



TOWN PLANNING  
AND URBAN DESIGN

## **STATEMENT OF ENVIRONMENTAL EFFECTS**

**Proposed Big W discount department store,  
specialty shops and at-grade parking at  
Salamander Bay**

**155 Salamander Way, Salamander Bay - Part  
of Lot 284 in DP 806310**

for Fabcot Pty Ltd

May 2012

PROJECT NO: 211.088 RPT SEE

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## 1. INTRODUCTION

### 1.1 PURPOSE OF THIS DEVELOPMENT APPLICATION

This report constitutes a Statement of Environmental Effects (SEE) accompanying a Development Application (DA) prepared on behalf of Fabcot Pty Ltd. This SEE is submitted to Port Stephens Council for assessment and determination under Section 79C of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The DA involves a proposed Big W discount department store, specialty shops and at-grade parking area with an internal connection to the existing Salamander Bay Shopping Centre. The existing Salamander Bay Shopping Centre has a street address 2 Town Centre Circuit, Salamander Bay. The proposed addition to the existing shopping centre is to be located on part of Lot 284 in DP 806310 which has a street address of 155 Salamander Way, Salamander Bay.

The subdivision of this land is not part of this DA. The subdivision is the responsibility of the land owner, Port Stephen Council (Council) to complete. A separate DA for a land subdivision is being prepared by Council's asset management team. Despite that a subdivision DA is not lodged or approved, nonetheless the location of the proposed development is on part of Lot 284 DP 806310, this land exists and therefore an environmental assessment of the proposal can be completed.

The applicant is prepared to accept a "deferred commencement condition" that the consent will become operational upon registration of a plan of subdivision.

The overall objectives of the proposed development are to:

- Provide for a Big W Discount Department Store and specialty shops with at-grade parking in a location which supports the urban area, and on a site which permits the proposed form of development;
- Provide for additional local employment and improved choice for shoppers in Salamander Bay; and
- Provide a development appropriate for the site and a level of retail amenity for the local community.

The purpose of this SEE report is to:

- Describe the proposed development and the locality in which it is situated;
- Address the specific assessment criteria under Section 79C of the EP&A Act;
- Discuss the potential environmental effects of the proposal;
- Draw conclusions as to whether those impacts are significant and if necessary, propose measures to mitigate impacts; and

- Make a recommendation to Council as to whether the proposed development described in this application should be supported.

This report has been prepared pursuant to the provisions of the EP&A Act and the *Environmental Planning and Assessment Regulation 2000* (EP&A Regs).

## 1.2 THE SITE

### 1.2.1 Site Description

The existing Salamander Bay shopping centre site is located at 155 Salamander Way, Salamander Bay. Access to the existing car park is via entries off Town Centre Circuit from Bagnall Beach Road and Salamander Way.

The site the subject of this DA is the vacant undeveloped land to the north of the existing centre.

The site has an area of approximately 1.97 Hectares.



**Figure 1: Aerial context of site (red outline indicates approximate location of development) NTS**  
Source: Google Maps

## 1.2.2 Legal Description

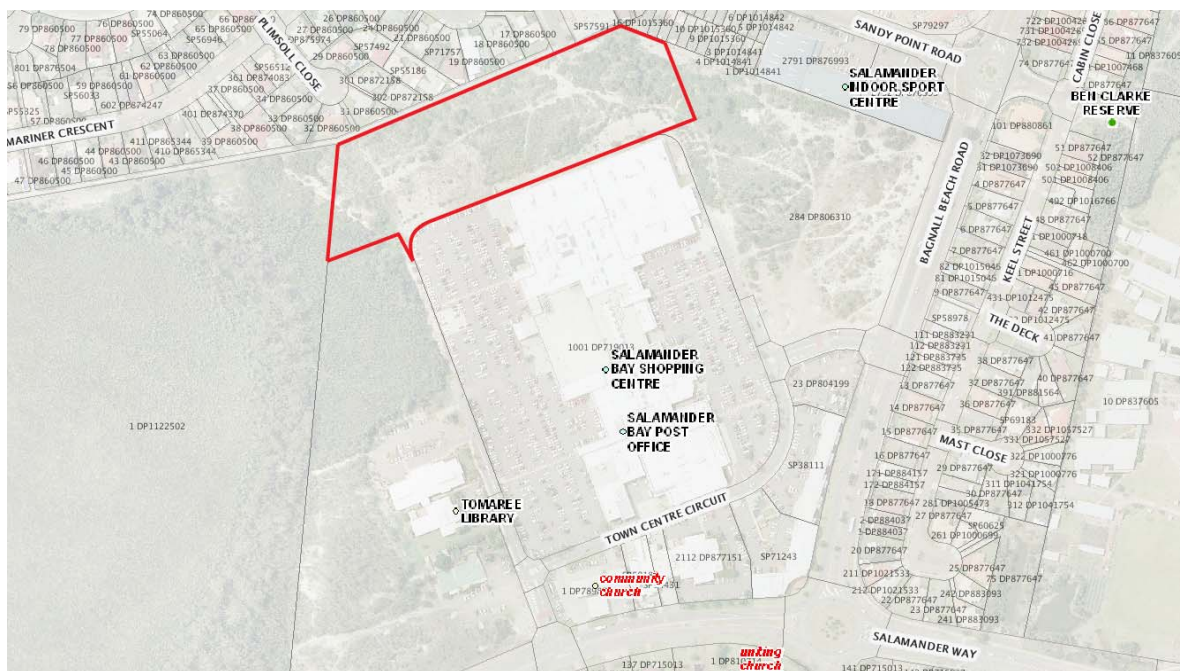
The street address of the existing Salamander Bay Shopping Centre is 2 Town Centre Circuit, Salamander Bay. The land surrounding the existing shopping centre is owned by Council with a rateable street address known as 155 Salamander Way, Salamander Bay. This is the address of this DA.

The land on which the proposed Big W Discount Department Store, specialty shops and at-grade parking are to be located, can be legally described as forming part of Lot 284 in Deposited Plan 806310.

The Council is the owner of this land and will subdivide the land under a separate DA.

This lot is subject to a separate subdivision DA seeking approval to subdivide the lot into three (3) lots, an extension of "town centre circuit", site clearing and levelling.

**Figure 2** demonstrates the cadastral relationship of the site.



**Figure 2: Cadastral relationship of subject site (defined by red outline) NTS**  
**Source: Spatial Information Exchange (SIX)**

Surveys of the land can be found at **Appendix A**.

As part of the sale proposed Lot 2 from Port Stephens Council to Fabcot Pty Ltd, the site will be levelled to an RL within 50mm of the existing shopping centre car park and will be serviced by roads as per the draft plan of subdivision (Appendix K) and services by sewer, water, stormwater and electricity to the boundary. These works will be completed by Council prior to the completion of the sale of the land and registration of a plan of subdivision.

The following photographs demonstrate the existing site features:





**Photograph 1:** View of the existing Kmart loading dock at the north-east of the existing shopping centre.



**Photograph 2:** View of the rear wall of the existing Kmart component of the shopping centre.



**Photograph 3:** View of the eastern side wall of the existing Kmart component of the shopping centre.



**Photograph 4:** View of the site facilities at the rear wall of the existing Kmart component of the shopping centre.



**Photograph 5:** View of the rear wall of the existing Kmart component of the shopping centre. It is noted this area has security lighting CCTV units installed, fire hydrants and cleared area.



