

# ANNA BAY RESORT

## Stakeholder Engagement Strategy



Stakeholder Engagement  
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V1  
10 June 2020

## STAKEHOLDER ENGAGEMENT STRATEGY

### Document status

| Version | Purpose of document          | Authored by   | Reviewed by | Approved by | Review date |
|---------|------------------------------|---------------|-------------|-------------|-------------|
| 1       | Client review and submission | Andrew Biller | Rob Dwyer   | Rob Dwyer   | 10-04-2020  |

### Approval for issue

Rob Dwyer



10 June 2020

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# 1 STAKEHOLDER AND COMMUNITY ENGAGEMENT

## 1.1 Introduction

This chapter outlines the community and stakeholder consultation that took place with the previous scheme, consultation that which has taken place to date with the current scheme as well as future proposed consultation.

### 1.1.1 Original Director General's Environmental Assessment Requirements

The original Director General's Environmental Assessment Requirements dated 30 April 2013 set out the following in relation to consultation:

*During the preparation of the EIS, you must consult with the relevant Local, State or Commonwealth Government authorities, service providers, community groups and affected landowners.*

*In particular you must consult with:*

- *Port Stephens Council;*
- *Office of Environment and Heritage;*
- *Department of Primary Industries including Crown Lands, NSW Office of Water, Fisheries NSW and Agriculture;*
- *Roads and Maritime Services;*
- *NSW Rural Fire Service;*
- *Hunter-Central Rivers Catchment Management Authority;*
- *Marine Parks Authority NSW (Port Stephens - Great Lakes Marine Park);*
- *Worimi Local Aboriginal Land Council and Maaiangal Elders Group*
- *Hunter Water*

*The EIS must describe the consultation process and the issues raised, and identify where the design of the development has been amended in response to these issues. Where amendments have not been made to address an issue, a short explanation must be provided.*

### 1.1.2 Amended requirements

In a further letter dated 24 April 2019, the NSW Department of Planning and Environment set out that the following requirements relating to community and stakeholder engagement should be provided in an amended EIS:

- (a) *A detailed community and stakeholder engagement strategy identifying who in the community has been consulted and a justification for the selection, other stakeholders consulted and the form of consultation;*
- (b) *Details of proposed future community and stakeholder engagement activities throughout the construction and operation of the development.*



### 1.2 Stakeholder and community consultation - previous scheme

#### 1.2.1 Agency Consultation

Consultation and discussions were undertaken with state and local government agencies during the preparation of the EIS for the previous scheme. The consultation process involved contact by letter / email, individual agency meetings where considered appropriate, and on-site meeting where appropriate. The following agencies and groups contacted included:

- Port Stephens Council (PSC);
- Office of Environment and Heritage (OEH);
- Department of Primary Industries (which incorporates Crown Lands, NSW Office of Water, Fisheries NSW and Agriculture);
- Roads and Maritime Services (RMS);
- NSW Rural Fire Service (RFS);
- Hunter-Central Rivers Catchment Authority (Now known as the Hunter Local Land Services);
- Marine Parks Authority NSW;
- Worimi Local Aboriginal Land Council;
- Maaiangal Elders;
- Mur-roo-ma Inc;
- Nu-Run-Gee Pty Ltd; and
- Hunter Water Corporation (HWC).

The key outcome of the agency / group consultation was the re-design of the previous scheme, resulting in a reduced development footprint of 8.4 ha. The design of the development was also amended to reflect the presence of a shell midden and artefact scatter. A detailed response to agency submissions is contained in **Appendix A**.

#### 1.2.2 Community consultation

Once lodged, the EIS was publicly exhibited from 9 June to 7 August 2015. Eight submissions were received and made available to RPS for the purpose of activating a public consultation process, including making contact by letter with the subject persons and groups. Information collected from community responses was used to inform further design changes to the scheme, including changes to access, traffic, parking and drainage arrangements.

In April 2016, prior to the formal submission of design amendments to the then Department of Planning and Environment (DP&E), a letter was forwarded to adjoining landowners advising of changes to the project including design updates.

In March 2017 registered letters were sent to the original respondents advising them of the current status of the project and detailing further design amendments.

#### 1.2.3 Community consultation after exhibition

Bob Young Architect, representing RSE at the time, actively engaged with adjoining land owners and other stakeholders groups since October 2015. A report on the consultation process and outcomes is contained in **Appendix B**.

Key outcomes of the consultation process included:

- Identification of adjoining land owners;
- Identification of other potential stakeholders;
- Written letters and emails to the above land owners and potential stakeholders advising of progress of the Project and invitation to provide further comment;
- Arranged meetings with willing land owners and potential stakeholders;
- Ongoing update to land owners and potential stakeholders; and
- Provision of a Final Concept Plan for the Project, via registered letter, to all of the adjoining land owners and potential stakeholders with and invitation to provide comment.

The proponent has actively engaged with adjoining land owners and other stakeholder groups as evidenced in the documented discussions contained in **Appendix A**.

Most stakeholders are well aware of the need for comprehensive assessment of the impacts of the Project yet appear prepared to accept such a Project (notwithstanding on-going concerns expressed by the residents of 4181 and 4183 Nelson Bay Road) given the exciting nature and potential growth in terms of the local economy and the robust eco-focussed strategy evident in the Project.

### 1.3 Stakeholder and community consultation – previous and future

The current amended scheme includes demolition of existing structures, site preparation and construction of an eco-tourist facility incorporating a mix of 68 one and two bedroom units, 51 three bedroom villas including 10 accessible units and multi-purpose amenity building comprising café/gym and administration and associated landscaping roads and 112 space car park.

The proposed development has a lighter footprint than the original design and achieves a greater connection with the natural environment. Eco accommodation is proposed to be provided on that part of the site to be restored to natural salt marsh. Accommodation is to be provided as cabins on stilts with access via elevated boardwalks. Extensive landscaping is to be incorporated throughout the development, which, along with entrance features, and water sensitive urban design structures will enhance the aesthetic appeal.

Relationships with the community and other relevant stakeholders will continue throughout construction and during operation of the tourist facility. Engagement is particularly important during construction as impacts start to be experienced by the community. It is anticipated that there will be consent conditions regarding community engagement during both the construction and operation of the facility. Appropriate post approval engagement techniques may include a web site, distribution of newsletters, notifications and fact sheets, surveys, briefings and information sessions, press releases and social media.

The same stakeholders who were contacted originally should be considered in the development of the techniques mentioned above and discussed further in Section 2 of this Stakeholder Engagement Strategy.

## 2 PROPOSED FUTURE COMMUNITY AND STAKEHOLDER ENGAGEMENT

The following is a list and discussion of some of the techniques that the proponent may apply to the post-approval phase. These techniques have varying strengths and it is likely that a combination of techniques could be effective.

### 2.1 Community consultative committees

The Community Consultative Committees (CCCs) offer an ongoing mechanism for contact with stakeholders through the life of a project. They allow the proponent to report on project progress and impacts and to get the perspectives of stakeholders on these impacts. Members of the CCC or the nominated independent Chairperson may be contacted by other members of the public who are seeking to find out information about the project.

Working groups might be formed on a short-term basis to focus on an element of a project or a regional issue but these have a function quite different to a CCC. Community Consultative Committee Guidelines were released by the Department of Planning and Environment in November 2016. These guide the operation of these committees. Some CCC's are required as part of conditions of consent or SEARs, while others are established by the proponent at their own discretion.

#### Strengths of a CCC include

- Provides a regular open and transparent forum for stakeholder values, issues and ideas to be discussed and solutions canvassed.
- Can help to build trust and relationships between the proponent and stakeholders.
- Means that members can be a channel to get messages out to the broader community.

#### Issues to consider:

- They can be divisive if not managed and chaired well.
- May have a limited role once some projects (such as windfarms or pipelines) are operating.
- Where there are numerous projects in one area CCCs may be a time strain for a few dedicated volunteers representing key organisations.
- There may be a risk that the CCC appears ineffective if it doesn't really represent ordinary people or if it meets infrequently.

### 2.2 Databases and complaint records

Managing and maintaining stakeholder details and reporting on these are important to ensure accountability to fulfil promises to stakeholders (for information and mitigations).

Therefore, databases and complaint records are important. Large and more complex projects use relational databases to track communications and to ensure they keep those impacted or showing interest, up-to-date about a project.

Databases and complaint records record and track responses to complaints. All complaints should be recorded in the database. Stakeholders need to be made aware of the system for formally registering their complaints as well as agreed response times.

Some of these systems allow stakeholders to be emailed directly and for this communication to be recorded.

### Strengths of databases and complaint record systems include:

- Allow accurate and central records of people expressing interest in a proposal.
- Give proponents the ability to provide information and notifications based on up to date records.
- Give proponents the ability to report on issues raised, stakeholders engaged as well as the way in which they have been involved.

### Issues to consider:

- It can be labour intensive to update information.
- There may be issues with privacy related to personal information.
- Proponents should use sign-in sheets at events to collect additional contact details.

## 2.3 Project phone number

Most projects, through all stages, but certainly in construction and operation, need to have a phone number answered by a project staff member at any time. The phone number should also operate when there is after-hours work, i.e. all hours that the project is active, allowing complaints and enquiries to be registered.

Through approval phases the phone number should be available so that those interested can find out further information about the project. Throughout construction and operation the phone line should allow those interested to find out what activities are occurring and to complain about noisy works, dust etc.

### Strengths of a project phone number include:

- Allows personal contact with a voice at the end of the phone.
- Means information is available immediately regarding issues that are time sensitive.
- Allows for response to complaints or enquiries from a project team member.

### Issues to consider:

- Someone needs to be monitoring the phone to answer it directly or very soon after it has gone to an answering machine.
- Anyone answering the phone should have effective listening skills.

## 2.4 Signage

Signage is relevant when there is a specific project site or series of sites. It is usually erected on site fences or hoardings around worksites, compounds, ancillary facilities etc. While it might be specified in the conditions of consent (i.e. variable-message signage as part of the Traffic Management Plan) signage is an important tool to inform the public of elements of a project.

The signage should include information such as:

- The names of the project, proponent and construction contractor
- The phone number to contact (24 hours if appropriate)
- The project delivery timeframe.
- Photos of the key project staff can also be useful.



- Temporary signage might also be used to advise the public of important information such as traffic or access changes.

### Strengths of signage:

- May give adequate information to avoid the need for further contact with the project.
- Reassures people of the reason for disruption and the duration of the impact.

### Issues to consider:

- Signage needs to be in a suitable font size to be viewed from a distance i.e. from a vehicle driving past a worksite.
- It needs to be maintained in good order and may be subject to vandalism.
- Signage may attract more calls to the project phone number.

## 2.5 Conclusion

The strengths of each of the above techniques have been considered and it is suggested that the following stakeholder engagement activities be implemented throughout the construction and operation of the Anna Bay Resort.

- Develop and update regularly a databases and complaint records during construction to track communications and to ensure the proponent keep those impacted or showing interest, up-to-date about the project;
- A dedicated phone number be established and maintained during construction. The phone number should be answered by a project staff member at any time; and
- Appropriate signage with key details, staff contacts and the like be used around the site (subject to Project approval and Council requirements with respect to signage).

Other techniques also considered useful would be a project specific website containing all relevant details for making complaints and registering interest in functions and activities during operation. Ongoing interest from stakeholders could also be helpful via the implementation of a working group formed to build trust and relationships between the proponent and stakeholders during operation. However is not considered that a community consultative committee technique would be necessary for the Project.

**Appendix A**  
**Response table to submissions – previous scheme**

## The Bay Resort - Response to Key Issues arising from exhibition of the EIS

| Agency                                  | Comment   | Response   |
|---|---|--|
| <b>Agencies &amp; Other Submissions</b> |   |  |
| Port Stephens Council                   | <u>SEPP 44 – Koala Habitat Protection</u><br>The application does not address the performance requirements of the Port Stephens Comprehensive Koala Plan of Management (CKPoM)  | <p>The performance requirements of the Port Stephens Comprehensive Koala Plan of Management (CKPoM) are addressed in <b>Appendix 13</b>. A summary is provided below.</p> <p>The Site falls within the Tomaree Peninsula Koala Management Unit. No preferred Koala Feed trees occur within the development footprint. However, 'Preferred Koala Food Trees' occur within the northern site (approximately 470 metres away from the development footprint), namely, <i>Eucalyptus robusta</i> (Swamp Mahogany) and <i>E. tereticornis</i> (Forest Red Gum). Koala Scats were recorded at four trees out of the 30 SATs that were conducted within the area of Preferred Koala Habitat identified within the northern site. As per Phillips and Callaghan (2011) methodology, this sum is then converted to a percentage (13.3 %) and is categorised in terms of Koala activity within the area. This resulted in the area of preferred habitat being categorised as a low Koala activity level site. This area of Preferred Koala Habitat will be retained in situ (Biobanked) and buffered by approximately 470 metres, as part of the proposal. The site is surrounded by extensive areas of adjoining vegetation, of which thousands of records for this species exist. Therefore, it is considered that the proposal will not affect the life cycle of the Koala such that a viable local population of the species is likely to be placed at risk of extinction.</p> |
|   | <u>Port Stephens Local Environmental Plan 2013 (LEP)</u><br>The Acid Sulfate Soils Management Plan (ASSMP) is a preliminary plan and does not include a geotechnical assessment of the site. It is considered, given the potentially large volume of impacted material (Council estimates indicate the volume could exceed 25,000m3) that a geotechnical assessment should be requested from the applicant, to ensure the impacts of any remediation works can be appropriately assessed. | <p>A Geotechnical Report has been prepared by Douglas Partners and is contained in <b>Appendix 4</b>. The Geotechnical Report included an updated Acid Sulfate Soils Assessment. The Geotechnical Report recommends that ground improvement works be carried out prior to construction in order to reduce post construction settlement to tolerable levels. The Geotechnical Report provides ground improvement options, provides commentary on structural footings and methods for the management of dewatering. In relation to acid sulfate soil additional testing is not considered necessary based on the current understanding of the Project. An ASSMP will be prepared for the works, however it will be prepared once details regarding the location and extent of soil and groundwater disturbances are known.</p>   |

## STAKEHOLDER AND COMMUNITY ENGAGEMENT

| Agency | Comment  | Response  |
|--------|--|---|
|        | <p>It is considered that an adequate flooding assessment has not been carried out for this proposal and the application has not demonstrated adequate compliance with Clause 7.3 of the Port Stephens Local Environmental Plan 2013 (LEP) or the Director General's Requirements (DGR's) relating to assessment of flood impact. In particular, the following matters have not been adequately addressed:</p> <ul style="list-style-type: none"> <li>▪ Consideration of the 2100 1% AEP flood level plus 0.5m freeboard;</li> <li>▪ Mapping of hydraulic categories and flood hazards, and the effect of the development on these;</li> <li>▪ Climate change sensitivities including sea level rise for 2100 and increased rainfall volumes;</li> <li>▪ Basement carpark design which as currently designed is likely to go under water in the 1% AEP event in the short/medium term future;</li> <li>▪ Ensuring that the minimum level of all non-habitable buildings, internal roads and driveways is at least RL 2.5 m AHD; and</li> <li>▪ Raising of the crown road access to the development to ensure 1% AEP flood free access.</li> </ul> <p>Data obtained from the Mallabula Point tide gauge (1992-2012) shows a highest water level recorded of 1.38 m AHD and a mean high water level of 0.57 m AHD – it is unstated where the "highest astronomical tide" level used comes from and the local levels should be used to assess the development.</p> | <p>In order to address flooding matters raised by Port Stephens Council and the Office of Environment and Heritage (OEH) a number of meetings were held involving senior engineers from Port Stephens Council, OEH, RPS and Northrop Engineers. Stemming from the meetings Northrop prepared a letter clarifying the discussions particularly regarding the flooding parameters and combinations required for modelling. The letter also provided a suggested typical Crown road cross section for Council review, which has been subsequently reviewed by Council and modified and included in the documentation provided in the Appendices. The letter referred to above is contained in <b>Appendix 5</b>.</p> <p>Consequently the Updated Flood Impact Assessment prepared by Northrop, as contained in <b>Appendix 6</b>, and the Revised Concept Layout and Revised Architectural Drawings as contained in <b>Appendix 3</b>, respond appropriately to the matters raised by Port Stephens Council in relation to flooding, climate change considerations, basement carpark design levels and levels of all other components of the Project.</p> <p>In relation to the Crown Road and its access, it is noted that the road is in fact a public road vested to Port Stephens Council. As a result of discussions with Port Stephens Council a Concept Plan for the upgrading of the public road has been prepared by Northrop and is contained in <b>Appendix 12</b>.</p> <p>Northrop Consulting Engineers were engaged to undertake an updated flood impact assessment for the Project including additional modelling parameters for impact assessment of the Project and broader cumulative impact assessment. In order to establish acceptable flooding parameters and combinations required for modelling, Northrop Consulting Engineers and RPS met with Port Stephens Council Engineering officers and NSW Office of Environment and Heritage. The agreed parameters and modelling combinations are discussed in <b>Appendix 5</b>.</p> |



## STAKEHOLDER AND COMMUNITY ENGAGEMENT

| Agency | Comment   | Response   |
|--------|---|--|
|        | <p>The submitted Flood Emergency Response Plan is considered to insufficiently address how hotel guests will be accommodated in the event of an evacuation.</p> <p>In the event of a flood it is not expected that alternative accommodation could be found in the Tomaree peninsula, so guests would have to be evacuated to other areas. In the event of a flood, areas outside of Tomaree peninsula may not be accessible and accordingly, the Flood Emergency Response Plan should consider this matter.</p>  | <p>A revised Flood Emergency Response Plan is contained in <b>Appendix 7</b>. Given the low lying nature of the surrounding area, it is considered that once heavy rain commences in an event forecast to produce flash flooding or elevated ocean levels, refuge should be sought on-site. A detailed flood Emergency Response Plan will be prepared and implemented as part of the development operation prior to occupation, similar to a fire management/evacuation plan. It will be implemented as part of the development and consultation with the SES and Port Stephens Council will be undertaken to identify employees responsible for emergency management, communication channels, and evacuation and refuge procedures.</p>   |
|        | <p>The flood study has indicated that a significant flood level impact is an increase of 50 mm on developable portions of adjoining properties. Of note is the maximum increase in water surface elevation to the eastern side of the proposed development where the identified increase is 33 mm. It is noted that the existing house on No 4183 Nelson Bay road, which is located approximately 150 m from Nelson Bay Road and which is sites on land with an approximate natural surface level of RL 1.5 m AHD, has not been evaluated in regard to its existing floor level, site specific impacts and hazard categorisation. A 33 mm increase in flood height may be significant to the owner, depending upon their existing floor levels.</p> | <p>Based upon the agreed parameters and modelling combinations as contained in <b>Appendix 5</b>, an updated Flood Impact Assessment has been prepared and is contained in <b>Appendix 6</b>. The updated Flood Impact Assessment was assisted by the obtainment of existing floor levels of the adjoining residences including 4183 Nelson Bay Road. The floor level for the dwelling on 4183 Nelson Bay Road has been determined by detailed survey to be 2.42m AHD. This affords protection from most events considered apart from the PMF and 2100 1%AEP. Reduction in freeboard was considered in other scenarios. The largest calculated increase was in the measured high tide event (+27mm) which results in an absolute level of approximately 1.18m AHD. A swale is included on the eastern side of the proposed Council Road, refer to <b>Appendix 12</b>, to assist in draining water from this area and a decrease is calculated for a number of events.</p> <p>Concern has previously been raised with draining the existing lot at 4181 Nelson Bay Road surrounding by the development and the Council road formalisation. Twin 1200 diameter pipes have been incorporated in the design and a 50% blockage factor applied. The largest calculated increase is in the PMF (+30mm), followed by the 1%AEP 2066 tailwater with 1%AEP 2066 upstream rainfall (12mm). No increase was calculated for the current 5% and 20% AEP events.</p> |

