reserve and land containing an existing childcare centre and library. It is

proposed that 300 long stem tube stock of *E. robusta*, a preferred koala food tree, will be planted as part of the landscaping of the site. The plantings will be concentrated on the western boundary, adjacent to the boundary with the SEPP 14 wetlands, and will provide a future Koala movement corridor, adjacent to an existing corridor in the Mambo Wetland. As a result, preferred koala feed trees will be replaced at a rate that far exceeds each tree that it is proposed to remove.

In summary, an integrated approach to subdivision design has been adopted, incorporating stormwater and drainage, road layouts, landscaping and ecological considerations. The proposed layout will allow for a logical extension and consolidation of the Salamander Town Centre, which will reinforce its role as a district and sub regional centre, as identified in the Port Stephens Council Settlement and Infrastructure Strategy. The local demand for additional commercial land at Salamander Town Centre is evident by the fact that several end users have already been identified for the proposed subdivision.

A description of the subject site and proposed development and an assessment of the proposed development against State and local legislation and policy follow.

## 2.0 DESCRIPTION

### 2.1 The Site

Following is a description of the subject site including title details, location, zoning, surrounding development, access arrangements and site area. Refer to Figures 2-1: Zoning Map and 2-2: Site Location Plan for details.

#### **Title description:**

- Lot 284 DP 806310, Salamander Way, Salamander Bay – owned by Port Stephens Council.

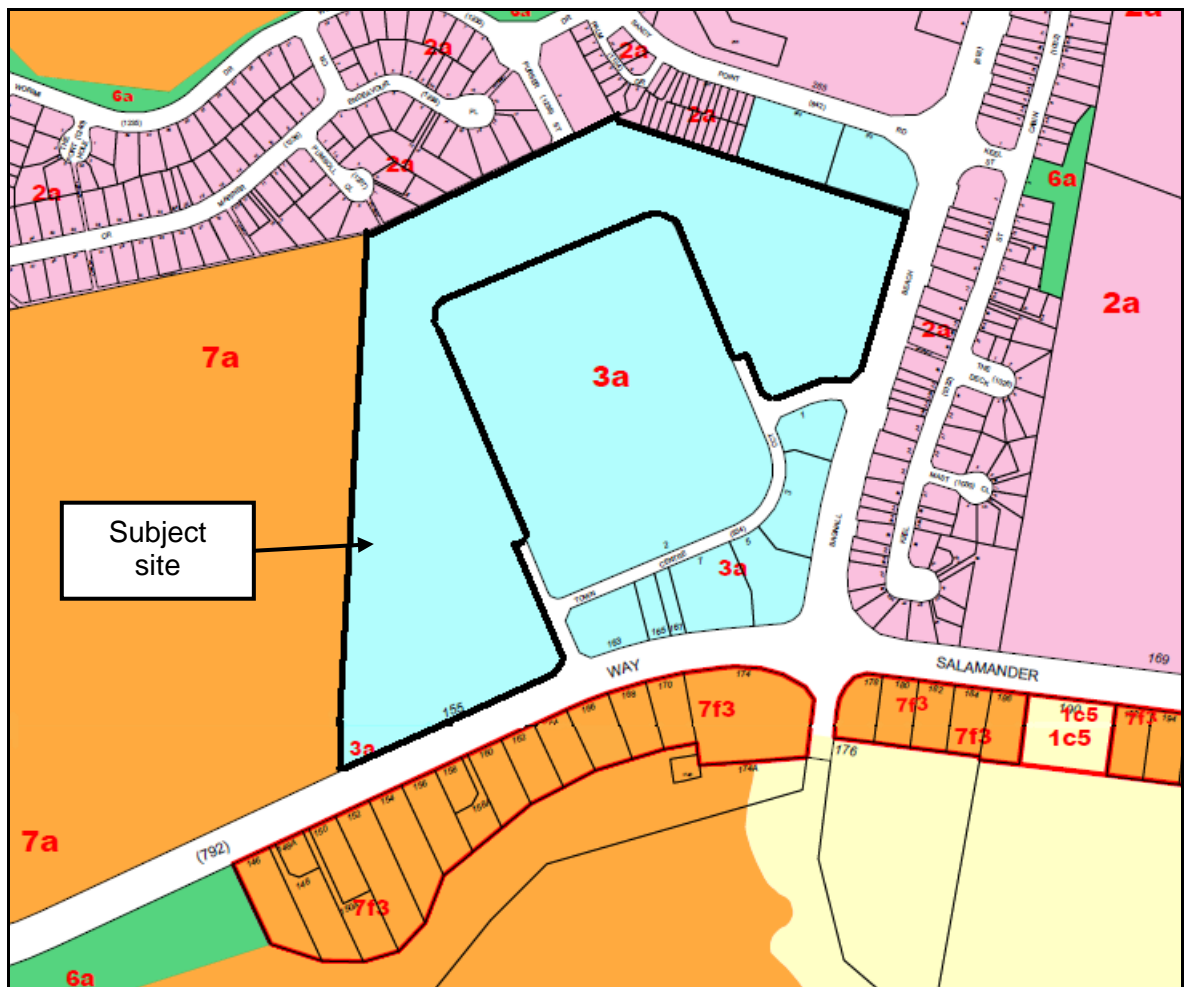
#### **Local Government Area:**

- The subject site is within the Stephens Local Government Area (LGA), within the suburb of Salamander Bay, which is located in the east of the LGA on the Tomaree Peninsula.

#### **Land zoning:**

- The subject site is zoned 3(a) Business – General under *Port Stephens Local Environmental Plan 2000 (LEP)*, as evident in Figure 2-1.
- The subject site wraps around the western, northern and eastern aspects of the Salamander Town Centre. The Town Centre is comprised of a shopping complex and is zoned 3(a) Business – General.
- Immediately south of the Salamander Town Centre and subject site is Salamander Way, which is a major transport corridor on the Tomaree Peninsula. Allotments on the southern side of the road, opposite the subject site, are zoned 7(f)3 Environmental Protection – Urban Conservation.
- Immediately to the west of the subject site is a large parcel of Council owned land zoned 7(a) Environmental Protection, known as the Mambo Wetlands.
- Immediately to the north of the subject site is land zoned 2(a) Residential and developed for residential use.
- Immediately east of the subject site is Bagnall Beach Road. Allotments on the eastern side of the road, opposite the subject site, are also zoned 2(a) Residential.

Figure 2-1: Zoning Map



Sourced from Port Stephens Local Environmental Plan 2000 online colour maps

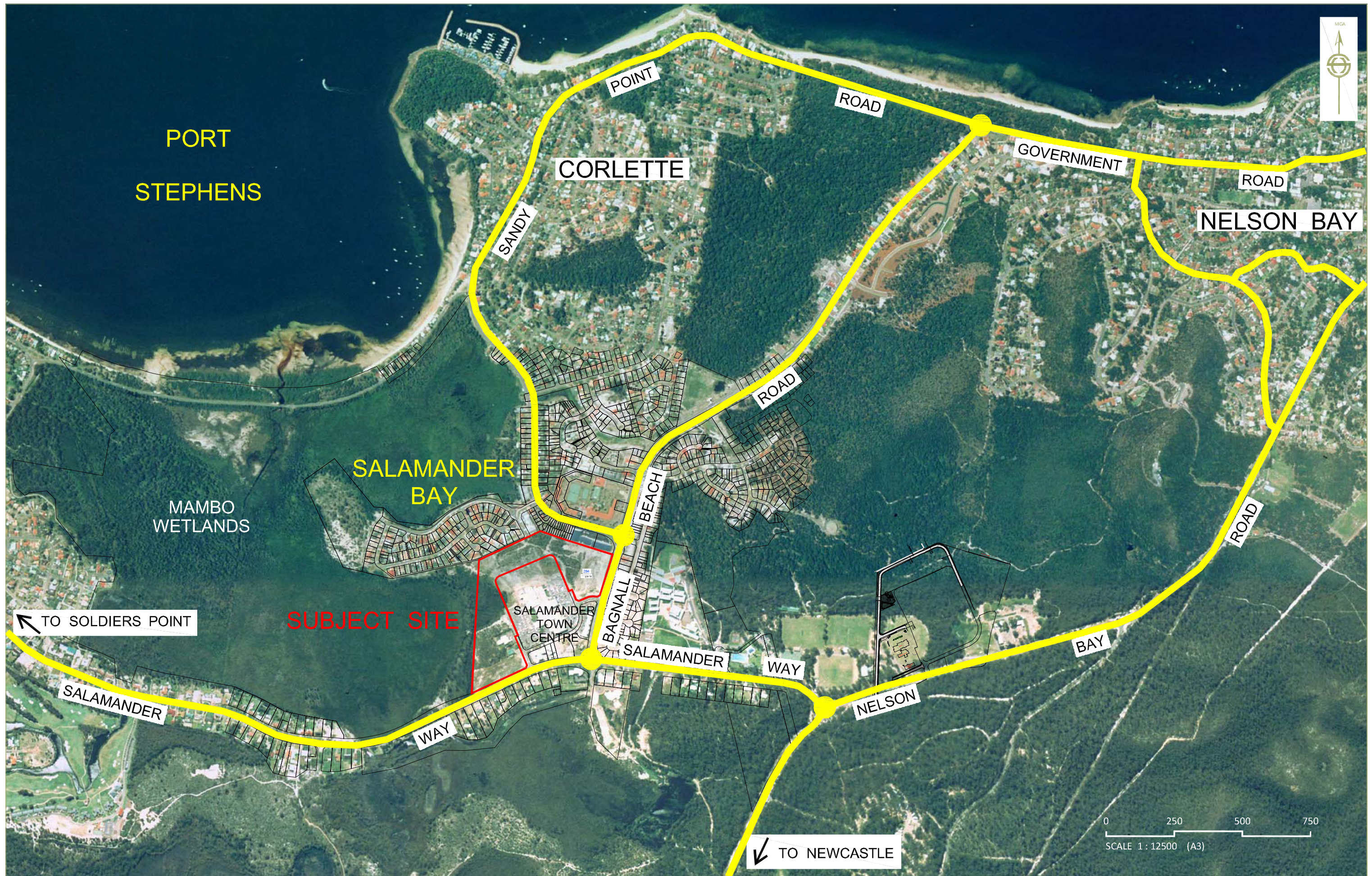
**Site area:**

- The total area of the allotment is approximately 11.05 hectares.

**Site access:**

- Lot 284 DP 806310 has frontage and access to Salamander Way in the south and Bagnall Beach Road in the east. Abutting the south-eastern boundary of the subject site is the Salamander Town Centre, which is accessed via Town Centre Circuit, a minor access road that intersects with Salamander Way in the South and Bagnall Beach Road in the east. Town Centre Circuit is a 12m wide road reserve.





TITLE: LOCATION PLAN  
LOT 284 DP 806310

LOCATION: SALAMANDER WAY  
SALAMANDER BAY

DATUM: MGA ZONE 56 (GDA 94)  
PROJECTION:

DATE: 22ND JULY 2009  
PURPOSE: PROPOSED SUBDIVISION

AUTOCAD REF: 25856 - 2F  
VERSION (PLAN BY): LOCATION PLAN

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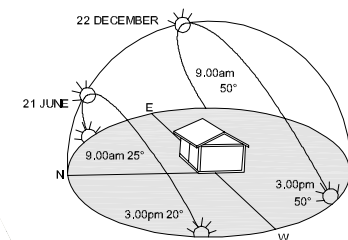
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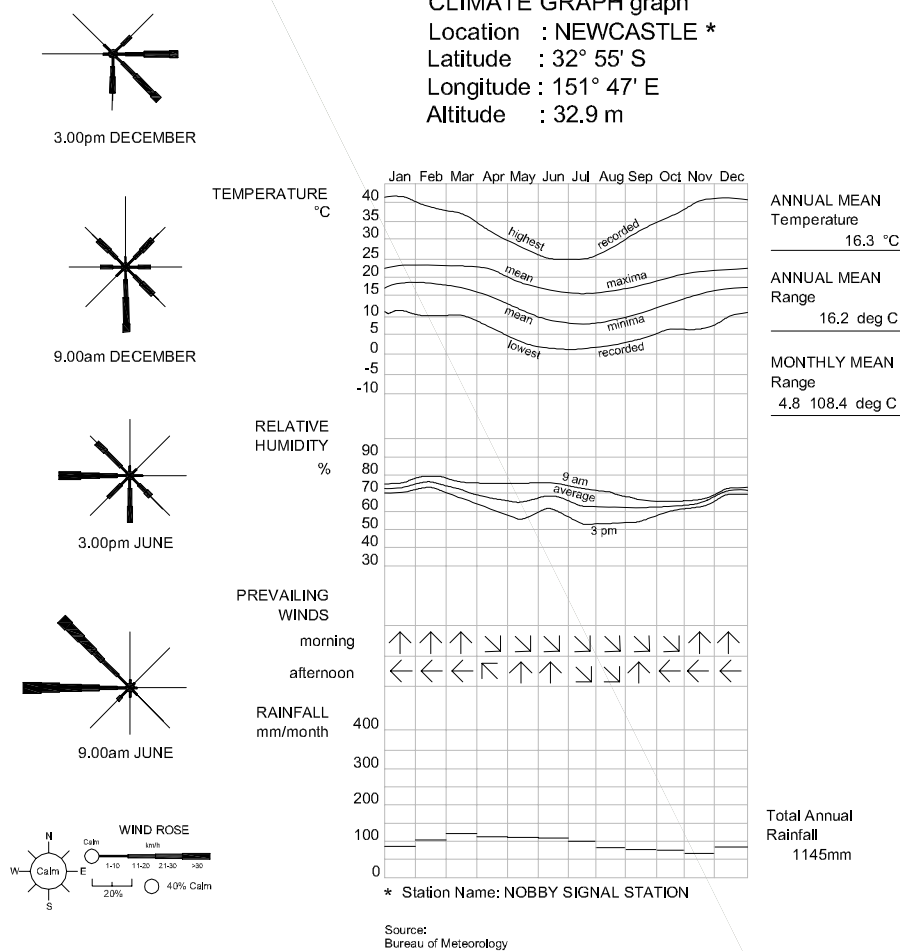
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# SITE ANALYSIS



CLIMATE GRAPH graph  
Location : NEWCASTLE \*  
Latitude : 32° 55' S  
Longitude : 151° 47' E  
Altitude : 32.9 m



NOTE :  
ALL DIMENSIONS , AREAS AND EASEMENTS  
ARE SUBJECT TO FINAL SURVEY

0 50 100 150  
SCALE 1 : 2500 (A3)



TITLE: SITE ANALYSIS PLAN  
LOT 284 DP 806310

LOCATION: SALAMANDER WAY  
SALAMANDER BAY

DATUM: MGA ZONE 56 (GDA 94)

DATE: 22ND JULY 2009  
PURPOSE: PROPOSED SUBDIVISION

AUTOCAD REF: 25856 - 2F  
VERSION (PLAN BY): SITE ANALYSIS

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## 2.2 Site Analysis

The following information provides a broad overview of the subject site and surrounding area. The information is graphically illustrated in Figure 2-3: Site Analysis Plan.

**Land use** – The subject site is currently vacant with the exception of the existing library and childcare centre in the west of the site. The child care centre consists of two buildings in the south, while the library is the northern building. Both of these facilities contain existing car parks. Access to the child care centre and library is via Town Centre Circuit, which is controlled by a roundabout at this location.