**Photograph 6:** View of the rear loading dock of the shopping centre.



**Photograph 7:** View of the existing loading dock at north-west corner of the shopping centre.

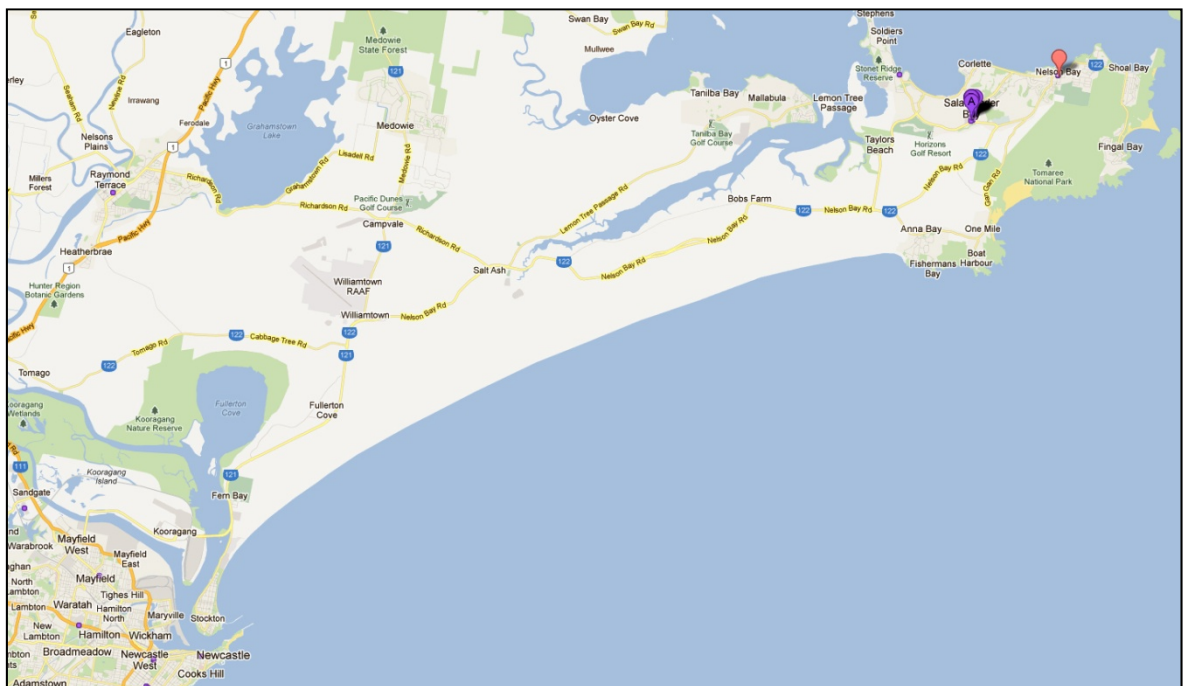


**Photograph 8:** View of the existing loading dock at north-west corner of the shopping centre.

### 1.3 LOCAL AND REGIONAL CONTEXT

Development within Salamander Bay generally comprises residential housing, and retail uses within the Town Centre, with the Salamander Bay Shopping Centre lying at the heart of the suburb. The site in terms of its context is located approximately in a straight line distance 40 kilometres from the Newcastle CBD and 154 Kilometres from the Sydney CBD. Other localities in close proximity to the site include Corlette and Nelson Bay.

**Figure 3** demonstrates the location of the site relative to its surrounding suburbs.



**Figure 3:** Regional context of the site (site identified by purple 'A') NTS  
Source: Google Maps

The Salamander Bay Shopping Centre is a stand-alone retail development which has over the last 20 years been the subject of a series of DAs which has resulted in its incremental expansion. The existing centre contains a number of major retail anchor tenants with the exception of a Big W discount department store.

#### **1.4 SURROUNDING DEVELOPMENT**

Salamander Bay is a suburb of Port Stephens Local Government Area which attracts a diverse range of inhabitants, including retirees, holiday makers and families given its proximity to areas with a significant foreshore to Port Stephens. Consequently, there is a considerable degree of residential development within Salamander Bay and neighbouring localities. The subject site whilst undeveloped forms an extension to the Salamander Bay Shopping Centre which has been developed for the purposes of a large retail mall, associated car parking and associated loading facilities.

The properties to the north of the site have been developed for the purposes of residential housing.

Land to the east and west of the subject site has not been developed, with vegetation existing on both sides.

Land to the immediate south of the site has been developed for the purposes of the Salamander Bay Shopping Centre and associated car parking.

Photographs 11 to 16 below demonstrate the surrounding development.



***Photograph 9: View of existing pathway to rear of residential area to north of the site.***



***Photograph 10: Residential properties to the north of the site.***





**Photograph 11: Retail development to the north east of the site.**



**Photograph 12: Local radio station to the west of the site.**



**Photograph 13: Existing roundabout and signage on Town Centre Circuit at south-west corner of existing centre.**



**Photograph 14: Council Library and community Centre to the west of the site.**

## 1.5 SUMMARY OF SALAMANDER BAY SHOPPING CENTRE DEVELOPMENT APPROVALS

A summary of the approvals granted by Council associated with the expansion of the existing shopping centre, which demonstrate over the last 20 years there have been significant changes to the centre which have been supported by Council can be found at **Appendix Q**.

## 2. DEVELOPMENT DESCRIPTION

### 2.1 THE PROPOSED DEVELOPMENT

The DA involves:

- Site preparation works;
- Construction of a retail building;
- Fit-out for a Big W Discount Department Store approximately 5,293 square metres GLFA;
- New specialty shops approximately 951 square metres GLFA;
- Internal connection to existing shopping centre mall;
- Loading dock facilities;
- At-grade car parking facilities for 289 cars; and
- Signage.

The following table 1 below provides a summary of the proposed signage.

**Table 1: Summary of proposed signage**

Sign No	Type	Content	Dimensions (w x h)	Size sqm	Single/Double Sided	Illuminated
1	Building Sign	BIG W	8000 x 3430	27.44	Single	Yes
2	Building Sign	BIG W	5000 x 2130	10.65	Single	Yes
3	Building Sign	Customer purchase Pick Up Point Please ring Bell	2100 x 615	1.2915	Single	No
4	Building Sign	Big W Loading Dock Hours & Customer Parcel Pick Up	7500 x 1000	7.5	Single	No
4a	Building Sign	BIG W Loading Dock Hours	7500 x 1000	7.5	Single	No
5	Entry Statement	W' Icon	2455 x 2000	4.91	Single	Yes



Sign No	Type	Content	Dimensions (w x h)	Size sqm	Single/Double Sided	Illuminated
8	Entry Statement	BIG W	4695 x 2000	9.39	Single	Yes
6	Pylon Sign in Car Park	Big W	4200 x 1840	7.728	Double	Yes
		Mini Major	2800 x 1840	5.152	Double	Yes
	Overall Pylon Sign		4500 x 8000		Double	
7	Pylon Sign	Big W	4200 x 1840	7.728	Double	Yes
	cnr Salamander Way & Town Centre Circuit	Mini Major	2800 x 1840	5.152	Double	Yes
	Overall Pylon Sign		4500 x 8000		Double	

Details of the design are contained within the architectural drawings; a reduced set of drawings can be viewed at **Appendix B**.

## 2.2 NUMBER OF EMPLOYEES

The proposed retail development will employ between 250-300 people inclusive of 100 full-time positions and 100 part-time positions. The balance will be employed on a casual basis as required during peak periods.

## 2.3 HOURS OF TRADE

The trading hours of the proposed retail development will be between 8am and midnight, seven days a week.

## 2.4 PRE-LODGE MEETING

A pre-lodgement meeting was held with Port Stephens Council on 25 November 2011, a copy of the notes from this meeting can be found at **Appendix C**. The matters raised have been considered in the preparation of this DA with a summary of responses included in **Appendix C**.

### 3. STRATEGIC PLANNING

#### 3.1 LOWER HUNTER REGIONAL STRATEGY

The *Lower Hunter Regional Strategy* (LHRS) was released in October 2006, and guides local planning in the LGAs of Newcastle, Lake Macquarie, Port Stephens, Maitland and Cessnock, identifying how the expected growth in these regions will be managed to provide for both economic development and the protection of environmental assets, cultural values and natural resources.

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 LHRS is a 25-year land use strategy which has been prepared by the NSW Government to ensure the Region develops in a strong and sustainable way. The plan aims to:

- *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 ensure 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.*

The proposed addition to the Salamander Bay Shopping Centre is consistent with the Centres Hierarchy in the LHRS. Salamander Bay Shopping Centre fits within the “stand-alone shopping centre” category as advised:

*Privately-owned centres located away from other commercial areas, containing many of the attributes of a town but without housing or open space.*

The proposed retail development is in keeping with the general principles of the Centres Hierarchy as follows:

- *The proposed development will expand the Salamander Bay Shopping Centre, which will contribute in providing a strong, vibrant Town Centre for Salamander Bay by bringing people and houses in closer proximity to more jobs and services;*
- *The proposed development is in keeping with the principles of the Strategy by improving the existing Salamander Bay Town Centre, as stronger Centres are seen by the Strategy as playing a much greater role in providing jobs and housing, which then encourages more compact urban areas. Specific benefits of consolidating 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 available infrastructure 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;*
  - *Greater safety, amenity and sense of community (as a result of more people being present in the centre during the day and at night).*

The LHRS refers to the following important economic challenges for the Lower Hunter region:

- *Maximise the economic opportunities associated with the Region's competitive advantages, in particular its economic infrastructure and specialised centres;*
- *Maintain or improve the employment self sufficiency of the region.*

It is considered that the proposed development will respond to the economic challenges for the Lower Hunter Region which are presented in the LHRS. The proposed expansion to the Salamander Bay Shopping Centre will improve the employment self sufficiency of the Salamander Bay Town Centre and Port Stephens LGA, whilst also maximising the Shopping Centre's economic capacity.

### Centres and Corridors

Strong, vibrant centres bring people, housing, jobs and services in close proximity. In so doing, they reduce the need for people to travel, and greatly increase the opportunity to provide viable public transport systems, to the benefit of those who need to travel.