## STAKEHOLDER AND COMMUNITY ENGAGEMENT

| Agency | Comment  | Response  |
|--------|--|---|
|        | In the flood report recommendations it is noted that the raising of the Crown Road to the proposed level of RL 1.8 metres AHD has the potential to become a hydraulic barrier with a resulting negative impact on adjoining upstream properties. However, for flood evacuation Council has previously recommended that the road be raised to a minimum level of RL 2.5 metres AHD, to facilitate evacuation and to match the internal circulation road level. Raising the road level may have an unacceptable negative impact on adjoining properties and will also make it more difficult to provide for normal stormwater drainage within the available road reserve. It is recommended that a revised flood study be requested which addresses the above matters. | The updated Flood Impact Assessment contained in <b>Appendix 6</b> concludes that the Project will have no significant impact on the amenity of the surrounding properties. Drainage from Lot 4181 Nelson Bay Road will via twin 1200 mm diameter pipes commencing at a pit immediately north of Lot 4181 on the Project site and flow along the eastern boundary of the Project site, as illustrated in the Concept Design for the Council Road contained in <b>Appendix 12</b> .  |
|        | Hunter Water Corporation design guidelines require that the top of the sewerage pumping station wet well roof be 0.3 metres above the 1% AEP flood level (2100 horizon) and the electrical cabinet be 0.6 metres above. The proposal does not include information in relation to the respective levels and it is considered that such information should be sought from the applicant demonstrating adequate provision of sewer services.  | All sewer services will be designed in accordance with HWC requirements and the top of the sewerage pumping station wet well roof will be 0.3 metres above the 1% AEP flood level (2100 horizon) and the electrical cabinet be will 0.6 metres above.   |
|        | <u>Access</u><br>It is considered that an Independent Access Audit should be requested from the applicant to ensure adequate safe and equitable movement can be provided throughout the development.   | An Independent Access Audit has been prepared and is contained in <b>Appendix 16</b> . The Audit confirms that adequate, safe and equitable movement can be provided throughout the development.  |
|        | <u>Earthworks</u><br>Council has reviewed the quantity of fill proposed to be imported to the site and notes a discrepancy between the nominated value and the volume required to reach the proposed finished level of approximately 25,000 m <sup>3</sup> .<br>It is recommended that clarification of the amount of fill to be imported be sought and relevant documentation (such as the traffic impact study) be revised to adequately address any revised figures.<br>In addition the application does not address the existing uncontrolled fill within the Crown Road Reserve which may require removal and replacement to achieve an appropriate standard.   | Updated fill quantities have been provided by Northrop Engineers as contained in the Earthworks Plan contained in <b>Appendix 9</b> . A revised Traffic and Transport Impact Assessment has been prepared and is contained in <b>Appendix 17</b> and considers the amount of fill to be imported and the resultant truck movements.<br>The amount of fill to be imported is 95,000m <sup>3</sup> . Excavated soil will be neutralised and reused on site in accordance with the protocols provided within the Geotechnical Report contained in Appendix 4 and the proposed ASSMP which will be prepared once details regarding the location and extent of soil and groundwater disturbances are known.<br>Uncontrolled fill within the Council Road Reserve will be either excavated and re-compacted to form a suitable subgrade, or excavated and used under the landscaped areas on the Project site if unsuitable for subgrade. |

## STAKEHOLDER AND COMMUNITY ENGAGEMENT

| Agency | Comment  | Response  |
|--------|--|---|
|        | <p><u>Traffic, Transport and Car Parking</u></p> <p>The subject site could potentially contain a large volume of acid sulfate soil (estimates indicate the volume could exceed 25,000 m3 over the development site) which would require significant additional works and associated vehicle movements, which have not been accounted for in the Traffic and Transport Impact Assessment.</p>   | <p>A revised Traffic and Transport Impact Assessment is provided in <b>Appendix 17</b> and considers all likely truck movements during construction including the delivery of fill to the site. The traffic movements associated with the Project will be adequately catered for via the upgraded intersection of Nelson Bay Road and the un-named Council Road and the existing roundabout at the Nelson Bay Road and Port Stephens Drive intersection to the east.</p>  |
|        | <p>The submitted Traffic Impact Assessment does not appear to have taken full account of recent upgrades to Nelson Bay Road in particular the report does not take into account the sheltered right turn lane for eastbound traffic or the upgraded indented bus stops on the vicinity of the site. The bus stop on the northern side of Nelson Bay Road is in close proximity to the site access and should be included in a revised Traffic Assessment. The Traffic Impact Assessment should also be revised to address the operation of the intersection of Nelson Bay Road and the Crown Road – Council considers improvements to the left in and left out arrangements are warranted in this instance.</p>  | <p>The revised Traffic and Transport Impact Assessment includes the consideration of all recent upgrades to Nelson Bay Road. Concept plans for minor modifications to Nelson Bay Road to accommodate the Project are contained in <b>Appendix 11</b>. Likewise <b>Appendix 12</b> includes a concept plan for road and drainage works for the Council Road. All concept plans have been considered in the revised Traffic and Transport Impact Assessment contained in <b>Appendix 17</b>.</p>  |
|        | <p>It is noted that proposed car parking provision in the Traffic and Transport Impact assessment does not align with the numbers and locations shown on the development plans and other documentation. Further, the assessment is considered deficient in relation to onsite car parking and vehicle movement in the following matters:</p> <ul style="list-style-type: none"> <li>■ The 'large vehicle parking spaces' nominated on the development plans would not be suitable to cater for bus or coach parking as described in the traffic assessment, and no other bus or coach parking spaces have been described on the plans;</li> <li>■ The main entry roundabout has an approximate diameter of 20 metres, however a minimum diameter of 30 metres is required to accommodate buses and tourist coaches;</li> <li>■ There is insufficient road width adjacent to the hotel front entry doors to allow other vehicles to pass whilst a bus or coach is loading or unloading passengers;</li> <li>■ Some car parking spaces are described as smaller than those recommended by Council. Council recommends minimum car park space dimensions of 2.5 metres and 5.5 metres long with a 6.7 metre associated aisle width for 90 degree angle parking;</li> <li>■ AS2890.6 requires a minimum dimension for disable spaces of 2.4 metre wide with adjoining 2.4 metre wide accessible area.</li> </ul> | <p>The revised Traffic and Transport Impact Assessment considers all changes to the exhibited design as contained in the Revised Concept Layout and Architectural Drawings for the Project provided in <b>Appendix 3</b>.</p> <p>In relation to vehicle access and circulation requirements the revised Traffic and Transport Impact Assessment notes that the main vehicle access to the site will be via the upgrade to the existing un-named Council Road in this location. The upgrade works provided by the RMS have allowed for left in and left out movements as well as a right turn into the un-named Council Road. This intersection upgrade allows for U-turns to occur at this location. This intersection has been designed in accordance with the RTA Road Design Guide and Austroads and as such provides a safe and acceptable access to the site.</p> <p>As part of the project the left turn deceleration lane will be upgraded to provide a full length left turn deceleration lane in accordance with Austroads Guidelines and taking into account the posted speed limit. A concept plan for this left turn lane has been prepared by Northrop Engineering and is contained in <b>Appendix 12</b>. This requires works to adjust the existing U-turn facility at this location.</p> <p>The existing right turn lane provides a length of 110 metres and currently has low usage. This right turn lane will be retained as part of the project.</p> |

## STAKEHOLDER AND COMMUNITY ENGAGEMENT

| Agency | Comment   | Response   |
|--------|---|--|
|        | <ul style="list-style-type: none"> <li>■ ASS2890.1 requires additional width for car parking spaces adjacent to walls which has not been shown on the submitted plans;</li> <li>■ Internal intersections are of insufficient width to allow for bus and coach circulation;</li> <li>■ The hotel loading dock appears to achieve the required 4.5 metre vehicle clearance required for a Heavy Rigid Vehicle (HRV), although this has not been stated on the plans. Additionally, it appears that there is insufficient turning area and that internal roads and intersections cannot be safely navigated by HRV's;</li> <li>■ There is insufficient provisions of parking and associated plant and storages areas to allow adequate servicing of each building within the development;</li> <li>■ Internal roads do not appear to provide sufficient turning circles for standard vehicles including on the perimeter road and to access the car park under Block C;</li> <li>■ It is recommended that an internal road be provided to allow movement between the hotel and accommodation buildings. The current proposal will require additional use of crown road to travel between the accommodation building and hotel, resulting in an increased traffic impact on other properties;</li> <li>■ The service road shown on the plans between the perimeter road cul-de-sac and service road linking to the loading dock under the hotel building should be constructed as part of a perimeter road to allow appropriate movement of emergency services, patron and service vehicles to prevent unnecessary use of the Crown Road. Additionally, the road design should allow a right turn from the loading bay for servicing vehicles;</li> <li>■ Traffic management devices should be incorporated into the direct access from Nelson Bay Road to prevent excessive speed along this road;</li> <li>■ The proposed shared pedestrian/vehicle zones on internal roadways are not supported given the lack of pedestrian refuges and verges;</li> <li>■ There is insufficient detail for the intersection with the Crown Road which appears to be insufficient to cater for required vehicle usage; and</li> </ul> | <p>A secondary access will also be provided directly off Nelson Bay Road being a left hand slip for entering traffic only. This will provide ready access to the hotel and the bus parking area. There will be no egress from this access point. This access will be designed and constructed on accordance with RMS and Council requirements and is shown in <b>Appendix 11</b>.</p> <p>The design of the internal layout of the site allows vehicles to enter and exit the site in a forward direction and circulate as required.</p> <p>Access to the tourist accommodation will be via two driveway connections to the un-named Council Road with a main access to the hotel and associated facilities and a second access to the tourist rooms. These accesses allow for 2-way traffic movements and are designed in accordance with Council standards. The internal driveways then allow for circulation around the site to allow for entry and exit movements to occur in a forward direction. An additional secondary access will allow for inbound vehicles only directly off Nelson Bay Road, operating under a speed limit of 20 km/h with appropriate signage and vehicle speed control devices.</p> <p>All vehicles will exit via the un-named Council Road and will be left turn out movements only onto Nelson Bay Road. Drivers can then complete a U-turn at the roundabout at Port Stephens Drive.</p> <p>The main driveways to the site are located on a straight section of the Un-named Council Road offering good visibility in both directions and provide good access to the site. This Un-named Council Road provides access to the subject site and a number of adjacent properties but does not connect with the local road network to the north of the site. The secondary access will be provided via a driveway located adjacent to the western boundary of the site, immediately off Nelson Bay Road. A deceleration lane will be designed and constructed in accordance with the RMS Road Design guidelines and a concept design has been prepared for the project.</p> <p>All service vehicles will be able to enter and exit the site in a forward direction, using the Un-named Council Road that connects between Nelson Bay Road and the subject site. The site has been designed to accommodate large rigid service vehicles and buses and will not require access for semi-trailers.</p> <p>The design for the internal roads will be completed as part of the detailed design process and will include Autoturn simulation to demonstrate safe and appropriate access for coaches and service vehicles to the site. It is noted that the development will not be a major generator for large service</p> |



## STAKEHOLDER AND COMMUNITY ENGAGEMENT

| Agency | Comment  | Response   |
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|        | <ul style="list-style-type: none"> <li>■ It appears that the building width of tourist accommodation building is insufficient by 1 metre to accommodate required car parking space dimensions;</li> <li>■ A revised traffic assessment and revised plans are recommended which demonstrate adequate provision of car parking and manoeuvring areas.</li> </ul> | <p>vehicles, with the majority of service vehicles being small vans e.g. Toyota Hi-Ace type vehicles which have similar operational characteristics to a large 4WD.</p> <p>All vehicles will be able to enter and exit the site in a forward direction from the local road network. The internal site layout allows vehicles to access the various sections of the site and the car parks located on the southern section of the site. The major internal intersections are controlled by roundabouts and the internal roads will operate under a low posted speed limit.</p> <p>These internal driveways will be designed in accordance with the requirements of the site and are in accordance with AS2890.</p> <p>The width of the internal driveways allows for two-way traffic movements and will be designed in accordance with Council requirements. The road within the Un-named Council Road will be constructed as a local street with a pavement width of 9 metres with a footpath to one side only in accordance with Council Guidelines. A turn head can be provided at the northern end of this public road to allow for a standard Council refuse truck to complete a U-turn as required. This will be detailed as part of the detailed design process for the project. The internal driveways within the site will operate as share ways with an operational speed limit of 20 km/h (with appropriate signage and controls to manage vehicle speeds) and will cater for pedestrian movements.</p> <p>The internal roundabouts will be designed and constructed to allow for a coach to access the site and will provide a central median that can be driven over by larger vehicles. This will ensure driver safety and priority is maintained whilst minimising the extent of hard surface and road pavement / construction.</p> <p>As part of the development, on-site parking is provided for 10 coaches to the front of the main international hotel building. Buses will use the main spine road, then circulate in front of the building to allow for passenger unloading and loading to occur directly in front of the main entry point. The design of these road ways will allow for these size of vehicles.</p> <p>There will be minimal requirement for coach (and car) travel between the hotel and the accommodation buildings. The majority of movements between these two users will be by foot, given the short distance between them.</p> <p>There will be a need for a number of loading areas to be provided as part of the various buildings, with servicing requirements varying dependent upon the building being serviced. There will be a service dock area</p> |

## STAKEHOLDER AND COMMUNITY ENGAGEMENT

| Agency | Comment  | Response  |
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|        |  | <p>provided to the rear of the international hotel whilst the tourist accommodation servicing requirements will be much lower and can be serviced by smaller vehicles. The hotel will require access for large rigid trucks whilst the tourist accommodation will be typically serviced by large vans e.g. Toyota Hi-Ace size vans. The details for the servicing will be determined during the detailed design stage of the project.</p> <p>The parking for the development has been assessed against the requirement of the Council DCP. The Port Stephens Council DCP provides the following parking requirements for this type of development:</p> <ul style="list-style-type: none"> <li>• 1 space per unit / dwelling plus</li> <li>• 1 space per 2 employees</li> </ul> <p>The plans provide for 288 tourist accommodation units and 148 hotel rooms, for a total of 436 units. This provides a requirement of 436 parking spaces for units plus parking for employees. Assuming 60 employees this would give a total parking demand of 466 spaces.</p> <p>The plans for the site provide for a total of 925 car park spaces and 10 coach parking spaces and satisfy the parking requirements for the project. This includes a provision for 48 accessible parking spaces. The additional parking provided within the site allows for non-residents visiting the site to park within the site and not create any external parking demands. The site could offer wedding functions, etc. which will generate some external demand for the facilities with the majority of the parking demand generated by, and catered for, people staying on site.</p> <p>The car park will be designed and constructed in accordance with AS2890 which provides standards for parking spaces as well as aisle widths. The design will also allow for additional width at the end of blind aisles and accessible parking spaces will be provided in accordance with AS2890 Part 6.</p> |
|        | <p><u>Waste Management</u></p> <p>The centralised waste storage area under the hotel building should be supplemented by waste storage areas for each building.</p> | <p>Revised Concept Layout and Architectural Drawings for the Project are provided in <b>Appendix 3</b> and show the provision of waste storage areas for each building.</p>   |

## STAKEHOLDER AND COMMUNITY ENGAGEMENT

| Agency | Comment   | Response  |
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|        | <p><u>Bushfire</u></p> <p>The 6 metre wide perimeter road does not meet the minimum 8 metre road width described in the Bushfire Hazard Assessment. Additionally, the cul-de-sac on the internal perimeter road is not sufficient to allow RFS fire-fighting vehicles to run around and should be increased to a minimum diameter of 24 metres.</p>   | <p>A Revised Bushfire Assessment is contained in <b>Appendix 18</b> and notes the revised Concept Layout and revised Architectural Drawings contained in <b>Appendix 3</b>. The Bushfire Assessment and the revised Concept Layout have been amended to include a passing bay west of the theatre suitable for vehicles to pull over to allow fire-fighting vehicles to move freely. The internal road design provides a variety of routes for vehicles in for evacuation and a service vehicle access route connects the cul-de-sac on the western boundary to the main entrance, creating an acceptable perimeter road to be used as an emergency egress.</p> |
|        | <p><u>Stormwater</u></p> <p>Stormwater should be conveyed via pipe for the length of the portion proposed to be dedicated as public road, and should include end of line water quality treatment devices to protect downstream SEPP 14 wetland. The discharged water quality should comply with Council's Urban Stormwater and Rural Water Quality Management Plan.</p>   | <p>A concept plan for road and drainage works for the Council Road has been prepared by Northrop Consulting Engineers and is contained in <b>Appendix 12</b>. An end of line water quality treatment device is indicated on the concept plan and when installed discharged water quality will comply with Council's Urban Stormwater and Rural Water Quality Management Plan.</p>   |
|        | <p>The Concept Stormwater Management Plan indicates that a surface drain will be required to ensure stormwater from 4181 Nelson Bay Road will not be prevented from draining.</p> <p>An easement is necessary to protect the right of use of the drain and any consent should include a condition to effect such protection. Additional details are considered necessary to demonstrate that stormwater runoff from roads (particularly the surrounding ring road) is sufficiently detained for water quality treatment before discharge to the surrounding land.</p> | <p>A Revised Stormwater Management Plan is contained in <b>Appendix 8</b>. A concept plan for road and drainage works for the Council Road has been prepared by Northrop Consulting Engineers and is contained in <b>Appendix 12</b>. Stormwater runoff from roads will be sufficiently detained for water quality treatment before discharge to the surrounding land. An easement will be prepared to protect the right of use of the drain by the owner of 4181 Nelson Bay Road.</p>  |
|        | <p><u>Flooding</u></p> <p>A number of areas including car parks, storage areas and plant rooms are located below tidal and flood inundation levels. It is recommended that a condition of consent be imposed to ensure the structures are water tight and fitted with a sump and pump to reduce the opportunity of flooding of those structures. Additionally, the condition require adequate pumping capacity to cope with major flood events, and emergency power supplies be available to enable continued operation in the event of a power failure.</p>          | <p>Noted. Structures will be water tight and fitted with a sump and pump to reduce the opportunity of flooding of those structures. Additionally, adequate pumping capacity to cope with major flood events, and emergency power supplies be available to enable continued operation in the event of a power failure.</p>   |

## STAKEHOLDER AND COMMUNITY ENGAGEMENT

| Agency | Comment   | Response   |
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|        | <p><u>Natural Environment</u></p> <p>A detailed plan of management for the bio-banking offset land. The plan should demonstrate how the environmental and ecological value of the land can feasibly be maintained and should address potential future developments on adjoining land.</p> | <p>An updated Biodiversity Assessment Report (BAR) has been prepared and is contained in <b>Appendix 14</b>. The large portion of the site is proposed to form a formal Biobank containing 'like for like' biodiversity features, including but not limited to estuarine areas, SEPP 14 wetland, threatened ecological communities and known habitat for various threatened species. A core component of the biodiversity assessment process is the application of the BioBank Assessment Methodology (BBAM) to assess development impact and to enable a suitable biodiversity offset arrangement to be determined. In this regard the Credit Balance Ledger for the development and biodiversity offset proposal (Biobank site) shows that all credit categories are met and exceeded, with the exception of Saltmarsh, which is in deficit by 129 credits. The proponent is committed to providing the necessary Saltmarsh Ecosystem Credits to offset the development, and has commenced investigating several possible solutions to meeting this requirement.</p>   |
|        | <p>Commonwealth concurrence/approval should be obtained under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> prior to the issue of any consent.</p>   | <p>The assessment of matters of national environmental significance has been performed in accordance with Significant Impact Guidelines 1.1 - Matters of National Environmental Significance (DoE 2013). The self-assessment is contained in the updated BAR contained in <b>Appendix 14</b>. It considered threatened species and ecological communities (Sections 18 and 18A) and migratory species (Section 20) identified as having a moderate or greater likelihood of occurrence within the Project area. The assessment relied on results generated from field surveys performed in accordance with Survey guidelines for Australia's threatened birds (DEWHA 2010) and EPBC Act Policy Statement 3.21 - Industry guidelines for avoiding, assessing and mitigating impacts on EPBC Act listed migratory shorebird species (DoE 2015). The self-assessment determined that the Project is not likely to have a significant impact on MNES deemed relevant to the Project. The person proposing the action (i.e. Proponent) has had due regard for the results of this assessment and directions specified under Section 68 of the EPBC Act.</p> |
|        | <p>The application does not address the adverse impact of the local corridor link for Fishing Bats which will be inhibited by the proposed development. Relevant details are required in order to assess the impact in this regards.</p>  | <p>An updated Biodiversity Assessment Report (BAR) has been prepared and is contained in <b>Appendix 14</b>. The BAR has been undertaken in accordance with the guidelines within the NSW Biodiversity Offsets Policy for Major Projects and the linked Framework for Biodiversity Assessment and deals with connectivity at the landscape level. The assessment has not identified any change in the connectivity thresholds as required to be assessed and this applies to species including the Fishing Bat. Accordingly Fishing Bats will not be inhibited by the Project.</p>   |