The subject site has been disturbed and modified from the development of the adjacent Salamander Town Centre and residential developments to the north. During construction of the Salamander Town Centre, sand was extracted to create a level surface for the development and the material was stockpiled in the north of the subject site. Anthropogenic modification of the landscape also includes the cutting of drainage channels as well as naturally occurring erosion processes. Disturbances include the formation of access tracks and bicycle trails, materials dumped during building construction, sand dune modification and illegal rubbish dumping.

**Surrounding land use** – Pockets of coastal development surrounded by remnant vegetation typify the settlement pattern in east Port Stephens. Salamander Bay is one such suburb, which consists of a comparatively large town centre surrounded by residential development. The road network in the vicinity of the site includes Salamander Way, Bagnall Beach Road, Nelson Bay Road, Sandy Point Road, Keel Street and Town Centre Circuit. Refer to Figure 2-2: Site Location Plan for details of the road network. Salamander Way links Salamander Bay to the suburb of Soldiers Point, while Sandy Point Road connects with the suburb of Corlette and Bagnall Beach Road and Nelson Bay Road provide access to the suburb of Nelson Bay and beyond.

In the vicinity of the site, Salamander Way provides for one traffic lane in each direction, clear of intersections, with a central median along part of the site frontage. There are bus stops on both sides of the road close to the site. Bagnall Beach Road connects Salamander Way in the south with Government Road in the north. It provides two traffic lanes and one parking lane in each direction in the vicinity of the site. The intersection of Bagnall Beach Road with Salamander Way is controlled by a two lane roundabout, although there is only one circulating lane for eastbound vehicles. The southern approach to the intersection provides access to St Phillip's Christen College and church.

Due to the size of the business centre, Salamander Bay serves as the main retail hub for many of the surrounding suburbs. Appendix 1 of the PSCSIS provides the Port Stephens Centres Hierarchy. Salamander is identified as a district / sub regional centre. The primary trade areas for Salamander Town Centre are the suburbs of Salamander, Soldiers Point and Corlette. The wider Tomaree Peninsula provides a secondary trade catchment.

The subject site wraps around the northern, eastern and western sides of the existing Salamander Bay Town Centre, which is located on Lot 1001 DP 719013. The Centre provides some 22,300m<sup>2</sup> of retail space, plus approximately 1,100 car parking spaces. Vehicle access to the Salamander Town Centre is provided from Town Centre Circuit, which connects with Salamander Way in the south and Bagnall Beach Road in the east. The current stormwater drainage arrangements for the Salamander Town Centre involve all water draining to the west for dispersal onto the subject site via a large gross pollutant trap located in the car park. The gross pollutant trap is visible as a large white square on aerial photos of the area. Refer to Figure 2-3: Site Analysis Plan for details.

Another 5,000m<sup>2</sup> of retail and commercial uses are located on the corner of Salamander Way and Bagnall Beach Road, separated from the Salamander Town Centre by Town Centre Circuit. This development has physical connectivity with the Salamander Town Centre and provides a range of activities that complement the shopping retail and commercial uses in the shopping centre. Other development surrounding the subject site is as follows.

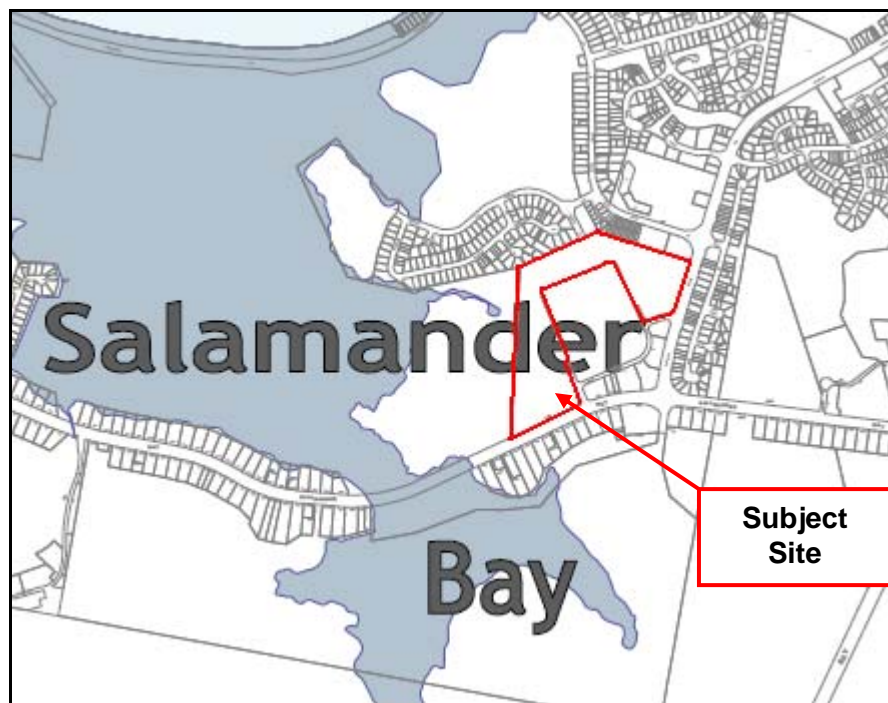
- North – To the north-east of the subject site, with frontage to Bagnall Beach Road and Sandy Point Road is bulky good uses. To the north-west of the subject site is residential development, which is accessed from Sandy Beach Road to the east and serviced by an internal road network. Further to the north is additional residential development and tourist accommodation.
- East - Immediately east of the subject site is Bagnall Beach Road. Allotments on the eastern side of the road, opposite the subject site, are zoned 2(a) Residential. There is also Tomaree Public School to the east.
- South – To the south of the subject site is Salamander Way. Allotments on the southern side of the road, opposite the subject site, are residential and are located in the 7(f)3 Environmental Protection – Urban Conservation Zone. There is also St Phillip's Christen College school to the south.
- West – To the west of the subject site is SEPP 14 Coastal Wetland number 761, more commonly known as the Mambo Wetlands. The



wetlands are vegetated and undeveloped. Despite abutting a wetland, no part of the subject site is classified as SEPP 14 Coastal Wetlands.

**Topography and Drainage** – Council's Flood Prone Land Map shows that the subject site is not affected by flooding. Refer to Figure 2-4: Flood Prone Land Map for details. The Site Analysis Plan in Figure 2-3 provides the site levels obtained by detail survey across the site. The survey reveals the north of the site peaks at almost 16m AHD. The northern portion of the site is generally flat, with steep embankments to the west and south. The slope toward the east of the site is more gradual and the eastern portion of the site is generally flat.

**Figure 2-4: Flood Prone Land Map**



Source: Port Stephens Council's Flood Prone Land Maps

The western portion of the site is low lying, generally between 3.5 to 4.5 m AHD. The levels along the boundary adjoining the Salamander Town Centre are approximately 7m AHD, dropping quickly to the around 3.5-4.5m AHD. The library and childcare centre site have been filled to above 5m AHD. Water tends to pool in the north-west of the site, where site levels are lowest, a hydrological action that is amplified by the current discharge of stormwater from the Salamander Town Centre onto the west of the subject site.

**Vegetation** – The subject site is currently vegetated in the west, with the exception of the existing library and childcare centre. The northern and eastern portions of the site contain more sparse and disturbed vegetation, which is evident by the aerial photograph used to produce Figure 2-3: Site Analysis Plan.

Signs of anthropogenic disturbance include the numerous vehicle tracks through these parts of the site. The east of the site contains more treed vegetation. Refer to Section 5.0 of this SEE for more details on site vegetation.

## 2.3 Proposed Development

It is proposed to subdivide Lot 284 from one (1) into eight (8) parcels, as shown in Appendix 1 – Proposed Subdivision Plan. The layout includes allotments of varying size to facilitate the sale and commercial development of the Council owned land to the west, north and east of the Salamander Town Centre. The proposed allotments are as follows.

- **Proposed Lot 1** – is located in the south-west of the subdivision and is 6,280m<sup>2</sup>. The allotment has a 60.36m long frontage to Salamander Way, but will be accessed on the eastern boundary of the site from the proposed internal road network.
- **Proposed Lot 2** – is located in the south of the subdivision and is 5,941m<sup>2</sup>. The allotment has a 132.3m long frontage to Salamander Way. Access will be from the proposed internal road network.
- **Proposed Lot 3** – is 17,500m<sup>2</sup> and will contain the existing Council owned and operated childcare centre and library. An existing road runs along the eastern boundary of the site. The proposed internal road network traverses the northern, western and southern boundaries of Lot 3. This allotment will also retain a large portion of preferred koala feed trees.
- **Proposed Lot 4** – is 5,001m<sup>2</sup> and will be bounded by a 15.5m wide road to the south a 20m wide road to the west.
- **Proposed Lot 5** – is 2,736m<sup>2</sup> and will be accessed via a 20m wide road to the west.
- **Reserve** – Between Proposed Lots 5 and 6 is a non-developable allotment that will be a stormwater and environmental reserve, containing koala habitat trees and a stormwater detention basin. The reserve area is 2,207m<sup>2</sup>.
- **Proposed Lot 6** – is 19,970m<sup>2</sup> and is bounded by a 12m wide road to the north of the allotment, a 13m wide road to the east, and a 20m wide road to the west. The allotment abuts the northern boundary of the existing Salamander Town Centre. Due to its size and

connectivity with the existing Salamander Town Centre, Lot 6 will be suitable for a larger-scale commercial development.

- **Proposed Lot 7** – is 30,050m<sup>2</sup> in size and is bounded by Town Centre Circuit to the south and Bagnall Beach Road to the east. Access to the site will be via a proposed 13m wide road located on the western boundary of the allotment.

At this stage, negotiations are being undertaken to provide an Aldi store within Lot 1, a medical centre within Lot 4 and a Big W within Lot 6. These end uses will be confirmed at a later date and subject to separate development approval. However, knowledge of these end users has informed the layout of the subdivision by determining size and access requirements. End users for Lots 2, 5 and 7 are not known at this stage.

As the lots in the proposed subdivision are developed, the area will effectively operate as one large commercial centre, reinforcing the district / sub regional role of the Salamander Town Centre.

#### **Layout:**

The design of the subdivision has been influenced by a number of factors that impact on the location, shape, size and access to allotments, as follows.

- A key goal of the design has been to retain as many of the koala habitat tree specimens identified during the Flora and Fauna Assessment as possible. The subdivision has been designed so that trees are retained within Proposed Lot 3, which contains the existing Council owned childcare centre and library. Other trees will be retained within road reserves.
- Council operates an existing childcare centre and library within the subject site. Given the existing use of this site, proposed Lot 3 was created to contain the existing buildings, car parking and koala habitat trees. Other allotments were then created around Lot 3.
- Each allotment requires access from the internal road network, as direct vehicle access is not permitted from Salamander Way or Bagnall Beach Road. The proposed road network provides this.
- The existing Salamander Town Centre development is contiguous the subject site. The subdivision seeks to facilitate commercial development that will complement the existing Salamander Town Centre by providing a road network that integrates with the existing arrangements and a range of allotment sizes.

**Retain Koala Habitat Trees:**

The subdivision has been designed so that koala habitat trees are retained within Proposed Lot 3, which contains the existing childcare centre and library and will continue to be owned and operated by Council. Further trees are to be retained within the road reserve of the proposed road network, particularly the 15.5m wide road between Proposed Lots 3 and 4. As a result, the majority of koala habitat trees identified within the site will not be impacted by the proposed subdivision. Two trees are located within Proposed Lot 4 that may be cleared as a result of future development of the site. Four smaller specimens are located in the proposed 20m wide road corridor along the western boundary of the subject site and will be removed to make way for the road.

300 long stem tube stock of *E. robusta*, a preferred koala food tree, will be planted as part of the landscaping of the site. The plantings will be concentrated on the western boundary, adjacent to the boundary with the SEPP 14 wetlands, and will provide a future Koala movement corridor, adjacent to an existing corridor in the Mambo Wetland. As a result, preferred koala feed trees will be replaced at a rate that far exceeds each tree proposed to be removed.

**Service Infrastructure**

Proposed Lots 1, 2 and 7 have frontage to Salamander Way and Bagnalls Beach Road, which contain existing service infrastructure. Therefore, these allotments will be able to access the infrastructure already available on these roads.

Proposed Lots 3, 4, 5 and 6 all have frontage to the proposed 20m wide Access Road along the western boundary of the site. This road reserve has been designed to accommodate new service infrastructure. Therefore these allotments will be able to access the services to be provided within this road reserve. Reticulated services, such as water, sewer, electricity and telecommunications can be accessed via frontages with Salamander Way, Bagnalls Beach Road and the proposed 20m wide access road on the western boundary for all of the proposed allotments. There is no requirement to provide further service infrastructure within any other proposed road reserves.

**Proposed Road Network:**

A 20m wide road is proposed along the western boundary of the subdivision. This road will provide access to the site from Salamander Way. The road is an additional 8m wide, compared to other roads in the subdivision to act as a buffer for the SEPP 14 wetlands to the east. The road has been designed so that water will generally run off the road to the east, back into the subdivision, so that there is no adverse impact of untreated and uncontrolled stormwater flowing into the adjacent wetlands. Provision is included in the road reserve for a pedestrian and cycle link from Salamander Way in the south to the existing infrastructure adjacent to the residential subdivision in the north. Refer to the Stormwater and Engineering Design in Appendix 5 for details.



In addition to the main new access road, new internal roads will be provided as follows:

- An access to Lots 1, 2 and 3 via the existing roundabout at the child care centre. This road will effectively be an extension to the existing Town Centre Circuit and will therefore provide a 12 metre wide road reserve width, the same as the existing road. The reserve will include a 1.2 metre wide footpath and drainage. No services will be required in this road because Lots 1, 2 and 3 all have frontages to either Salamander Way (which has existing service infrastructure) or the proposed 20m wide Access Road (which will have new, extended service infrastructure).
- For access to Lots 3 and 4, an east-west orientated road is proposed between the main access road in the west to connect with Town Centre Circuit in the location of the existing access to the shopping centre car park. This road will have a 15.5 metre wide road reserve, including footpath and drainage, with no other services required. The road reserve will contain koala habitat feed trees.
- An access to Lots 6 and 7 via an extension of the eastern part of Town Centre Circuit to the north. This connection will continue around the northern boundary of Proposed Lot 6 to connect with the main access road in the west. The eastern portion of this road is effectively an extension of Town Centre Circuit and will therefore provide a 13m road reserve width, similar to the existing road. The northern portion of the road is 12m wide and will include benching and a retaining wall on the northern side. Street lighting and drainage will be included, but not other services will be required in this road. The existing footpath and cycleway immediately north of this road will connect to the proposed new footpath and cycleway on the western access road and again in the north-eastern corner of the site, where the road widens to 13.5m.

An internal road network is proposed throughout the subdivision to provide vehicle access to each of the allotments. This road network will connect with the existing Town Centre Circuit and the proposed access from Salamander Way. The internal road layout has been designed so that each of the proposed allotments has access from the internal network rather than direct access from Salamander Way and Bagnall Beach Road, which are arterial roads. This will help to reduce the impact of the subdivision on the efficiency and safety of existing roads in Salamander Bay.

The road network is not consistent with Council's current engineering design guidelines, which require 16m wide roads. However, the design is consistent with the existing road network at Salamander Town Centre, which is comprised of a 12m wide road reserve. As described above, each of the proposed roads has been designed with the capacity to accommodate the necessary carriageway, drainage, service, lighting and landscaping infrastructure.