The LHRS states the following objective for stronger centres:

*By promoting stronger centres that play a much greater role in providing jobs and housing, the Strategy is able to reduce the further sprawl of suburban development and create more compact urban areas*

Specific benefits of concentrating activities and housing more people in and near centres, as identified by the strategy which apply to the proposed development include:

- *Improved access to employment, shopping and other services (including health, community and personal services, education, leisure, entertainment and cultural facilities);*
- *Better use of existing infrastructure.*

The LHRS states that the hierarchy of centres “also includes town centres and other mid- and lower-order centres”. These centres are integral to the network of centres within the Region and perform a similar and essential role but on a more local scale. It is considered that the proposed expansion to the Salamander Bay Shopping Centre provides a logical opportunity to improve access to employment for both the Salamander Bay locality and residents of Port Stephens, with the added benefit of the development taking advantage of existing infrastructure of the shopping mall.

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

### 3.2 PORT STEPHENS FUTURES STRATEGY 2009

*The Port Stephens Futures Strategy 2009* (Futures Strategy) is a statement of strategic directions based on principles of sustainability, enabling:

- *Short term decisions to be taken based upon long term considerations;*
- *A balance between social, economic, cultural and environmental factors.*

According to the Futures Strategy, the document summarises actions to achieve the strategic directions which are proposed inclusions into the forthcoming Community Strategic Plan as required by the NSW Government. The Futures Strategy is also considered a foundation for the future *Port Stephens Local Environmental Plan*.

The “Over-arching Strategic Directions” of the Futures Strategy are:

- *Sustainability;*
- *Governance Framework;*
- *Good Development;*
- *Social Futures;*
- *Cultural;*
- *Port Stephens Economy;*
- *Environment;*
- *Infrastructure;*
- *Urban Design; and*
- *Accountability of Government.*

The following Strategic Directions and their Proposed Actions are relevant to the proposed development:

#### Social Futures

- *Develop policies that increase building design that enable improved overlooking/surveillance of streets and public spaces.*
- *Apply ‘Crime Prevention through Environmental Design Principles’ (i.e; CPTED) safer by design in the assessment of relevant development applications and in planning for/designing public spaces.*

CPTED principles have been incorporated into the architectural design of the proposed development. A CPTED report has been prepared and accompanies this DA, a copy of which can be viewed at **Appendix E** of this report. The CPTED report assesses the proposed development against the guidelines prepared by the NSW Department of Planning & Infrastructure (DoPI) titled “Crime Prevention and the assessment of development applications” under Section 79C of the EP&A Act as well as data provided in the *Crime Report Series for Port Stephens 2007*.

## Economic Futures

The Strategic Directions under the Economic Futures section of the Futures Strategy are as follows:

- *Building on advantages – identifying and capitalising on the existing infrastructure and assets of port Stephens in planning and promoting economic growth;*
- *Infrastructure for the future – ensuring infrastructure is coordinated with new employment growth areas, particularly the airport zone and Tomago and Heatherbrae Industrial areas;*
- *Growing community; business growth, new businesses, employment base and increased skilled jobs, and*
- *Improving place/living community: town development, town improvement, infrastructure and industrial zones.*

It is considered that the proposed development is consistent with the Strategic Directions of the Futures Strategy in relation to Economic Futures. The proposed development will provide both business growth and an increased employment base for the Salamander Bay Shopping Centre, as well as capitalising on existing infrastructure in the Salamander Bay Town Centre.

The Futures Strategy also references the following strategic documents:

### **NSW State Plan**

- *P1: Increased Business investment*
- *P2: Maintain and invest in infrastructure*
- *P4: More people participating in education and training throughout their life*
- *P6: Increased business investment in regional and rural NSW*
- *P7: Better access to training in rural and regional NSW to support local economies*
- *E5: Jobs closer to home*

### **Lower Hunter Regional Strategy**

Relevant Lower Hunter Regional Strategy directions are:

- *Maximise the economic opportunities associated with the Region's competitive advantages, in particular its economic infrastructure and specialised centres;*
- *Ensure sufficient employment lands are available in appropriate locations, to provide sufficient capacity to accommodate growth in existing and emerging industries and businesses;*
- *Maintain or improve the employment self sufficiency of the region; and*
- *Ensure activity within the Lower hunter complements rather than competes with economies and communities of adjoining regions.*

The following proposed actions are stated in the Futures Strategy for inclusion in Council's Community Strategic Plan, Council's Delivery Program and Council's Operational Plans and are relevant to the proposed development:

- *Plan for sufficient local employment within urban release areas so as to make future employment provision match population growth.*
- *Planning for economic growth and job creation should underpin major planning strategies.*
- *Council to actively promote Port Stephens as a business location*
- *Council to target businesses in key sectors*

The proposed retail development is likely to result in a range of important economic benefits to Salamander Bay, with key positive impacts including the following:

- The provision of a wider range of shopping facilities for local residents including a full-line major variety retail facility. This would significantly reduce travel time for the existing and future population.
- The proposed development will generate a substantial number of jobs, both for the construction and related industries during the construction period and also for the local economy generally once the centre is completed.
- Once fully operational, the retail development would be likely to employ in excess of 300 persons.

As such it is considered that the proposed development is consistent with the Futures Strategy.

### **3.3 PORT STEPHENS PLANNING STRATEGY 2011**

The Port Stephens Planning Strategy (PSPS) was adopted by Council on the 20 December 2011.

The PSPS was prepared to respond as the next step in strategic planning for the LGA to the State Government's Lower Hunter Regional Strategy and Lower Hunter Regional Conservation Plan.

The Council has advised on its webpage: *"The primary purpose of the PSPS is to guide land use planning and decision making for development and environmental outcomes. The PSPS provides the framework for the broad strategic base to manage growth and is supplemented by the development of sub-strategies to provide an additional level of detail for specific areas or issues."*

The executive summary of the PSPS states:

*The Port Stephens Planning Strategy (PSPS) builds on the 2007 Community Settlement and Infrastructure Strategy by providing a comprehensive planning strategy for the Local Government Area (LGA).*

*The PSPS is one of a suite of high level strategic documents produced by Port Stephens Council to guide the operations of the Council, and the future growth and sustainability of the LGA. The other documents include the Port Stephens Futures Strategy and the Port Stephens Integrated Strategic Plans.*

*The PSPS responds to the State Government's Lower Hunter Regional Strategy (LHRS) and Lower Hunter Regional Conservation Plan (LHRCPP) by providing local level detail, and*

*by incorporating the results of more recent studies, such as the Port Stephens Commercial and Industrial Land Study (CILS) and the Rural Lands Study (RLS).*

*The PSPS provides a rationale for the land use planning policies to be included in the Port Stephens Principal Local Environmental Plan (LEP) and a review of the Port Stephens Development Control Plan (DCP).*

*Port Stephens LGA faces a range of opportunities and challenges, which include:*

- An ageing of the population profile*
- A declining supply of land with urban potential*
- A dispersed settlement pattern*
- A high dependence on motor vehicles and low public transport availability and use*
- Significant impacts due to climate change and sea level rise*
- Significant environmental assets (eg. the coast, the waterways, landscape and natural areas) and constraints (eg. flooding, acid sulphate soils)*
- The impact of military aircraft noise*
- Areas of economic growth, such as Tomago and Williamtown (DAREZ Business Park)*
- The regional airport with ready access to other centres*

*The PSPS responds to these challenges by focusing urban growth around centres and directing urban expansion to suitable areas near existing centres and services.*

*The Primary Growth Corridor of the LGA stretches in the north from the recently rezoned North Raymond Terrace (Kings Hill) new release area to the regional centre of Raymond Terrace, to the emerging Enterprise Corridor of Heatherbrae and then is anchored in the south by the Tomago Industrial Precinct. There is also an Eastern Growth Corridor encompassing Medowie, Williamtown, Newcastle Airport and Fullerton Cove/Fern Bay. However, the potential for additional growth in the medium to long term in the Eastern Growth Corridor area will be re-evaluated following review of the Lower Hunter Regional Strategy and completion of the Raymond Terrace/Heatherbrae Growth Strategy. The main urban release areas are at Anna Bay, North Raymond Terrace (Kings Hill), and Medowie. In addition there is considerable "infill" as a result of the development of undeveloped zoned residential land within the existing urban area. The PSPS also seeks to ensure that other land with urban potential is not lost to inappropriate development, such as rural residential development, which has occurred in the past. Refer to the Port Stephens Planning Strategy Map.*

*The LHRS and PSPS promote Raymond Terrace as a regional centre. As such it will undergo considerable change in order to deliver a broader range of business and community services to a wide catchment. Mixed use development in the regional centre, including housing, is strongly encouraged.*

*Selective intensification of existing urban areas is supported by the PSPS. The development of medium density housing is encouraged within and surrounding centres where services and transport are more available.*

*Economic development of the LGA is supported by land use policies which are based on the findings of the CILS. The CILS found that most commercial areas could meet anticipated demand up to 2031 by either intensifying existing development, utilising underused sites in the commercial area, or by minor additions to the commercially zoned land.*

*CILS found that there is generally an adequate supply of industrial land to cater for future local needs and for industries meeting the needs of external markets.*

**Specifically in relation to the shopping centre at Salamander Bay:**

*Salamander Bay, shopping centre has about a third less floorspace than Raymond Terrace. There is around 46,000 m2 of occupied floorspace in this centre and around 600 m2 of vacant floorspace.*

*It does not have a large share of non-retail (serviced based) activity.*



The following diagram described Salamander Bay as a “stand-alone” retail centre.