## STAKEHOLDER AND COMMUNITY ENGAGEMENT

| Agency | Comment   | Response   |
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|        | A Flora and Fauna Management sub-plan should be required as part of the Construction Environmental Management Plan. The sub-plan should address mitigation measures and commitments relating to vegetation clearing, fauna management and weed control. | Noted and will be prepared as part of the Construction Environmental Management Plan.  |
|        | Additional details are required that address the removal of vegetation within the Crown road reserve.   | A concept plan for road and drainage works for the Council Road has been prepared by Northrop Consulting Engineers and is contained in <b>Appendix 12</b> . The concept plan shows a slight deviation of the proposed pavement of the road towards the Project site to enable trunk drainage on the western side and a swale drain on the eastern side of the road reserve. Four to five trees on the eastern side maybe impacted by the proposed road upgrade however the number and potential impact of the removal any trees will be assessed during the assessment of detailed designs of the road. The detailed design will identify the trees to be removed and those to remain and will endeavour to retain the maximum number of trees, as demonstrated by the concept plan which contains the deviation to enable maximum tree retention. |
|        | Additional information is required in relation to impacts to the Riparian buffer to the estuarine area.   | As stated within <b>Appendix 14</b> the presence within part of the development footprint of "Riparian Buffer of an estuarine area (50m)" is classed as an "impact that requires further consideration" by the Consent Authority. The BAR considers there to be sufficient ecological benefits associated with the project to result in improved outcomes for the tidal estuarine areas within the Project Site.   |

## STAKEHOLDER AND COMMUNITY ENGAGEMENT

| Agency                               | Comment   | Response  |
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| Department of Planning & Environment | Flooding – further detail (modelling, maps) on the potential flooding impacts upon the surrounding area (including the adjacent Marine Park sanctuary). | <p>Revised Flood Modelling and Assessment is provided in <b>Appendix 6</b>. Maps have been provided showing a number of different flood behaviour characteristics for various flood scenarios. The updated Flood Impact Assessment concludes that:</p> <ul style="list-style-type: none"> <li>■ The proposed development had no significant impact on the amenity of the surrounding upstream and downstream properties during upstream flooding dominated events;</li> <li>■ Increased inundation from salt water tides is expected due to lowering of the access track to supplement capacity to cater for upstream dominated events;</li> <li>■ An increase in rainfall intensity due to climate change did not have a significant impact on flood behaviour or levels when coupled with an elevated tailwater due to sea level rise;</li> <li>■ The impact of climate change reduces the impact of the development on the flood behaviour; and</li> <li>■ Cumulative fill of lands upstream of the Project site generally has minimal additional impact, however some areas will require further assessment as part of their respective submissions to minimise localised increases adjacent to the fill pads. Areas considered in the modelling for cumulative impacts, that is areas that may be developed in the future but will be subject to separate Planning Proposals and development applications, are illustrated in <b>Figure 2</b> which is an extract from the updated Flood Impact Assessment.</li> </ul> |
|                                      | Acid Sulfate Soils – further detailed information on acid sulfate soil management.  | <p>Further information on acid sulfate soil management is provided in the Geotechnical Report contained in <b>Appendix 4</b>. The Geotechnical Report recommends that an Acid Sulfate Soils Management Plan (ASSMP) should be prepared for the works, however it is best prepared once details regarding the location and extent of soil and groundwater disturbances are known, namely prior to construction commencing.</p>   |

## STAKEHOLDER AND COMMUNITY ENGAGEMENT

| Agency                                    | Comment  | Response   |
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|   | Ecology – further justification for the composition of the proposed offset package.  | <p>An updated Biodiversity Assessment Report (BAR) has been prepared and is contained in <b>Appendix 14</b>. The BAR has been prepared in accordance with the Framework for Biodiversity Assessment – NSW Biodiversity Offsets Policy for Major Projects (FBA). A large portion of the site is proposed to form a formal Biobank site containing 'like for like' biodiversity features, including but not limited to estuarine areas, SEPP 14 wetland, threatened ecological communities and known habitat for various threatened species. The land is contiguous with the Tilligerry Nature Reserve, which may offer potential for integration with the conservation estate, which is currently being discussed with OEH / NPWS in this regard.</p> <p>The Credit Balance Ledger for the development and biodiversity offset proposal (BioBank site) shows that all credit categories are met and exceeded, with the exception of Saltmarsh, which is in deficit by 129 credits. The proponent is committed to providing the necessary Saltmarsh Ecosystem Credits to offset the development, and has commenced investigating several possible solutions to meeting this requirement.</p> <p>In addition, the presence within part of the Development Area of "Riparian Buffer of an estuarine area (50m)" is classed as an "impact that requires further consideration" by the Consent Authority. It is considered that there are sufficient ecological benefits associated with the Project to result in improved outcomes for the tidal estuarine areas within the Project Site.</p> |
|   | Consultation – detail on consultation undertaken with adjoining landowners.  | Representatives from RSE have actively engaged with adjoining land owners and other stakeholders groups since October 2015. A report on the consultation process and outcomes is contained in <b>Appendix 15</b> .   |
|   | Suitability of the site – justification in relation to the permissibility of the development in accordance with the <i>Port Stephens Local Environmental Plan 2013</i> and the overall suitability of the site for development.  | Justification in relation to the permissibility of the development in accordance with the <i>Port Stephens Local Environmental Plan 2013</i> was provided in the EIS as exhibited. Further discussion regarding permissibility and suitability is provided in Section 4 of this Response to EIS Submissions Report.  |
| Department of Industry Resources & Energy | The subject site is covered by Petroleum Exploration Licence (PEL) 458. In accordance with section 127F of the Threatened species conservation Act 1995, the title holder Dart Energy (Apollo) Pty Ltd should be consulted regarding the terms of the agreement in relation to the Biobank proposal. | A letter has been sent to Dart Energy (Apollo) Pty Ltd (now trading under Hunter Gas Pty Ltd) – letter dated 16 <sup>th</sup> March 2017. At the time of completion of this Response to EIS Submissions Report no response had been received.  |

## STAKEHOLDER AND COMMUNITY ENGAGEMENT

| Agency        | Comment   | Response  |
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| Fisheries NSW | Flooding modelling indicate that the development may cause a rise in flood levels of 35mm, this may cause longer periods of inundation as drainage is restricted. The Department has concerns that periods of high rainfall may lead to excessive inundation times with associated increase in flooded pastures that could lead to “blackwater” events in the adjacent Marine Park sanctuary Zone.  | <p>Revised Flood Modelling and Assessment is provided in <b>Appendix 6</b>. Maps have been provided showing a number of different flood behaviour characteristics for various flood scenarios. The updated Flood Impact Assessment concludes that:</p> <ul style="list-style-type: none"> <li>■ The proposed development had no significant impact on the amenity of the surrounding upstream and downstream properties during upstream flooding dominated events;</li> <li>■ Increased inundation from salt water tides is expected due to lowering of the access track to supplement capacity to cater for upstream dominated events;</li> <li>■ An increase in rainfall intensity due to climate change did not have a significant impact on flood behaviour or levels when coupled with an elevated tailwater due to sea level rise;</li> <li>■ The impact of climate change reduces the impact of the development on the flood behaviour; and</li> <li>■ Cumulative fill of lands upstream of the Project site generally has minimal additional impact, however some areas will require further assessment as part of their respective submissions to minimise localised increases adjacent to the fill pads. Areas considered in the modelling for cumulative impacts, that is areas that may be developed in the future but will be subject to separate Planning Proposals and development applications, are illustrated in <b>Figure 2</b> which is an extract from the updated Flood Impact Assessment.</li> </ul> |
|               | During construction, due to the level of groundwater at the site any dewatering required would need to be closely managed. The Department would require a condition that precludes discharge to the Sanctuary Zone of the Marine Park to be included in any approval.   | Noted.  |
|               | Hard surfacing of the site will lead to increased runoff from rain events. While the proposal has a fairly comprehensive storm water management system, the Department is still concerned about the potential impact of storm water discharge from the site. The adjacent saltmarsh areas can be significantly impacted by decreases in salinity of the soils, leading to changes in vegetation type and incursion of mangroves into this threatened community. | It is considered that any stormwater discharge from the site will be easily offset by the regular inundation of the non-disturbed part of the Project Site. Previously installed tidal gates are no longer in place and the Swamp Oak community is showing clear signs of decline in extent and condition as a consequence of the tidal gate being removed as evidenced within the BAR contained in <b>Appendix 14</b> .  |

## STAKEHOLDER AND COMMUNITY ENGAGEMENT

| Agency    | Comment  | Response   |
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|           | Section 2.3.1 of the Environmental Assessment states that a significant part of the site is regularly inundated by saltwater tides from Tilligerry Creek. This implies the tidal limit is over the site and therefore potentially resides in the Marine Park (as shown in Figure 11). It is not clear in the EA if this is legal or permissible as the tidal limit does not appear to be actually defined. | The tidal limit is not legally defined however tidal gates prevented tide entering the northern portion of the Site. The extent of the tide under current circumstances is not known however the Project will enable inundation of all non-disturbed areas of the Site and thus revert back to pre-disturbed conditions.   |
|           | The Department has serious concerns about potential acid sulphate soils impacts which have been addressed by the proposal to develop a relevant plan. The Department would like to ensure that this plan includes collaring pipework in trenches in PASS to ensure water movement along trenches does not allow the movement of acid water.  | Noted. Further information on acid sulfate soil management is provided in the Geotechnical Report contained in <b>Appendix 4</b> .   |
|           | The Department raised the issue of ground heave with the proponent in the consultation phase. The Department has concerns that this appears to have been put off until after the approval has been obtained. The Department would therefore request a condition in the consent that would stop construction works if the geotechnical studies identified ground heave is a risk.                           | Information on ground heave is provided in the Geotechnical Report contained in <b>Appendix 4</b> . The development footprint is underlain by soft to very soft clay. Where encountered, the clay is generally present just below the surface soils and is underlain by loose to medium dense sands, increasing to medium dense to dense with depth. The soft clay will consolidate (settle) under new loads and will also have low bearing strength for the support of footings. Ground improvement will be required to reduce post-construction settlement to tolerable levels, which may include preloading and/or surcharging. The soft clay will also need to be considered in the design of temporary and permanent excavation support measures.   |
| DPI Water | The EIS states that dewatering and onsite discharge of acidic water will be carried out during construction, however the Groundwater Impact Assessment contradictorily states that no excavation or dewatering will occur. Subsequently, the Groundwater Impact Assessment does not include suitable assessment of drawdown impacts on Groundwater Dependent Ecosystems and other groundwater users.       | A Geotechnical Report has been prepared by Douglas Partners and is contained in <b>Appendix 4</b> . The Geotechnical Report included an updated Acid Sulfate Soils Assessment. The Geotechnical Report recommends that ground improvement works be carried out prior to construction in order to reduce post construction settlement to tolerable levels. The Geotechnical Report provides ground improvement options, provides commentary on structural footings and methods for the management of dewatering. In relation to acid sulfate soil additional testing is not considered necessary based on the current understanding of the Project. An ASSMP will be prepared for the works, however it will be prepared once details regarding the location and extent of soil and groundwater disturbances are known. |

## STAKEHOLDER AND COMMUNITY ENGAGEMENT

| Agency                 | Comment  | Response   |
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|                        | The assessment does not acknowledge dewatering as an Aquifer Interference Activity and does not include assessment against the Aquifer Interference Policy.  | Dewatering could be considered as an Aquifer Interference Activity and should be undertaken in a manner which maintains the surrounding groundwater level, where possible and in accordance with the Aquifer Interference Policy, due to the risk of exposing potential acid sulphate soils. Management of dewatering will be undertaken with reference to an acid sulphate soil management plan for the site. Where possible, design will consider the depth of groundwater, the potential fluctuations in groundwater level, and look for opportunities to avoid the need for dewatering as part of site construction. |
|                        | The proposed modification of 1st order water courses discussed in Section 5.5.3 of the must be justified and offset in accordance with the Guidelines for Riparian Corridors (DPI 2012).   | The first order watercourses are man-made drains and as such offsetting is not considered necessary. It is proposed to direct these around the development and revegetate with native species to replicate the existing drainage regime.   |
| NSW Rural Fire Service | At the commencement of building works and in perpetuity the property for a minimum of 60 metres in all directions around the proposed buildings shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of Planning for Bush Fire Protection 2006 and the NSW Rural Fire Service's document Standards for asset protection zones. | Noted  |
|                        | Water, electricity and gas are to comply with sections 4.1.3 and 4.2.7 of Planning for Bush Fire Protection 2006.  | Noted  |
|                        | Property roads shall comply with sections 4.1.3(1) and 4.2.7 of Planning for Bush Fire Protection 2006   | Noted  |
|                        | In recognition of the development type an emergency/evacuation plan is to be prepared consistent with the NSW Rural Fire Service document Development Planning: <i>A guide to developing a Bush Fire Emergency Management and Evacuation Plan 2014</i> .   | An Emergency Management Plan will be prepared for the proposed development and will address the operation of the facility on extreme and catastrophic fire rating day and will be consistent with the NSW Rural Fire Service document Development Planning: <i>A guide to developing a Bush Fire Emergency Management and Evacuation Plan 2014</i> .   |



## STAKEHOLDER AND COMMUNITY ENGAGEMENT

| Agency | Comment  | Response   |
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|        | <p>A landscape plan prepared by a qualified landscape architect /landscape consultant/bush fire planning and design consultant, conforming to the requirements of Appendix 5 of Planning for Bush Fire Protection 2006 and the Rural Fire Service Standards for asset protection zones is to be submitted to Council or the principal certifier for approval with the construction certificate. The plan is to include the location of all proposed and existing planting, delineating existing trees to be retained, removed or transplanted. The plan should include a detailed planting schedule which includes species listed by botanical and common names, quantities of each species, pot sizes, and the estimated size of the plant at maturity.</p> | <p>Noted and the updated landscape plan conforming with the requirements of Appendix 5 of Planning for Bush Fire Protection 2006 and the Rural Fire Service Standards for asset protection zones will be prepared prior to the release of the construction certificate.</p>  |
|        | <p>The vegetation assessment of saline wetlands to the southwest, west, north and northeast set out in the bushfire report has not been accepted. The hazard is considered to be consistent with a forested wetland. The NSW RFS is prepared to review components of its determination if further evidence to support a different NSW RFS vegetation category can be satisfactorily provided.</p>  | <p>An assessment of the vegetation currently surrounding the site has shown Forested Wetlands to be the predominant vegetation formation. However, tidal changes over the past 3 years have led to an increase in salinity ultimately demonstrating a transition from Forested Wetlands to Saline Wetlands. This trend is expected to continue with not only water increasing in salinity, but the surrounding soils experiencing saline increases as well. Areas of dieback can be observed on the site as a result of the saline increase, which is expected to continue occurring over time. Consequently, with obvious transitional changes occurring and the expectations that no preventative measures are proposed to maintain the freshwater nature of the wetlands, the vegetation currently classified as Forested Wetlands is hence classified as Saline Wetlands. The classification as Saline Wetlands is also confirmed through the documentation provided in the BAR contained in <b>Appendix 14</b>.</p> |

## STAKEHOLDER AND COMMUNITY ENGAGEMENT

| Agency                           | Comment  | Response  |
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| Roads & Maritime Services        | <p>RMS request the following information in relation to traffic specific matters including:</p> <ul style="list-style-type: none"> <li>■ A deceleration lane will be required in accordance with Australian Guide to Road Design and Roads and Maritime Supplements. A concept plan showing details of the deceleration lane shall be submitted for review prior to determination, and is to include a turning path for buses or the largest vehicle anticipated to access the site. Consideration must also be given to any existing property accesses that may be impacted by the proposed deceleration lane.</li> <li>■ The right turn bay into Council road may require upgrading to cater for the additional traffic generated by the development. The traffic report shall include details of the existing right turn bay and investigate whether there is sufficient capacity to cater for traffic from the new development.</li> </ul> <p>The existing u-turn bay at the entry of the un-named Council road may require relocating as part of the proposal. The traffic report is to include a detailed investigation of the functionality of the u-turn bay and the impact of increased traffic resulting from the development.</p> | <p>Proposed changes to Nelson Bay Road and the Council Road are contained in <b>Appendix 11</b> and <b>Appendix 12</b> respectively. The concept plans have been designed for the largest vehicles to enter the site (coach and truck and dog trailer combination) and considers access to existing properties that may be impacted by the works.</p> <p>A revised Traffic and Transport Impact Assessment is provided in <b>Appendix 17</b> and considers these changes. The revised Concept Layout contained in <b>Appendix 3</b> shows the provision of a deceleration lane and the re-location of the bus stop on Nelson Bay Road. Seca Solutions (author of the Revised Traffic and Transport Impact Assessment) indicate that the right turn bay into the Council road does not require upgrading. Minor works associated with the existing u-turn bay at the entry of the Council road will be required as indicated in <b>Appendix 11</b> and <b>Appendix 12</b>.</p> |
| Office of Environment & Heritage | <p><u>Biodiversity Offsets – Ecosystem Credits</u></p> <p>Overall the BAR fails to provide an adequate offset package for the project. Under the FBS, the proponent must provide a Biodiversity Offset Strategy (BOS) as part of the BAR that is commensurate with the development impact, either via the retirement of appropriate biodiversity credits (as determined via the application of the BioBanking Assessment Methodology in accordance with the FBA operation manual and or via the application of supplementary measures or credit generation via appropriate rehabilitation. The latter two requiring supporting documentation as to why these would be used.</p>  | <p>An updated Biodiversity Assessment Report (BAR) has been prepared and is contained in <b>Appendix 14</b>. The Credit Balance Ledger for the development and biodiversity offset proposal (BioBank site) shows that all credit categories are met and exceeded, with the exception of Saltmarsh, which is in deficit by 129 credits. The proponent is committed to providing the necessary Saltmarsh Ecosystem Credits to offset the development, and has commenced investigating several possible solutions to meeting this requirement.</p>   |

## STAKEHOLDER AND COMMUNITY ENGAGEMENT

| Agency | Comment  | Response   |
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|        | Based on the Bar and the BOs it appears that the proponent is offering a 'land-based' biodiversity offset site(that will be conserved under an official BioBanking Agreement) as the only mechanism to offset the impacts of the development site. No other measures have been discussed in the BAR, such as generation of credits via rehabilitation and/or supplementary measures. | The proponent will carry out all necessary works to form a formal Biobank site containing 'like for like' biodiversity features, including but not limited to estuarine areas, SEPP 14 wetland, threatened ecological communities and known habitat for various threatened species on the largest portion of the Site. The land is contiguous with the Tilligerry Nature Reserve, which may offer potential for integration with the conservation estate, which is currently being discussed with OEH / NPWS in this regard.<br><br>The Credit Balance Ledger for the development and biodiversity offset proposal (BioBank site) shows that all credit categories are met and exceeded, with the exception of Saltmarsh, which is in deficit by 129 credits. The proponent is committed to providing the necessary Saltmarsh Ecosystem Credits to offset the development, and has commenced investigating several possible solutions to meeting this requirement. |
|        | Whilst there is a 40 credit (ecosystem) surplus between the offset set and the development site, there is a specific shortfall between tradable PCTs, notably a 274 credit deficiency for 'Saltmarsh Estuarine Complex'.   | Noted and as documented above the Credit Balance Ledger for the development and biodiversity offset proposal (BioBank site), based upon additional work carried out, shows that all credit categories are met and exceeded, with the exception of Saltmarsh, which is in deficit by 129 credits.   |
|        | OEH notes that although there is a surplus 307 ecosystem credits across the two swamp forest PCTs they cannot be traded for 'Saltmarsh Estuarine Complex' credits as they fall within a different vegetation formation, namely 'Forested Wetlands'. As such there is a significant ecosystem credit shortfall outlined in the BAR.   | Noted. The Updated BAR reviews all ecosystems and species credits generated previously. It has made adjustments to the recommendations and outcomes based upon further discussions with OEH and further field work. As stated above the Credit Balance Ledger for the development and biodiversity offset proposal (BioBank site) shows that all credit categories are met and exceeded, with the exception of Saltmarsh, which is in deficit by 129 credits.  |
|        | Overall the proposed measures do not meet the rules set out in the FBA, namely those relating to credit trading, and that the BOS fails to provide additional measures that compensate for this deficit.   | Noted however as a result of further field work and reporting the Credit Balance Ledger for the development and biodiversity offset proposal (BioBank site) shows that all credit categories are met and exceeded, with the exception of Saltmarsh, which is in deficit by 129 credits.  |
|        | All biodiversity measures should have been finalised as part of the BAR and not at a later date.   | Noted however this has now been completed.   |
|        | The EIS fails to provide any details on how the credit shortfall will be met, such as supplementary measures and/or retirement of appropriate credits from another registered BioBank site.  | Noted however this has now been completed with the commitment from RSE to purchase and retire the credit number required.  |