### **Proposed Access Upgrades from Salamander Way**

A new access is proposed to the development from Salamander Way. The proposed intersection will be controlled by a roundabout and will complement the existing access from Salamander Way to Town Centre Circuit and the existing access from Bagnalls Beach Road. A copy of the proposed roundabout design is provided in Appendix 7. In addition to other upgrades works described in Section 7.0 of this report, the new access will address the cumulative impact of the subdivision on the existing road network at Salamander Town Centre. The new access will ensure the safety and efficiency of entry into the Salamander Town Centre as a result of the subdivision.

Where the western part of Town Centre Circuit meets the new road between Lots 3 and 4 at the existing shopping centre access, a small roundabout or sign controlled intersection could be provided.

The existing intersection configuration at Bagnalls Beach Road and Town Centre Circuit would cater for traffic flows from the Aldi, Big W and medical centre developments. With these developments the intersection would operate with average delays of less than 35 seconds per vehicle during peak periods. This represents level of service C, a satisfactory level of service. To accommodate further development (beyond the Aldi, Big W and medical centre), the intersection of Bagnall Beach Road with Town Centre Circuit would require upgrading to traffic signals. Traffic signals would also better cater for pedestrians at this intersection. With traffic signals (including marking two approach lanes on Town Centre Circuit between Bagnall Beach Road and the internal roundabout, and lengthening the right turn bay in Bagnall Beach Road to 170 metres), the intersection would operate with average delays of less than 25 seconds per vehicle during peak periods. This represents level of service B, a good level of service.

The Traffic Impact Assessment provided in Appendix 4 of this SEE states that the potential future development of the subdivision would generate some 1,100 and 1,450 vehicles movements per hour two-way during the weekday afternoon and Saturday peak hours respectively. Therefore, traffic increases on Town Centre Circuit, Bagnall Beach Road (between Town Centre Circuit and Sandy Point Road) and the new access road from Salamander Way would be some 450 to 800 vehicles movements per hour two-way during peak hours. This information was then used to perform SIDRA analysis for key intersections, which determined

that each of the intersections would then have a good level of performance if the recommended intersection upgrades were adopted, including the recommendation for new access from Salamander Way.

## 2.4 Pre-DA Consultation

A meeting was held between Council's Development Advisory Panel (DAP), a representative of Council's Property Section, a representative of RPS HSO and a representative of Barker Harle on Friday 7 August 2009. A copy of the Advice received from the DAP as a result of that meeting is provided in Appendix 6. Each of the matters raised in that advice is addressed in this SEE, as outlined in Table 2-1 below.

**Table 2-1: Response to DAP Advice**

DAP Advice	Response to Advice
<p>The relevant zoning provisions need to be addressed with any proposal inclusive of other relevant clauses in LEP 2000 including (but not limited to) those outlined below. These considerations must be documented in detail (with justification provided where necessary) as follows:</p> <ul style="list-style-type: none"> <li>• Clause 21 – Business zonings</li> <li>• Clause 22 – Subdivision in business zones</li> <li>• Clause 47 – Services</li> <li>• Clause 51A – Development on land identified on Acid Sulphate Soils Maps</li> </ul> <p><b>Note:</b> Council draws your attention to the requirements of the <i>Port Stephens Local Environmental Plan 2000</i> and <i>Port Stephens Development Control Plan 2007</i> which need to be addressed. Council's Application Lodgement Guide will assist as a guide for information preparation.</p>	<p>The relevant provisions of the LEP 2000 are addressed in the SEE, including Clauses 21, 22, 47 and 51A. Refer to Section 4.2 of this report for more detail. The <i>Port Stephens Development Control Plan 2007</i> and Council's Application Lodgement Guide have also been used as a guide for preparing this application.</p>
<p>Overall the concept of subdivision of this remaining commercial zoned land is acceptable in principle, subject to addressing the land constraints that affect the land and key issues as discussed below. Previous discussions were also had in relation to potential impact on the adjoining residential properties and it would appear that the measures proposed inclusive with change in level of the land will adequately address this boundary.</p>	<p>As stated by Council in the DAP notes, the proposed subdivision has been designed in consideration of adjoining residential properties to the north. A change in level between the sites will help to separate the two uses and provide a buffer between the two. The typical cross section in Appendix 5, Drawing 90262, Sheet XS1, Issue B shows that the existing cycleway adjacent to the residential houses (at chainage 600.00) will be higher than the proposed road carriageway along the northern boundary of the subject site. The difference in height between the subject site and land to the north will be achieved by a retaining wall.</p>

Land Constraints	
SEPP 71 (Coastal Protection Policy) – the site is identified as within the SEPP 71 – Coastal Protection area and any application will need to address the provisions of SEPP 71 inclusive of Clause 8.	The provisions of SEPP 71 (Coastal Protection Policy) are addressed in Section 4.1.3 of this report. Table 4-1 addresses the provisions of Clause 8 – Matters for Consideration under SEPP 71.
Comprehensive Koala Plan of Management (CKPoM) – a desktop review of Council's GIS Mapping System has identified portion of the site as containing 'preferred koala habitat'. Appendix 4 of the CKPoM is required to be addressed with any flora and fauna assessment undertaken for development of the land. It is noted that separate discussions have been undertaken on the ecology work undertaken for this proposal.	Gary Worth prepared a Statement of Effect on Threatened Flora and Fauna for the proposed development, a copy of which is provided in Appendix 2 of this SEE. The report considers the CKPoM in Section 6.0, including a preliminary assessment, vegetation mapping, koala habitat identification, assessment of the proposal, application of performance criteria and conclusions.
A desktop review of Council's GIS Mapping System and aerial photography shows a portion of the site contains an Endangered Ecological Community (EEC), 'Swamp Sclerophyll Forrest'. This needs to be addressed with any flora and fauna assessment undertaken for development of the land. It is noted that separate discussions have been undertaken on the ecology work undertaken for this proposal.	The Statement of Effect on Threatened Flora and Fauna provided in Appendix 2 of this SEE finds that 12 hectares of the subject site support Coastal Sand Woodland and approximately 3 hectares of the site are Swamp Forest, which is identified as an EEC. This matter is addressed in the Statement of Effect on Threatened Flora and Fauna, with appropriate offsets provided as part of the proposed development.
Acid Sulphate Soils – the site is identified as within Class 3 Acid Sulphate Soils (ASS) and this needs to be addressed as part of any proposal in accordance with Clause 51A of LEP 2000. Class 3 ASS – Works beyond 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered beyond 1 metre below natural surface.	<p>A Geotechnical Report is being prepared for the proposed development, a copy of which will be provided as an addendum to this SEE. The Geotechnical Report will be finalised when all laboratory results are received and will include an assessment of Acid Sulfate Soils (ASS).</p> <p>This matter is addressed in Section 4.1.3 of this SEE. Filling the site to accommodate development will reduce the likelihood of disturbing soils beneath the natural ground surface. The fill material will act as a buffer. An Acid Sulfate Soils Management Plan will be prepared for the proposed development in accordance with the Acid Sulfate Soils Manual to demonstrate the impact of the proposed development on ASS. This plan will be submitted prior to the issue of a Construction Certificate once it has been determined whether more than 1 tonne of potential ASS will be disturbed as a result of the development.</p> <p>The Management Plan would identify the extent and nature of acid sulfate soils, assess the likely impacts of any proposed activity upon those acid sulfate soils (including the consequence of no action) and detail the prescriptive measures to be taken to minimise environmental impacts resulting from interaction between the ASS and the proposed activity.</p>
Bushfire prone land – portions of the site are identified as 'bushfire prone land' and whilst not considered a major impediment to development, any application needs to consider Planning for	Bushfire is considered in Section 6.0 of this SEE. Refer to that section for more details.

<p>Bushfire Protection 2006 and the provisions of the <i>Environmental Planning &amp; Assessment Act 1979</i>.</p>	
<p>SEPP 14 Wetlands – the land is adjacent to land identified as SEPP 14 Wetlands to the west, and any potential impacts from the development on this adjacent land needs to be considered with any application. Further, it is noted that the plans submitted show proposed detention basins within this adjacent land, outside of Lot 284 DP 806310. Note, this land is zoned 7(a) Environmental Protection and detention basins are considered prohibited within this zone. This issue has been the subject of recent legal advice confirming Council's position in this regard. Notwithstanding, such structures are also considered inappropriate within environmentally sensitive areas (ie. SEPP 14 – Wetlands).</p>	<p>SEPP 14 is addressed in Section 4.1.1 of this SEE. The drainage and stormwater design submitted with this SEE shows only onsite detention within the subject site. There is no detention proposed within the SEPP 14 wetlands to the west of the site.</p>
<p><b>Traffic / Access / Car parking provision</b></p>	
<p>A Traffic Impact Assessment Report will be required to be provided with any application. The design of traffic signals at the intersection of Bagnalls Beach Road and Town Centre Circuit in particular the length of storage lanes, available road width and whether the internal intersection on Town Centre Circuit can cater for all anticipated traffic are all issues which need to be addressed in the report and development application.</p>	<p>A Traffic Impact Assessment report is provided in Appendix 4 of this SEE. The report addresses the need for traffic signals at the intersection of Bagnalls Beach Road and Town Centre Circuit and finds that the existing intersection configuration at Bagnall Beach Road and Town Centre Circuit would cater for traffic flows from the Aldi, Big W and medical centre developments on Proposed Lots 1, 4 and 6. With these developments the intersection would operate with average delays of less than 35 seconds per vehicle during peak periods. This represents level of service C, a satisfactory level of service.</p> <p>To accommodate further development (beyond the Aldi, Big W and medical centre), the intersection of Bagnall Beach Road with Town Centre Circuit would require upgrading to traffic signals. Traffic signals would also better cater for pedestrians at this intersection.</p> <p>The Traffic Impact Assessment report states that the eventual traffic signals should include marking two approach lanes on Town Centre Circuit between Bagnall Beach Road and the internal roundabout, and lengthening the right turn bay in Bagnall Beach Road to 170 metres. The intersection would operate with average delays of less than 25 seconds per vehicle during peak periods. This represents level of service B, a good level of service.</p>
<p>Any car parking provision is to be provided in accordance with PSC Development Control Plan 2007.</p>	<p>Parking will be provided in accordance with appropriate requirements at the time of applications for individual developments. There is no requirement to provide car parking at the subdivision stage of the development.</p>

<b>Road widths and layout</b>	
Proposed road widths do not comply with those required by Council's DCP 2007. As previously advised if a variation to road widths is sought; justification will need to be provided within the Traffic Report. Justification will need to include an assessment of the required carriageway width plus an allowance for drainage, services and pedestrians (footpath / cycleway etc).	Section 3 of the Traffic Report, particularly Sections 3.8 – 3.12, provide justification for the proposed road widths, which generally do not comply with the requirements of the DCP 2007 for 16m wide roads. Each of the proposed road reserves is sufficiently wide to contain the necessary carriageway, drainage, service and pedestrian infrastructure.
The proposed 20m wide road on the sites western boundary should be "squared up" at the junction with Salamander Way to improve the future intersection layout.	The proposed 20m wide road on the sites western boundary has been "squared up" at the junction with Salamander Way by providing wider splays, particularly on the eastern side of the intersection, to improve the future intersection layout. Refer to Appendix 7 for a copy of the roundabout design, which demonstrates the functionality of this intersection.
The junction of proposed 12m wide road between Lots 3 and 4 and the existing access road should also be "squared up" as discussed above.	The junction of the proposed 12m wide road between Lots 3 and 4 and the existing access road has also been "squared up" by providing wider splays to improve the future intersection layout.
Footpaths and cycleway links are to be provided within the proposed roads.	Footpaths and cycle ways are provided within the proposed roads, as shown on Appendix 5, Drawing 90262, Sheet C1, Issue B. The cycleway runs around the access road, which is notated as the 'proposed circuit road'. Each of the proposed roads has a footpath.
<b>Drainage / Detention / Infiltration</b>	
The proposed development site is located in a compulsory 1 in 100 year infiltration area.	Appendix 5, Drawing 90262, Sheet PSW1, Issue B shows the Preliminary Drainage Design for the proposed subdivision. The design includes subsurface infiltration in the south-west of the site on unusable land at the frontage of Proposed Lot 1. Further detention is provided within the drainage reserve and within the north-east of the site.
An On site Infiltration Concept Plan shall be prepared by a suitably qualified and experienced engineer providing sufficient area on the site for stormwater infiltration for all critical storms up to the 1% AEP ("100 year") storm event. All calculations of volumes and site discharge are to be provided. Overflows from the infiltration system shall be directed to the public drainage system.	Overflows from the infiltration systems shall be directed to the public drainage system, as shown by the proposed stormwater pipe and pit schedule. Infiltration is shown on the Preliminary Drainage Design for the proposed subdivision provided in Appendix 5 and referred to above.
Prior to design, a Geotechnical Assessment of the soil profile is required and the steady state infiltration rate calculated during saturated soil conditions. All Geotechnical testing, design calculations, volumes and site discharge shall be shown. From AS 1547:2000 the infiltration	Geotechnical Investigations have been undertaken over the subject site. The Geotechnical Report will be submitted to Council as an addendum of this SEE when the final laboratory results are received. The results received to date have been used to



rate can only be a maximum of 2900mm/day if the steady state rate is not adequately determined.	inform the design calculations, volumes and site discharge, as required by Council.
The current proposal to locate the infiltration storage and dispersion areas below the proposed kerb and gutter is unlikely to be supported. The proposal may be able to be supported subject to the stormwater pipeline being relocated 1.5 to 2 metres behind the proposed kerb and gutter and a Geotechnical Assessment of the infiltration capacity of the site strata to support the proposal. The Geotechnical Assessment shall also identify any indurated sand (coffee rock) layers and an assessment of groundwater levels over the site.	The Geotechnical Assessment to be submitted as an addendum to this SEE will provide details of the infiltration capacity of the site strata to support the proposal. The Geotechnical Assessment shall also identify any indurated sand (coffee rock) layers and an assessment of groundwater levels over the site.
The proposed basins in the adjoining land to the west are zoned 7(a) Environmental Protection and contain SEPP 14 wetlands and as such it is not considered that these locations may be appropriate for these structures. Council has also recently received legal advice that detention basins are an impermissible use in such zonings and further that proposed detention structure should be located within the land being developed.	There are no detention basins proposed within adjoining lands to the west of the site.
<b>Landscaping Plan</b>	
A landscaping plan is required to be provided by a suitably qualified person and submitted with the application in relation to roads and reserves, (not individual lots as such). An indication of tree retention / removal should be incorporated into this plan. Any retaining walls / details should also accompany or be included on the landscaping plan.	Terras Landscape Architects are preparing landscape documentation for the proposed development, which will be submitted under separate cover as an addendum to this SEE. The Plan will show details of tree retention / removal and any retaining walls. The landscape documentation has been delayed while the final road layout and drainage design was developed.
<b>Fire &amp; Emergency Services</b>	
Need to ensure good access provision for NSW Fire Brigade around all structures/buildings. A gas storage tank is located on the eastern side of Kmart – need to consider SEPP 33 – Hazardous Storage Facilities and any implications for proposed lot location (ie. future development on each lot).	The proposed road network will ensure good access provision for NSW Fire Brigade around all existing and future structures/buildings.  The gas storage tank is located within the Kmart site and not within the subject site. Any future development of adjoining sites may need to consider the gas storage tank, but the tank is not a consideration for the subdivision stage of development.
<b>Street Lighting</b>	
Suggest lodgement of a concept plan for street lighting at the DA stage, with finer detail provided at CC stage. Suggest consulting with Energy Australia early in the process to ensure availability of services for subdivision / future users.	The proposed road layouts and typical sections provided in Appendix 5 show a concept plan for street lighting. Finer detail shall be provided at the CC stage.  Energy Australia has not yet been consulted.