LOCAL GOVERNMENT AREA			Port Stephens
REGIONAL CENTRE		Each LGA in the Lower Hunter has an identified regional centre, which is the hub for that LGA. It has a concentration of business, higher order retailing, employment, professional services, and often civic functions and facilities. It is a focal point for transport networks and may service a number of districts.	Raymond Terrace
SPECIALISED CENTRES		Specialised centres are areas containing airports, hospitals, universities, research and/or business activities that perform vital economic and employment roles.	Salamander Bay (stand alone Retail) Williamtown (Air Services) Heatherbrae (Enterprise Corridor) Nelson Bay (Tourism)
TOWN CENTRES		Town centres contain shopping and business for the surrounding district, including health and professional services mixed with medium density housing.	Nelson Bay (also specialist centre) Tanilba Bay Anna Bay Medowie Raymond Terrace North (Kings Hill)
VILLAGE CENTRES		A village centre is a strip or cluster of shops in a mostly residential area to meet the day to day needs for local residents and workers.	Shoal Bay Karuah Salamander Bay (north) Raymond Terrace (Lake Side)
SMALLER VILLAGE CENTRES		A smaller village centre is a village centre, but on a smaller scale. Services available to these communities may be limited to a pub or general store.	Soldiers Point Lemon Tree Passage Salt Ash Fingal Bay Nelson Bay (Austral St and Armadale Ave) Fern Bay Corlette Hinton, Woodville and Seaham



The PSPS envisages that the Salamander Bay shopping centre will grow by a further 15,000 square metres, as outlined at page 73 as follows:

### Salamander Centre

Salamander has a retailing focus and has the primary characteristics of a stand alone shopping centre. However, the centre benefits from additional services such as a library/community facility which are usually found in the more traditional main streets. As this centre continues to evolve, Salamander's role in the established centres hierarchy will need to be considered further, particularly the relationship with the established town centre of Nelson Bay.

Growth will be accommodated across the entire Peninsula but the largest increases will be in the Anna Bay and Nelson Bay areas. Overall, this growth will add considerable demand for retailing on the Peninsula.

Commercial/retail floorspace demand in this centre is forecast to increase by 15,000 m<sup>2</sup> to 2031. This is the same as the forecast increase for Raymond Terrace. However, as noted above, Raymond Terrace is likely to experience growth in excess of the forecast as it broadens its range of services to fulfil its role as a major regional centre. With the inclusion of adjacent Council land in the centre, there is enough land supply to meet demand.

The PSPS acknowledges that Salamander Bay shopping centre is a stand-alone retail centre and that Council owns 11 hectares of land which adjoins the centre which has development potential as detailed in Appendix 1 which extracted below.

<b>SPECIALISED CENTRE</b>	Salamander Bay	Regionally significant economic activity and employment.	Stand alone shopping centre that contains supermarkets, a discount department store and over 80 speciality shops.  District library /community centre.  Tomaree High School and large private school nearby.  Serves the relatively large catchment of the Tomaree Peninsula.	Expansion of centre is restricted by environmental constraints, notably the wetlands to the west.  Retailing demand will increase with the increase in the surrounding population.  Council owns 11ha of land in the centre that has development potential.
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## 4. ASSESSMENT OF ENVIRONMENTAL EFFECTS

This SEE addresses all of the heads of consideration of Section 79C(1) of the EP&A Act.

In determining this DA, the consent authority is to take into account the following matters as they are relevant to the development. Section 79C(1) of the EP&A Act is outlined below:

***“79C(1) Matters for consideration – general***

*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:*

*(a) the provisions of:*

*(i) any environmental planning instrument, and*

*(ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the draft instrument has been deferred indefinitely or has not been approved), and*

*(iii) any development control plan, and*

*(iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and*

*(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,*

*(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*

*(c) the suitability of the site for the development,*

*(d) any submissions made in accordance with this Act or the regulations,*

*(e) the public interest.”*

## 5. ENVIRONMENTAL ASSESSMENT

The following is an assessment of the environmental effects of the proposed development in accordance with the heads of consideration listed under Section 79C(1) of the EP&A Act.

### 5.1 SECTION 79C (1) (A) (I) ENVIRONMENTAL PLANNING INSTRUMENTS

The following environmental planning instruments apply to the subject site as a result of the proposed development:

- *State Environmental Planning Policy (Infrastructure) 2007* (ISEPP);
- *State Environmental Planning Policy No. 14 – Coastal Wetlands* (SEPP 14);
- *State Environmental Planning Policy No. 44 – Koala Habitat Protection* (SEPP 44);
- *State Environmental Planning Policy No. 55 – Remediation of Land* (SEPP 55);
- *State Environmental Planning Policy No. 64 – Advertising and Signage* (SEPP 64);
- *State Environmental Planning Policy No. 71 – Coastal Protection* (SEPP 71); and
- *Port Stephens Local Environmental Plan 2000* (PSLEP 2000);

#### 5.1.1 State Environmental Planning Policy (Infrastructure) 2007

The proposal involves some 6,252 square metres of retail development. Under the provisions of ISEPP, the proposal triggers the criteria of Schedule 3 being Column 2:

*Size or capacity—site with access to any road*

*Shops – 2,000 square metres in area*

Clause 104 of the ISEPP is also relevant and states as follows:

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

- (1) *This clause applies to development specified in Column 1 of the Table to Schedule 3 that involves:*
  - (a) *new premises of the relevant size or capacity, or*
  - (b) *an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.*
- (2) *In this clause, **relevant size or capacity** means:*
  - (a) *in relation to development on a site that has direct vehicular or pedestrian access to any road—the size or capacity specified opposite that development in Column 2 of the Table to Schedule 3, or*
  - (b) *in relation to development on a site that has direct vehicular or pedestrian access to a classified road or to a road that connects to a classified road where the access (measured along the alignment of the connecting road) is within 90m of the connection—the size or capacity specified opposite that development in Column 3 of the Table to Schedule 3.*
- (3) *Before determining a development application for development to which this clause applies, the consent authority must:*
  - (a) *give written notice of the application to the RTA within 7 days after the application is made, and*

- (b) *take into consideration:*
- (i) *any submission that the RTA provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, the RTA advises that it will not be making a submission), and*
  - (ii) *the accessibility of the site concerned, including:*
    - (A) *the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and*
    - (B) *the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and*
  - (iii) *any potential traffic safety, road congestion or parking implications of the development.*
- (4) *The consent authority must give the RTA a copy of the determination of the application within 7 days after the determination is made.*

An assessment of the traffic and parking implications of the proposed development has been prepared and can be found at **Appendix E** by Colston Budd Hunt and Kafes (CBHK). The CBHK report concludes that the proposed is satisfactory as follows:

*In summary, the main points relating to the traffic implications of the proposed Big W and specialty shops are as follows:*

- i) the proposed development includes a Big W of 5,292m<sup>2</sup> plus specialty retail of 959m<sup>2</sup>;*
- ii) previous studies have identified a series of road and intersection works to cater for additional retail development at and around the shopping centre, including a Big W;*
- iii) a number of these works are being provided by Council as part of a separate application, prior to the proposed development. A new connection to Bagnall Beach Road will also be provided;*
- iv) the proposed parking provision is considered appropriate;*
- v) access, servicing and internal layout are considered appropriate;*
- vi) the proposed Big W and specialty retail is smaller than the previously assessed development and will therefore generate less traffic than assessed in our previous report; and*
- vii) the road network will be able to cater for the traffic generation of the proposed development.*

It should also be noted by Council that the design of the at-grade car parking for the proposal has been carefully considered to ensure the layout complies with the Australian Standard and that based on an existing contractual arrangement between the owner of the existing shopping centre and a major tenant, it is not possible to extend the existing car parking aisles of the Salamander Bay centre into the subject site. Also, consideration was required in the design layout to avoid conflicts with the approved ALDI loading dock.

### **5.1.2 State Environmental Planning Policy No. 14 – Coastal Wetlands**

*State Environmental Planning Policy No. 14 – Coastal Wetlands* (SEPP 14) ensures that 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 the Port Stephens LGA.



**Figure 4: SEPP 14 Coastal Wetlands Map (subject site outlined in red)**  
**Source: Port Stephens Council Website**

No part of the subject site is classified as SEPP 14 Coastal Wetlands, as evident in **Figure 4**, which shows the extent of SEPP 14 wetlands in green.