## STAKEHOLDER AND COMMUNITY ENGAGEMENT

| Agency | Comment  | Response   |
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|        | <p><u>Biodiversity Offsets – Species Credits</u></p> <p>The BAR should only include species credits generated for the Black Bittern and the Wallum Froglet on the development site, providing the site is not too saline for the latter. If the site is considered too saline then the Wallum Froglet should be removed.</p>           | Noted and adjustments have been made to the Updated BAR.   |
|        | <p>Offset (BioBank Site)</p> <p>Figure 8 of the BAR is difficult to read due to green being used on a green background. It is recommended a different colour is used.</p>  | Noted and adjustments have been made to the Updated BAR.   |
|        | The calculation of the Wallum Froglet habitat is incorrect.  | Noted and adjustments have been made to the Updated BAR.   |
|        | Grey-headed Flying-fox should be removed as there are no known roosting sites and/or breeding camps on the offset site.  | Noted and adjustments have been made to the Updated BAR.   |
|        | Both the Little Bent-wing Bat and the Eastern Cave Bat should be removed from the offset (BioBank) calculations as per the reasons given for the development site.   | Noted and adjustments have been made to the Updated BAR.   |
|        | The Koala habitat polygon need to be amended to 3.97 ha (not 6.35 ha) to reflect the true extant of habitat on the site.   | Noted and adjustments have been made to the Updated BAR.   |
|        | Subsection 9.2.3 of the BAR the habitat polygon is incorrectly stated as being 36.35 ha, which is larger than the overall offset site. This should be corrected to 3.97 ha.  | Noted and adjustments have been made to the Updated BAR.   |
|        | The BAR should only include species credits generated for the Black Bittern, Koala and the Wallum Froglet on the offset site, providing the site is not too saline for the later.  | Noted and adjustments have been made to the Updated BAR.   |
|        | <p><u>Threatened Species Surveys</u></p> <p>OEH recommends to DPE that the appropriate targeted flora survey for <i>Lindernia alsinoides</i> be conducted between November to February or an expert report is prepared in accordance with Subsection 6.6.2 of the FBA to confirm whether or not the site is likely habitat or not.</p> | Noted and a field survey was carried out during this period. Consequently the BAR Report concludes that the site is not likely habitat for <i>Lindernia alsinoides</i> . |

## STAKEHOLDER AND COMMUNITY ENGAGEMENT

| Agency | Comment   | Response  |
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|        | <p><u>Plant Community Type (PCT) Descriptions</u></p> <p>The BAR needs to describe the vegetation communities present, both floristically and structurally, on the basis of the BBAM plots undertaken (i.e specific descriptions should be provided in the BAR in accordance with the FBA operational manual). This needs to be done for both the development and offset (BioBank) sites.</p> | Noted and adjustments have been made to the Updated BAR.  |
|        | <p>OEH recommends that appropriate PCT descriptions be included in the BR as per the FBA operations manual. These descriptions should include details about the species and landscape features used to identify the PCTs, as well as provide justification on disturbed communities and why a PCT chosen over a similar PCT.</p>  | Noted and adjustments have been made to the Updated BAR.  |
|        | <p><u>Other Operational Issues</u></p> <p>Digital shape files for all maps in the BAR and associated spatial data that was used (e.g assessment circles for landscape score) must be provided to OEH and DPE.</p>   | Noted and adjustments have been made to the Updated BAR.  |
|        | <p>With respect to determining the landscape value score, specifically the 1000 ha assessment circle. OEH requests further clarification on how the vegetation cover was determined / assessed.</p>   | Noted and adjustments have been made to the Updated BAR.  |
|        | <p>Explanation is required as to why the 'water body' type has changed between the development and offset (BioBank) sites within the actual credit calculator.</p>  | Noted and adjustments have been made to the Updated BAR.  |
|        | <p>Overall page numbering is out of order or there are multiple pages with the same number in the BAR.</p>  | Noted and adjustments have been made to the Updated BAR.  |
|        | <p><u>Flood Study</u></p> <p>The model considers only the local catchment of 13.1 square kilometres</p>   | <p>The Revised Flood Impact Assessment contained in <b>Appendix 6</b> considers the local Anna Bay catchment including some additional areas to the south of Gan Gan Road to a total area of approximately 16 square kilometres. Regional flooding has been considered in the model through elevated time varying tailwater levels.</p> |

## STAKEHOLDER AND COMMUNITY ENGAGEMENT

| Agency | Comment   | Response   |
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|        | Changing hydraulic classification through the extensive use of fill is not considered to be an appropriate flood mitigation measure. Under the NSW Floodplain Development Manual definition these areas form a significant role in attenuation of floods and should not be filled or modified.  | <p>Comments are noted however the updated flood impact assessment for the Project including additional modelling parameters as discussed with Port Stephens Council and OEH for impact assessment of the Project and broader cumulative impact assessment. According to the updated flood impact assessment the impact of cumulative fill was generally low in magnitude, with approximately 25mm calculated in the 1%AEP. The maximum widespread increase was in the PMF with 2.7m AHD tailwater, which was less than 40mm in over two metres depth.</p> <p>Unacceptable localised increases were calculated in the vicinity of the Anna Bay township, which is likely due to the constriction of the outlet. It is considered any proposal in this location would need to examine mitigation measures to address this impact in a similar fashion to the updated flood impact assessment provided in this response document.</p> <p>In addition an approximate 80mm increase was calculated during the high tide scenario. This is a function of the maximum level of the current maximum. It is unknown the time scale for this fill to be implemented (potentially 50 years plus), but it is expected it will occur over a number of decades. As the high tide increases with climate change, the impact in this scenario decreases.</p> |
|        | <p><u>Flood Impact Assessment</u></p> <p>The use of HAT as a tailwater level is not considered appropriate for frequent flooding analysis or for full impact assessment. It is recommended that the more frequent flood events up to the 5% AEP flood event be re-run with a more realistic tailwater level such as MHWS of 0.69</p>                      | In order to establish acceptable flooding parameters and combinations required for modelling, Northrop Consulting Engineers and RPS met with Port Stephens Council Engineering officers and NSW Office of Environment and Heritage. The agreed parameters and modelling combinations are discussed in <b>Appendix 5</b> . The results of the agreed parameters and modelling are contained in the findings and conclusions of the updated Flood Impact Assessment.   |
|        | Raising the un-named road to the east of the site will increase the level at which the road is overtopped and the additional fill to the west constrains the flow area once the road is overtopped. This change in flood behaviour is significantly different than the pre-developed scenario and is not adequately reflected in the flood model results. | All impacts of the Concept Design for the Council Road, refer to <b>Appendix 12</b> , have been assessed within the updated Flood Impact Assessment.   |
|        | <p><u>Climate Change Analysis</u></p> <p>Increases in rainfall should be modelled coupled and uncoupled with sea level rise.</p>  | Agreed combinations have been assessed per <b>Appendix 5</b> .   |

## STAKEHOLDER AND COMMUNITY ENGAGEMENT

| Agency | Comment  | Response  |
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|        | <p><u>Sensitivity Analysis</u></p> <p>The 50% increase in rainfall is considered too extreme for the purposes of sensitivity analysis and the flood study indicates a large flood impact from development was produced by this increase, no results are included in the study. The more usual scenarios of 10%, 20% and 30% increase in rainfall as noted in the climate change criteria should be used. No sensitivity analysis has been carried out on adopted rainfall losses which were very low for both initial and continuing loss.</p> | <p>A sensitivity analysis has been carried out and is contained in the updated Flood Impact Assessment. The following is provided:</p> <p>In the absence of historical flood levels and associated rainfall data, the flood model has been rerun with a variation in parameters to determine their impact on the results. The following parameters were varied;</p> <ul style="list-style-type: none"> <li>■ Manning's roughness increased by 20%</li> <li>■ Manning's roughness decreased by 20%</li> <li>■ Upstream rainfall with no tailwater.</li> </ul> <p>Manning's was varied on the 1%AEP upstream and HAT downstream scenario. It was found that varying Manning's roughness has little impact on the results; both in terms of absolute depth and impact of the development. Depth varied by +/-30mm in a total of 0.8-1.6m and flood impact was within +/-5mm.</p> <p>Having no tailwater produced a greater impact downstream of the development in the 1%AEP event and no change for the 20%AEP event. It is highly unlikely this condition would eventuate due to the length of the critical storm and the regional flood levels impacting the site.</p> <p>Given the minimal impact of varying Manning's roughness and unlikely nature of low tailwater, the model is considered to adequately assess the flood impact from the development.</p> |
|        | <p><u>Flood Emergency Response Plan</u></p> <p>Basement levels are well below flood level and are proposed to be protected by the use of rollover ramps and/or flood gates together with stormwater pumps. Stormwater pumps may fail if power failure occurs during a flood event and backup systems would be required to protect the basement.</p>  | <p>Various methods of excluding floodwater from basements will be examined during the detailed design phase including passive flood barriers, levels adjustments, roofing of areas draining to basements, or mechanical pumping of basements as described. Notwithstanding the final arrangement, waterproofing of the basement and a pump out system will be provided, along with back-up systems if there is a power outage.</p>  |
|        | <p>The proposed floor level of the building is above the PMF level indicated in the flood study therefore shelter in place is possible. Flood time noted in the document is short and early evacuation is considered to be unlikely.</p>   | <p>Noted.</p>   |
|        | <p>The large number of car parking spaces proposed to be provided indicates a significant increase in the number of people who may need to be sheltered in place or evacuated.</p>   | <p>The proposal includes a significant amount of refuge area and, given the regional characteristics, it is expected this will be the preferred response to a flood event.</p>  |



## STAKEHOLDER AND COMMUNITY ENGAGEMENT

| Agency   | Comment   | Response   |
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|  | <u>Stormwater</u><br>There is inconsistency between the stormwater between the stormwater plan and the flood modelling with respect to invert levels of the channel proposed to drain the eastern side of the un-named roadway. | This discrepancy has been reconciled as part of the updated Flood Impact Assessment.   |
|  | The proposed drainage channel runs parallel to properties on the eastern side of the road and it is not known if the raised road or the drainage channel will affect access to these properties.                                | The proposed road has been included in the updated flood modelling. Drainage solutions for the proposed road have been prepared after consultation with Port Stephens Council Engineers and there will be no significant impact on the amenity of the surrounding properties.  |
|  | The flood gate shown on the plan appears to be located at the end of the drainage line on the northern end of the un-named road. The effects of removal of this flood gate on other properties has not been demonstrated.       | The removal of these floodgates does not form part of the Project.   |
| <b>Public Feedback</b>                         |   |  |
| Tomaree Ratepayers & Residents Association Inc | The development proposal is unacceptable as the scale of the proposal is out of character with the surrounding area and is inconsistent with clause 2(1)(k) and clause 8(d) of SEPP 71.   | Disagree. The EIS and the information contained in this response document contains assessments relating to ecology, flooding, stormwater, acid sulphate soils, contamination, groundwater, noise and air quality, visual amenity, transport, infrastructure, aboriginal and European heritage, bushfire and ecologically sustainable development. The EIS and this response document conclude that the Project is suitable given its type, location and design and its relationship with the surrounding area and therefore it is considered that the Project will not be inconsistent with Clause 8(d).   |
|  | The development proposal is unacceptable as it will adversely impact on the visual amenity of the locality in that it is inconsistent with Clause 8(f) and clause 2(1)(e) of SEPP 71.   | A visual impact assessment was provided in the exhibited EIS. The Project will not impact on the scenic qualities of the New South Wales coast. It is considered that the Project will not be inconsistent with Clause 8(f) and clause 2(1) of SEPP 71. A number of view sheds within the Visual Impact Assessment presented direct views to the site. The degree of importance placed on these viewpoints is subject to a combination of issues concerning visual prominence and exposure. The Visual Impact Assessment concludes that view points from Taylors Beach Road and neighbouring properties were the most significant with less significant visual impacts from Nelson Bay Road. The Visual Impact Assessment proposes a number of guidelines to assist with maintaining the essential character of the site. This includes measures to mitigate visual impacts during development construction and operational phases of the development. |

## STAKEHOLDER AND COMMUNITY ENGAGEMENT

| Agency | Comment  | Response  |
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|        | Potential adverse environmental outcomes if the project is commenced but not completed.  | Once consent for the Project is granted construction will occur as soon as practical. It is not anticipated for the Project to not be completed. All environmental controls will be in place and monitored via a site specific CEMP.  |
|        | The content of the EIS does not cite specific market research or opinions from major tourist authorities   | An Economic Impact Assessment has been provided as part of the exhibited EIS and has been prepared by suitably qualified and experienced economic analysts who work with the tourism sector.  |
|        | No reference to advice or comments from government tourist authorities or commercial tourism operators to support the market potential of the site, or the eco resort.   | See above comment.  |
|        | The site and location may not be able to sustain the scale and standard of the resort. Resorts in such relatively isolated locations normally need to offer other amenities such as a swimming pool, golf course to attract visitors. No such supporting infrastructure is proposed. Apart from a reference to potential roof top pools. | Disagree. The Project has the potential to attract new visitation to the Lower Hunter region and revitalise regional tourism and economic activity. The Project will target a tourism market segment not catered for by the current regional tourism industry.  |
|        | The proposed development may be a prohibited use as it is similar in nature to "hotel or motel accommodation and serviced apartments".   | The EIS addresses in detail all relevant clauses within PS LEP 2013 and concluded that the proposed development is defined as an eco-tourist facility. This conclusion is supported by Port Stephens Council in its response to the exhibition of the EIS. Council's response dated 7th August 2015, as contained in <b>Appendix 2</b> , states that it is satisfied that the development meets the definition of eco-tourist facility and complies adequately to address the requirements of PS LEP 2013.                |
|        | The provision for "Tourism and Visitor Accommodation" in Rural Landscapes Zones is intended to allow for smaller scale developments such as barn conversions or small number of cabins, while major accommodation development should initially go through a re-zoning process.   | The EIS addresses in detail all relevant objectives and clauses within PS LEP 2013 and concluded that the proposed development is defined as an eco-tourist facility. This conclusion is supported by Port Stephens Council in its response to the exhibition of the EIS. Council's response dated 7th August 2015, as contained in <b>Appendix 2</b> , states that it is satisfied that the development meets the definition of eco-tourist facility and complies adequately to address the requirements of PS LEP 2013. |
|        | Development of this scale and nature is not consistent with the objective "to maintain the rural landscape character of the land". The development would be better located in land zoned for urban or commercial purposes  | Disagree. The EIS addresses in detail all relevant clauses within PS LEP 2013 and concluded that the proposed development is defined as an eco-tourist facility. This conclusion is supported by Port Stephens Council in its response to the exhibition of the EIS. Council's response dated 7th August 2015, as contained in <b>Appendix 2</b> , states that it is satisfied that the development meets the definition of eco-tourist facility and complies adequately to address the requirements of PS LEP 2013.      |

## STAKEHOLDER AND COMMUNITY ENGAGEMENT

| Agency | Comment   | Response  |
|--------|---|---|
|        | The development would further add to the unplanned and uncoordinated strip development of Nelson Bay Road.                    | Disagree. The Project has the potential to attract new visitation to the Lower Hunter region and revitalise regional tourism and economic activity. The Project will target a tourism market segment not catered for by the current regional tourism industry. The Project is estimated to create significant benefits for the Lower Hunter regional economy during both construction and operational phases. The Project will also generate direct and indirect employment opportunities. This will help to address the Lower Hunter region's rising level of unemployment by providing work for the large number of construction businesses that call the Hunter region home. The Project will provide a new development on the site in contrast to the undeveloped conditions. The Project is considered justified on the basis of the efficient utilisation of existing resources and overall economic benefits to local and regional economies whilst displaying an attractive built form. |
|        | The expected need to remove some surfaced soils for ground level slabs and footings with implications for acid sulfate soils. | A Geotechnical Report has been prepared by Douglas Partners and is contained in <b>Appendix 4</b> . The Geotechnical Report included an updated Acid Sulfate Soils Assessment. The Geotechnical Report recommends that ground improvement works be carried out prior to construction in order to reduce post construction settlement to tolerable levels. The Geotechnical Report provides ground improvement options, provides commentary on structural footings and methods for the management of dewatering. In relation to acid sulfate soil additional testing is not considered necessary based on the current understanding of the Project. An ASSMP will be prepared for the works, however it will be prepared once details regarding the location and extent of soil and groundwater disturbances are known.  |
|        | The capacity to accommodate most parking under the buildings given the potential excavation and drainage issues.              | The method of construction and its excavation impacts and drainage issues have been assessed as part of the Geotechnical report contained in <b>Appendix 4</b> and the updated Storm Water Management Plan contained in <b>Appendix 8</b> . Subject to appropriate industry standard measures that will be contained in the CEMP the site will have the capacity to accommodate under building parking as proposed.   |
|        | The practicality of on-site detention of storm-water where high groundwater levels prevail.                                   | An updated Storm Water Management Plan is contained in <b>Appendix 8</b> . Erosion and sediment control structures will be installed and maintained in accordance with the <i>Managing Urban Runoff, Soils and Construction</i> ('The Bluebook') and Port Stephens Council's <i>Urban Stormwater and Rural Water Quality Management Plan</i> .  |

## STAKEHOLDER AND COMMUNITY ENGAGEMENT

| Agency                       | Comment   | Response   |
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|                              | The safety of west-bound traffic turning right across the recently reconstructed Nelson Bay Road to gain entry to the Resort.   | This intersection has been analysed by the updated Traffic Impact Assessment which is contained in <b>Appendix 17</b> and states that additional traffic generated will not have a significant impact upon the operation of Nelson Bay Road.   |
|                              | The absence of specific provision for parking of boat trailers and other frequently towed recreational equipment such as jet skis and motor bikes.  | These elements have not been incorporated into the design of the Project. The Project will target a tourism market segment not catered for by the current regional tourism industry.   |
| EcoNetwork Port Stephens Inc | <p>Requesting more information and clarification on the following:</p> <ul style="list-style-type: none"> <li>■ Will ESD applications be subject to design and cost outcomes?</li> <li>■ Will ESD applications attain our expectation for genuinely sustainable and best practice outcomes?</li> <li>■ Whether carbon reductions will be a model for tourist facilities across NSW?</li> <li>■ Will onsite noise abatement be addressed regarding entertainment venues, air-conditioning, water pumps and traffic, including appropriate noise and visual buffers acceptable to adjacent residents?</li> <li>■ Will vehicular entry and egress points be aesthetically designs and landscaped?</li> <li>■ Will the size, height and bulk of the development limit natural light, sunlight and natural airflows around and between the building?</li> <li>■ How will underground water tanks be installed without excavation?</li> <li>■ Arising from local experience in failed projects, the lodgement of an appropriate bond with the consent authority in the event of partial or incomplete construction requiring remedial works would seem to be prudent and necessary?</li> <li>■ Will regular onsite departmental supervision and inspection be available to oversee and ensure compliance with NSW legislation, regulation and conditions of consent?</li> </ul> <p>Call for a public hearing at Anna Bay to address these issues.</p> | <p>Further consultation with EcoNetwork Port Stephens Inc has occurred as documented in the Consultation Report contained in <b>Appendix 15</b>. The most recent correspondence from this organisation indicates that they strongly support the emphasis on the sustainability of the overall plan for sustainable outcomes envisaged by the proponent and welcome the positive intentions.</p> <p>Adequate assessment of noise abatement, vehicle entry and egress, and construction techniques has occurred through the specialist studies contained in the EIS supplemented by the additional studies contained in this response document.</p> <p>A public hearing is not considered necessary for the approval of the Project.</p> |
| Brooke Warner                | The development will generate increased noise levels from guests and traffic.   | A Noise Impact Assessment was prepared and exhibited with the EIS. The Noise Impact Assessment concludes that the Project is acceptable as the potential noise impacts associated with the proposed development are within the applicable criterion limits. In order to limit the impact on surrounding noise sensitive receivers during construction a number of mitigation measures will be implemented as part of the CEMP for the site to limit such impact.   |