## 3.0 STRATEGIC PLANNING CONSIDERATIONS

### 3.1 Lower Hunter Regional Strategy

The LHRS guides local planning in the five local government areas of Newcastle, Lake Macquarie, Port Stephens, Maitland and Cessnock, and inform decisions on service and infrastructure delivery. The Lower Hunter is the sixth largest urban area in Australia and one of the State's major centres of economic activity and is expected to continue to grow as people are attracted by its lifestyle and opportunities. The Lower Hunter Regional Strategy (LHRS) is 25-year land use strategy has been prepared by the NSW Government to ensure the region develops in a strong and sustainable way, as follows.

- Provide for 115,000 new homes to cater for a projected population growth of 160,000 people.
- Plan for up to 66,000 new jobs and ensures an adequate supply of employment land.
- Promote growth in centres — a greater choice of housing and jobs in Newcastle's CBD and specified major centres.
- Create important green corridors of land with high environmental value, which will be managed for conservation purposes. These corridors align with existing public reserves, some of which will be expanded.
- Protect high quality agricultural land, and natural resources such as water aquifers and extractive materials.

The enhancement and consolidation of the Salamander Town Centre is consistent with the hierarchy of centres presented in the LHRS. Salamander Town Centre is a smaller centre compared to the other centres identified in the LHRS, however the proposed subdivision complies with the general principles for centres as follows:

- The proposed subdivision will expand the land available for development at Salamander Town Centre, which will help to create a strong, vibrant centre by bringing people and houses in close proximity to more jobs and services. In so doing, the development will reduce the need for people to travel, and greatly increase the opportunity to provide viable public transport systems, to the benefit of those who do need to travel.

- Stronger centres play a much greater role in providing jobs and housing, which then encourages more compact urban areas. Specific benefits of concentrating activities in and near our centres include:
  - improved access to employment, shopping and other services (including health, community and personal services, education, leisure, entertainment and cultural facilities) for surrounding residents,
  - better use of existing infrastructure available in centres by maximising access and use,
  - opportunities and encouragement to then provide increased housing choice around centres, which caters for changing housing needs and affordability through the provision of a diversity of housing stock,
  - more sustainable transport and healthier communities by giving more people the option of taking public transport, walking or cycling,
  - greater safety, amenity and sense of community (as a result of more people being present in the centre during the day and at night),
  - reduced pressure on established suburban housing areas to provide higher density housing.

Therefore, the proposed development is consistent with the strategic directions of the LHRS, particularly with regards to the development of centres.

### **3.2 Port Stephens Community Settlement and Infrastructure Strategy**

Council adopted the Port Stephens Community Settlement and Infrastructure Strategy (PSCSIS) on Tuesday 24 April 2007. The PSCSIS 2007 builds upon the directions of the Port Stephens Urban Settlement Strategy 2002 and is more explicit in its requirements for future urban development. The purpose of the Strategy is to:

- Establish compatibility and local implementation of the LHRS;
- Have a range of strategic directions and sustainability principles and criteria on future urban settlement that balances and integrates current

and future economic, environmental and social issues, trends and characteristics of the Port Stephens LGA;

- Provide a basis for enhancing local development sequencing that represents the most cost effective and balanced funding of infrastructure between public and private sectors; and
- Provide a basis for ongoing upgrading on infrastructure planning and for regular monitoring and review of strategic directions for managing urban growth and building communities in Port Stephens.

Appendix 1 of the PSCSIS provides the Port Stephens Centres Hierarchy. Salamander is identified in the table as having the second largest supply of retail floor space in the Port Stephens LGA, after Raymond Terrace. This justifies the classification of the Salamander Town Centre as a district / sub regional centre. The primary trade areas for Salamander Town Centre are the suburbs of Salamander, Soldiers Point and Corlette. The wider Tomaree Peninsula provides a secondary trade catchment. The proposed commercial subdivision will help to reinforce the role of the Salamander Town Centre as a district and sub regional centre, in accordance with the hierarchy provided in the PSCSIS.

The proposed subdivision is also in accordance with the sustainability principles and criteria listed in Part F of the PSCSIS, in the following ways.

- The Salamander Town Centre is located to the north-west of the intersection of Salamander Way with Bagnalls Beach Road, which is one of the main public transport routes through the Tomaree Peninsula. Therefore the proposed subdivision focuses on the transport network to create direct and efficient access to jobs, services and provide choice in modes of travel. The expansion and consolidation of the Salamander Town Centre will strengthen the public transport network by co-locating businesses in one centre, which will encourage multi-purpose trips and diversity of land use.
- The proposed subdivision provides linkages through the Salamander Town Centre, which integrate with existing walking and cycle paths in the surrounding neighbourhoods.
- The Salamander Town Centre is located within walkable distance from surrounding residential neighbourhoods. The proposed subdivision will help to enhance the role of the town centre and increase and improve the services and facilities available to the local community.

- The proposed subdivision will take place in an existing town centre, which provides excellent opportunities to economically enhance and maintain infrastructure and services.
- The subdivision will provide opportunities for complementary industries and businesses to co-locate in a cluster for mutual benefits.
- For existing villages, neighbourhoods and towns, new development should be designed to facilitate local employment and business opportunities in accordance with Sections 4 and 5 in Appendix 2, as follows.
  - **Retain 'Existing' Wealth** – Refers to the reliance on future population growth alone to generate economic and employment growth. Therefore, additional retailing space must be made available to accommodate economic and employment growth commensurate with population increases. The proposed subdivision will open up existing business zoned land for development, which will help to meet the demands of the current and future population.

It is also important to provide and retain local jobs. A majority of the Port Stephens population (59%) have no trade qualification or tertiary education, so there is a need to provide a balance of 'lower skilled' jobs. Entry level and lower skilled jobs generally pay less and therefore transport costs and employment location are crucial in allowing people to access these jobs. Other factors that underline the importance of access to local jobs include growth in part time employment, high levels of casual employment and work outside normal hours among. The proposed subdivision will lead to increased business development around the Salamander Shopping Centre, which will create local jobs.

Existing wealth can also be retained by reducing the loss of local incomes to areas outside the LGA. Losses may occur when high-income earners choose to live elsewhere, residents and businesses choose to expend their budgets elsewhere, failure to, and there is a failure to capture wages paid to 'those who live elsewhere'. The proposed subdivision will provide increased incentive for residents, visitors and businesses spend their incomes locally by providing a greater range of local retail.

- **Create New Wealth** – The proposed subdivision will allow for the logical expansion of the Salamander Town Centre, which will build

on existing 'competitive advantages' by increasing the availability of business land for development.

- **Capture External Wealth Earned Elsewhere** – The suburbs of Salamander, Soldiers Point and Corlette are the primary trade area for Salamander Town Centre. The Tomaree Peninsula provides a secondary trade catchment. The proposed subdivision will lead to the expansion and consolidation of Salamander Town Centre, which help to capture external wealth by providing incentives for recreational and business visitors and retirees from surrounding suburbs and LGA's to patronise the site and locality.

The proposed development will be a logical expansion and consolidation of the Salamander Town Centre, which is an important centre for district and sub region. Compact, centre orientated development helps to improve the sustainability of urban areas and encourage public transport use. Additional land suitable for business use will also help to meet current and future demand for employment, retail and economic development. In summary, the subdivision fulfils the strategic directions of the PSCSIS.



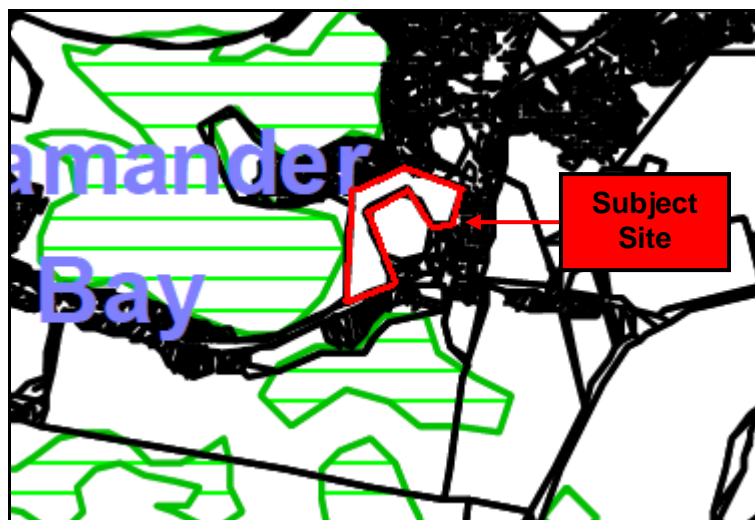
## 4.0 PLANNING PROVISIONS

### 4.1 State Environmental Planning Policies

#### 4.1.1 SEPP 14 – Coastal Wetlands

This SEPP ensures coastal wetlands are preserved and protected for environmental and economic reasons. The policy applies to LGAs outside the Sydney metropolitan area that front the Pacific Ocean, including Port Stephens LGA. The policy identifies over 1300 wetlands of high natural value from Tweed Heads to Broken Bay and from Wollongong to Cape Howe. No part of Lot 284 is classified as SEPP 14 Coastal Wetlands, as evident in Figure 4-1: SEPP 14 Wetlands, which shows the extent of SEPP 14 wetlands in green. However, the western boundary of the site adjoins wetland No. 761, also known as the Mambo Wetlands.

**Figure 4-1: SEPP 14 Wetlands**



Source: Port Stephens Council SEPP 14 Online Mapping

Land clearing, levee construction, drainage work or filling may only be carried out within SEPP 14 wetlands with the consent of the local council and the agreement of the Director General of the Department and Planning. Such development also requires an environmental impact statement to be lodged with a development application. The proposed development does not include any such works within the SEPP 14 wetlands.

A 20m wide road is proposed along the western boundary of the site. This will help to act as a buffer to the wetland and will be appropriately landscaped on the western boundary, including with 300 preferred koala habitat tube stock.

Stormwater will run eastwards off the proposed road along the western boundary to ensure that stormwater does not flow directly from the subject site into the neighbouring wetlands. The stormwater strategy is designed to control the rate and quality of water leaving the subject site at any one time.

These measures will help to ensure that no further assessment of the development is required under SEPP 14, that the concurrence of the Director-General of the Department of Planning is not required and that an Environmental Impact Statement is not required.

#### **4.1.2 SEPP 33 – Hazardous Storage Facilities**

SEPP 33 provides new definitions for 'hazardous industry', 'hazardous storage establishment', 'offensive industry' and 'offensive storage establishment'. The definitions apply to all planning instruments, existing and future. The new definitions enable decisions to approve or refuse a development to be based on the merit of proposal. The consent authority must carefully consider the specifics of the case, the location and the way in which the proposed activity is to be carried out. The policy also requires specified matters to be considered for proposals that are 'potentially hazardous' or 'potentially offensive' as defined in the policy.

For example, any application to carry out a potentially hazardous or potentially offensive development is to be advertised for public comment, and applications to carry out potentially hazardous development must be supported by a preliminary hazard analysis (PHA). The policy does not change the role of councils as consent authorities, land zoning, or the designated development provisions of the *Environmental Planning and Assessment Act 1979*.

Council has requested the consideration of SEPP 33 for the proposed development. The proposed subdivision itself does not constitute a hazardous or offensive development. However, the existing K-Mart in the north of the Salamander Town Centre has a gas storage cylinder that faces the subject site and has been identified by Council as a potential hazard. The following provisions of the SEPP state the requirements for hazardous and offensive development.

#### **Clause 12 Preparation of preliminary hazard analysis**

A person who proposes to make a development application to carry out development for the purposes of a potentially hazardous industry must prepare (or cause to be prepared) a preliminary hazard analysis in accordance with the current circulars or guidelines published by the Department of Planning and submit the analysis with the development application.



**Clause 13 Matters for consideration by consent authorities**

In determining an application to carry out development to which this Part applies, the consent authority must consider (in addition to any other matters specified in the Act or in an environmental planning instrument applying to the development):

- (a) current circulars or guidelines published by the Department of Planning relating to hazardous or offensive development, and
- (b) whether any public authority should be consulted concerning any environmental and land use safety requirements with which the development should comply, and
- (c) in the case of development for the purpose of a potentially hazardous industry—a preliminary hazard analysis prepared by or on behalf of the applicant, and
- (d) any feasible alternatives to the carrying out of the development and the reasons for choosing the development the subject of the application (including any feasible alternatives for the location of the development and the reasons for choosing the location the subject of the application), and
- (e) any likely future use of the land surrounding the development.

**Implications of SEPP 33**

The proposed development is not for hazardous or offensive development and therefore does not require a preliminary hazard analysis. The future development of Proposed Lots 6 and 7 may require further consideration of this matter, including discussions with K-Mart to ensure that the gas storage cylinder complies with the best practice requirements for the safe storage of gas.

**4.1.3 SEPP 44 – Koala Habitat Protection**

The subject site contains koala feed trees and therefore falls under the provisions of SEPP 44 – Koala Habitat Protection. Port Stephens Council has prepared a Comprehensive Koala Plan of Management (CKPoM) for the LGA. The matters listed in the CKPoM have been assessed through the flora and fauna assessment undertaken by Garry Worth.

Preferred koala habitat tree specimens have been identified across the site and are shown on Appendix 1 – Proposed Plan of Subdivision. The subdivision has been designed to retain as many of the tree specimens as possible. An additional 300 preferred koala habitat tree specimens would be also planted as a result of the subdivision. Refer to Section 5.0 of this report for more details.

#### 4.1.4 SEPP 71 – Coastal Protection

This SEPP has been made under the EP&A Act 1979 to ensure that development in the NSW coastal zone is appropriate and suitably located, to ensure that there is a consistent and strategic approach to coastal planning and management and to ensure there is a clear development assessment framework for the coastal zone. The subject site lies within the coastal zone to which SEPP 71 – Coastal Protection applies. While, the site is over 700m from the nearest foreshore of Port Stephens, it is considered to be sensitive coastal location because it is within 400m of a SEPP 14 wetland. However, the site is not an "environmentally sensitive area of State significance" under the *State Environmental Planning Policy (Major Projects) 2000*. There is also no requirement to provide a Master plan for the development.

The SEPP includes matters for consideration that should be taken into account in assessing a DA in the coastal zone. These matters are addressed in Table 3-1 below.

**Table 4-1: Matters for consideration under SEPP 71 – Coastal Protection**

Matters for Consideration	Response
The aims of the SEPP set out in Clause 2.	<p>The subject site is not adjacent to or visible from the coastal foreshore of Port Stephens. Therefore, the subdivision will not impact on public access, marine environments or the natural attributes of these areas. Development will not impact on Aboriginal cultural heritage. Development will be undertaken in accordance with the principles of ecologically sustainable development.</p> <p>The bulk, scale and size of future development will be designed in accordance with the character of the 3(a) Business Zone and the existing Salamander Town Centre.</p> <p>The impact on SEPP 14 wetlands to the west will be reduced via a landscape buffer along the 20m wide road reserve proposed on the western boundary of the site.</p> <p>In summary, the proposed development fulfils the aims of the SEPP.</p>
Existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved.	The subject site is not located on the coastal foreshore, so this matter does not apply to the proposed development.
Opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability.	The subject site is not located on the coastal foreshore, so this matter does not apply to the proposed development.

