

**JRPP Reference - 2012HCC010 - Port Stephens, 16-2012-57-1, Soldiers Point Marina, 2C,2R, 2F Ridgeway Avenue, 2 Sunset Blvd, Soldiers Point and 3/324 Soldiers Point Road, Salamander Bay**

**Reasons for Refusal**

1. Insufficient information has been provided to facilitate a thorough assessment of the development including the following:
  - Owners' consent (Strata Corporation, Council and Department Lands);
  - A Species Impact Statement;
  - Aboriginal Cultural Heritage Assessment;
  - Hydrological Assessment;
  - Accessibility Audit;
  - Hazards Assessment;
  - Arborist Assessment (Spencer Park Trees);
  - Economic Impact Assessment ; and
  - Compliance with principles of ESD (EP&A Act 1979).
2. The development is inconsistent with the aims of State Environmental Planning Policy No.71 (Coastal Protection) as it has the potential to significantly impact upon Critically Endangered Species (Beach Stone Curlew), impact the visual amenity of the Soldiers Point Foreshore, and have an unknown impact upon Aboriginal Culture and Heritage in the locality (EP&A Act 1979).
3. The development is inconsistent with the aims and objectives of the 7(w) 'Environmental Protection 'W' (Waterways Zone)', as it has the potential to adversely impact upon the natural environment and coastal processes (Section 79c(1)(a)(i) EP&A Act 1979).
4. The development fails to conform to the controls contained within Port Stephens Development Control Plan (B2 Environmental Management) (Section 79c(1)(a)(iii) EP&A Act 1979).
5. The development has the potential to result in an adverse impact on the environment, in particular the critically endangered Beach Stone Curlew and significant trees located in Spencer Park (Section 79c(1)(b) EP&A Act 1979).
6. The development has the potential to adversely impact the environment, ecology, Aboriginal Culture and Heritage, and visual amenity, and therefore the site is not suitable for the development (Section 79c(1)(c) EP&A Act 1979).

7. The development is inappropriate for the site given existing site constraints and the character of the locality and is therefore not in the public interest (Section 79C(1)(e) EP&A Act 1979).