## STAKEHOLDER AND COMMUNITY ENGAGEMENT

| Agency        | Comment   | Response   |
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|               | The proposed development will result in loss of privacy; dense tree planting would be required.   | No part of the Project will result in the loss of privacy of adjoining residences. A comprehensive landscaping plan will be implemented to provide integration between the new elements and the existing landscape integrity and unique character.   |
|               | Increased traffic along Crown Road creating disturbance, dust and noise issues.   | It is acknowledged that the Project will create increased traffic along the Council road however these will be within tolerable limits. The road will be upgraded in accordance with Council design requirements and will have adequate capacity to cater for the future development flows. No adverse noise impacts are likely as discussed in the Noise Impact Assessment.   |
| Rachel Coates | There is no ASS impact assessment provided in the EIS, simply a reference to a sampling programme that clarifies that Potential ASS and Actual ASS are present over most of the site.   | A Geotechnical Report has been prepared by Douglas Partners and is contained in <b>Appendix 4</b> . The Geotechnical Report included an updated Acid Sulfate Soils Assessment. The Geotechnical Report recommends that ground improvement works be carried out prior to construction in order to reduce post construction settlement to tolerable levels. The Geotechnical Report provides ground improvement options, provides commentary on structural footings and methods for the management of dewatering. In relation to acid sulfate soil additional testing is not considered necessary based on the current understanding of the Project. An ASSMP will be prepared for the works, however it will be prepared once details regarding the location and extent of soil and groundwater disturbances are known. |
|               | The EIS does not provide an impact assessment of the project on neighbouring groundwater users. Similarly, while the EIS notes the existence of groundwater dependent residences and ecosystems, the failure to numerically assess groundwater drawdown, means that the EIS's assertion that no detrimental impacts are anticipated cannot be substantiated.  | Management of dewatering and groundwater impacts will be undertaken with reference to an acid sulphate soil management plan for the site. Where possible, design will consider the depth of groundwater, the potential fluctuations in groundwater level, and look for opportunities to avoid the need for dewatering as part of site construction.  |
|               | The safety aspect of increased traffic entering and leaving the site and joining Nelson Bay Road. The EIS notes that access to and from the hotel will peak on Fridays and weekends, it is not clear from the EIS if the 1095 movements are averaged or if they account for this peak. If the peak has not been considered, the daily movements will be significantly higher, further increasing the impacts on local residents and the safety of the travelling public on Nelson Bay Road. | The revised Traffic and Transport Impact Assessment considers all changes to the exhibited design as contained in the Revised Concept Layout and Architectural Drawings for the Project provided in <b>Appendix 3</b> .<br><br>The upgrade works provided by the RMS have allowed for left in and left out movements as well as a right turn into the un-named Council Road. This intersection upgrade allows for U-turns to occur at this location. This intersection has been designed in accordance with the RTA Road Design Guide and Austroads and as such provides a safe and acceptable access to the site.   |

## STAKEHOLDER AND COMMUNITY ENGAGEMENT

| Agency | Comment   | Response   |
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|        | Noise monitoring was undertaken during major road works and as such the calculated rating background levels, the resulting project specific noise levels and the predicted impacts are all incorrect.   | Disagree. The Noise Impact Assessment was prepared using the SoundPLAN computational noise modelling software package. The use of the SoundPLAN software and referenced modelling methodology is accepted for use in the state of NSW by the EPA (OEH) for environmental noise modelling purposes.   |
|        | The noise impacts of construction and operational on surrounding neighbours.  | Construction phase noise impacts were assessed in accordance with the Department of Environment & Climate Change (DECC) NSW <i>Interim Construction Noise Guideline</i> ; the EPA (OEH) <i>NSW Industrial Noise Policy</i> ; and AS 2436-2010 <i>Guide to Noise and Vibration Control on Construction, Demolition and Maintenance Sites</i> . In order to limit the impact on surrounding noise sensitive receivers a Construction Noise Management Plan will be prepared as part of the CEMP for the site.  |
|        | All residences should have been monitored for noise   | Noise logging equipment was installed at four locations to measure baseline environmental noise levels at representative noise sensitive receptor locations in the vicinity of the Project in accordance with standard industry protocols.   |
|        | <p>There are serious gaps in the ESD including:</p> <ul style="list-style-type: none"> <li>■ There is no detailed energy assessment</li> <li>■ There is no guarantee of renewable energy usage - it is intended to explore the potential for solar panels</li> <li>■ There is a recommendation to use a Green star tool as a design guide but assessment is not provided</li> <li>■ No consideration of Green Star ratings</li> <li>■ There is no energy modelling</li> <li>■ The bulk and scale of the hotel means that on-site water supplies cannot be sufficient</li> <li>■ The provision of 588 carparks alludes to the fact that individual private car transport will be used for access</li> <li>■ If the proposal is required to fit the definition of an international 'eco tourism' resort, then international standards to define such a claim should be justified by a high Green Star rating. Failure to achieve this undermines the 'eco' aspect of the proposal and hence the definition of the proposal as 'eco tourism'.</li> </ul> | <p>As documented in the exhibited EIS a key focus is to direct the Project so as to satisfy the outcomes considered critical to this significant international eco Project. To ensure credibility as being a genuine eco resort the Project will demonstrate energy efficiency/sustainability using recognised and reliable rating systems such as NABERS and/or Green Star. Likewise, carbon neutrality will also ensure strong identifiable ESD outcomes. These initiatives will be documented at the construction stage.</p> <p>Targets will be set on completion of an energy model to see what may be realistically achieved for this type of development. Subject to targets, attention will be given to the issues and actions required to achieve these targets. This would include "deemed to satisfy" energy code compliance requirements as a minimum. It may also include the need for design workshops and modelling input. This should guide the design to achieve the nominated targets. Post construction monitoring will be provided to ensure the buildings operates as designed.</p> <p>A Eco Benchmarking Report is contained in <b>Appendix 19</b> identifying other projects (and their attributes) in NSW pertaining to be eco-tourist resorts.</p> <p>Private motor vehicles and buses will be the form of transport to and from the site.</p> |

## STAKEHOLDER AND COMMUNITY ENGAGEMENT

| Agency                          | Comment   | Response  |
|---------------------------------|---|---|
|                                 | Community engagement has not occurred and there has been no emphasis on anticipated social impacts  | <p>Bob Young Architect, representing RSE has actively engaged with adjoining land owners and other stakeholders groups since October 2015. A report on the consultation process and outcomes is contained in <b>Appendix 15</b>.</p> <p>Key outcomes of the consultation process included:</p> <ul style="list-style-type: none"> <li>■ Identification of adjoining land owners;</li> <li>■ Identification of other potential stakeholders;</li> <li>■ Written letters and emails to the above land owners and potential stakeholders advising of progress of the Project and invitation to provide further comment;</li> <li>■ Arranged meetings with willing land owners and potential stakeholders;</li> <li>■ Ongoing update to land owners and potential stakeholders; and</li> <li>■ Provision of a Final Concept Plan for the Project, via registered letter, to all of the adjoining land owners and potential stakeholders with and invitation to provide comment.</li> </ul> <p>As discussed in the Economic Impact Assessment the positive social impact of employment at the construction and operational phase should not be discounted.</p> |
| Stephen Coates and Carol Blanch | There is no ASS impact assessment provided in the EIS, simply a reference to a sampling programme that clarifies that Potential ASS and Actual ASS are present over most of the site. | <p>A Geotechnical Report has been prepared by Douglas Partners and is contained in <b>Appendix 4</b>. The Geotechnical Report included an updated Acid Sulfate Soils Assessment. The Geotechnical Report recommends that ground improvement works be carried out prior to construction in order to reduce post construction settlement to tolerable levels. The Geotechnical Report provides ground improvement options, provides commentary on structural footings and methods for the management of dewatering. In relation to acid sulfate soil additional testing is not considered necessary based on the current understanding of the Project. An ASSMP will be prepared for the works, however it will be prepared once details regarding the location and extent of soil and groundwater disturbances are known.</p>  |



## STAKEHOLDER AND COMMUNITY ENGAGEMENT

| Agency | Comment   | Response   |
|--------|---|--|
|        | <p>The EIS demonstrates a considerable lack of assessment and detail on:</p> <ul style="list-style-type: none"> <li>■ how groundwater with high metal concentrations will be managed when the proposal includes considerable drawdown of the groundwater for construction;</li> <li>■ how groundwater drawdown will also expose potential ASS to oxidation;</li> <li>■ how groundwater will be prevented from draining into the adjacent SEPP 14 wetland, EEC and Nature Reserve and Port Stephens Marine Park; and</li> <li>■ Any possible impacts on downstream oyster lease operations given the above matters pursuant to SEPP 62.</li> </ul> | <p>Refer to above comments and the Geotechnical Report contained in <b>Appendix 4</b>.</p> <p>The Project site is over 2kms from any downstream oyster operation.</p>  |
|        | Trench conveyance of acid is not discussed in the supporting specialist impact assessment reports and the DGRs are reiterated rather than offering any evidence as to how the issue will be avoided.  | Trench conveyance of acid will not form part of the Project. An ASSMP will be prepared for the works, however it will be prepared once details regarding the location and extent of soil and groundwater disturbances are known.   |
|        | The air quality modelling used AusRoads, which is a vehicle emission prediction model. It is not used to predict dust from construction activities and the EIS has not modelled construction impacts, notwithstanding the significant earthworks proposed. The health impacts have also not been considered.  | A draft Construction Dust Management Plan has been prepared and details air quality management controls, best practice mitigation measures, specifies roles and accountabilities for employees and contractors and outlines corrective actions should community complaints be received. Construction operations will be carried in accordance with the provisions of the Construction Dust Management Plan which will be included within the CEMP. |
|        | Explanation of why Wallsend monitoring station was used for PM2.5 baseline data when it is the furthest inland of the available monitoring stations.  | A range of monitoring stations (Beresfield, Mayfield, Carrington, Stockton and Newcastle) could have been used however the Wallsend monitoring station was considered to be representative of the Project site with respect to PM2.5 baseline data.  |
|        | <p>The EIS recommends the use of temephos for mosquito control. This is an organophosphorous insecticide which is non-specific to mosquitos and has acute toxic effects on a wide variety of aquatic organisms</p> <p>The idea of a hotel operator using a toxic and non-specific insecticide next door to a rural residential area, SEPP 14 wetland, Port Stephens Marine Park and the estuarine Tilligerry Nature Reserve is unacceptable.</p>  | Noted. Regardless of the control strategies implemented, mosquitoes will always be locally active during warmer months of the year. The purpose of the Mosquito Management Plan is to identify key breeding habitat areas and minimise the effects that these insects may have on employees and visitors to the proposed development.  |
|        | The DGRs make specific reference to the need for a Geotechnical Report, which has not been provided in the EIS.   | This has been prepared and provided in <b>Appendix 4</b> .   |

## STAKEHOLDER AND COMMUNITY ENGAGEMENT

| Agency | Comment   | Response   |
|--------|---|--|
|        | The two-page Preliminary Earthworks Plan discusses fill only and fails to mention the important aspects of excavation of PASS material and perimeter drains.  | Refer to the Geotechnical Report contained in <b>Appendix 4</b> .  |
|        | NSW Fisheries raised the potential issue of land heave due to the weight of fill. This has not been addressed in the EIS, even though the Preliminary Earthworks Plan and previous geotechnical reports confirm that the soils are likely to be plastic and have a consolidation risk. Given the expected oxidation and acidification of soils should land heave occur, this potential significant impact should be assessed prior to determination of the application. | This has been assessed in the Geotechnical Report contained in <b>Appendix 4</b> .   |
|        | Noise monitoring was undertaken during major road works and as such the calculated rating background levels, the resulting project specific noise levels and the predicted impacts are all incorrect.   | Disagree. The Noise Impact Assessment was prepared using the SoundPLAN computational noise modelling software package. The use of the SoundPLAN software and referenced modelling methodology is accepted for use in the state of NSW by the EPA (OEH) for environmental noise modelling purposes.   |
|        | The development will have a significant impact on the amenity and well-being.   | A number of view sheds within the Visual Impact Assessment presented direct views to the site. The degree of importance placed on these viewpoints is subject to a combination of issues concerning visual prominence and exposure. The Visual Impact Assessment concludes that view points from Taylors Beach Road and neighbouring properties were the most significant with less significant visual impacts from Nelson Bay Road. The Visual Impact Assessment proposes a number of guidelines to assist with maintaining the essential character of the site. This includes measures to mitigate visual impacts during development construction and operational phases of the development.<br><br>The Project will provide a significant number of jobs during construction and operation which will increase the opportunity for local employment and well-being. |
|        | Reference to Figure 4, Figure 18 and the heritage report shows that a portion of the front car park is proposed over an area purported to be a "protected Aboriginal midden interpretive area". There is a clear discrepancy between Figures 18 and 4. The issue of this site, (AHIMS 38-5-0250) is unclear.  | The Revised Concept Layout and Revised Architectural Drawings as contained in <b>Appendix 3</b> shows development (car park) well removed from the "protected Aboriginal midden interpretive area" (AHIMS 38-5-0250).  |
|        | The lack of an analysis viewpoint from the Coates house, which is the closest house to the proposed hotel. The reason for this lack of analysis becomes obvious when one applies the consultant's own visual impact methodology.  | A number of view sheds within the Visual Impact Assessment presented direct views to the site. The degree of importance placed on these viewpoints is subject to a combination of issues concerning visual prominence and exposure.  |

## STAKEHOLDER AND COMMUNITY ENGAGEMENT

| Agency | Comment   | Response   |
|--------|---|--|
|        | <p>The visual impact assessment report neither considers adjoining rural residential areas nor does it contain any photomontages. We note that the EIS does refer to supposed photomontages provided in Appendix 1 of the EIS.</p> <p>Serious gaps in ESD in the EIS:</p> <ul style="list-style-type: none"> <li>■ There is no detailed energy assessment.</li> <li>■ There is no guarantee of renewable energy usage – it is intended to explore the potential for solar panels.</li> <li>■ There is a recommendation to use a Green Star tool as a design guide but no assessment is provided.</li> <li>■ There is no energy modelling.</li> <li>■ The bulk and scale of the hotel means that on-site water supplies cannot be sufficient.</li> <li>■ The provision of 588 carparks alludes to the fact that individual private car transport will be used for access.</li> </ul> | <p>The Visual Impact Assessment concludes that view points from Taylors Beach Road and neighbouring properties were the most significant with less significant visual impacts from Nelson Bay Road. The Visual Impact Assessment proposes a number of guidelines to assist with maintaining the essential character of the site. This includes measures to mitigate visual impacts during development construction and operational phases of the development.</p> <p>As documented in the exhibited EIS a key focus is to direct the Project so as to satisfy the outcomes considered critical to this significant international eco Project. To ensure credibility as being a genuine eco resort the Project will demonstrate energy efficiency/sustainability using recognised and reliable rating systems such as NABERS and/or Green Star. Likewise, carbon neutrality will also ensure strong identifiable ESD outcomes. These initiatives will be documented at the construction stage.</p> <p>Targets will be set on completion of an energy model to see what may be realistically achieved for this type of development. Subject to targets, attention will be given to the issues and actions required to achieve these targets. This would include “deemed to satisfy” energy code compliance requirements as a minimum. It may also include the need for design workshops and modelling input. This should guide the design to achieve the nominated targets. Post construction monitoring will be provided to ensure the buildings operates as designed.</p> <p>A Eco Benchmarking Report is contained in <b>Appendix 19</b> identifying other projects (and their attributes) in NSW pertaining to be eco-tourist resorts.</p> <p>Private motor vehicles and buses will be the form of transport to and from the site.</p> |

## STAKEHOLDER AND COMMUNITY ENGAGEMENT

| Agency | Comment  | Response   |
|--------|--|--|
|        | <p>The preliminary ESD assessment provides a cursory attempt at justifying the proposal with the principles of ESD. Following is a summary of the matters listed:</p> <ul style="list-style-type: none"> <li>■ The assessment list that the precautionary principle has been met by creating a 100m buffer around the hotel although the area proposed for the buffer is already identified as EEC and the proposal include the removal of ~5ha of EEC.</li> <li>■ The response in regard to intergeneration equity states that the proposal will not impact on the health, diversity and dynamics of the adjoining natural environment. Considering our seven generation family history with the site, it is considered that intergenerational equity is not achieved for the benefit of future generations through the development of a proposal out of character with the rural environment.</li> <li>■ Conservation of biological diversity in the report is responded by referring back to the precautionary principle response. The principle states that conservation of biological diversity and ecological integrity should be a fundamental consideration. The proposed clearing of EEC clearly fails to meet this principle, particularly when the proposal is claimed as an 'eco-tourism' proposal.</li> <li>■ The response to pricing and incentives discusses the need for reducing energy consumption and principles of ESD, although the report fails to comment on the proposed 365 individual air conditioning units proposed for each room or additional larger units for the hotel and apartments as listed in the noise assessment (pg16).</li> </ul> | <p>See comment above. Biodiversity impacts have been addressed within the updated BAR contained in <b>Appendix 14</b>.</p> |

## STAKEHOLDER AND COMMUNITY ENGAGEMENT

| Agency | Comment   | Response   |
|--------|---|--|
|        | <p>The EIS contains a very poor, three paragraph consideration of alternatives. While one of these three paragraphs refers to 10 years of design refinement, these refinements are not discussed. Notably there is no discussion about alternative designs that would reduce impacts on: adjoining landholders' visual amenity; traffic flow in the laneway; biodiversity; water quality; or loss of groundwater supplies to adjacent users.</p> <p>Further the consideration of the "do nothing option" fails to admit that this option would actually result in none of the significant environmental and social impacts that the hotel will cause. This three paragraph consideration of alternatives is clearly an inadequate response to the DGRs.</p> <p>Community engagement has not occurred and there has been no emphasis on anticipated social impacts. The failure of the EIS consultant or the proponent to engage with the local community is clearly an adequacy issue and the statement in the EIS that the consultant engaged with community groups is misleading at best.</p> | <p>This response document contains Revised Concept Layout and Revised Architectural Drawings, Concept Design for Nelson Bay Road and a Concept Plan for the Council Road.</p> <p>Design refinements (previous larger footprints of earlier schemes) are shown in the Revised Concept Layout and Revised Architectural Drawings.</p> <p>The impacts of the Project have been adequately assessed and adverse impacts have been avoided with the exception of Biodiversity. The proposed development will mitigate, minimise and offset biodiversity impacts via implementation of the updated Biodiversity Assessment Report (BAR) contained in <b>Appendix 14</b>. The BAR has been undertaken in accordance with the guidelines within the NSW Biodiversity Offsets Policy for Major Projects and the linked Framework for Biodiversity Assessment</p> <p>Bob Young Architect, representing RSE has actively engaged with adjoining land owners and other stakeholders groups since October 2015. A report on the consultation process and outcomes is contained in <b>Appendix 15</b>.</p> <p>Key outcomes of the consultation process included:</p> <ul style="list-style-type: none"> <li>■ Identification of adjoining land owners;</li> <li>■ Identification of other potential stakeholders;</li> <li>■ Written letters and emails to the above land owners and potential stakeholders advising of progress of the Project and invitation to provide further comment;</li> <li>■ Arranged meetings with willing land owners and potential stakeholders;</li> <li>■ Ongoing update to land owners and potential stakeholders; and</li> <li>■ Provision of a Final Concept Plan for the Project, via registered letter, to all of the adjoining land owners and potential stakeholders with and invitation to provide comment.</li> </ul> |

## STAKEHOLDER AND COMMUNITY ENGAGEMENT

| Agency       | Comment  | Response   |
|--------------|--|--|
|              | The EIS consistently refers to the proposed hotel as an eco-tourist facility, which would be permissible with development consent in the RU2 Rural Landscape zone. We note that backpacker accommodation, hotels, motels and serviced apartments are prohibited. We also note that the EIS and assessment reports refer to the proposal as hotel and apartment units but add the word 'eco' before each. This unsupported use of the term 'eco' does not justify the proposal as an eco-tourism development. The failure of the proposal to meet the principles of ESD and a Green Star or NABERS rating also undermines the ability to claim a definition as 'eco-tourism'. | The EIS addresses in detail all relevant clauses within PS LEP 2013 and concluded that the proposed development is defined as an eco-tourist facility. This conclusion is supported by Port Stephens Council in its response to the exhibition of the EIS. Council's response dated 7th August 2015, as contained in <b>Appendix 2</b> , states that it is satisfied that the development meets the definition of eco-tourist facility and complies adequately to address the requirements of PS LEP 2013.   |
| Sarah Howard | The presence of ASS across the site and how a sampling programme satisfies the DGR requirement for an ASS management plan.   | A Geotechnical Report has been prepared by Douglas Partners and is contained in <b>Appendix 4</b> . The Geotechnical Report included an updated Acid Sulfate Soils Assessment. The Geotechnical Report recommends that ground improvement works be carried out prior to construction in order to reduce post construction settlement to tolerable levels. The Geotechnical Report provides ground improvement options, provides commentary on structural footings and methods for the management of dewatering. In relation to acid sulfate soil additional testing is not considered necessary based on the current understanding of the Project. An ASSMP will be prepared for the works, however it will be prepared once details regarding the location and extent of soil and groundwater disturbances are known. |
|              | Groundwater dewatering and contamination.  | The Geotechnical Report also considers dewatering of the site. A Phase 1 and Phase 2 site contamination assessment was carried out as part of the exhibited EIS. A CEMP will be prepared for the site and will include a site management plan focussing on the removal of asbestos containing material as well as unidentified finds protocol.   |

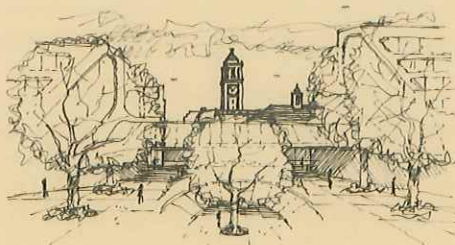
## STAKEHOLDER AND COMMUNITY ENGAGEMENT

| Agency        | Comment   | Response  |
|---------------|---|---|
|               | Increased traffic levels resulting in safety, noise and air quality issues.   | <p>A revised Traffic and Transport Impact Assessment is provided in <b>Appendix 17</b> and considers all likely truck movements during construction including the delivery of fill to the site. The traffic movements associated with the Project will be adequately catered for via the upgraded intersection of Nelson Bay Road and the un-named Council Road and the existing roundabout at the Nelson Bay Road and Port Stephens Drive intersection to the east. Noise and Air Quality issues were investigated as part of the exhibited EIS. The Noise Impact Assessment concludes that the Project is acceptable as the potential noise impacts associated with the proposed development are within the applicable criterion limits. In order to limit the impact on surrounding noise sensitive receivers during construction a number of mitigation measures are proposed and will be implemented, via the CEMP, to limit such impact.</p> <p>The Air Quality Impact Assessment found no adverse impacts on health are expected from the road traffic emissions resulting from the development. A Construction Dust Management Plan will be prepared as part of the CEMP and will ensure that appropriate procedures and programs of work are in place during construction to minimise dust generation.</p> |
|               | Does not meet ESD principles and zoning.  | <p>The Project has addressed ESD principles as documented in the exhibited EIS and further documented in the Eco Benchmarking Report contained in <b>Appendix 19</b>.</p> <p>Council's response dated 7th August 2015, as contained in <b>Appendix 2</b>, states that it is satisfied that the development meets the definition of eco-tourist facility and complies adequately to address the requirements of PS LEP 2013 and hence zoning across the site.</p>  |
| Name Withheld | The major projects website shows the address of the development that is different to the EIS.                                 | DP&E to address.  |
|               | Exhibit the EIS in the Salamander Community Centre Library as it is only a 5 minute drive from the proposed development site. | The EIS was placed on public exhibition at the Salamander Community Centre Library.   |



## Appendix B

### Consultation Report, 2017



**SUMMARY STATEMENT  
PUBLIC CONSULTATIONS**

30 March, 2017  
Ref: re300317-ss

The Bay Resort, 4177 Nelson Bay Rd  
Anna Bay NSW 2316

**Phase 1. Director General's Requirements and EIS public exhibition, 2015**

The Director General's Requirements (DGR) dated 20 April 2013 (Attachment A ) identified the need for public consultations to be undertaken in regard to the project planning and design process. This was to include contact with Council, State and/or Commonwealth authorities, service providers, local community interest groups and adjoining, private land owners in the vicinity of the proposed site, located at #4177 Nelson Bay Rd Anna Bay.