The suitability of development given its type, location and design and its relationship with the surrounding area.	The proposed development is consistent with the existing Salamander Town Centre and 3(a) Business zoning of the site. Drainage, landscaping and other matters will be designed to minimise the impact of the subdivision on the adjacent SEPP 14 wetlands to the west.
Any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore.	The subject site is not located on the coastal foreshore, so this matter does not apply to the proposed development.
The scenic quality of the New South Wales coast and means to protect and improve these qualities.	The subject site is not visible from the coast, so the impact on scenic qualities and views will be minimal.
Measures to conserve animals (within the meaning of the <i>Threatened Species Conservation Act 1995</i> ) and plants (within the meaning of that Act), and their habitats.	Refer to the Flora and Fauna Report in Appendix 2 for details. Some koala habitat tree specimens will be cleared as a result of development, but these will be replaced at a rate of 50 trees for each specimen removed.
Measures to conserve fish (within the meaning of Part 7A of the <i>Fisheries Management Act 1994</i> ) and marine vegetation (within the meaning of that Part), and their habitats.	<p>The subject site is over 700m from the coastline and is unlikely to impact on fisheries. Drainage will be designed to ensure there is no impact on SEPP 14 wetlands. The proposed 20m wide road reserve in the west of the site will act as a buffer between the development and the wetlands and will be landscaped with preferred koala feed trees.</p> <p>An Acid Sulfate Soil Management Plan will be prepared for the subject site to ensure that no acid sulphate soil leachate is dispersed from the subject site, which could have a potentially negative impact on fisheries, marine vegetation and their habitats. Refer to Section 8.0 of this SEE for more details.</p>
Existing wildlife corridors and the impact of development on these corridors.	It is proposed that 300 long stem tube stock of <i>E. robusta</i> , a preferred koala food tree, be planted as part of the landscaping of the site. The plantings will be concentrated on the western boundary of the site adjacent to the boundary with the SEPP 14 wetlands and will provide a future Koala movement corridor, adjacent to an existing corridor in the Mambo Wetland. Refer to Appendix 2 for details.
The likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards.	The subject site is located over 700m from the foreshore and is unlikely to have any impact on coastal processes and hazards. The stormwater drainage will be designed so that the proposed development does not impact on the SEPP 14 – Coastal Wetlands.
Measures to reduce the potential for conflict between land-based and water-based coastal activities.	The subject site is located over 700m from the foreshore, so the proposed development is unlikely to conflict with water-based activities.

Measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals.	The development will not impact on any identified cultural places, values, customs, beliefs and traditional knowledge of Aboriginals.
The conservation and preservation of items of heritage, archaeological or historic significance.	The development will not impact on any identified items of heritage, archaeological or historic significance.
Likely impacts of development on the water quality of coastal water bodies.	Stormwater has been designed so that it does not discharge into the adjacent SEPP 14 wetlands. All stormwater will be collected and treated to control water quality and quantity. Refer to Section 9.0 of this report for more details.
In cases in which a development application in relation to proposed development is determined, consider the cumulative impacts of the proposed development on the environment, and the measures to ensure that water and energy usage by the proposed development is efficient.	The proposed subdivision has been designed in accordance with the principles of water sensitive urban design, which will help to reduce the cumulative impacts of the development and improve water efficiency. Water and energy requirements for individual buildings within each proposed lot will be addressed at a later stage. The impact of clearing koala feed trees within the site will be mitigated by retaining as many specimens as possible and replanting the site with up to 6 times as many trees as those proposed to be removed.

The development will not discharge untreated stormwater into the sea, a beach, or an estuary, a coastal lake, a coastal creek or other similar body of water, or onto a rock platform. Therefore, this development is in accordance with the provisions of SEPP 71 – Coastal Protection.

#### 4.1.5 SEPP (Infrastructure)

State Environmental Planning Policy - Infrastructure lists matters to be considered in the assessment of certain development applications. The following matters are listed as relevant under State Environmental Planning Policies Infrastructure.

#### Clause 101 - Development with frontage to classified road

- 1) The objectives of this clause are:
  - (a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and
  - (b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.

- 2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:
- (a) where practicable, vehicular access to the land is provided by a road other than the classified road, and
  - (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:
    - i) the design of the vehicular access to the land, or
    - ii) the emission of smoke or dust from the development, or
    - iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and
  - (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.

Salamander Way and Bagnall Beach Road are not identified as State classified roads. The nearest state classified road is Nelson Bay Road, which is over one kilometre from the subject when travelling along Salamander Way. Therefore, the proposed subdivision will not trigger this provision of SEPP (Infrastructure).

#### **Clause 104 Traffic-generating development**

The subdivision is for subdivision of one lot into eight. The triggers for traffic generating development are provided in Schedule 3 of SEPP (Infrastructure) and include subdivision of 200 or more allotments where the subdivision includes the opening of a public road or subdivision of 50 lots if the site has access to a classified road. Therefore, the subdivision is *not* of a size to be considered traffic generating development because it is for less than the 50 lot trigger. The individual DA's for development of the proposed allotments may meet the triggers for traffic generating development for commercial space, shops or any other purpose.

This DA for subdivision will *not* need to be referred to the Roads and Traffic Authority (RTA) as part of the Integrated Development process in accordance with the triggers listed in the Table under Schedule 3 Traffic generating development to be referred to the Roads and Traffic Authority. However, the Traffic Impact Assessment has been prepared in accordance with the RTA Guidelines. A copy is provided in Appendix 3.

## 4.2 Port Stephens Local Environmental Plan 2000

The subject site is zoned 3(a) — Business General “A” Zone as illustrated in Figure 2-1: Zoning Map. Following is a description of the applicable zonings and clauses contained within the LEP and how the proposed subdivision complies with those provisions.

### Clause 21 Business zonings

#### Description of the zone

The Business General “A” Zone covers both the major commercial centres of Port Stephens and the smaller neighbourhood shopping centres. It is characterised by a mix of commercial uses and some associated tourist accommodation and residential uses. Small, low impact industrial activities that involve retailing or direct service to the public may be appropriate in this zone.

#### Objectives of the zone

The objectives of the Business General “A” Zone are:

- (a) to provide for a range of commercial and retail activities, and uses associated with, ancillary to, or supportive of, retail and service facilities, including tourist development and industries compatible with a commercial area, and
- (b) to ensure that neighbourhood shopping and community facilities retain a scale and character consistent with the amenity of the locality, and
- (c) to maintain and enhance the character and amenity of major commercial centres, to promote good urban design and retain heritage values where appropriate, and
- (d) to provide commercial areas that are safe and accessible for pedestrians, and which encourage public transport patronage and bicycle use and minimise the reliance on private motor vehicles, and
- (e) to provide for waterfront-associated commercial development whilst protecting and enhancing the visual and service amenity of the foreshores.

The proposed subdivision fulfils the objectives of the zone by providing a range of allotments suitable for commercial and retail activities. The subdivision is consistent with and will complement the existing development at Salamander Town Centre. It is proposed to provide a pedestrian link between the proposed subdivision and the residential development to the north that will ensure the

commercial areas are safe and accessible to pedestrians. Bus stops are located along the Bagnall Beach Road and Salamander Way road frontages and within the Centre itself, while the additional commercial development will help to further encourage public transport patronage and reduce reliance on private motor vehicles.

Subdivision is permitted with development consent in the 3(a) Business zone. The proposed development is also consistent with the objectives of the zone.

#### **Clause 22 Subdivision in business zones**

- (1) A person shall not subdivide land in a business zone except with the consent of the consent authority.
- (2) The consent authority may grant consent for a subdivision of land within a business zone only if each allotment to be created by the proposed subdivision will be of a size, and will have a ratio of depth to frontage, that the consent authority considers appropriate:
  - (a) having regard to the purpose for which the allotment is intended to be used, or
  - (b) to facilitate future commercial development of the land.

Proposed Lot 3 has been designed to contain the existing library and childcare centre buildings and car parking areas and is therefore of an appropriate size. Negotiations are in place to respectively use Proposed Lots 2, 4 and 6 as an Aldi store, medical centre and for Big W. The proposed allotments have been designed with these intended uses in mind and in some instances preliminary building design has taken place. Although such development is yet to be finalised and would be subject to separate development assessment, the subdivision layouts have been designed with intended use in mind. Therefore, the ratio of depth to frontage is appropriate and will facilitate future commercial development of the land. End users are yet to be identified for Lots 2, 5 and 7. However, these allotments are also appropriately proportioned to facilitate future commercial development. Each of these allotments has generous frontages to the internal road network.

#### **Clauses 37 and 38 Development on flood prone land**

As shown in Figure 2-4: Flood Prone Land Map, the subject site is not identified as flood prone land. Therefore clauses 37 and 38 of the LEP do not apply to the proposed development.

#### **Clause 41 Direct access to certain roads is restricted**

This clause lists roads to which new vehicle access is restricted, but does not include Bagnall Beach Road or Salamander Way. Therefore, this clause does not apply to the proposed development.



**Clause 42 Development along arterial roads**

This clause relates to the land with frontage to an arterial road, which means any existing road that predominantly carries through traffic from region to another and is identified as being arterial in the *Council's Road Hierarchy Policy*. It does not appear the Salamander Way or Bagnalls Beach Road are identified as arterial roads, as the DAP advice from Council does not request consideration of this Clause of the LEP.

**Clause 44 Appearance of land and buildings**

The consent authority may consent to the development of land within view of any waterway or adjacent to any main or arterial road, public reserve or land zoned as open space, only if it takes into consideration the probable aesthetic appearance of the proposed building or work or that land when used for the proposed purpose and viewed from that waterway, main or arterial road, public reserve or land zoned as open space.

The proposed commercial subdivision will be consistent with the existing 3(a) Business zoning of the site and the adjacent Salamander Town Centre development, which itself is located within the context of the urban development in Salamander Bay. The visual impact of the subdivision and future development will be reduced through appropriate built form outcomes and landscape design.

Other matters such as the height and location of any building, the reflectivity of materials, etc, will be addressed at later stages of development and subject to separate DA's. The impacts of the development on vegetation through land clearing will be in part offset by the retention of preferred koala feed trees wherever possible and the planting of additional trees within the road reserve.

**Clause 47 Services**

The subject site has access to the reticulated water and sewer infrastructure provided in Salamander Bay and connected to adjacent development. Arrangements will be made with Hunter Water Corporation (HWC) to provide those services to the site. The proposed subdivision plan has been stamped by HWC and an s50 application has been lodged.

**Clause 50 Tree Preservation Order**

Clause 50 states:

- (1) The Council may, by resolution, make, revoke or amend a tree preservation order.*
- (2) A tree preservation order, and any revocation or amendment of such an order, does not have effect until it has been published in a newspaper circulating in the Port Stephens local government area.*



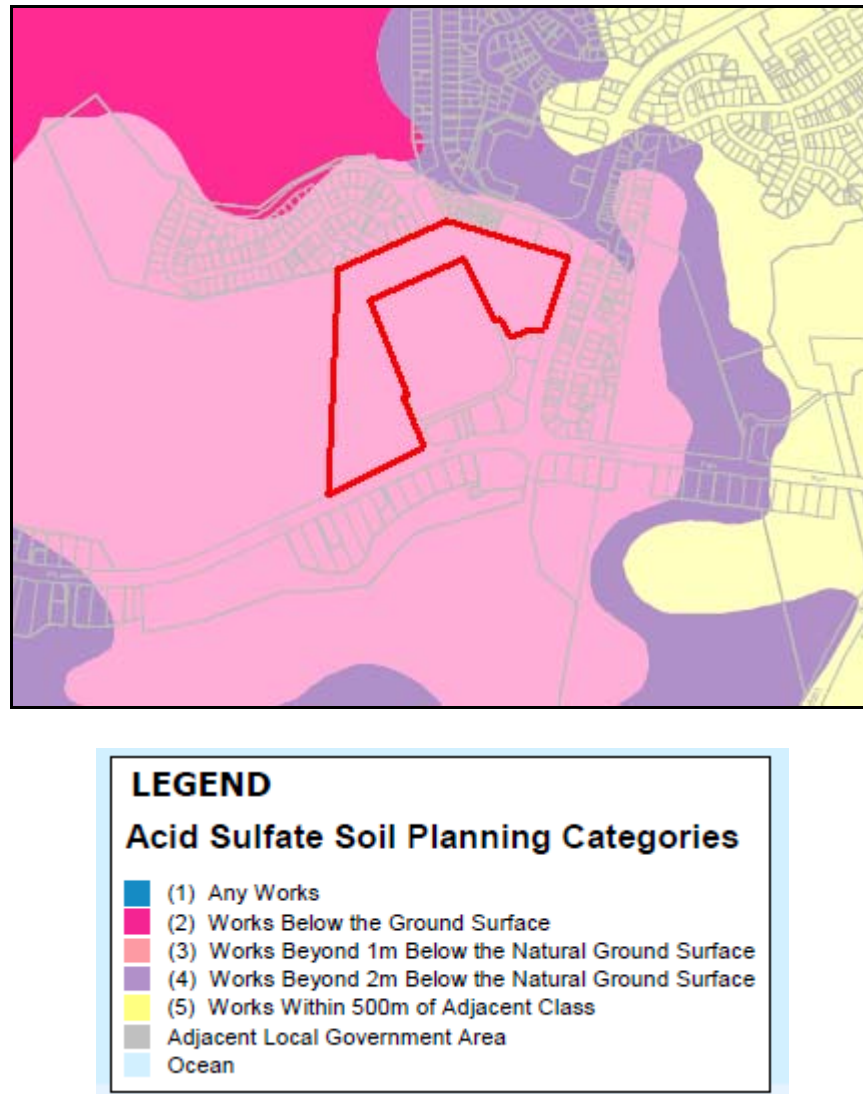
- (3) *A tree preservation order must specify the types or sizes of trees, or identify the locations of the trees, that are covered by the order.*
- (4) *While a tree preservation order is in force, a person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree covered by the order without development consent.*
- (5) *Subclause (4) does not apply where it can be demonstrated to the satisfaction of the consent authority that the tree is dying or dead or has become dangerous.*
- (6) *A tree preservation order does not apply to or in respect of:*
- (a) *trees within a State forest, or land reserved from sale as a timber or forest reserve under the Forestry Act 1916, or*
  - (b) *action required or authorised to be done by or under the Electricity Supply Act 1995, the Electricity Safety Act 1945, the Roads Act 1993 or the Surveyors Act 1929, or*
  - (c) *plants declared to be noxious weeds under the Noxious Weeds Act 1993.*
- (7) *A tree preservation order made, and in force immediately before the appointed day, under an interim development order relating to land within the Port Stephens local government area shall be deemed to be a tree preservation order made by the Council under this clause and may be revoked or amended in accordance with this clause.*

Consent is required for the removal of trees within the WAP site as part of this DA. Accordingly, the DA includes an Ecological Assessment of the site.

#### **Clause 51A Development on land identified on Acid Sulfate Soils Planning Maps**

This clause applies to all land identified on the Acid Sulfate Soils (ASS) Planning Map that are classified as planning categories 1, 2, 3, 4 or 5. Figure 3-2: Acid Sulfate Soils Map shows that the subject site is located within Acid Sulfate Soils Planning Category 3 and therefore Clause 51A of the LEP applies to the subject site.