Land clearing, levee construction, drainage work or filling may only be carried out on land to which SEPP 14 applies with the consent of the local council and the agreement of the Director-General of the Department of Planning and Infrastructure (DoPI). Such development also requires an Environmental Impact Statement to be lodged with a DA.

The proposed development does not include any such works within any SEPP 14 wetlands and the proposal has been designed so as not to result in any impacts on SEPP 14 wetlands. As such, no further assessment of the development is required under SEPP 14, no concurrence from the Director-General is required and no EIS is required.

### **5.1.3 State Environmental Planning Policy No. 44 – Koala Habitat Protection**

*State Environmental Planning Policy No. 44 – Koala Habitat Protection* (SEPP 44) aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline.

An assessment report prepared under the provisions of SEPP 44 inclusive of consideration of Council's Plan of Management indicates that the subject site does not support Koala habitat and therefore the proposal will not adversely impact on any Koalas. This assessment report can be viewed at **Appendix F**.



#### 5.1.4 State Environmental Planning Policy No. 55 – Remediation of Land

*State Environmental Planning Policy No. 55 – Remediation of Land* (SEPP 55) relates to the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed. The policy makes remediation permissible across the State, defines when consent is required, requires all remediation to comply with standards, ensures land is investigated if contamination is suspected and requires councils to be notified of all remediation proposals. The *Managing Land Contamination: Planning Guidelines* were prepared to assist councils and developers.

The provisions of SEPP 55 state at clause 7:

**7 Contamination and remediation to be considered in determining development application**

- (1) A consent authority must not consent to the carrying out of any development on land unless:
  - (a) it has considered whether the land is contaminated, and
  - (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
  - (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.
- (2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.
- (3) The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.
- (4) The land concerned is:
  - (a) land that is within an investigation area,
  - (b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,
  - (c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land:
    - (i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and
    - (ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).

The subject site is currently occupied by an existing retail development and at-grade parking area, as well as a cleared concrete area at Lot 51 in DP 830513 which has been previously used as a service station. The site has been cleared and used for retail purposes for quite some time and there is no evidence that the site has been used for any purposes listed in Table 1 of the *Contamination Guideline*.

The proposed redevelopment is not proposed on contaminated land and is not a usage which is a more sensitive use when compared to those identified in Clause 7(4)(c) of SEPP 55.

A contamination report, geotechnical report and acid sulphate soil assessment report has been prepared for the subject site, a copy of which can be found at **Appendix H**.

### **5.1.5 State Environmental Planning Policy No. 64 – Advertising and Signage**

*State Environmental Planning Policy No. 64 – Advertising and Signage* (SEPP 64) aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish.

SEPP 64 was amended in August 2007 to permit and regulate outdoor advertising in transport corridors (e.g. freeways, tollways and rail corridors). The amended SEPP 64 also aims to ensure that public benefits may be derived from advertising along and adjacent to transport corridors. *Transport Corridor Outdoor Advertising and Signage Guidelines* (DoP July 2007) provides information on design criteria; road safety and public benefit requirements for SEPP 64 development applications.

The nature of the proposed signage associated with the development will identify the Big W name and logo being the business associated with the proposed use in the retail development. As such it is considered to be defined as a business identification sign under SEPP 64, which states:

***business identification sign*** means a sign:

(a) that indicates:

(i) the name of the person, and

(ii) the business carried on by the person, at the premises or place at which the sign is displayed, and

(b) that may include the address of the premises or place and a logo or other symbol that identifies the business, but that does not include any advertising relating to a person who does not carry on business at the premises or place.

As such, the provisions of Part 3 of SEPP 64 do not apply to the proposed signage by virtue of Clause 9 which states:

#### **9 Advertisements to which this Part applies**

*This Part applies to all signage to which this Policy applies, other than the following:*

(a) business identification signs,

(b) building identification signs,

(c) signage that, or the display of which, is exempt development under an environmental planning instrument that applies to it,

(d) signage on vehicles.

Therefore the DA does not require concurrence from the RTA for any signage proposed as Part 3 of SEPP 64 does not apply to the signage component of the proposed development.

The proposed signage effectively communicates the name of the business and has a high quality design that is compatible with the style, materials and finishes of the commercial premises which exist at Salamander Bay Shopping Centre, the commercial vernacular of surrounding land uses and the amenity of the locality. As such the proposed signage is consistent with the aims of this policy.

The proposal is consistent with the assessment criteria included within Schedule 1 of SEPP 64. An assessment of the proposal against these criteria is provided in the following table. The proposed development has been assessed against all the requirements of SEPP 64:

**Table 2: Assessment of the proposed development against Schedule 1 of SEPP 64**

Assessment Criteria	Proposed Signage
<i>Character of the area</i>	The proposed signage is compatible with the design of the building and the nature of the surrounding area within Salamander Bay. The proposed signage is of a high quality finish and will complement the existing signage located within the surrounding area. Further, the proposed signage will provide visual interest and break up the form of the building.
<i>Special areas</i>	Given that the proposed signage does not alter the scale, proportion and form of the proposed building, it is considered that the proposal will have a positive impact on the facade of the building. The proposed signage is designed to form part of the building and not detract from the character of the area.
<i>Views and Vistas</i>	The proposed signage will not obscure or compromise any important views or vistas from or to the site.
<i>Streetscape, setting or landscape</i>	The proposed signage does not alter the scale, proportion and form of the proposed building and is consistent with the nature of the premises as a retail development within a business zone. The proposed signage will be of a high quality design and appearance and is considered to complement the existing signage located within the surrounding area.
<i>Site and building</i>	The proposed signage is considered complementary in scale and proportion with the proposed building.
<i>Associated devices and logos</i>	The proposed signage directly relates to the user and will not contain any offensive information.
<i>Illumination</i>	Several of the proposed signage will be illuminated and will comply with the necessary light emission criteria and has been designed and located to avoid any potential 'spill over impacts'



Assessment Criteria	Proposed Signage
	on adjoining properties.
Safety	The proposed signage has been designed to avoid any potential issues relation to the safety of pedestrian and vehicular traffic, and will not obstruct driver sightlines or pedestrian view lines. Further, the construction and installation of the structures will be structurally sound.

A reduce set of drawings demonstrating proposed signage can be found at **Appendix B** of this report.

### 5.1.6 State Environmental Planning Policy No. 71 – Coastal Protection

*State Environmental Planning Policy No. 71 – Coastal Protection* (SEPP 71) has been made under the EP&A Act 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.

SEPP 71 includes matters for consideration that should be taken into account in assessing a DA in the coastal zone. These matters are addressed in Table 2 below:

**Table 3: Matters for Consideration under Clause 8 of SEPP 71 – Coastal Protection**

Matters for Consideration	Response
(a) <i>The aims of the SEPP set out in Clause 2.</i>	<p>The subject site is not adjacent to or visible from the coastal foreshore of Port Stephens. Therefore, the proposed retail development 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 the proposed retail development is in accordance with the character of the 3(a) Business zone and the existing Salamander Bay Shopping Centre.</p> <p>The proposed development is consistent with the aims of SEPP 71.</p>
(b) <i>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</i>	<p>The subject site is not located on the coastal foreshore; as such this matter does not apply to the proposed development.</p>

Matters for Consideration	Response
<i>foreshore for pedestrians or persons with a disability should be improved.</i>	
<i>(c) Opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability.</i>	The subject site is not located on the coastal foreshore; as such this matter does not apply to the proposed development.
<i>(d) The suitability of development given its type, location and design and its relationship with the surrounding area.</i>	The design of the proposed development is consistent with that of the existing Salamander Bay Shopping Centre and character of the 3(a) Business zoning of the site.
<i>(e) 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.</i>	The subject site is not located on the coastal foreshore; as such this matter does not apply to the proposed development.
<i>(f) The scenic quality of the New South Wales coast and means to protect and improve these qualities.</i>	The proposed development will not be visible from the coast; as such the impact on scenic qualities and views will be minimal.
<i>(g) Measures to conserve animals (within the meaning of the Threatened Species Conservation Act 1995) and plants (within the meaning of that Act), and their habitats.</i>	The proposed development will not impact on any Koala habitat or Koalas.
<i>(h) Measures to conserve fish (within the meaning of Part 7A of the Fisheries Management Act 1994) and marine vegetation (within the meaning of that Part), and their habitats.</i>	No marine vegetation will be impacted by the proposed development.
<i>(i) Existing wildlife corridors and the impact of development on these corridors.</i>	Based on the information at Appendix F no wildlife corridors will be impacted in an unsatisfactory way.
<i>(j) The likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards.</i>	The subject site is located over 800m from the foreshore and is unlikely to have any impact on coastal processes and hazards.
<i>(k) Measures to reduce the potential for conflict between land-based and water-based coastal activities.</i>	The subject site is located over 800m from the foreshore; as such the proposed retail development is unlikely to conflict with

Matters for Consideration	Response
	water-based activities.
<i>(l) Measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals.</i>	No items of cultural heritage have been identified on-site.
<i>(m) The conservation and preservation of items of heritage, archaeological or historic significance.</i>	N/A
<i>(n) Likely impacts of development on the water quality of coastal water bodies.</i>	The design will not impact on the water quality of any coastal water bodies.
<i>(o) 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.</i>	The cumulative impacts of the proposed development do not warrant refusal of the application and can be managed by the imposition of conditions of approval.