A public exhibition of the EIS was put on display in Sydney and the Hunter region from Tuesday 9 June until Friday 7 August 2015. This resulted in 8 written submissions being received by the DP&E. These were made available to RPS for the purpose of activating a public consultation process, including making contact by letter (Attachment B) with the subject persons and groups. Maps (Attachment C) show the location of the 2015 mail out sent to 18 properties and group, mostly adjacent to the project site, being #4177 Nelson Bay Rd, Anna Bay.

The aim was to establish contact and set up meetings in order to discuss and clarify the general nature of the interests, concerns and address potential impacts resulting from the proposal.

This initial stage of the public consultation procedure in 2015, described as Phase 1, is both prior to and distinctly separate from further, later ongoing activity undertaken during the interim period (Phase 2) between 2015 and 2017 , the latter being the EIS lodgement date to DP&E.

The 2015 public exhibition resulted in a range of responses, including both formal (letter) and informal (phone call). The following list reveals the split characteristic of these replies:

| Response                 | Number | Attachment | Comment  |
|--------------------------|--------|------------|--|
| Submissions received     | 8      | B          | Formal   |
| Submissions not received | 13     | C.         | Informal. Including<br>3 letters returned<br>1 letter of support |

## 2.

In order to identify the subject, adjacent properties, and plans were prepared showing locations, street and DP numbers. This data was sourced from Port Stephens Councils and NSW Land and Property Information. It resulted in locating a total 15 sites. Two (2) local, environmental interest groups also responded. These were not adjacent land owners, however.

Liaison was next established by phone with 5 individuals, 2 groups and 4 others, who were contacted informally. These were also met. This was to respond mainly to the latter's need for a broad overview and appreciation of relevant issues concerning project.

At each discussion, project information, including a Concept (Attachment D) and brochure were provided. This material was aimed at describing the essential proposal so as to source issues, including those raised in their original submission resulting from the public exhibition (PE) in June 2015. In the other 4 cases, where no PE submission was forwarded, the same reference materials were provided. This was so as to trigger a reasonable level of discussion while ensuring a level information "field" was available to all.

Discussion work sheets (Attachment E) were prepared recording the nature and extent of issues raised for each 2015 submission, together with informal discussions (no submissions received). In both these cases, the same reference material was employed. Information derived included respondent/other name/s, contact details, key issues discussed and resulting responses.

The remaining 4 pages (Attachment F) comprised the same worksheet format as above. This was focussed on matters of concern resulting from discussions with Stephen and Carol Blanch of #4181 Nelson Bay Rd. The Blanch site is located at the extreme south eastern corner of #4177, being the proposed resort. Due to the comprehensive, detailed nature of the 2 identical Blanch submissions in 2015, it required the issues to be individually listed for consideration, as follows:

- . Ground water
- . Air quality
- . mosquitoes
- . geo tech, land heave
- . heritage
- . flooding
- . ecology
- . visual impacts
- . ESD
- . alternatives
- . community
- . town planning
- . traffic

3.

The task of reporting the above was derived from a mix of the above issues and responses together with other relevant matters, in particular their views concerning potential project- based impacts upon their current circumstances and lifestyle.

Despite it being 2 years after 2015 discussions with the Blanch family, there appeared to be no evident change in their commitment to ensuring the integrity of their property. This was reflected in their recent response of 9 March 2017. (Attachment H)

## **Phase 2 .Interim liaisons 2015-2016**

This mid phase of the public consultation process involved further refinement of the planning strategy including concept, design, data collection and associated work significant to the project.

Information collected from Phase 1 discussions with the community was addressed, resulting with architectural design and engineering alterations being made to the original scheme. This included access, traffic and parking, drainage, theatre height and recreation facilities.

Also during this phase, a meeting took place on 31 August 2015 with representatives of the DP&E, I (Bob Young, RSE) and Rob Dwyer (RPS). This meeting agreed that the 8 submissions made to DP&E in 2015 represented an unusually low level of community response, given the nature of this proposed state significant project.

It was determined that further ongoing contact should be made with local land owners where possible during this intermediate period and prior to DA submission.

The additional contacts which resulted from this strategy included discussion on joint management issues, cooperation and resource sharing, access, drainage and flooding. The latter case included recognition of the impacts arising from aged infrastructure, including the existing flood gate.

In April 27, 2016 a letter (Attachment I ) was forwarded to land owners concerning strategy to ensure ongoing public consultations and advising the inclusion of changes to the project, requiring design update and amendments prior to submission of the proposal to DP&E.

Also in 2016, correspondence (Attachment J) was exchanged with # 4181 (Blanch) and #4183 (Warner), the latter concerning consultation, project status, economic issues and contamination.

However, the result of this additional informal liaison provided a noticeable improvement, both in terms of establishing mutual trust and strengthening of relationships between RSE and land owners.

This was in part due to having common interests in regard to existing conditions, including property access, land use and management.



### **PHASE 3. Pre-DA, 2017**

This final stage of the public consultation process was to undertake further refinement of the design including alterations to the scheme. It also involved provision of updated advice to the resident respondents and others concerning progress with this remaining aspect of the planning process, being DA lodgement to DP&E.

On 1 March 2017 registered letters (Attachment G) were sent to advise original respondents concerning the project's current status. This was supported with an A4 plan (Concept, K-04) showing recent design amendments undertaken resulting from advice given by DP&E (see Phase 2) and other agencies, including OEH and Port Stephens Council.

Registered letters were also sent on 17 March to the properties at #4168 and #4202 Nelson Bay Rd. The delay in delivery was due to uncertainty regarding the most suitable means by which delivery should be made to these apparently unoccupied sites.

The result of this final mail out was 3 formal, written responses. This comprised 2 letters (Blanch family) and one (1) group (Eco-Network). One (1) informal reply by phone (#4165, John Fieldmayer) was received on 13 March, 2017, concerning which I made brief notes concerning the nature of the conversation, including progress, while offering general support for the project.

The origin and nature of the above 2017 responses (Attachment H) revealed a mutual commitment by residents to maintaining an awareness concerning progress with the scheme, having in mind the advantages and potential issues which may impact from a development of this nature.

From feedback received in 2017, it establishes both the ongoing nature of resident responses, concerns and impressions regarding the project. This may not be altogether an accurate, detailed record of the true state and reality of the resident's understanding and support for this significant complex. Nevertheless, it should serve to essentially justify the projects suitability to and compatibility with the site, community and Port Stephens generally.

### **SUMMARY**

The process employed to address the concerns presented by the public is considered to have resulted in a largely satisfactory outcome. The process offered significant value to the planning and design team, charged with receiving and interpreting suggestions from the subject respondents so as to ensure attention to all relevant aspects of the scheme.

This extended to significant re-modelling and amendments of the plans by which to fulfil public, DP&E and client expectations concerning provisions and standards necessary to achieve a project of this nature and complexity.

5.

The public submissions process accepts that some issues represent wider community concerns eg habitat protection, flooding and drainage, requiring ongoing effort and attention, being beyond the resort limits and therefore of strategic significance to government. It is clear that while the above, broader issues may remain, the need for appropriate, sensitive development at selected locations eg resort site, # 4177 is both timely and highly significant to the issue of tourism growth and infrastructure in NSW.

The planning strategy employed, including compacted footprint, sustainability-focus and creative design is considered best practice, while also matching current, international standards.

These attributes are therefore valid and fully supportable in terms of the updated information to be submitted to DP&E in April, 2017.

A handwritten signature in black ink, consisting of a stylized, cursive 'B' followed by 'Young'.

Bob Young,  
Bob Young Architect



|                     |   |
|---------------------|---|
|                     | <p>In addition, the EIS must include the following:</p> <ul style="list-style-type: none"> <li>• Survey Plan of the site as existing</li> <li>• Demolition Plan (if applicable)</li> <li>• Remediation Action Plan (if applicable)</li> <li>• Detailed Earthworks Plan</li> <li>• Stormwater Concept Plan</li> <li>• Landscaping Plans</li> <li>• Construction Management Plan, inclusive of a Construction Traffic Management Plan and construction methodology;</li> <li>• Geotechnical Report and Structural Report</li> </ul>   |
| <b>Consultation</b> | <p>During the preparation of the EIS, you must consult with the relevant local, State or Commonwealth Government authorities, service providers, community groups and affected landowners.</p> <p>In particular you must consult with:</p> <ul style="list-style-type: none"> <li>• Port Stephens Council</li> <li>• Office of Environment and Heritage</li> <li>• Department of Primary Industries, including: <ul style="list-style-type: none"> <li>◦ Crown Lands</li> <li>◦ NSW Office of Water</li> <li>◦ Fisheries NSW</li> <li>◦ Agriculture</li> </ul> </li> <li>• Roads and Maritime Services</li> <li>• NSW Rural Fire Service</li> <li>• Hunter-Central Rivers Catchment Management Authority</li> <li>• Marine Parks Authority NSW (Port Stephens-Great Lakes Marine Park)</li> <li>• Worimi Local Aboriginal Land Council and Maaiangal Elders Group</li> <li>• Hunter Water</li> </ul> <p>The EIS must describe the consultation process and the issues raised, and identify where the design of the development has been amended in response to these issues. Where amendments have not been made to address an issue, a short explanation should be provided.</p> |
| <b>References</b>   | <p>The assessment of the key issues listed above must take into account relevant guidelines, policies, and plans as identified. Further guidelines, policies, and plans that may be relevant to the assessment of this project are listed within the government authority responses (provided at Attachment 1).</p>   |





Stephen Blanch  
4181 Nelson Bay Rd  
Anna Bay NSW 2316

23 October 2015  
Ref : le231015-sb

Dear Stephen,

EIS SUBMISSIONS, THE BAY RESORT, ANNA BAY

As you are aware, the proposed international eco resort The Bay Resort, has been on public exhibition, for which you contributed a submission.

As part of the assessment process the Department of Planning and Environment requires that a level of consultation should be established with adjacent property owners and residents in regard to their interest, comments and concerns, including that identified in submissions.

It would be appreciated if you would please contact me to arrange a mutually convenient date to meet and discuss your concerns.

My phone number is Mob 0417272989.

Sincere regards,

Bob Young,  
Project Director  
PO Box 122 Islington  
NSW 2296

For RSE, Sydney



1.

# "The Bay Resort": Public Consultations Concerning EIS. 12 Draft.

C

TAYLORS BEACH 2km

51



## Legend.

- ☐ Submission to DPE by owner (including groups outside area)
- ☐ No submission to DPE by owner
- ☐ Consultation with owner undertaken
- ☒ Mail out to owner
- ☐ Mail returned sender



# "The Bay Resort"

## Public Consultations

### Concerning EIS. 12

#### Draft.

TAYLORS BEACH 2km

51



### Legend.

- 2 ☒ Submission to DPE by owner (including groups outside area)
- 11 ☒ No submission to DPE by owner
- ☐ Consultation with owner undertaken
- ☐ Mail out to owner
- ☐ Mail returned sender
- ☒ Letter of support (No submission)



# "The Bay Resort": Public Consultations Concerning EIS. 12 Draft.

TAYLORS BEACH 2km

St



## Legend.

- ☐ Submission to DPE by owner including groups outside area
- ☐ No submission to DPE by owner
- ☐ Consultation with owner undertaken
- ☐ Mail sent to owner
- ☒ Mail returned sender



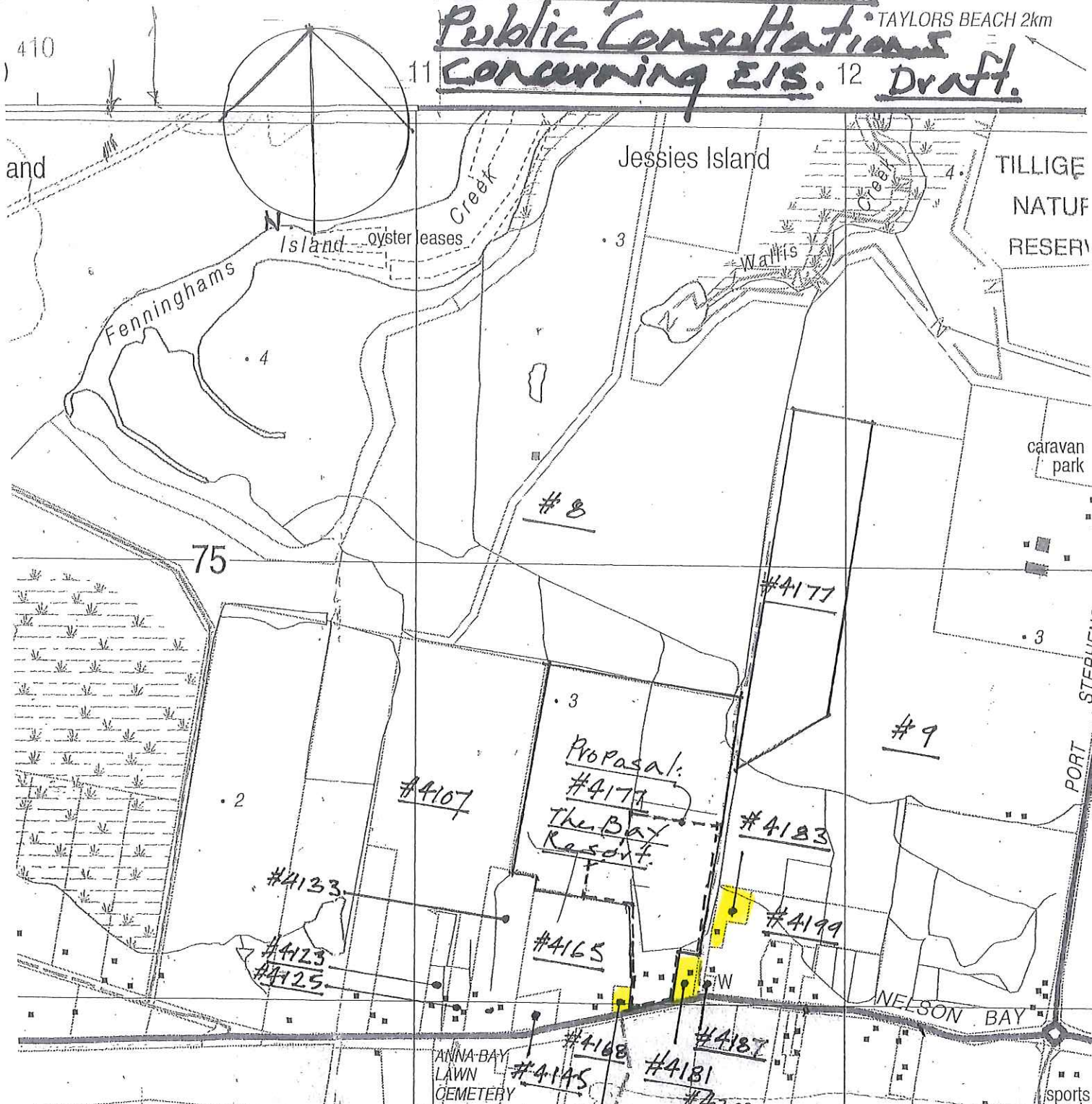
# "The Bay Resort"

## Public Consultations

### Concerning EIS.

#### Draft.

TAYLORS BEACH 2km



### Legend.

- ☐ Submission to DPE by owner (including groups outside area)
- ☐ No submission to DPE by owner
- ☒ Consultation with owner undertaken
- ☐ Mail out to owner
- ☐ Mail returned sender





Ref : ss160915-ab LOCAL RESIDENTS ADJACENT TO #4177 NELSON BAY RD  
No FIS submissions forwarded to DPE

[illegible]





## THE BAY RESORT

Lot 2, DP 747399  
4177 Nelson Bay Road,  
ANNA BAY, NSW 2316

## CONCEPT PLAN

CURRENT 2015 PROPOSAL  
LOCATED ON 8.4ha  
DEVELOPMENT FOOTPRINT  
(APPROX. 20% OF 40ha SITE)

0 20 40 60 m



| Issue | Reason for Issue | Date | Checked |
|-------|------------------|------|---------|
|       |                  |      |         |
|       |                  |      |         |
|       |                  |      |         |

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Scale: 1:1000 @ A3 Date: 18/MAR/2015 Project No: 1010

Drawing By: KL Checked: SH Approved: DA

Drawing No: J-04 Issue: DA





## ATTACHMENT 1

at230915-tr

Tomaree Residents & Ratepayers  
Association (TRRA)

I met 23 September 2015 with TRRA group at Nelson Bay. Present were Geoff Washington, Nigel Waters and John James.

Items discussed mainly focussed on the concerns evidenced within the TRRA submission to the Department of Planning and Environment of 7 August 2015. This entailed Overview, Zoning and other issues of an environmental, design and construction nature .

### Overview

In regard to the overview, issues included apparent lack of market research, questionable nature of existing eco resources and poor track record by other local projects.

I advised that while consultations with tourism authorities eg Destination NSW was not clearly evident in the EIS, recent meetings have taken place, including Port Stephens Council and Newcastle Airport, addressing potential requirements including access and accommodation options to ensure effective tourism outcomes . It was also advised that it is understood RSE (proponent) is confident the development budget is sufficient to address the estimated \$230m project costs entailed.

In regard to the site being potentially unsuitable from a statutory and practical viewpoint, I explained that the proposed central/gateway location, destination focus, eco emphasis with site marshlands being a key feature and 5 star standards of facilities should fully satisfy tourism, environmental and economic objectives associated with the project

The value of a financial bond being levied upon developers to remediate sites in the event of project failure was raised. My opinion entailed was this as being a responsibility of authorities to determine the need for this by way of policy development, rather than it being a requirement to be imposed upon this particular project

### Zoning

The concern that the proposal is not subject to rezoning to enable proposed uses to better fit with conditions was addressed by way of discussion being centred on the fact that Council is essentially satisfied that the proposal effectively meets RU2 zone objectives. As TRRA disputes this advice due to the presence of a hotel (prohibited) being within an eco resort (permitted), I explained that For a resort to successfully function it must include accommodation, together with associated services in order to meet required tourism standards in a highly competitive market.