**Figure 4-2: Acid Sulfate Soils Map**



**Source: Port Stephens Council Online Mapping**

The LEP states that a person must not, without development consent, carry out works beyond 1m below the natural ground surface or works likely to lower the watertable beyond 1m below the natural ground surface within land identified as ASS Planning Category 3, except as otherwise provided in Clause 51A of the LEP. Filling the site to accommodate development will reduce the likelihood of disturbing soils beneath the natural ground surface. The fill material will act as a buffer between the natural ground surface and any necessary earthworks. An Acid Sulfate Soils Management Plan will be prepared for the proposed development in accordance with the Acid Sulfate Soils Manual to demonstrate the impact of the proposed development on ASS. This plan will be submitted prior to the issue of a Construction Certificate once it has been determined whether more than 1 tonne of potential ASS will be disturbed as a result of the

development. The Management Plan would identify the extent and nature of acid sulfate soils, assess the likely impacts of any proposed activity upon those acid sulfate soils (including the consequence of no action) and detail the prescriptive measures to be taken to minimise environmental impacts resulting from interaction between the ASS and the proposed activity. The acid sulphate soil management plan will also outline measures to provide a framework for achieving environmental objectives to minimize the risk of harm to human health or the environment during and following the construction of the subdivision. The acid sulphate soil management plan will provide the following:

- a summary of available site information outlining the soil and groundwater conditions on-site;
- a description of the proposed strategy for management of potential acid sulphate soils, including soil treatments (neutralisation by full lime treatment and oxidation), neutralising leachate if generated and dewatering measures;
- a monitoring program for soil, surface water and groundwater quality;
- contingency procedures.

### **Division 3 – Heritage Provisions**

The subject site is not within a heritage conservation area. An artefact scatter was identified in the north of the site during archaeological investigations. However, the scatter consists of broken artefacts and is not considered to be in situ. It is therefore proposed to salvage the items. Refer to Section 7.0 of this report for more details.

## **4.3 Port Stephens Development Control Plan 2007**

The *Port Stephens Development Control Plan 2007* (DCP) became effective on Thursday 31 May 2007. The DCP is a suite of documents that provides practical information to support development that retains and enhances the natural and cultural heritage values of Port Stephens LGA.

### **Chapter B1 – Subdivision and Streets**

This part applies to all development permissible under the LEP that involves the subdivision of land or the creation of streets for residential (including rural residential), commercial, industrial and tourist development. The following information is provided, in accordance with Council DCP 2007 Element B1: Subdivision and Streets.

- The type of subdivision is Torrens Title.
- A Site Analysis Plan has been prepared in accordance with the content requirements set out in Council's Application Guide and is provided in Figure 2-2. The north and west of the site are to be cut and filled to facilitate stormwater drainage and relatively consistent levels across the site. Therefore topography will not constrain future construction of the subdivision.
- The street network and allotment layout will be engineered to ensure a relatively level site is achieved with sufficient grade for drainage and the alignment of the streets is either straight or gently curved. The western part of the site will be filled to prevent the pooling of water on the site. No stormwater will be dispersed from the subject site into the adjacent SEPP 14 wetland. Instead the stormwater will be discharged to existing stormwater pits in Salamander Way. Refer to Appendix 4 for details.
- The overall lot layout provides a legible interconnecting street network, providing choice in routes throughout the site and the adjoining Salamander Town Centre.
- The proposed lot layout complements existing development at the Salamander Town Centre. Proposed Lot 6 adjoins the northern boundary of the Town Centre, which provides excellent opportunities for connectivity between the two sites.
- Subdivision along the southern boundary of the site with frontage to Salamander Way creates smaller lots to facilitate a greater diversity of building forms and a more active street frontage.
- Proposed Lot 3 is more suited to a larger lot size than those lots on the Salamander Way frontage, it also has a smaller frontage to Bagnall Beach Road when compared to the internal road frontage. This reduces the visual impact of future development when viewed from Bagnall Beach Road.
- The overall street network connects using T-intersections and 4-way intersections, which will be alternatively controlled with signage, roundabouts and traffic lights. Refer to Section 8.0 of this report for more details.
- The new site entry off Salamander Way will connect to the street network via a roundabout.

- Each of the proposed allotments has street frontage to the internal road network. There are no proposed battle-axe accesses.
- Footpaths are provided in high pedestrian areas. There is potential to provide a pedestrian link between the proposed subdivision and the residential development to the north. This will enhance pedestrian access to the site and enhance walkability.
- The road reserve width will be 20m for the main access road and 12m for all other roads. This does not comply with Council's standards, but is consistent with the existing 12m wide Town Centre Circuit road reserves, which operates safely and efficiently.
- The location of street trees will be integrated with services, lighting and preferred driveway locations to ensure lighting in the street.
- The design and installation of infrastructure will generally comply with Council's Design and Construction Specification, policies and standards, except if certain site restrictions require an alternative approach. In these circumstances, the design and installation matters will be undertaken in accordance with relevant industry guidelines, standards and best practice.

The proposed subdivision is consistent with the requirements of Chapter B1 of the DCP.

## **Chapter B2 – Environmental and Construction Management**

This chapter of the DCP states that development must be designed, constructed, operated and maintained so as to prevent or mitigate the effect of any polluting emission. The following information is provided in accordance with *Council DCP 2007 Element B2 Environmental and Construction Management*.

- The development has been designed to prevent or mitigate the effect of any polluting emission.
- The development meets the objectives and provisions of relevant legislation.
- Appropriate water quality management has been incorporated into the design, as evident in Appendix 4. No stormwater will be discharged from the subject site into the adjacent SEPP 14 wetlands.
- An acid sulphate soil management plan will be prepared for inclusion in the overall Construction Environmental Management Plan.

- It is proposed to use only virgin excavated natural material (VENM) such as clay, gravel, sand, soil and rock for site filling, in accordance with the Environment Protection Agency requirements, unless the material is identified as exempt by DECC's resource recovery exemptions. Much of the fill material will be sourced from the north of the site and used to the fill the west.
- The site is not considered contaminated.
- Retaining as many preferred koala feeding trees within the road reserve and Council owned land as possible will reduce the environmental impact of clearing the site. Trees to be cleared will be replaced at a rate of 50 preferred koala feeding trees for every specimen removed.
- A Construction Environmental Management Plan will be prepared for the works and will incorporate vegetation management, weed control, erosion and sediment control measures and waste management.
- Mosquito control measures may be required to be incorporated into future development considerations.
- The site will be connected to the reticulated sewerage system.

### **Chapter B3 – Parking, Traffic and Transport**

The following information is provided in accordance with Council DCP 2007 Element B3 Parking, Traffic and Transport.

- The subject site is located adjacent to existing bus stops on Bagnall Beach Road and Salamander Way and has bus stops within the Centre. Refer to Section 8.0 of this report for details.
- The car parking sections of this chapter of the DCP are not applicable to the proposed subdivision, as these will be addressed for individual developments of the site.
- The proposed allotments are designed so that access will be located where it causes the least interference to vehicular and pedestrian traffic on a public street. Access can be provided a suitable distance from roundabouts and other intersections within the proposed internal road network. There is no direct access to proposed allotments from Salamander Way or Bagnall Beach Road.
- The proposed main access from Salamander Way will be controlled by a roundabout to minimise the disturbance of this new intersection on traffic

along Salamander Way. The new access will ensure the safety and efficiency of all three accesses to the Salamander Town Centre are maintained.

- The intersection with Salamander Way will be located an appropriate distance from other intersections along this road to ensure traffic safety.
- The intersection with Salamander Way is between 70 and 90 degrees.
- The road reserve has been designed to retain and preserve as many preferred koala habitat trees as possible. Other trees will also be preserved within the road reserves.
- Further details about site access will be determined when each allotment is developed in the future, and will be subject to end user requirements.

The proposed development is consistent with the provisions of this chapter of the DCP. Refer to Section 8.0 for more details of traffic impacts.

#### **Chapter B4 – Commercial and Mixed Use Development**

This part applies to all commercial development and to mixed-use development. Commercial and mixed-use development is normally located in village, neighbourhood and town centres that are a focal point for communities for shopping, for services (banking, medical services, hair and beauty services etc), and for socialising (cafes, restaurants, cinemas etc). The appropriate mix of uses and their location is important for street vitality, safety and useability.

The development controls for street character and front setback, scale and bulk, building height, side and rear setback, building design elements, external lighting, energy efficiency, landscape, and access, parking and servicing will be applied to future development of the proposed subdivision, but are not applicable to the subdivision itself. It is considered that the proposed lot layout will facilitate the variety of commercial and retail uses listed as desirable in the DCP, creating a development that will complement the existing Salamander Town Centre. The proposed lots are also designed so that the end user can design buildings that comply with the building controls provided in this chapter of the DCP. Any future public domain works should also refer to Section B.4.12 of the DCP.

### **4.4 Integrated Development**

This development is considered to be integrated development. Integrated development is development which, as well as development consent, requires one or more approvals under certain sections of the following State legislation:



- *Fisheries Management Act 1994*
- *Heritage Act 1977*
- *Mine Subsidence Compensation Act 1961*
- *National Parks and Wildlife Act 1974*
- *Protection of the Environment Operations Act 1997*
- *Roads Act 1993*
- *Rural Fires Act 1997*
- *Water Management Act 2000*
- *Rivers and Foreshores Improvement Act 1948*
- *Water Act 1912.*

The following questions represent the triggers for integrated development:

### **Aboriginal relics and places**

1. *Will your development destroy, damage or otherwise harm an Aboriginal relic that is known to exist on the land you want to develop?* **Yes**
2. *Are you going to do so in accordance with Aboriginal tradition?* **No**

Approval is required under section 87 Community Collection Permit of the *National Parks and Wildlife Act 1974* from the Department of Environment, Climate Change and Water (DECCW) prior to any subdivision works commencing.

3. *Will your development destroy, damage or otherwise harm land that has been declared to be an Aboriginal place?* **No**

### **Aquaculture**

*Do you want to carry out aquaculture?* **No**

### **Bushfires**

1. *Do you want to subdivide 'bushfire prone land' that could lawfully be used for residential or rural residential purposes?* **No**
2. *Do you propose to develop 'bushfire prone land' for a special fire protection purpose?* **No**

### **Notes**

1. *Bush fire prone land*, in relation to an area, means land recorded for the time being as bush fire prone land on a bush fire prone land map for the area
2. *Special fire protection purpose* means the purpose of the following:



- a school
  - a child care centre
  - a hospital (including a hospital for the mentally ill or mentally disordered)
  - a hotel, motel or other tourist accommodation
  - a building wholly or principally used as a home or other establishment for mentally incapacitated persons
  - housing for older people or people with disabilities within the meaning of State Environmental Planning Policy No. 5 – Housing for Older People or People with a Disability
  - a group home within the meaning of State Environmental Planning Policy No. 9 – Group Homes
  - a retirement village
  - any other purpose prescribed by the *Rural Fires Regulation 2002*.
3. The above provisions do not include the carrying out of internal alterations to any building in 'bush fire prone land'

Council has the discretion to decide if the proposal is integrated for commercial subdivision works under the *Rural Fires Act 1997*.

### **Dredging or reclamation**

1. *Do you want to carry out dredging or reclamation work in a waterway (a stream, river, lake, lagoon, estuary or marine waters)?* **No**

### **Heritage**

1. *Does your development involve a building, a place or land that has a permanent conservation order, an interim conservation order or an interim heritage order protecting it, or which is listed on the State Heritage Register?* **No**

### **Marine vegetation**

1. *Will your development harm any mangroves or seagrasses in a public waterway or on the shore of a public waterway?* **No**
2. *Do you want to take sea lettuce or blackfish weed to use as bait from a public waterway or the shore of a public waterway?* **No**

### Mine subsidence

1. *Do you want to build, subdivide, make roads, paths or driveways, or put in any pipelines, water, sewage, telephones, gas or other service mains in a mine subsidence district, or alter any of these types of development in a mine subsidence district?* **No**

### Pollution

1. *Is your development designated development?* **No**
2. *Will the development cause the pollution of water?* **No**

### Rivers and lakes

2. *Is your development within 40 metres of a stream, river, lake or lagoon?* **No**

### Roads

3. *Will your development affect a RTA public road, a Crown road, a highway, a main road, a freeway or a tollway?* **No**

### Using water

NB: The following approvals are taken from the *Water Act 1912*. It is proposed that the review of the Water Act, which is currently taking place, will consolidate and reduce the number of these approvals.

### Licences and permits for occupiers of land

1. *Is your development going to be used for conserving water, irrigation, water supply, drainage or changing the course of a river?* **No**
2. *Will your development affect the quantity or use of water in a river, lake or swamp, or water flowing into or from a river, lake or swamp?* **No**

### Licence for non-occupiers of land

1. *Do you propose to build pumps (or the like) to obtain water, or build pipes (or the like) to carry water?* **No**

### Joint water supply scheme

1. *Is your development going to be used for conserving water, irrigation, water supply, drainage, changing the course of a river or preventing the course of a river from changing?* **No**

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**Group licences**

2. *Are you a Board of Management elected under the Private Irrigation Districts Act 1973?* **No**

**Bores**

1. *Do you want to sink a bore or enlarge, deepen or alter a bore?* **No**

**Riverbanks and floodplains**

1. *Do you want to build an earthwork, embankment or levee, or a road, railway or bridge?* **No**
2. *Will the development be on land that is the bank of a river or lake, forms part of a bank of a river or lake or is within a floodplain?* **No**
3. *Will the development affect the flow of water to or from a river or lake and prevent land being flooded by water?* **No**



## 5.0 FLORA AND FAUNA

Garry Worth Project Consulting prepared the Statement of Effect on Threatened Flora and Fauna for the subdivision, a copy of which is provided in Appendix 2. The habitat flora and fauna surveys found that the site supports Coastal Sand Woodland and approximately 3 hectares of Swamp Forest, which is an Endangered Ecological Community (EEC). The site has been subject to anthropogenic activities such as clearing, sand dumping, the construction of the child care centre and library in the west of the site and the construction of car parking. These activities have allowed the penetration of weed species, two of which (Bitou Bush and Lantana) are listed as weeds of national significance and as key threatening processes under State government legislation.

There were no threatened flora species identified on the site. However, Wallum Froglet (*Crinia tinnula*) and Koala (*Phascolarctos cinereus*) were both detected on the western part of the site. The assessment also considered the impact of the development on 36 Threatened Species with habitat on the site under State legislation, as well as the impact on 23 Migratory Species under Commonwealth legislation.

The site is currently subject to a damaging means of stormwater disposal from the Salamander Town Centre car park and subsequently drains into a SEPP 14 wetland, known as the Mambo Wetlands, to the west. The proposed subdivision includes contouring of the subject site to improve drainage, as well as the treatment of stormwater before it is discharged from the site. The drainage strategy includes measures for the management and treatment of storm water currently disposed from the Salamander Town Centre car park. The resulting improvement in the quality of storm water flowing through the subject site will benefit the Mambo Wetland.

The development will involve the clearing of approximately 3ha of the Swamp Forest, which includes Wallum Froglet and Koala habitat. Lot 21 DP 1044009, No. 1 Salamander Way, which also contains the Swamp Forest EEC, will be used to offset the vegetation clearing within the subject site. The offset land is located on the opposite side of Salamander Way and is considered to be part of the habitat of the same local populations of Wallum Froglet and Koala as currently occupies the subject site. The offset land contains four times the area of EEC as is to be removed as a result of the subdivision, which is a significant environmental outcome.

To further reduce the environmental impact of the development, it is proposed to retain existing preferred Koala food trees throughout the subdivision wherever possible. The subdivision has been designed so that koala habitat trees are retained within Proposed Lot 3, which contains the existing childcare centre and

library and will continue to be owned and operated by Council. Further trees are to be retained within the road reserve of the proposed road network and within the drainage reserve in the east of the site. As a result, the majority of koala feed trees will not be impacted by the proposed subdivision.