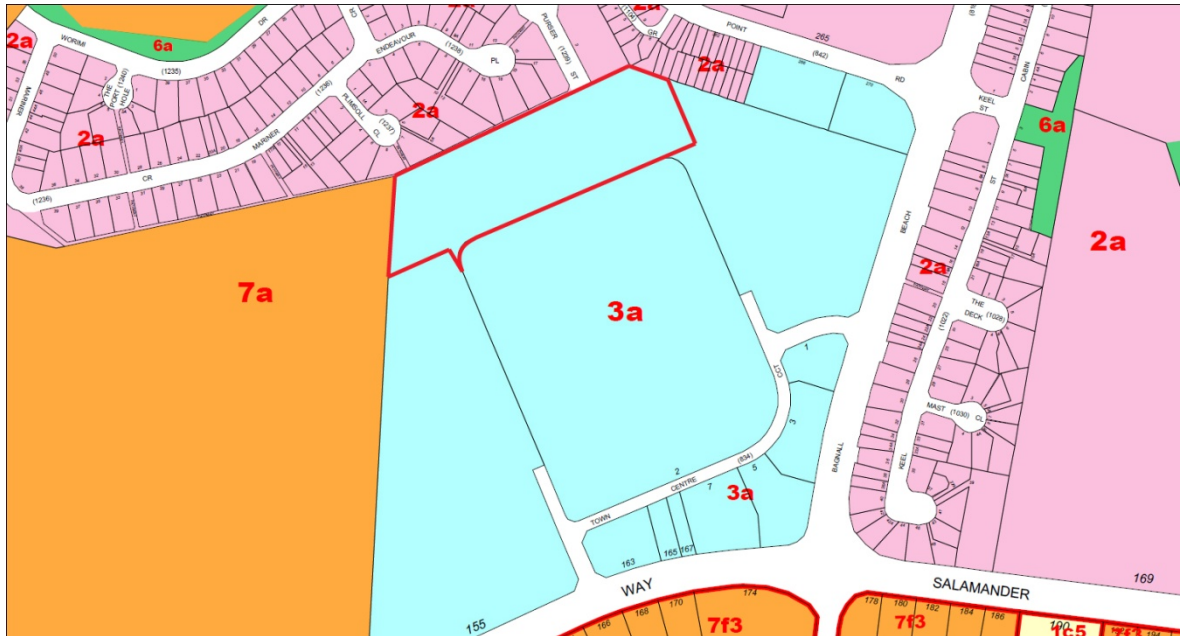
The proposed retail development will not discharge untreated stormwater into the sea, a beach, or an estuary, a coastal lake, a coastal creek or other similar body of water, or onto a rock platform. Therefore, this development is in accordance with the provisions of SEPP 71.

### 5.1.7 Port Stephens Local Environmental Plan 2000

*Port Stephens Local Environmental Plan 2000* (PSLEP 2000) is the main environmental planning instrument which affects the subject site.

## Zoning

The subject site's zoning is demonstrated in the extract from the PSLEP 2000 as shown in **Figure 5** below:



**Figure 5: Existing Zoning Plan (subject site outlined in red)**  
Source: Port Stephens Council Website

## Permissibility

Clause 21 of the PSLEP 2000 states as follows:

### **Zone No 3 (a)—Business General “A” Zone**

#### **(1) 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.*

#### **(2) 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.

**(3) Development allowed without development consent**

*Exempt development.*

**(4) Development allowed only with development consent**

*Any development not included in Item 3 or 5.*

**(5) Development which is prohibited**

*Development for the purpose of:*

*abattoirs, brothels, camp or caravan sites, dwellings (unless the ground floor of the building is used for another use permissible within the zone), exhibition homes, extractive industries, hazardous industries, hazardous storage establishments, helicopter landing sites, heliports, institutions, intensive agriculture, liquid fuel depots, material recycling facilities, mineral sand mines, mines, offensive industries, offensive storage establishments, race tracks, road transport terminals, roadside stalls, rural industries.*

Under the provisions of the Dictionary of the PSLEP 2000, a “shop” is a permissible form of development. The PSLEP 2000 defines a “shop” as:

***shop** means a building or place used for the purposes of selling, exposing or offering for sale by retail, goods, merchandise or materials, but does not include a building or place elsewhere specifically defined in this Dictionary, or a building or place used for a purpose elsewhere specifically defined in this Dictionary.*

As such, the proposed development is permissible with consent. The proposed development is considered to be consistent with the objectives of the zone.

**Relevant Provisions of the PSLEP 2000**

- **Clause 42 – Development along arterial roads**

Clause 42 of the PSLEP 2000 states as follows:

**42 Development along arterial roads**

*The consent authority shall not consent to an application to carry out development on land which has frontage to an arterial road unless:*

- (a) *access to the land is provided by a road other than the arterial road, wherever practicable, and*
- (b) *in the opinion of the consent authority, the safety and efficiency of the arterial road will not be adversely affected by the carrying out of the proposed development because of:*
  - (i) *the nature of the access to the land concerned, or*
  - (ii) *the emission of smoke or dust from that land, or*
  - (iii) *the nature, volume or frequency of vehicles gaining access to the land, and*
- (c) *the proposed development will meet any relevant road traffic noise standards of the State or the Council.*
- (d) *(Repealed)*

The proposed development does not have direct frontage to an arterial road, however will have direct vehicular access to the Town Centre Circuit, which serves as the primary road servicing the Salamander Bay Shopping Centre. The Town Centre Circuit has two entrances/exits to arterial roads, namely Salamander Way to the south and Bagnall Beach Road to the east. The proposed development is therefore consistent with the provisions of Clause 42 as it is considered that the proposed retail premises will have no impact on Salamander Way and Bagnall Beach Road.

- **Clause 44 – Appearance of land and buildings**

Clause 44 of the PSLEP 2000 states as follows:

**44 Appearance of land and buildings**

- (1) 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.*
- (2) The consent authority may consent to development of land on or near any ridgeline visible from a public road only if it is satisfied that the development would not be likely to detract substantially from the visual amenity of the locality.*
- (3) In determining whether to grant a consent referred to in subclause (1) or (2), the consent authority shall consider the following:*
  - (a) the height and location of any building that will result from carrying out the development,*
  - (b) the reflectivity of materials to be used in carrying out the development,*
  - (c) the likely effect of carrying out the development on the stability of the land,*
  - (d) any bushfire hazard,*
  - (e) whether carrying out the development is essential to the viability of the land concerned,*
  - (f) the likely extent and effect of carrying out the development on vegetation on the land concerned.*

The rear of the existing Salamander Bay shopping centre is located to the north of the site and is not visible from any arterial road, public reserve, waterway, land zoned open space, public road or public domain areas. The rear wall of the existing centre consists of the existing Kmart and a number of specialty shops all of which sit well below the finished level of the bicycle/footpath located to the rear of the properties which front Endeavour Place and Plimsoll Close. The design of the proposed Big W and specialty shops development is located adjacent to the northern rear boundary of the existing Kmart and specialty shops (and the recently approved Aldi) and therefore is also located to the rear of the existing Salamander Bay shopping centre, the design is such that the proposed roof and wall height of the proposed Big W will be no greater than that of the rear wall of the existing centre building.



As such, it is considered that the location of the proposed Big W will be no more visible than that of the existing rear of the Salamander Bay Shopping Centre, and therefore the visual amenity of the locality will be essentially the same as that which exists today.

The proposed development is considered to be acceptable in relation to the following matters:

- *the height and location of any building that will result from carrying out the development* – is essentially the same as that which exists today,
- *the reflectivity of materials to be used in carrying out the development* – Council can condition so as the reflectivity of materials can be minimised,
- *the likely effect of carrying out the development on the stability of the land* – the site of the existing shopping centre and the proposed Big W with specialty shops are not located in a land slip zone or hazard area,
- *any bushfire hazard* – the location of the proposed buildings are clear of the bushfire hazard as detailed in the report which can be found at **Appendix P**,
- *whether carrying out the development is essential to the viability of the land concerned* – it is considered that the proposed development will significantly contribute to the economic viability of Council's land asset,
- *the likely extent and effect of carrying out the development on vegetation on the land concerned* – the location of the proposed Big W will not result in a significant adverse impact of existing trees and no trees on the site have been identified as Koala habitat.