The question of whether the site should first have been rezoned to enable the proposed commercial and serviced apartments to be justified in a rural setting appeared to be a continuing concern to TRRA. My opinion was that given that a tourist facility is permitted, the question of the scale and nature of provisions eg apartments which support this would seem to be of lesser significance.

#### Other issues

The matter of ground levels and flooding was raised, including concerns that sub floor parking may be flood prone. I advised that parking floor levels will be at ground, then tanked by approx. 2-3m of fill with pump out equipment provided if needed. I added that parking is not a habitable area, so is not the same as for accommodation and the like.

Mosquito control was thought to be an issue to which I advised that the filled/elevated footprint With improved drainage and management measures eg repellents should assist in addressing potential problems for visitors.

Family needs was identified, with concern that pools were not evident. I advised these facilities will be provided on rooftops including hotel and possibly apartments. This should control access and use and offer good outlooks from elevated level while benefiting from views, breeze and sunlight.

The drainage of the site is considered important local system by bay of existing drainage channels managed by the Ann Bay Drainage Union, coordinated by Mrs Joan Frost. It was recommended that despite the lack of evidence that the Union has not made a submission I should contact the Union in any event. I undertook to address this by way of appointment with Mrs Frost.

Bob Young  
23 September, 2015

I met with members of the Port Stephens Eco Network at Nelson Bay on Thursday 7 October, 2015-10-09  
The members were Darrel Dawson (Coordinator), Simone Aurino, Roz Scoles and Christine Mitch.

Discussions entailed my briefing to members concerning the objectives, nature and issues concerning The Bay Resort proposal. This was followed by addressing the nine (9) key aspects in the Eco Network assessment submitted to the Department of Planning and Environment, 6 August 2015.

#### Briefing

It was explained that the proponent RSE is based in Sydney with an international focus, a track record of tourism and hospitality including Sydney and Melbourne and the resources by which to realise the project, subject to DPE approval.

My briefing was supported by distribution to members of hard copy of power point summary given to PS Council. This is scaled down version of the EIS, showing key plans, views and essential attributes by which the proposal is based. See copy attached. Primary elements were Overview, Economic, Tourism, Planning, and Design, Plans including Hotel, Tourist Accommodation, Sustainability and Programme. An A3 plan of the project concept (Dwg. J-04 ) was also referred to in regard to above issues and employed as a means by which to explain planning outcomes and associated items of significance.

It was noted that while the group showed significant interest in the principles, planning and design entailed in the scheme,  
focus appeared centred largely upon the potential impacts on local community and the environment including access, type and use of theatre and other facilities , flooding , conversion of site to salt water regime, noise and employment benefits.

#### EcoNetwork submission issues

The following issues were addressed with the group to determine the depth and nature of concerns  
And the value of discussion by which to clarify and resolve the matters

#### Energy application (a, b)

This was addressed by explaining the applications identified as sustainability, including north facing buildings, atrium systems and water sensitive design. Discussion extended to ESD measurement process, including a mix of bio offset credits and Nabers/Green Star ratings, by which to achieve 5 star energy efficiencies

#### Carbon reductions

It was advised that anticipated carbon reductions resulting from the proposal will result from a combination of planning, water management, eco methods and re-forestation, including the use of local native species which also may target habitat eg koala objectives. Simone suggested that opportunities for the establishment of Koala corridors and habitat may be a key feature of the proposal and support other significant outcomes eg interpretation, conservation tourism which derives from this



### On site noise abatement

The concerns expressed by Darrel about potential noise and need for abatement was considered reasonable given the nature of the project and projected populations. I advise that proposed high tech plant and equipment must meet current Australian standards for noise control for residents, visitors and staff. This includes guidelines set by NSW Government and Council, together with design measures for air conditioning, pump out and roof based items.

Monitoring of noise by owner and authorities is a key aspect of facility management, including checking and reporting on measures to ensure noise and vibration is maintained to a safe and acceptable level at all times.

### Vehicular access

The question of vehicular access both to and within the site was raised with particular regard to the design and landscaping of traffic entries, routes and associated items. I advised that the landscape master plan has addressed this issue by way of careful design and plant selection resulting with planted screens and shrubs at key roadways and parking. I referred members to the Concept Dwg. No J-04 for further clarification of the objectives, location, type and quality of settings envisaged.

### Natural light, sunlight and air flow

Members were advised that a key attribute of the planning of open spaces including all buildings being north facing together with sufficient width between (min 20-25m) for aspect, sunlight and outlook.

It was explained the hotel entailed super full height atrium, allowing managed daylight and entry/exit air flow at all levels, reducing need for air condition, given that guest rooms would require this type of systems due to their nature and location. The accommodation apartments are designed to be max 18 m deep to enable full cross ventilation and significant winter sun, while screening summer heat and glare. Members appeared essentially satisfied this would suffice under existing local conditions, given that more detail design is necessary.

### Water tanks

The committee was advised that concerns about impacts due to excavation are largely unfounded as the sub floors and stormwater collection are to be located upon existing ground. This will not require significant excavation, being limited only to driven poles so as to support ring beams and associated structures.

### Security bond

A notable concern expressed by the members was due to the questionable track record of local resort developments, in particular the failed Birubi Beach project. It was asked that due to the apparent lack of mechanisms by which to remediate sites, including incomplete work eg bond, what alternatives are available to address this in case The Bay Resort should follow down the same path?

I responded by assuring the group that given the project is 5 star standards, architect designed and will be NSW Government approved; this offers a virtual guarantee, consistent outcome and sense of security regarding the achievement of outstanding results.

3.

I expressed the view that the nature of statutory controls to be applied to the development process is uncertain, being subject to DPE approval outcomes and conditions. It was advised that the combination of NSW Government and Council overview should provide sufficient assurance concerning compliance of key issues including environmental impacts, health concerns and other matters significant to the project and community.

So as to strengthen and support the above objectives, the value of community input being extended beyond approval may be worth consideration. Subject to the proponent, the ability of local interests eg EcoNetwork to work with the developer at an informal, advisory level may prove a valid option, being additional to the measures identified above. This may include both construction and operations of the facility, ensuring continuity, community recognition and support throughout all key phases of development.

#### Water regimes

The issue of changing fresh water regimes to salt water, including reasoning and benefits was explained and found acceptable by the group.

#### Classification of use/s

The question of whether the project is correctly classified given hotel/motel not acceptable was explained by way of the fact that this element was only part of total spectrum of this large proposed complex. This is including a range of items such as holiday accommodation, multi-purpose theatre and interpretive support. It was added that Council in its submission to DPE had determined that given the project is allowed as "tourist facility" it is acceptable on the grounds of this assessment.

#### Transparency and public consultation

Darryl stressed the need for greater transparency in regard to development policy and operations as evidenced by breakdown of awareness within community due to lack of information on proposals and resulting activity. This may result in significant impact, when this may have been mitigated or avoided. Should the community be more aware and involved in process and procedures?

Simone added that recent events in the Port Stephens LGA including at Williamstown (ground water contamination) and Birubi (collapsed resort project) may have been mitigated or avoided should the public had the option of participation in assessment and addressing issues significant to the community.

In view of the potential risks of bypassing community interest and rights in this area, it was suggested that a public hearing (forum) be convened so as to allow the progress of The Bay Resort to be open and evident to residents, particularly given that integration of the Resort and community was a key objective? I advised that This approach appeared valid and should be considered by the proponent in this case. This may entail the intention of forming a genuine linkage at all levels, thus strengthening promotion opportunities, facility use/s and associated activity, both social and economic.

#### Section 94

It was asked by the group whether needed community benefits might be enabled by way of Sect 94 contributions, requiring commercial developments, including NSW Government approved tourism, to support this strategy in the interests of all concerned.

The payments resulting from this strategy may be directed to Anna Bay village services , given that the essential focus and financial benefits derived from The Bay Resort, an isolated destination, may be shared at a broader level?

I advised that while in this case it is unclear if DPE policy allows for Sect 94 or equivalent policy, it needs consideration, given the depth of concern expressed by the community and potential benefits which may derive from this type of recognition and support.

#### Koala protection and habitat

Simone asked was there intent that koala protection and conservation will be addressed within the project objectives and management strategy. As an active member of Koala Protection Society at Port Stephens she is aware that the proposal is located within the koala home range, due to evidence of local road kills and injuries, with Port Stephens Drive and Nelson Bay Road having highest mortality rate.

Simone advised that on site koala food trees and corridors may significantly support the species, providing both linkages and food within the area, avoiding the likelihood of road kills resulting from the need for extensive travel, especially by night. In regard to reforestation of native trees this would also significantly assist with provision of project-generated carbon credits and offset potential.

Other initiatives deriving from the project may include providing Sect 94 focus on koala research eg subsidising habitat mapping by Australian Koala Foundation. Further advice and assistance concerning the koala is available from Simone (0432086804) at Hunter Koala Preservation Society.

Bob Young  
Project Director/Consultant,  
RSE Sydney



I met 2 November with Ms Brooke Warner, owner No 4183 Nelson Bay Rd and resident, opposite the proposed development site (No 4177 Nelson Bay Rd).

The focus of the discussion was to provide her with an overview of the proposal, while addressing concerns rose in her submission to DPE in August 2015. The concerns entailed the proximity of her property to the proposal, resulting in potential noise, reduced privacy, increased traffic density on the Crown /Public Council road and the proponent's failure to consult.

A project overview was given, both from my knowledge of the proposed facility, with reference to a hard copy brochure (created for Council briefing) and other sources, including issues (eg noise, drainage, and visual) reported in the EIS by way of appendices. I advised that in the interests of establishing a clear understanding of the nature and depth of the proposal, Revisiting the EIS and appendices should ensure an authoritative source of information regarding the proposed treatment of the issues raised in her submission.

The matters of concern raised in Brooke's submission were addressed in order of listing, as follows:

#### Noise

This issue appeared foremost in her mind due to the close proximity of the project to her boundary, together with likelihood of noise generated by activity associated with facility, including construction, hotel guests, holiday accommodation occupants, visitors, staff and services. I explained that the figures and noise levels are difficult to establish, despite estimates provided in the EIS. The rural setting would no doubt change resulting from the proposed change of use to tourism, both visually and from the noise created by the different activities entailed, extending to both day and night.

The requirement for Council and management to control public behaviour, hours of use and allowable noise levels is part of the strategy by which the issue is addressed, aiming to establish a safe, quiet environment, with minimum impact upon others, including adjacent residents. It was agreed that despite this approach, there may still result in cases where behaviour and noise is excessive, leaving visitors and neighbours to recourse to action by way of the need to contact management and/or authorities in some instances.

#### Privacy

This concern is again due to her property's close location near the project. The potential for overlooking due to elevated works eg road upgrade, buildings was stated by Brooke to be considerable.

In response I advised that I also had concerns including my recent advice to engineers to ensure infrastructure height is minimised, despite perceived elevated flood levels required to address this.

2.

The engineer also advised an existing paperbark tree copse may be prone to removal to ensure road design dimensions and height is fully met.

I stated that to address the above privacy concerns, my own preference will be to consult with designers and engineers

So as to maintain a suitable balance between minimum design guidelines and resident privacy expectations.

Crown road access

I felt that while Brooke's concern appeared valid, given the nature and extent of road works required, needing to service as far north as the tourist accommodation complex (3 blocks) which offers exclusive access, being located separate and beyond the hotel.

While dust and noise is a potential issue here, I advised there will be dust controls, including the construction, involving watering which will assist with the management. Other prescribed measures will assist with remediation of noise and dust along the Crown road corridor both during construction and resort operations.

Drainage

Although this issue was not included in Brooke's submission, she considered it a possible cause for concern. Due to the fact that existing rainfall patterns currently result in flooding to her property and buildings (due to a recent storm), ponding beside the Crown road and under tree copse, she would like to see measures being planned to address this.

I advised Brooke that both flooding and drainage engineering design process will address this issue, so as to meet statutory standards while also resident health and safety needs.

Consultative overview

I suggested that it may be practical and desirable for the proponent to maintain a consultative based overview of the design, construction process and operations, resulting in quality communications between both resort and residents, focussed on the type of concerns evidenced in Brooke's recent advice to DPE. I added that this ideal balance appears successful in other NSW tourism focussed destinations eg Coffs Harbour which has a tradition of established tourist resorts located next to residents, without any apparent evidence of social conflict or other problems.

Bob Young



Attachment 4

11 November 2015

Deon Hoy, Barry Wilson  
#4169 Nelson Bay Rd, Anna Bay

le111115-dh

I met with owners of No 4169 Nelson Bay Rd on Friday 6 November. Despite the family not having submitted written comment to DPE during public exhibition in August, a meeting was convened at their request to obtain a project update and advice on issues of significance which may result in impact/s upon their property.

#### Briefing

I presented a briefing concerning the general nature and extent of the proposed development, including objectives, planning history, footprint, built form, conservation, roads and associated elements. This was supported by a hard copy A3 concept plan, Dwg J-04 and A4 summary of the proposal previously presented to Council, including graphic images, with notes on key aspects.

#### History

Discussion referred to the owner's knowledge of the site. A key issue which reflected the nature of local changes included the groundwater resources, the levels being significantly reduced possibly resulting from local land use/s, development and the recently completed, adjacent (Nelson Bay Rd) dual carriageway. This degree of change was supported Robinsons, local Anna Bay sand mine owners and operators

#### Drainage

It was considered there exists a link between the above groundwater levels. My advice was that the resort planning was focussed on replacement of fresh water with salt water to better align with eco objectives, with more appropriate outcomes for the reinstatement of native vegetation and habitats. A reduced footprint would also ensure that the majority of the site (approx. 32ha) should benefit from this strategy, while only 8ha (footprint) will remain as freshwater environment.

While the family understood and appreciated this objective, concern was expressed that evidence of increasing saltwater infiltration to the south, leaching into existing ground freshwater resources, required for back up to support roof tank supplies (system inspected) in the event of drought or low rainfall. Subsequently, this may involve the need to import fresh water at significant cost.

#### Construction issues

It was advised that impacts from the resort construction may increase potential for structural damage to their property, including residence and outbuildings. An example was given concerning the recent Nelson Bay Rd upgrade, which appears to have caused damage to their residence, with the possibility of compensation not being made available.

2.

I explained that while I appreciated their position, every measure will be taken to prevent this type of impact resulting from our work, preceded by following dilapidation protocols and reports being provided prior to the work.

#### Demarcation of eastern boundary

Deon advised that the need for defining his eastern boundary (adjacent to resort site) was evident and addressed by way of a survey peg out. This revealed that recent works to his property is within his site and does not impinge upon our site. This was clearly the case when Deon inspected the conditions with me, then agreeing there was not an evident problem here.

It was also noted that a cement retaining wall built on the eastern embankment of Deon's site appeared both stable and within his own site boundary

#### Priorities

Due to the nature and commonality of local conditions and potential risks due to developments, the family considered that efforts by the resort proponent should entail a high level of care and to address minimum measures and practices to prevent impacts of the type currently evident due to living adjacent to a main road and also our proposed resort.

I advised that all necessary procedures will be followed to ensure such impacts do not arise, together with ongoing consultations with neighbours and other interested parties so as to establish a continuing dialogue and process during the project development period. This approach should constitute a means by which such concerns may be addressed in a timely and appropriate manner.

Bob Young

*Carol and Stephen Blanch,  
#4181 Nelson Bay Rd Anna Bay*

I met with Carol and Stephen Blanch Tuesday 24 November 2015 to address concerns they raised in regard to the EIS , for which they each submitted a statement with issues in common addressing matters identified in the EIS as significant to the proposal. Permission was asked by Carol to audio record the discussions, which I agreed to .

Carol and Stephen advised that they consider the DGR's requirements are not met, due to a range of gaps and issues of particular concern. This involves potential for impacts arising which are expected to diminish the quality of their lifestyle and environmental setting due to the nature and scale of the project. This includes groundwater, geotechnical, traffic, visual, town planning and consultations. I explained that in regard to lack of consultation, this was mainly due to a tight deadline to submit the EIS in April, which did not allow the opportunity to consult with interested neighbours and others at this time, despite the intention to do so.

On arrival, I was advised that they had prepared a range of questions which are linked to their submissions and require clarity and advice by way of discussion. This, together with items described in their DPE submission formed the basis of an agenda for which the meeting was directed.


I provided each a copy of the EIS A3 Concept Plan (Drawing J-04) and aA4 brochure, a project overview used for previous briefings, including Port Stephens Council.

Relevant documents attached, as follows :

Spreadsheet matrix (4x A4 pages) which records the general nature of discussion and outcomes with regard to the Blanch concerns.

Blanch questions/notes for Anna Bay resort EIS

Blanch (in common) submissions to DPE resulting  
From 2015, EIS public exhibition.

  
Bob Young,  
Project Director  
26 November, 2015



John Fieldmayer  
Port Stephen Eggs  
#4165 Nelson Bay Rd  
Anna Bay

I visited owner John Fieldmayer onsite on 4 December 2015 to discuss the proposed resort in regard to any issues or concerns he may need to be addressed, being in proximity to the #4177, and the resort site, located adjacent to his property.

While John advised that he supports the resort proposal in principle, based on my understanding of the discussions, he advised that some concerns may result in potential impacts upon his property. His concerns comprise flooding, rural status and associated issues, including noise and privacy.

I provided John with an A4 hard copy brochure, together with the A3 Concept Plan, Drawing J-04 .

#### Flooding

John is concerned that due to a need to elevate #4177 resort development footprint, by min AHD eg 2-3m to address extreme flood conditions, this may result in water being trapped over an estimated 60-70% of his site, #4165. John's estimated potential flood water spread at #4165 takes into account that the existing ground level averages AHD 0.7m

I advised John it is unlikely this type of flood will arise in regard to #4165 owing to engineer site planning outlined in the EIS. This involves sub ground drainage lines running both easterly and northerly, addressing stormwater from roofs and surface. I added that another westerly drainage system releases into the marshes, after passing below the proposed perimeter road. This release involves a number of spreaders at marsh level, so as to distribute release over a wide area rather than at defined points.

I further advised John that while the above proposed engineered drainage plan is considered effective, more detail design work is necessary to clearly establish and resolve all potential issues arising, including protection of his property in the event of significant flooding.

#### Rural Status

John expressed concern that despite the planning and design in regard to the proposal being eco-focussed and sustainable, the essential nature and purpose is not effectively a rural use as is his own farm ie egg harvesting and other equivalent local, rural enterprises.

He explained that his understanding of "rural" entails agricultural activity such as cattle, horses, ploughing and irrigation may result in conflicts for the resort and guests by way of sprinkler emissions, dust and noise due to operation of farm equipment and other items.

2.

My response was to note this concern, given that I consider a working farm of the type located at #4165 may actually enhance the quality and authenticity of the setting, rather than being a source of nuisance or visual impact which may result from more urban developments.

Privacy and noise

Noise is considered by John to be of minimal significance due to the relative remote location of the resort in regard to his site, in regard to service roads, traffic and accommodation. I explained that hotel guest room at the hotels western point will overlook #4165, this may be addressed by way of vegetation and screen placement at boundaries.

I added that main resort access and service roads are of minimum width and height compared to the recently upgraded Nelson Bay Rd, with lower level of congestion and noise.