It is proposed that 300 long stem tube stock of *E. robusta*, a preferred koala food tree, be planted as part of the landscaping of the site. The plantings will be concentrated on the western boundary of the site adjacent to the boundary with the SEPP 14 wetlands and will provide a future Koala movement corridor, adjacent to an existing corridor in the Mambo Wetland. As a result, preferred koala feed trees will be replaced at a rate of 50 specimens for each tree removed.

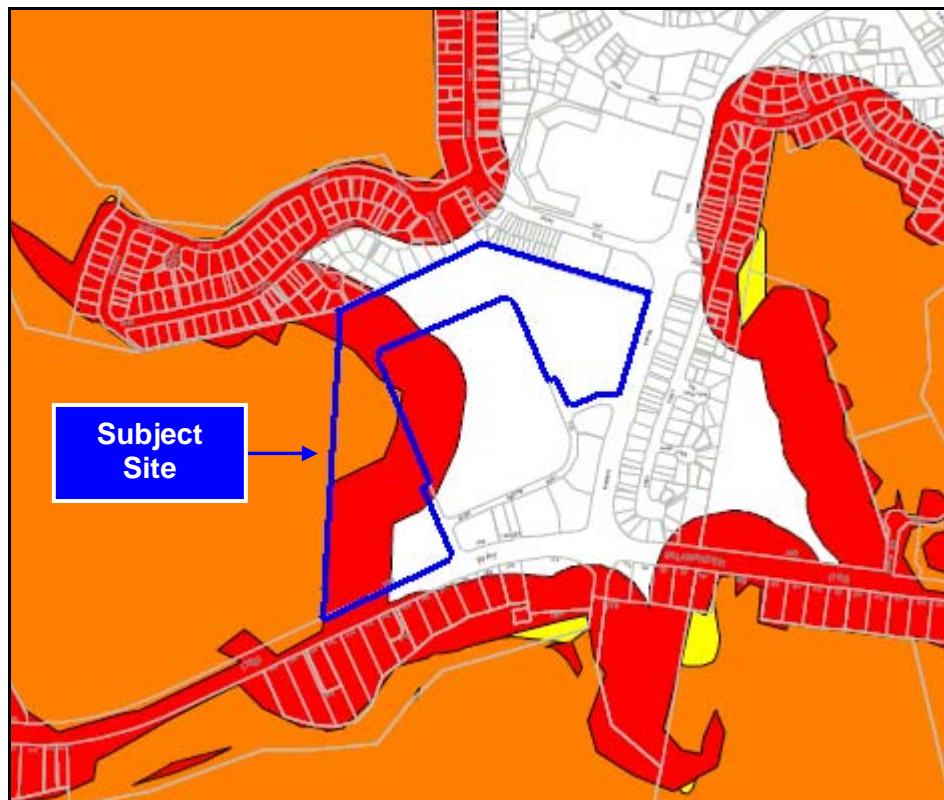
Although habitat offsets and tree planting are not specifically identified within the PSC Comprehensive Koala Plan of Management (CKPoM) as mitigation options for the removal of preferred koala habitat, it is considered that these measures will mitigate the impact of the development. As the proposal does not comply with the performance criteria of the CKPoM, approval for the development is sought under the 'waiver provisions'. These provisions allow for the approval of works that cannot be located in such a way as to avoid the removal of native vegetation within Preferred or Supplementary Koala Habitat, Habitat Buffers, Habitat Linking Areas or the removal of preferred Koala food trees.

Given the ameliorative measures proposed and the provision of future koala habitat, the assessment of this proposal under Section 5A of the EP & A Act has found that it would not have a significant impact upon a viable local population of a Threatened Species, Endangered Population or Endangered Ecological Community such that there may be a risk of extinction. Under Commonwealth legislation, the proposal was not found to have a significant impact upon any matter of National Environmental Significance. Therefore, there is no reason for the subdivision not to proceed from an ecological perspective.

## 6.0 BUSHFIRE

Lot 284 is partially identified as bushfire prone land in Port Stephens Council's Bushfire Prone Map. Figure 5-1 below is an extract from the Bushfire Prone Map and illustrates the subject site. The land shaded orange is identified as Vegetation Category 1, while the land shaded red is a 100m wide bushfire buffer.

**Figure 6-1: Bushfire Prone Map of Lot 131 (Extract from PSC Bushfire Prone Map)**



Source: Port Stephens Council Online Mapping

The type of development proposed for the subject site is classified as commercial / retail development. The development is not captured under Section 79BA of the EP&A Act or Section 100B of the Rural Fires Acts 1997 (RFS Act 1997) because the development is not a 'special fire protection purpose', a use which includes; a school; a child care centre; a hospital (including a hospital for the mentally ill or mentally disordered); a hotel, motel or other tourist accommodation; a building wholly or principally used as a home or other establishment for mentally incapacitated persons, housing for older people or people with disabilities within the meaning of State Environmental Planning Policy No. 5 – Housing for Older People or People with a Disability; a group home within the meaning of State Environmental Planning Policy No. 9 – Group Homes; a retirement village; any other purpose prescribed by the *Rural Fires Regulation 2002*.

While the site contains a childcare centre, the use exists, so the proposed subdivision is not required to undertake a bushfire assessment under the legislation. As the legislation does not require a bushfire assessment to be undertaken, Council has the discretion to decide if the proposal is integrated for commercial subdivision works under the *Rural Fires Act 1997*.

As such the DA does not require referral or consultation with the Rural Fire Service (RFS). Additionally, the guidelines for residential development, documented within Planning for Bushfire Protection (Rural Fire Service 2001) do not apply. However, Council should consider bushfire as a hazard in any assessment under section 79C of the *EP&A Act 1979*. Section 79C (1) states:

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application

- *the likely impacts of the development; and*
- *the suitability of a site for development.*

The vegetation to the west is the primary bushfire hazard for the site. Removal of the vegetation on the site will reduce the bushfire hazard. In addition to this, the subdivision design also has a perimeter road along the western boundary that provides access for fire fighting vehicles and serves as a low maintenance Asset Protection Zone for any development to the east. These measures are in accordance with best practice. In summary, these key design recommendations have been included to enable the proposed development to meet with the Rural Fire Service document, *Planning for Bushfire Protection 2006* (PBP 2006).



## 7.0 HERITAGE

RPS Harper Somers O'Sullivan (RPS HSO) has undertaken an archaeological assessment for the proposed development, a copy of which is contained in Appendix 3. The report details the results of a pedestrian survey undertaken on the 6 October 2009 by an Archaeologist for RPS HSO, together with representatives of the Worimi Local Aboriginal Land Council (WLALC), Mur-roo-ma Incorporated (MRMI) Nur-Run-Gee Pty Ltd (NRG). The site survey identified one Aboriginal archaeological site, an Artefact Scatter containing one medial broken flake and two distal broken flakes made from the raw material type tuff, which is a common stone raw material for the area. The site is called RPS SW AS1. The landscape where the site was located was searched but no other artefacts were identified. Refer to the plates and figure in the Archaeology Report for more details of the appearance and location of the find.

The artefact site was located on an open access track on the dune crest in the northern portion of the Study Area. The dune crest has been extensively disturbed and modified by human activity because fill material was stockpiled in the north of site during excavations for the Salamander Town Centre. The excavated sand from the town centre development has been piled into small and large sand piles with steep sided slopes in the north east, north and north west of the Study Area (see Appendix 3 – Plate 2).

It is therefore possible that the artefacts identified during the site survey may have been deposited during construction of the Salamander Town Centre, when the site was excavated and fill material stockpiled. Further modification and disturbance of the sand dune has occurred as the result of tracks used by walkers and cyclists. Dumping of small and large piles of rubbish including loose pieces of rubbish and evidence of lighting of fires were consistent through the study area (Appendix 3 – Plate 5). Previous sand dumping, commercial and residential developments, access tracks, rubbish dumping and fire lighting are all factors that reduced the likelihood of finding in-situ Aboriginal archaeological sites in the Study Area. As a result, the items were not identified as being in situ to the landscape and have no contextual relationship to it.

The portion of land situated between the western car park and the swamp zone contains steep sided slopes resulting from modification to the landscape from the car park development. This area had no visibility due to dense vegetation and was very steep resulting in the survey team assessing the area as unsafe to enter. The swamp zone area may contain rubbish similar to other parts but due to the inaccessibility of the area this was unable to be determined. The only form of disturbance visible to the swamp zone was a drainage pipe extending from underneath the car park in a south west direction (Appendix 3 – Plate 6).

Dirt vehicle and access tracks were observed in the south western portion of the Study Area. Surrounding the dirt tracks was predominantly young regrowth vegetation (see Appendix 3 – Plate 3 & 4). The areas containing the densest vegetation were the swamp zone (Appendix 3 – Plate 8) and land extending from the north east to north west of the site (Appendix 3 – Plate 7). The vegetation surrounding the site was both exotic and native bush but with much of it containing bitou bush. Bitou bush grows in areas of disturbed context and is classified as an introduced species, originating from South Africa. In the past, it was used for stabilising disturbed dune areas. Remaining parts of the Study Area contained varying levels of vegetation density; areas of high density offered low visibility and were difficult to traverse and areas that were less dense were easily accessible by the survey team. Many of the plant species observed were common to disturbed coastal dune systems.

### Conclusion

The water table penetrated the surface in the swamp zone area making access difficult therefore this area was not surveyed. A comprehensive pedestrian survey was conducted across the remainder of the Study Area. The Study Area was found to be extremely modified and disturbed from previous sand dumping and commercial and residential construction works, with extensive excavation of the sands, associated sand stockpiling, formation of access tracks, dumping of rubbish and fire lighting, and evidence of remnant building and drainage works.

The pedestrian survey identified one artefact scatter (RPS SW AS1) but no other Aboriginal archaeological constraints were identified in the survey area. The Artefact Scatter contained three broken flakes that were not in situ. Recommendations for the mitigation strategies for this site have been outlined in Recommendation, which is detailed below.

In the event that additional sites are uncovered during site regrading works for the proposed subdivision, the proponent will be required to consult with the various Aboriginal Stakeholder groups.

### Recommendations

The management recommendations that stem from this archaeological assessment are based on the legislation designed to address the impact of development upon sites of cultural significance. With regard to the proposed site regrading operations;

- **Recommendation 1** – RPS SW AS1 is not an in situ site and is located on the edge of a track on a modified dune ridge. The artefacts are protected by native shrubs but if the area where the site is located has potential for impact by the proposed subdivision development, then a Section 87 Community Collection Permit should be sought from the Department of Environment, Climate Change and Water (DECCW) prior

to any subdivision works commencing. In the event that the artefacts are salvaged under a S87 Permit then they will be placed in the safe keeping of the Worimi Local Aboriginal Land Council. Under the National Parks and Wildlife Act (1974), it is an offence to knowingly destroy, damage or deface an Aboriginal site or object without obtaining the prior written permission of the Director General of the DECCW.

- **Recommendation 2** – In the event that the proponent uncovers previously unidentified Aboriginal artefacts or archaeological sites, work must cease in that immediate area and they will need to consult with the DECCW and relevant Aboriginal Community Stakeholders.
- **Recommendation 3** – In the event that skeletal remains are uncovered, work must cease immediately in that area and the proponent will need to contact the NSW Police Coroner to determine if the material is of Aboriginal origin. If determined to be Aboriginal, they must then contact the DECCW and relevant Aboriginal Community Stakeholders in order to determine an action plan for the management of the skeletal remains prior to works re-commencing.
- **Recommendation 4** – In terms of Historical archaeological management, if during the course of clearing work, non-Indigenous heritage material exceeding 50 years in age is uncovered, work should cease immediately in the vicinity. The NSW Heritage Branch and a suitably qualified archaeologist should be notified and works only recommence when an appropriate and approved management strategy is implemented.

At any time, if the proponent is uncertain about their risk of impacting Aboriginal sites, they will need to contact a suitably qualified archaeologist to investigate.

In summary, if the recommendations of the Archaeology Report are followed, the proposed development will not have a significant impact on heritage.



## 8.0 ACCESS AND TRAFFIC

PSC commissioned Colston Budd Hunt & Kafes Pty Ltd to prepare a report examining the traffic implications of the proposed retail subdivision. A copy of the Traffic Report is provided in Appendix 4. Car parking will be provided in accordance with the appropriate requirements at the time of applications for individual developments within the subdivision, therefore car parking is not addressed in the Traffic Report. However, public transport, access and internal layout of the subdivision and traffic generation and effects are all addressed in the report to satisfy the requirements of Council and the Roads and Traffic Authority (RTA).

### **Public Transport:**

Local bus services are provided by Port Stephens Coaches with bus stops on either side of Salamander Way in the vicinity of the site. Buses also use Town Centre Circuit to set down and pick up passengers adjacent to the shopping centre. Routes 30/31 connect Newcastle with Soldiers Point via Salamander Bay. A number of services operate in each direction. Route 130 connects Newcastle with Newcastle Airport, Anna Bay, Salamander Centre, Nelson Bay, Shoal Bay and Fingal Bay. It operates on approximately a 60 minute headway on weekdays, with a limited weekend service.

The proposed subdivision is serviceable by bus. It is also likely, that the increased retail and commercial densities will strengthen demand for public transport services. The Traffic Report recommends consideration of providing bus shelters at the existing bus stops on Salamander Way, close to the site. Provision will also be made in the new 20m wide north-south road reserve from Salamander Way for a pedestrian and cycle link to connect to existing infrastructure in the adjacent residential subdivision to the north-west.

### **Access and Internal Layout:**

Town Centre Circuit provides access to the Town Centre from Salamander Way in the south and Bagnall Beach Road in the east via un-signalised T-intersections. There are left and right turn bays on Salamander Way and Bagnall Beach Road for turns into Town Centre Circuit, as well as protected areas for right turns from Town Centre Circuit onto these roads. At its intersection with Salamander Way, Town Centre Circuit provides two approach lanes.

Town Centre Circuit provides access to the shopping centre, as well as other commercial and retail development on the corner of Salamander Way and Bagnall Beach Road and the existing Council owned and operated child care centre and library. There are roundabouts on Town Centre Circuit, which facilitate access to the shopping centre and other uses.

Vehicle access to the Salamander Town Centre is currently provided in a number of locations from Town Centre Circuit. Town Centre Circuit runs along the western boundary of the shopping centre allotment, providing access to the car park from the west. This extension of Town Centre Circuit is also used to access the existing childcare centre and library. Entry to the childcare centre is from a roundabout on Town Centre Circuit. Entry to the library is from a separate access that is not controlled by a roundabout.

A new road network that connects with Salamander Way and Town Centre Circuit will provide vehicle access for the subdivision. A 20m wide road is proposed along the western boundary of the subdivision. This road will provide access to the site from Salamander Way. The road is an additional 8m wide, compared to other roads in the subdivision to act as a buffer for the SEPP 14 wetlands to the east and as an Asset Protection Zone. The road has been designed so that water will generally run off the road to the east, back into the subdivision, so that there is no adverse impact of untreated and uncontrolled stormwater flowing into the adjacent wetlands. Provision is included in the road reserve for a pedestrian and cycle link from Salamander Way in the south to the existing infrastructure adjacent to the residential subdivision in the north. Refer to the Stormwater and Engineering Design in Appendix 5 for details.