As such, the proposed development is consistent with the provisions of Clause 44 of the PSLEP 2000 and Council can support the proposed development.

- **Clause 47 – Services**

Clause 47 of the PSLEP 2000 states as follows:

**47 Services**

*The consent authority shall not grant its consent to the carrying out of any development on any land unless:*

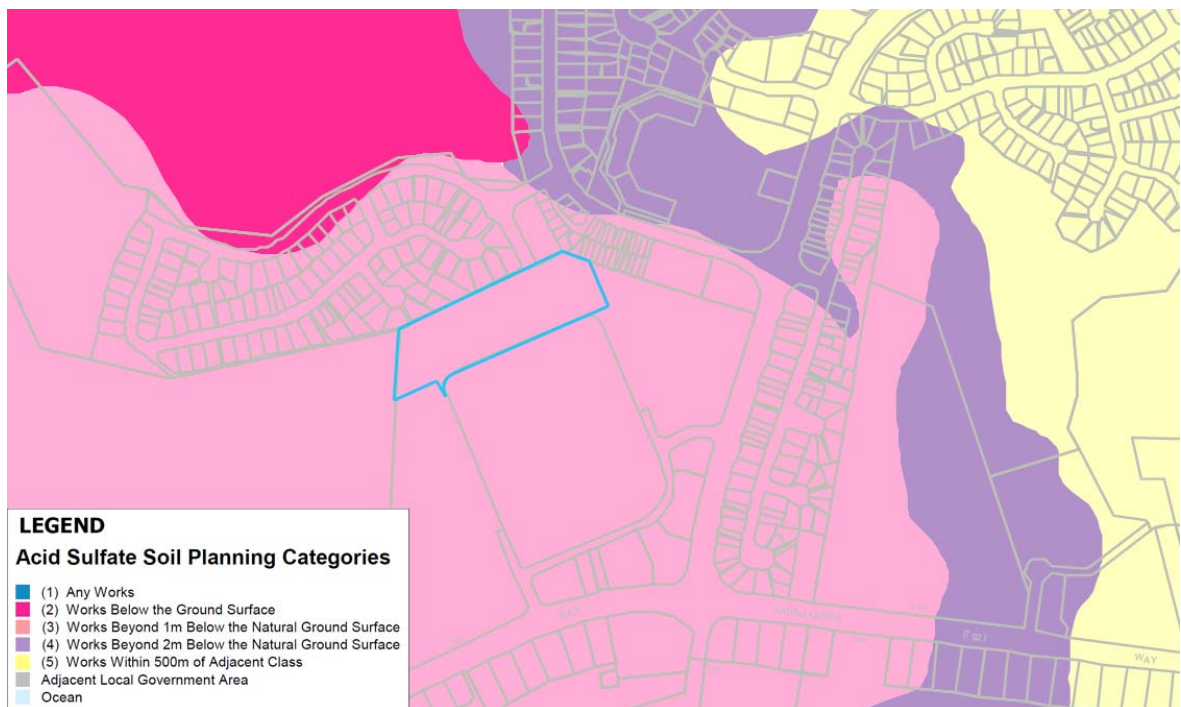
- (a) *a water supply and facilities for the removal or disposal of sewage and drainage are available to that land, or*
- (b) *arrangements satisfactory to it have been made for the provision of that supply and those facilities.*

The subject site, being an extension to the existing Salamander Bay Shopping Centre, has access to a wide range of utilities, including water, sewer, electricity, telephone and gas services. As such the proposed retail development is consistent with this Clause.

The proposed development has been assessed against all of the relevant provisions of the PSLEP 2000 as can be seen in the compliance tables at **Appendix H**.

- **Clause 51A – Development on land identified on Acid Sulfate Soils Planning Map**

Clause 51A of the PSLEP 2000 relates to land identified on the Acid Sulfate Soils Planning Map. The subject site falls on land identified as ‘Class 3’.



**Figure 6: Acid Sulphate Soils Planning Map (subject site outlined in blue)**  
**Source: Port Stephens Council Website**

According to the Port Stephens Council Acid Sulphate Soil Planning Map, any work on the site would be classified as ‘Class (3) – Works more than 1 metre below the natural ground surface, works likely to lower the watertable to a depth of more than 1 metre below the natural ground surface’.

The design of the proposed development is such that works will not be undertaken more than 1 metre below the natural ground surface, nor will the works lower the watertable to a depth of more than 1 metre below the natural ground surface.

Therefore, it is considered that the proposed development will not come within the natural watertable level and will not lower the watertable on both the subject site or adjacent lots.



A geotechnical report has been prepared which addresses acid sulfate soils, a copy of which can be viewed at **Appendix G**.

## **5.2 SECTION 79C (1) (A) (II) DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS**

### **5.2.1 Draft State Environmental Planning Policy (Competition) 2010**

The *Draft Competition State Environmental Planning Policy (Competition) 2010* (Draft SEPP), was introduced for consultation by the NSW State Government to seek to remove artificial barriers on competition between retail businesses in the planning system by the following:

- *The commercial viability of a proposed development may not be taken into consideration by a consent authority, usually the local council, when determining development applications;*
- *The likely impact of a proposed development on the commercial viability of other individual businesses may also not be considered unless the proposed development is likely to have an overall adverse impact on the extent and adequacy of local community services and facilities, taking into account those to be provided by the proposed development itself; and*
- *Any restrictions in local planning instruments on the number of a particular type of retail store in an area, or the distance between stores of the same type, will have no effect.*

There are currently no restrictions in the environmental planning instrument for the Port Stephens Local Government Area. The proposal will not impact the commercial viability of individual businesses or the extent and adequacy of local community services and facilities. As such the proposed development is considered to be consistent with the provisions of the Draft SEPP.

## **5.3 SECTION 79C (1) (A) (III) DEVELOPMENT CONTROL PLANS**

Port Stephens Council has adopted the Port Stephens Development Control Plan 2007 (PSDCP) for all land within the local government area of Port Stephens, including a number of parts which have been considered in more detail including:

- *B2 Environmental and Construction Management*
- *B3 Parking, Traffic and Transport*
- *B12 Advertising Signs*

The relevant provisions of each part of the PSDCP has been assessed in compliance tables which can be found at **Appendix H** of this report.

## **5.4 SECTION 79C (1) (A) (IV) ANY MATTER PRESCRIBED BY THE REGULATION**

No prescribed matters under the *Environmental Planning and Assessment Regulation 2000* affect the proposal in its current form.

## **5.5 SECTION 79C (1) (B) IMPACT ON THE ENVIRONMENT**

### **5.5.1 Height, Bulk and Scale**

The overall height of the proposed building in relation to the existing ground level is considered low scale and single storey. The building is not proposed at a level higher than the existing Salamander Bay Shopping Centre and proposed to form part of an extension on the northern side of the existing shopping centre.

### **5.5.2 Context and Setting**

The proposed development is considered to be consistent with the desired future character of the locality of Salamander Bay. The proposed development has been designed having regard to the characteristics, topography and orientation of the site and its relationship to neighbouring land. The design seeks to create visual interest at its primary pedestrian entrance façade and amenity in pedestrian areas.

### **5.5.3 Social Impact Assessment**

The applicant has considered social issues of the proposed development and the positive flow-on effects being broader than just economic impacts associated with the provision of an addition to the existing shopping centre with renewed and extended retail facilities in Salamander Bay.

The proposed development, when operational, will:

- Generate opportunities for additional employment; and
- Provide for additional local shopping needs to be met; and
- More competition and therefore more competitive pricing.

Overall the public benefits of the proposed development include:

- Provision of parking facilities to meet demand. Maintain, improve and provide choice for parking, including additional available spaces to meet demand for persons seeking access to the shopping facilities;
- Improved shopping facilities, provision of additional choice and price competition in Salamander Bay;
- Provision of accessible paths of travel throughout the development and between each building; and
- Accessible amenities.

#### **5.5.4 Ecological Sustainable Building Design**

The development has been designed to comply with Section J of BCA. Refer to the BCA Report at **Appendix I**.

#### **5.5.5 Access**

The development has been designed to enable accessible access points within the site. The proposed development will extend the foyer from the existing shopping centre directly to the Big W and associated car park.

An Access report has been prepared for the proposed development, a copy of which can be viewed at **Appendix I**.

#### **5.5.6 Utilities**

The site, being an extension to the existing Salamander Bay Shopping Centre, has access to a wide range of utilities, including water, sewer, electricity, telephone and gas services.

#### **5.5.7 BCA**

A BCA Report has been prepared for the proposed development, a copy of which can be viewed at **Appendix I**.

#### **5.5.8 Heritage**

The PSLEP 2000 has identified the subject land as not containing any heritage items, as not being located in the vicinity of any listed heritage items nor located in a conservation area. The site does not contain any known European Heritage items or archaeological heritage.

#### **5.5.9 Construction**

Construction of the proposed development when the works are approved will be undertaken in accordance with EPA and Work Cover guidelines to minimise the impacts upon nearby premises and occupants and ensure the safety of workers.

Accordingly, it is considered that the impact upon the environment is acceptable. A Preliminary Construction Traffic Management Plan has been prepared as part of the traffic report for the proposed development, a copy of which can be viewed at **Appendix E**.

#### **5.5.10 Stormwater Runoff**

Details of all stormwater collection, treatment and modelling can be found at **Appendix L**, along with the design drawings.

A soil erosion and sedimentation control plan has been prepared to minimise siltation and potential adverse water quality impacts during construction. Refer to **Appendix M**.

#### **5.5.11 Soils**

It is unlikely that the construction or development of the site will have adverse impacts on soil quality subject to appropriate management regimes to be met at the construction phase.

#### **5.5.12 Air and Microclimate**

The proposed development is not considered likely to give rise to a change in the existing microclimate.

#### **5.5.13 Flora and Fauna**

The site has been evaluated for its habitat and whether it supports Koalas and a report has been prepared by Gary Worth which can be found at **Appendix F** which indicates no koalas will be impacted.

#### **5.5.14 Waste**

Waste will be dealt with at the construction and operational phases, including recycled or reused where appropriate. Refer to the Waste Minimisation and Management Plan at **Appendix N**.

#### **5.5.15 Resource, Energy and Water Efficiency**

Woolworths as part of their commitments to ESD implement a number of measures with all new developments including Big W projects.

*'Doing the Right Thing'* - Sustainability Strategy 2007-2015 is Woolworths Limited's industry leading commitment to sustainable business.

Fabcot as the developer and Big W as the major anchor tenant, both business units within Woolworths Limited, recognise manage operations and that the development of new stores can have a significant impact on the environment. Woolworths Limited has set a target to reduce carbon emissions by 40% by 2015, compared to business-as-usual growth. Woolworths are continuously looking for innovative and commercially realistic solutions to reduce environmental footprint. Rainwater tanks are situated on the site that collect stormwater and utilise it for grey water use and landscape watering.

Careful design of acoustic screening to plant impede noise from the proposal offer aesthetic relief.

#### **AIR CONDITIONING:**

- Centralised A/C unites to minimise temperature loss through ducts.

- Incorporated variable timing/switching water cooling unit fans.
- Reclaimed waste heat from the refrigeration plant recycled for hot water and store heating.

#### REFRIGERATION:

- Incorporated energy saving microprocessor controllers to operate refrigeration.
  - Co2 replaces synthetic refrigerants. Co2 has a global warming potential 3700 times lower than conventional refrigeration, reducing greenhouse emissions by 25%.

#### LIGHTING:

- Natural light is maximised throughout the development.
- Extensive use of new triphosphor fluorescent light tubes providing 30% more light, and contain 70% less mercury.
- Sensor lighting to low use areas (i.e. Office, BOH, and plant room).
- All external signage and refrigeration lighting is LED, reducing consumption by 90%.

#### RECYCLING / WASTE SEPARATION:

- Recycling of supermarket and specialty retail materials.
- Facilities are designed for the separation of waste, organic, paper/cardboard, commingled, general.

#### WATER EFFICIENCY:

- Through water saving measures, approximately 1,400 litres per day are saved.
- Incorporated flow control measures in fixtures and appliances.
- Monitoring of water consumption through separate water meters to use zones constantly reviewed by the Building Management System. The system monitors consumption and alarms if excessive consumption occurs.
- Water tanks store and supply rainwater for landscaping and other facilities.

#### CYCLING FACILITIES:

- Provide secure bike areas and facilities for staff to encourage cycling to the development.

Energy saving devices which have been incorporated into the proposed development includes:

- Performance glass
- Applied sun shading devices, such as awnings, screening and blinds to protect solar exposed glazing on elevation
- Insulation ratings to roof and wall sheeting
- Operable windows to purge building at night
- Zoned air conditioning to optimise systems flexibility
- Energy efficient lighting
- Water efficient fittings and fixtures to amenities areas
- Solar / gas fired heating if applicable
- Lighting:
  - Trial of compact fluorescents over metal halide lamps – lower energy use for same illumination.
  - Use of T5 fluorescent lights over T8 – more energy efficient
- Building:
  - Building envelope complies with BCA energy requirements

#### **5.5.16 Noise and Vibration**

Noise and vibration may occur during the construction phase and will be managed by the restriction in the hours permitted during the construction phase.

A noise impact assessment report has been prepared for the proposed development, a copy of which can be viewed at **Appendix O**.

#### **5.5.17 Natural Hazards**

A number of hazards including: bushfire, acid sulphate soils, landslip and flooding have been considered in this assessment.

##### **Acid Sulphate Soils**

This matter was considered in Section 5.1.7 of this SEE.



### **5.5.19 Safety, Security and Crime Prevention**

A Crime Prevention through Environmental Design (CPTED) report has been prepared as part of this DA. Refer to **Appendix D**.

### **5.5.20 Economic Impact in the Locality**

The proposed retail development is likely to result in a range of important economic benefits to Salamander Bay, with key positive impacts including the following:

- The provision of a wider range of shopping facilities for local residents including a full-line discount department store.
- The proposed development will generate a substantial number of jobs, both for the construction and related industries during the construction period and also for the local economy generally once the centre is completed.
- Once fully operational, the retail development would be likely to employ in excess of 200 persons.

The site and surrounding locality do not present any significant physical, ecological, technological or social constraints on the proposed redevelopment of the site. The adjoining land already operates as a shopping centre use with associated car parking.

In summary, there are limited constraints on the redevelopment of the site and minimal conflicts will occur with surrounding land uses.

### **5.5.21 Construction**

Construction of the proposed redevelopment when the works are approved will be undertaken in accordance with EPA and Work Cover guidelines to minimise the impacts upon nearby premises and occupants and ensure the safety of workers.

Accordingly, it is considered that the impact upon the environment is acceptable.



## **5.6 SITE SUITABILITY**

Section 79C(c) of the act requires consideration of the suitability of the site for the development. The primary matters under Section 79C (C) are whether the proposal fits into the locality and if the site attributes are conducive to development.

The site and surrounding locality do not present any significant physical, ecological, technological or social constraints on the proposed redevelopment of the site. The site already operates as a supermarket use with associated car parking.

In summary, there are limited constraints on the redevelopment of the site and minimal conflicts will occur with surrounding land uses.

## **5.7 PUBLIC SUBMISSIONS AND THE PUBLIC INTEREST**

Section 79C(D) and (E) of the Act require that any public submissions made in accordance with the Act or the public interest be considered in the development assessment process.

The proposed development will not significantly impact on the environment and is consistent with the applicable planning controls and strategic document for the site. It is therefore considered to be in the public interest.

## 6. CONCLUSION

This Statement of Environmental Effects has been prepared to assess the proposal that seeks approval for a Big W Discount Department Store and specialty shops retail development on Part of Lot 284 in DP 806310 at 155 Salamander Way, Salamander Bay adjacent to the existing Salamander Bay shopping centre.

The aim of this report has been to:

- Describe the proposal;
- Illustrate compliance of the proposed development with relevant statutory considerations, and
- Provide an assessment of the likely environmental effects of the proposal.

In summary, the proposed development is appropriate within the context of the subject site and is consistent with the statutory and policy requirements of both Council and the State Government.

No significant impacts are envisaged to result and impact adversely on the amenity of surrounding properties.

Having regard to the analysis and assessment within this report, it is therefore recommended that the application be supported.



## **APPENDIX A**

### **Site Surveys**





## **APPENDIX B**

### **Architectural Drawings**







## **APPENDIX C**

### **Pre-Lodgement Meeting Minutes and Responses**





## **APPENDIX D**

### **Crime Prevention Through Environmental Design Report (CPTED)**







## **APPENDIX E**

### **Traffic Report, Preliminary Construction Management Plan and Transport Plan**



## **APPENDIX F**

### **Koala Habitat Assessment Report**





## **APPENDIX G**

### **Geotechnical Report, Acid Sulphate Soils Assessment and Contamination reports**







## **APPENDIX H**

### **Compliance Tables**





## **APPENDIX I**

### **BCA and Access Report**





## **APPENDIX J**

### **QS Certificate**







## **APPENDIX K**

### **Preliminary Subdivision Layout**





## **APPENDIX L**

### **Stormwater Report and Concept Drawings**



## **APPENDIX M**

### **Erosion and Sedimentation Control Plan**





## **APPENDIX N**

### **Waste Management and Minimisation Plan**





## **APPENDIX O**

### **Acoustic Report**





## **APPENDIX P**

### **Bushfire Report**



## **APPENDIX Q**

### **Summary of Approvals**





## **APPENDIX R**

### **Concept Landscape Drawings**





## **APPENDIX S**

### **Preliminary Trolley Management Plan**