In addition to the main new access road, new internal roads will be provided as follows:

- An access to Lots 1, 2 and 3 via the existing roundabout at the child care centre. This road will effectively be an extension to the existing Town Centre Circuit and will therefore provide a 12 metre wide road reserve width, the same as the existing road. The reserve will include a 1.2 metre wide footpath and drainage. No services will be required in this road because Lots 1, 2 and 3 all have frontages to either Salamander Way (which has existing service infrastructure) or the proposed 20m wide Access Road (which will have new, extended service infrastructure).
- For access to Lots 3 and 4, an east-west orientated road is proposed between the main access road in the west to connect with Town Centre Circuit in the location of the existing access to the shopping centre car park. This road will have a 15.5 metre wide road reserve, including footpath and drainage, with no other services required. The road reserve will contain koala habitat feed trees.
- An access to Lots 6 and 7 via an extension of the eastern part of Town Centre Circuit to the north. This connection will continue around the northern boundary of Proposed Lot 6 to connect with the

main access road in the west. The eastern portion of this road is effectively an extension of Town Centre Circuit and will therefore provide a 13m road reserve width, similar to the existing road. The northern portion of the road is 12m wide and will include benching and a retaining wall on the northern side. Street lighting and drainage will be included, but not other services will be required in this road. The existing footpath and cycleway immediately north of this road will connect to the proposed new footpath and cycleway on the western access road and again in the north-eastern corner of the site, where the road widens to 13.5m.

An internal road network is proposed throughout the subdivision to provide vehicle access to each of the allotments. This road network will connect with the existing Town Centre Circuit and the proposed access from Salamander Way. The internal road layout has been designed so that each of the proposed allotments has access from the internal network rather than direct access from Salamander Way and Bagnall Beach Road, which are arterial roads. This will help to reduce the impact of the subdivision on the efficiency and safety of existing roads in Salamander Bay.

The road network is not consistent with Council's current engineering design guidelines, which require 16m wide roads. However, the design is consistent with the existing road network at Salamander Town Centre, which is comprised of a 12m wide road reserve. As described above, each of the proposed roads has been designed with the capacity to accommodate the necessary carriageway, drainage, service, lighting and landscaping infrastructure.

#### **Traffic Generation and Effects:**

Traffic generated by the proposed development will have its greatest effects during weekday afternoon and Saturday periods when it combines with other retail and commuter traffic.

As the lots in the proposed subdivision are developed in the future, the additional development will effectively operate with the existing development as one larger retail / commercial centre. The RTA's "Guide to Traffic Generating Developments" indicates that as retail centres become larger, their unit traffic generation rate reduces. For example, the Friday afternoon and Saturday peak hour generation rates recommended by the RTA fall from 12.5 to 16.3 vehicles per hour per 100m<sup>2</sup> for centres of less than 10,000m<sup>2</sup> to 3.7 and 6.1 vehicles per hour per 100m<sup>2</sup> for centres larger than 30,000m<sup>2</sup>. Estimated traffic generation for the proposed subdivision have been based on the following rates.

- Big W have are interested in occupying Proposed Lot 6. Therefore the RTA's Guide to Traffic Generating Developments rates for discount



department stores have been adopted for this site, at 2.3 and 1.3 vehicles per hour per 100m<sup>2</sup> for Friday and Saturday peak hours respectively.

- Aldi are interested in occupying Proposed Lot 1. Surveys of similar sized Aldi stores have found peak hour generation rates of some 160 to 240 vehicles per hour two-way during the weekday afternoon and Saturday peak periods respectively.
- A medical centre is likely to be located on Proposed Lot 4. Surveys of large medical centres have found a peak period traffic generation rate of one vehicle per 25m<sup>2</sup> of Gross Floor Area (GFA).
- Proposed Lot 3 contains the existing childcare centre and library. As these uses exist, they have not been incorporated into the traffic generation rates. However, there is some 7,000m<sup>2</sup> of remaining developable area within Proposed Lot 3 that has been included in the traffic generation calculations to account for the possibility that the allotment may be further developed in the future.
- Traffic generation for Proposed Lots 2, 3, 5 and 7 has been assessed based on their use for retail purposes, which has a higher traffic generation than commercial uses. The assessment is therefore conservative. Based on a retail floor space of approximately one third of the remaining site areas (similar to the anticipated uses on Lot 1, 4 and 6) and remaining developable area of approximately 7,000m<sup>2</sup> on Lot 3, the potential retail floor space of these sites would be some 16,000m<sup>2</sup>. A rate of 3.7 and 6.1 vehicles per hour per 100m<sup>2</sup> for the Friday afternoon and Saturday peak hours has been applied respectively to these sites, based on the RTA Guidelines.

Based on the above, the potential future development of the subdivision would generate some 1,100 and 1,450 vehicles per hour two-way during the weekday afternoon and Saturday peak hours respectively. Therefore, traffic increases on Town Centre Circuit, Bagnall Beach Road (between Town Centre Circuit and Sandy Point Road) and the new access road from Salamander Way would be some 450 to 800 vehicles per hour two-way during peak hours. This information was then used to perform SIDRA analysis for key intersections. As a result, recommendations have been made for the proposed intersections with Bagnalls Beach Road and Salamander Way, as follows.

#### **Proposed Access Upgrades from Salamander Way**

A new access is proposed to the development from Salamander Way. The proposed intersection will be controlled by a roundabout and will complement the existing access from Salamander Way to Town Centre Circuit and the existing access from Bagnall Beach Road. A copy of the proposed roundabout design is



provided in Appendix 7. In addition to other upgrades works described in Section 7.0 of this report, the new access will address the cumulative impact of the subdivision on the existing road network at Salamander Town Centre. The new access will ensure the safety and efficiency of entry into the Salamander Town Centre as a result of the subdivision.

Where the western part of Town Centre Circuit meets the new road between Lots 3 and 4 at the existing shopping centre access, a small roundabout or sign controlled intersection could be provided.

The existing intersection configuration at Bagnall Beach Road and Town Centre Circuit would cater for traffic flows from the Aldi, Big W and medical centre developments. With these developments the intersection would operate with average delays of less than 35 seconds per vehicle during peak periods. This represents level of service C, a satisfactory level of service. To accommodate further development (beyond the Aldi, Big W and medical centre), the intersection of Bagnall Beach Road with Town Centre Circuit would require upgrading to traffic signals. Traffic signals would also better cater for pedestrians at this intersection. With traffic signals (including marking two approach lanes on Town Centre Circuit between Bagnall Beach Road and the internal roundabout, and lengthening the right turn bay in Bagnall Beach Road to 170 metres), the intersection would operate with average delays of less than 25 seconds per vehicle during peak periods. This represents level of service B, a good level of service.

Each of the intersections will have a good level of performance if the recommended intersection upgrades were adopted, including the recommendation for new access from Salamander Way.

### **Summary:**

In summary, the main points relating to the proposed retail subdivision area as follows.

- Vehicle access to the proposed subdivision will be from new roads connecting to Salamander Way and Town Centre Circuit.
- The proposed roads are generally not compliant with Council's engineering requirements for 16m wide roads, however they will provide appropriate road reserve widths to contain the carriageway, drainage, services and landscaping. The proposed roads are generally consistent with the current Town Centre Circuit layout, which operates safely and efficiently at 12m wide.
- It is proposed to install traffic signals at the intersection of Bagnall Beach Road and Town Centre Circuit (following development of Lots 1, 4 and 6)

and a roundabout at the intersection of Salamander Way (prior to development of the subject site) and the new main access road (prior to development of the subject site).

- With these works, the road network will be able to accommodate traffic from the proposed development and maintain a good level of service.

## 9.0 GEOTECHNICAL ISSUES AND ACID SULFATE SOILS

Figure 4-2: Acid Sulfate Soils Map shows that the subject site is located within Acid Sulfate Soils Planning Category 3 and therefore Clause 51A of the LEP applies to the subject site. The LEP states that a person must not, without development consent, carry out works 1m below the natural ground surface or works likely to lower the watertable greater than 1m below the natural ground surface within land identified as ASS Planning Category 3.

Filling the site to accommodate development will reduce the likelihood of disturbing soils beneath the natural ground surface. The fill will act as a buffer between the natural ground surface and any necessary earthworks. An Acid Sulfate Soils Management Plan will be prepared for the proposed development in accordance with the Acid Sulfate Soils Manual to demonstrate the impact of the proposed development on ASS. This plan will be submitted prior to the issue of a Construction Certificate once it has been determined whether more than 1 tonne of potential ASS will be disturbed as a result of the development. The Management Plan would identify the extent and nature of acid sulfate soils, assess the likely impacts of any proposed activity upon those acid sulfate soils (including the consequence of no action) and detail the prescriptive measures to be taken to minimise environmental impacts resulting from interaction between the ASS and the proposed activity.

Consent will be sought for drainage works as part of this DA and therefore comments will be sought from NSW Fisheries within 21 days of the Council having sent that Department a copy of the DA and the related Acid Sulfate Soils Management Plan.

Barker Harle are preparing a Geotechnical Assessment for the subject site, a copy of which will be provided as an addendum to this SEE. The Geotechnical Report will be finalised when all laboratory results are received and will include an assessment of Acid Sulfate Soils (ASS) and the water table.



## 10.0 DRAINAGE, STORMWATER AND ENGINEERING DESIGN

Barker Harle have prepared stormwater drainage and engineering design for the proposed development, copies of which are provided in Appendix 5. The drawings include the following:

- A Proposed Road and Site Layout Plan and longitudinal sections (Sheet Numbers C1-C5), which show the proposed road reserves, carriageways, footpaths and cycle ways, and approximate locations of retaining walls in the north of the site. There are also five (5) longitudinal sections.

The existing 2.4 m wide cycleway that runs parallel to the northern boundary of the subject site, near the existing residential subdivision, will be incorporated into the proposed cycle and footpath network to avoid the unnecessary and costly duplication of existing infrastructure. A new 2.4m wide cycleway will be provided within the proposed access road along the western boundary of the subject site, which will connect with Salamander Bay in the south and the existing cycleway in the north.

Similarly, a new footpath connection will be provided along the eastern side of the proposed circuit road, near Proposed Lot 7, which will connect with the existing cycleway in the north and link in the footpath to the south on Town Centre Circuit. The connection between the proposed and existing infrastructure in the north-east of the site is shown on Sheet C4.

- Typical Cross Sections (Sheet Numbers XS1 –XS3) are provided at different locations of the circuit road, as well as minor roads 1 and 2. The Typical Cross Sections reveal that the northern boundary of the subject site shall have a retaining wall and as a result, the subject site and northern boundary road, will be lower than development to the north. This will help to reduce potential impacts of development on adjoining residential areas to the north. It will also ensure that the cycle way is raised above the carriageway, which enhances the real and perceived safety of the cycle way.
- A Preliminary Stormwater Drainage Design (Sheet Number PSW1, Issue B), which includes details of a pit and pipe schedule, drainage notes, overland and piped flow paths, earth batters, existing contour levels and proposed infiltration trenches.

Proposed Lot 7 will drain toward the existing drainage system in Bagnalls Beach Road, while the remainder of the site will drain westwards. Infiltration trenches will be provided in the north-east (400m<sup>3</sup>) and south-west (55m<sup>3</sup>) of the subject site, while a 1200m<sup>3</sup> detention basin will be provided in the drainage reserve.



Overland flow from the proposed basin will be conveyed to the existing open swale to the west via a proposed 6.0m wide and 2.5m high precast concrete box culvert under the proposed access road in the west of the site. The proposed basin will be constructed using permeable, no erodible materials such as gabion mattress or similar. A gross pollutant screen will be provided across the proposed overflow spillway to improve the quality of water leaving the subject site.

The proposed infiltration trenches in north-east and south-east of the site have been located to avoid impacts on future development, by being located near the boundaries of the proposed allotments. The infiltration trench in the south-west of the site is not developable land because it is an unusually shaped corner and is therefore suitable for stormwater infiltration.

## 11.0 LANDSCAPE PLAN

Terras Landscape Architects are preparing a Landscape Plan for the proposed development. The landscape documentation will be submitted as an addendum to this SEE, under separate cover, as it was not complete at the time of lodgement.



## 12.0 SERVICES

The proposed subdivision is located in an area that is serviced by reticulated water and sewer, telecommunications and electricity infrastructure. Consultation shall be undertaken with the relevant authorities to confirm that the subdivision can be connected to these services. A copy of the Subdivision Plan stamped by HWC in recognition that an s50 application has been lodged is provided with the Development Application under separate cover.

Proposed Lots 1, 2 and 7 have frontage to Salamander Way and Bagnalls Beach Road, which contain existing service infrastructure. Therefore, these allotments will be able to access the infrastructure already available on these roads.

Proposed Lots 3, 4, 5 and 6 all have frontage to the proposed 20m wide Access Road along the western boundary of the site. This road reserve has been designed to accommodate new service infrastructure. Therefore these allotments will be able to access the services to be provided within this road reserve. Therefore, reticulated water, sewer, electricity and telecommunications can be accessed via frontages with Salamander Way, Bagnalls Beach Road and the proposed 20m wide access road on the western boundary for all of the proposed allotments. There is no requirement to provide further service infrastructure within any other proposed road reserves.





## 13.0 CONCLUSION

It is proposed to subdivide the subject site from one (1) into seven (7) allotments. The subject site is zoned 3(a) – Business General “A” Zone and wraps around the western, northern and eastern boundaries of the Salamander Town Centre. The commercial subdivision is consistent with the zoning and provisions of the LEP and will facilitate development that complements the adjoining commercial centre. The suitability of the site for commercial and retail uses is demonstrated by the fact that potential end users have been identified for three of the proposed allotments. Proposed Lot 3 has been designed to contain the existing Council owned childcare centre and library.

Each of the proposed allotments will have access from the internal road layout, avoiding access from Salamander Way and Bagnall Beach Road. Improvements to the existing intersections and new intersection with Salamander Way will ensure that traffic safety and efficiency are maintained at good levels of service. The internal road layout has been designed to integrate with Town Centre Circuit.

The development will involve the clearing of approximately 3ha of the Swamp Forest, which includes Wallum Froglet and Koala habitat. However, this will be offset by the dedication of Lot 21 DP 1044009, No. 1 Salamander Way for conservation in perpetuity. Located on the opposite side of Salamander Way, the site contains four times the area of Swamp Forest EEC compared to the subject site, which is a significant environmental outcome. The offset land is considered to be part of the habitat of the same local populations of Wallum Froglet and Koala, which are identified as threatened species.

The impacts on local koala populations resulting from clearing will be further reduced by retaining as many preferred Koala food trees throughout the subdivision wherever possible, within the road reserve and Council owned land. It is proposed that 300 specimens of *E. robusta*, a preferred koala food tree, be planted as part of the landscaping of the site. The plantings will be concentrated on the western boundary of the site adjacent to the boundary with the SEPP 14 wetlands and will provide a future Koala movement corridor, adjacent to an existing corridor in the Mambo Wetland. As a result, preferred koala feed trees will be replaced at a rate of 50 specimens for each tree removed.

Site filling will help to create a best practice stormwater design, so that no water is discharged from the subject site into the SEPP 14 wetlands. The filling will also help to minimise disturbance of potential ASS.

The subdivision complies with the requirements of the LEP and the DCP. It is therefore requested that Council approve the proposed Development Application for subdivision of Lot 284 DP 806310.



## APPENDIX 1

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### Proposed Subdivision Plan

## APPENDIX 2

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### Statement of Effect on Threatened Flora and Fauna

## APPENDIX 3

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### Heritage Report



## APPENDIX 4

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### Traffic Impact Assessment

## APPENDIX 5

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### Stormwater Drainage and Engineering Design

## APPENDIX 6

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### DAP Advice

## APPENDIX 7

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### Roundabout Design