Bob Young

## DISCUSSION ADDRESSING SUBMISSION TO DPE

24 Nov. 2015

BLANCH #4181

ss241115-cbl

Issues submitted

| Item       | G.wat/ASS | Air quality | Mosquitos  | Geotech    | Traffic | Heritage | Flooding | Ecology | Visual | ESD | Commun. | T/planning | Comment    |
|------------|-----------|-------------|------------|------------|---------|----------|----------|---------|--------|-----|---------|------------|------------|
| 1          | Require a |             |            |            |         |          |          |         |        |     |         |            |            |
| Ground     | technical |             |            |            |         |          |          |         |        |     |         |            |            |
| water      | response  |             |            |            |         |          |          |         |        |     |         |            |            |
| 2          |           | the wrong   |            |            |         |          |          |         |        |     |         |            | Ausroad    |
| Air        |           | modelling   |            |            |         |          |          |         |        |     |         |            | is wrong   |
| quality    |           | tool        |            |            |         |          |          |         |        |     |         |            | tool       |
|            |           |             |            |            |         |          |          |         |        |     |         |            |            |
|            |           | monitoring  |            |            |         |          |          |         |        |     |         |            |            |
|            |           | station is  |            |            |         |          |          |         |        |     |         |            |            |
|            |           | too remote  |            |            |         |          |          |         |        |     |         |            |            |
|            |           |             |            |            |         |          |          |         |        |     |         |            |            |
|            |           | dust, air   |            |            |         |          |          |         |        |     |         |            |            |
|            |           | pollution a |            |            |         |          |          |         |        |     |         |            |            |
|            |           | health risk |            |            |         |          |          |         |        |     |         |            |            |
| 3          |           |             | toxic, non |            |         |          |          |         |        |     |         |            | Temephos   |
| Mosquitos  |           |             | specific   |            |         |          |          |         |        |     |         |            | (toxic     |
|            |           |             | chemicals  |            |         |          |          |         |        |     |         |            | non. Spec) |
|            |           |             | are not    |            |         |          |          |         |        |     |         |            |            |
|            |           |             | acceptable |            |         |          |          |         |        |     |         |            |            |
| 4          |           |             |            | EIS lacks  |         |          |          |         |        |     |         |            |            |
| Geotech,   |           |             |            | geotech    |         |          |          |         |        |     |         |            |            |
| land heave |           |             |            | report     |         |          |          |         |        |     |         |            |            |
|            |           |             |            |            |         |          |          |         |        |     |         |            | See        |
|            |           |             |            | land heave |         |          |          |         |        |     |         |            | Fisheries  |
|            |           |             |            | omitted    |         |          |          |         |        |     |         |            |            |



BLANCH #4181

ss261115-cb2

Issues submitted

[illegible]



## DISCUSSION ADDRESSING SUBMISSION TO DPE

26 November 2015

BLANCH #4181

ss261115-cb3

Issues submitted

| Item         | G.wat/ASS | Air quality | Mosquitos | Geotech | Traffic | Heritage | Flooding | Ecology | Visual     | ESD        | Commun.   | T/planning | Comment     |
|--------------|-----------|-------------|-----------|---------|---------|----------|----------|---------|------------|------------|-----------|------------|-------------|
| 9            |           |             |           |         |         |          |          |         | lost view, |            |           |            | house       |
| Visual       |           |             |           |         |         |          |          |         | vis impact |            |           |            | directly    |
| impacts      |           |             |           |         |         |          |          |         | due to the |            |           |            | overlooks   |
| (contd)      |           |             |           |         |         |          |          |         | proposal   |            |           |            | resort      |
|              |           |             |           |         |         |          |          |         |            |            |           |            |             |
|              |           |             |           |         |         |          |          |         | no view    |            |           |            | a direct    |
|              |           |             |           |         |         |          |          |         | from 4181  |            |           |            | outlook     |
|              |           |             |           |         |         |          |          |         |            |            |           |            |             |
|              |           |             |           |         |         |          |          |         | remote     |            |           |            | too far     |
|              |           |             |           |         |         |          |          |         | view ie    |            |           |            | from site   |
|              |           |             |           |         |         |          |          |         | V/point 6  |            |           |            |             |
|              |           |             |           |         |         |          |          |         | irrelevant |            |           |            |             |
|              |           |             |           |         |         |          |          |         |            |            |           |            |             |
|              |           |             |           |         |         |          |          |         | loss of    |            |           |            | proposed    |
|              |           |             |           |         |         |          |          |         | privacy &  |            |           |            | car park is |
|              |           |             |           |         |         |          |          |         | visual     |            |           |            | adjacent    |
|              |           |             |           |         |         |          |          |         | impact on  |            |           |            | and hotel   |
|              |           |             |           |         |         |          |          |         | 4181 due   |            |           |            | overlooks   |
|              |           |             |           |         |         |          |          |         | to project |            |           |            | house       |
| 10           |           |             |           |         |         |          |          |         |            | as advised |           |            |             |
| ESD          |           |             |           |         |         |          |          |         |            | under ESD  |           |            |             |
|              |           |             |           |         |         |          |          |         |            | in the DEP |           |            |             |
|              |           |             |           |         |         |          |          |         |            | submission |           |            |             |
| 11           |           |             |           |         |         |          |          |         |            | fails to   |           |            | that is     |
| alternatives |           |             |           |         |         |          |          |         |            | include an |           |            | do nothing  |
|              |           |             |           |         |         |          |          |         |            | "as is"    |           |            |             |
|              |           |             |           |         |         |          |          |         |            |            |           |            |             |
| 12           |           |             |           |         |         |          |          |         |            |            | community |            | to          |
| community    |           |             |           |         |         |          |          |         |            | meeting    |           |            | confirm     |



26 November 2015

ss261115-cb4

[illegible]



# "The Bay Resort"

## Public Consultations Concerning EIS.

TAYLORS BL

9

March 2017





Stephen Blanch,  
4181 Nelson Bay Rd,  
Anna Bay, NSW 2316

01 March, 2017  
Ref: le240217-pu



ACN 103 452 473  
Suite2, Level1,  
570 Blaxland Road,  
Eastwood NSW 2122  
Australia  
T: 61 2 8876 1800  
F: 61 2 8876 1899  
E: shinrse@gmail.com

Dear Stephen Blanch,

THE BAY RESORT, 4177 NELSON BAY RD, ANNA BAY  
PROGRESS UPDATE

Following my letter 23 October, 2015 and subsequent consultations, the project design has been developed so as to ensure concerns identified by the Department of Planning and Environment (DPE), Council, agencies and the community have been adequately addressed.

Key concerns included access, environmental, civil and structural, compliance and associated items subject to amendment prior to the proposal being re-submitted to DPE for approval. The attached drawing K-04 is marked in colour to assist in identifying the location, nature and extent of the changes.

I look forward to your comments by C.O.B. Friday 10th March.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bob Young', written over a horizontal line.

Bob Young  
Project Director,  
PO Box 122 Islington  
NSW 2296

For RSE Sydney.



**NOTE: PERIMETER RING ROAD DESIGN HAS CHANGED IN ACCORDANCE WITH THE COMMENTS FROM PREVIOUS SUBMISSION.**



LEFT IN ENTRY FROM NELSON BAY  
RD MODIFIED BY NORTROP

**BUS STOP**

## THE BAY RESORT

Lot 2, DP 747399  
4177 Nelson Bay Road,  
ANNA BAY, NSW 2316

## CONCEPT PLAN

CURRENT 2015 PROPOSAL  
LOCATED ON 8.4ha  
DEVELOPMENT FOOTPRINT  
(APPROX. 20% OF 40ha SITE)



| Issue | Reason for issue | Date | Checked |
|-------|------------------|------|---------|
|       |                  |      |         |
|       |                  |      |         |
|       |                  |      |         |
|       |                  |      |         |
|       |                  |      |         |

ABN: 47098002692  
TEL: (02)8876 1650  
FAX: (02)8876 1699  
shin@spacecon.com.au  
www.spacecon.com.au

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**SPACECON** PTY LTD

**SYDNEY** Suite 1, L1, 570 Blaxland Rd, Eastwood NSW 2122

Scale: 1:1600 @ A3      Date: 13/FEB/2017      Project No: 1010

Drawing By: LL      Checked: SH      Approved:

Drawing No. K-04 Issue: 0A





4181 Nelson Bay Road  
Anna Bay N.S.W. 2316  
9.3.2017

RSE Sydney,  
C/- Mr B. Young,  
PO Box 122  
Islington. NSW 2296

Dear Bob,  
Re: Ref - 1e240217-pu    The Bay Resort Progress Update

Thank you for your letter dated 1st March, 2017 (received 8.3.2017) stating " the project design has been developed so as to ensure concerns identified by the DPE, Council, agencies and the community have been adequately addressed."

You have also stated "Key concerns included access, environmental, civil and structural, compliance and associated items subject to amendment prior to the proposal being re-submitted to DPE for approval ".

Thank you for the drawing K-04 that "is marked in colour to assist in identifying the location, nature and extent of the changes."

As this drawing is only pertinent to the perimeter ring road design (in which I can see minimal change between March 2015 and Feb 2017 drawings) and an amendment to the theatre roof, I find it difficult to make comment as you have requested, as nothing addresses the rest of your "key concerns" or my list of concerns as stated in my 2015 seventeen page submission.

As your letter is a Progress Update I look forward to your future response to all "key concerns" and those identified in my 2015 submission.

I also consider given the complexities of your proposal that all future comments to progress updates require at least one month response time to allow adequate evaluation of all information provided.

Yours sincerely

  
Stephen Blanch

4181 Nelson Bay Road  
Anna Bay N.S.W. 2316  
6.3.2017

RSE Sydney,  
C/- Mr B. Young,  
PO Box 122  
Islington. NSW 2296

Dear Bob,  
Re: Ref - 1e240217-pu    The Bay Resort Progress Update

Thank you for your letter dated 1st March, 2017 stating " the project design has been developed so as to ensure concerns identified by the DPE, Council, agencies and the community have been adequately addressed."

You have also stated "Key concerns included access, environmental, civil and structural, compliance and associated items subject to amendment prior to the proposal being re-submitted to DPE for approval ".

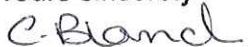
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I also consider given the complexities of your proposal that all future comments to progress updates require at least one month response time to allow adequate evaluation of all information provided.

Yours sincerely



Carol Blanch

## EcoNetwork – Port Stephens Inc.

President: Robert Roseworne

Secretary: Nigel Dique

Treasurer: Roger Yeo

P O Box 97 Nelson Bay NSW 2315

Mr Bob Young

Project Manager

P O Box 122 Islington NSW 2296.

21<sup>st</sup> March 2017.

**Ref. – le249217-pu...applicationNo. SSD – 596.**

**The Bay Resort 4177 Nelson Bay Rd Anna Bay**.

Dear Bob

Thank you for the PROGRESS UPDATE and the Conceptual Design Strategy. EcoNetwork-Port Stephens is a peak local community-based network which addresses environmental, sustainable planning and governance issues across the Port Stephens Local Government Area.

Our last response to this Project had been on 5<sup>th</sup> August 2015, following consultation with our local affiliate the South Tomaree Community Association incorporating Anna Bay, Boat Harbour, Fishermans Bay and One Mile Beach.

In this response we appreciate that progress is still at the conceptual stages. The following represent our further input to the Plan.

1. We strongly support the emphases on the sustainability of the over-all Plan for sustainable outcomes. We note the proposed specifics of its over-all design features including through the adaption of Ecologically Sustainable Development (ESD) principles and criteria. From our stand-point this is essential and central to the strategy design for a final and sustainable achievement.
2. As with our last submission (2<sup>nd</sup> August 2015) we seek confirmation of how the Plan will address a high level of 'ecological and energy efficiency protocols' without degenerating due to cost into a symbolic exercise lacking real substance. However, we welcome the positive intensions and the progress report on the implementation of the Plan.
3. The proposed use of cross-flow ventilation and natural light sources in relation to the hotel and split air conditioning, LED lighting and materials which meet aesthetic and performance qualities in relation to the theatre are also welcomed should they be powered as proposed by renewable energy applications.



4. Stormwater and drainage issues seem to be receiving specific and appropriate attention which is a particular requirement for this potentially flood-prone site (1-100 year flood level) being addressed with large amounts of fill for a 3m sand-fill platform. The harvesting of on-site grey-water for onsite use and no onsite excavation is an initiative of note that leaves acid-sulphate soils undisturbed but will require special attention to the proposed site water and drainage management plan.
5. We would expect that a fully sustainable development as the proposed Bay Resort would have favourable economic impacts on the local economy and for future local tourism facilities including for the local entity Destination Port Stephens. This would be particularly so should the proponent Rafael Shin Enterprises give appropriate attention to the employment of local labour.

In this submission we have addressed only those aspects of the Project of immediate concern to EcoNetwork and the South Tomaree Community Association.

These are concerns we have consistently called on other development proponents for many years to address but without success.

We request we be frequently informed of the progress of this very large and promising project. This has the potential as a state significant project to lead this state in sustainable tourism development and outcomes.

Yours sincerely

Nigel Dique, Secretary - for EcoNetwork-Port Stephens Inc.

Chris Mitchell, President - for South Tomaree Community Association.

#### EcoNetwork - affiliated groups & eco-businesses

##### a grassroots, community-focused network

National Parks Association (Hunter Branch) Inc.  
Native Animal Trust Fund Inc.  
Port Stephens Park Residents Association Inc.  
Myall Koala & Environmental Support Group  
Pindimar/Bundabah Community Association Inc.  
Shoal Bay Community Association Inc.  
Soldiers Point Community Group  
**South Tomaree Community Association Inc.**  
Boomerang Park Action Group Inc  
Mambo Wetlands Community Group  
Salamander Recycling Inc.  
Destination Port Stephens Inc.

Port Stephens Koalas Inc..  
Tilligerry Habitat Inc.  
Soldiers Point/Salamander Bay Tidy Towns Inc.  
Mambo/Wanda Wetlands Reserves C'ttee Inc  
Ocean & Coastal Care Initiatives (OCCI) Inc.  
North Arm Cove Residents Association Inc.  
Port Stephens Marine Park Association Inc.  
No Sandmine in Bobs Farm Inc.  
Imagine Cruises (Ecotourism accredited)  
Wanderers Retreat.  
On Water Marine Services Pty Ltd  
Irukandji Shark & Ray Encounters.  
Port Stephens CoastalTours

**EcoNetwork is affiliated state-wide with the Nature Conservation Council of NSW & with the NSW Better Planning Network.**

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For an eco-oriented culture, sustainable communities and the transfer of intact natural systems to future generations.

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**THE BAY RESORT: At a glance - some easily accessible detail from the Design Statement.**

- Project budget approx. \$230 million, including commercial elements eg theatre/function, restaurants, retail estimated at approx. \$15 million.
- A 40 hectare site. Development footprint of 8.4 hectares being 21% of the total site.
- This footprint comprises 4 winding buildings (hotel & apartments) approx. 10 m above filled ground level and max. 14 m high above existing ground level.
- Due to acid-sulphate soils there will not be any building excavation. Construction will be on a platform of sand-fill at 3 m.
- The construction plan is designed for reduced overall bulk and scale and the set-back from Nelson Bay Road will be 200m.
- The key functional elements being an international eco-hotel of 150 north facing rooms on 3 levels; a 700seat multi-purpose theatre and convention centre with lifts comprising a cultural and business function centre; 219 holiday apartments (tourist accommodation) within blocks A,B,C, all allowing natural light and ventilation.
- There will be hotel outdoor parking for 237 cars and 12 buses. Disability access is available at the main entry precinct; sub-floor (ground level) parking at the hotel for 276 cars.
- As with the hotel there will be guest pools, landscaped gardens and energy sources offering carbon benefits and will include wind, solar energy and associated systems.

For further information you may contact: Project architect, Bob Young – 0417 272 989.

[Bob@byarchitect.com.au](mailto:Bob@byarchitect.com.au)

John Fieldmayer,  
4165 Nelson Bay Rd,  
Anna Bay, NSW 2316

01 March, 2017  
Ref: le240217-pu



ACN 103 452 473  
Suite2, Level1,  
570 Blaxland Road,  
Eastwood NSW 2122  
Australia  
T: 61 2 8876 1800  
F: 61 2 8876 1899  
E: shinrse@gmail.com

Dear John Fieldmayer,

THE BAY RESORT, 4177 NELSON BAY RD, ANNA BAY  
PROGRESS UPDATE

Following my letter 23 October, 2015 and subsequent consultations, the project design has been developed so as to ensure concerns identified by the Department of Planning and Environment (DPE), Council, agencies and the community have been adequately addressed.

Key concerns included access, environmental, civil and structural, compliance and associated items subject to amendment prior to the proposal being re-submitted to DPE for approval. The attached drawing K-04 is marked in colour to assist in identifying the location, nature and extent of the changes.

I look forward to your comments by C.O.B. Friday 10th March.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bob Young', written over a printed name.

Bob Young  
Project Director,  
PO Box 122 Islington  
NSW 2296

For RSE Sydney.

*I received Phone call  
from owner # 4165, John  
Fieldmayer in response to  
letter 1/3/17.*

*John asked about Progress,  
likely time for approval &  
commencement. I said this  
is subject to DPE Process but  
may not be until 2018?*

*John stated that in view of  
his knowledge & understanding  
of the Proposal, he is generally  
supports the project at this  
stage*

*13/3/17,*





Stephen Blanch,  
4181 Nelson Bay Rd  
Anna Bay NSW 2315

Ref : le270416-05  
April 27, 2016

ACN 103 452 473  
Suite2, Level1,  
570 Blaxland Road,  
Eastwood NSW 2122  
Australia  
T: 61 2 8876 1800  
F: 61 2 8876 1899  
E: shinrse@gmail.com

Dear Stephen,

THE BAY RESORT, ANNA BAY.  
PROPOSED STRATEGY FOR ONGOING PUBLIC CONSULTATIONS

Thank you for meeting to discuss with me your concerns regarding the proposal. Your input has been of significant value in establishing a pathway to ensuring ongoing public concerns are both recognised and recorded. This will allow availability of your contributions to the Department of Planning and Environment (DPE) as evidence that procedure concerning the nature and extent of discussions undertaken has met requirements from policy and assessment viewpoints.

Strategy for development of The Bay Resort beyond the EIS requires significant research and design of all environmental and associated issues listed in the EIS this includes engineering, survey, ground/geological conditions, acid sulphate soils, flooding, drainage, vegetation and habitat. It entails the process of meeting key bench marks including tasks and programme time frames to meet anticipated deadlines for re-submission to NSW Government for final assessment and approval.

In regard to the above, it is expected that some updating and amendment of the original EIS design and documentation will be necessary to reflect current work concerning site data, flood heights and drainage. This may require changes to both site planning and architectural information, including layout, floor plans, elevations, together with infrastructure such as roads, parking and landscaping.

When the abovementioned amendments are finalised, this may require further meetings with those surrounding the site in regard to improved outcomes resulting from the review and redesign of matters of concern and likely impacts raised at the time of exhibition of the EIS and following meetings.

While actual dates which reflect the above process are not yet established, you can be assured that the intention is to advise all concerned so that dates and arrangements for these follow up discussions may be confirmed.

Should you have any concerns regarding the above, I am happy to discuss this with you. My phone number is 0417272989

Sincere regards,

Bob Young,  
Project Director.





bob young

---

**From:** bob young [bob@byarchitect.com.au]  
**Sent:** Friday, June 17, 2016 3:02 PM  
**To:** 'brooke warner'  
**Subject:** RE: 4183 Nelson Bay Rd, Anna Bay  
**Attachments:** 20160617145755346.pdf

Dear Brook,

Thanks for your E Mail, received June 16.

It is hoped you have letter 27 April which covered progress & further work required. (mark up copy attached)

Site investigation this week is undertaken by sub contractors Douglas Partners to as to check the ground conditions , including additional geotechnical and acid sulphate soils (ASS) testing.

The results will be provided to our technical team, generating amendments to the EIS, required by NSW Department of Planning. (DPE) for final submission and assessment.

Re-submission to the DPE for approval is is scheduled for August, 2016. This may include more public consultations with regard to the above process and matters of interest to neighbours and associated community. This is expected to occur in in July/August.

The construction on site is subject to DPE approval, including the nature & extent of conditions attached. This may result in further significant time, prior to the work commencing.

Kind regards,

Bob

---

**From:** brooke warner [mailto:brooke\_warner15@hotmail.com]  
**Sent:** Thursday, June 16, 2016 2:51 PM  
**To:** bob young  
**Subject:** Re: 4183 Nelson Bay Rd, Anna Bay

Hi Bob,

bob young

---

**From:** brooke warner [brooke\_warner15@hotmail.com]  
**Sent:** Monday, 29 February 2016 5:59 PM  
**To:** bob@byarchitect.com.au  
**Subject:** 4183 Nelson Bay Rd, Anna Bay

Hi Bob,

I haven't had any update about the resort next door. There are still things that have not been answered. Given we are in a rural area and we have livestock on our property it was brought to my attention by my vet about the dust causing harm to our horses and pets, horses being the bigger concern. I can imagine the building process is going to be quite a long period, the building and construction is going to make a lot of dust causing massive health risks for our horses. This then brought my attention to the fact we are on tank water- the dust will fall on the roof and wash into our tanks? Again a massive health risk. We also have a small dam in one of our paddocks, we are quite concerned about acid sulfate in the soil because of the disturbance from the development.

I guess being the closet neighbouring property we are concerned for many reasons, health and safety, noise of construction, noise after construction and just the overall general loss we will suffer from this. We have looked at selling the property and have seen a loss in value- as no one wants to live neighbouring a resort. Given the loss we have suffered we wouldn't be able to buy something similar to this in the current market, as we need acreage. We even thought of renting the property out and seeing if we could rent another one however again two issues arouse; the cost of us finding something suitable is more than we can afford and also we wouldn't be able to find tenants who want to be the tenants next to a massive construction.

Another issue is my mother lives at home full time and has health concerns of her own and is allergic to dust, causing her a lot of grief, if you require medical documentation please let me know.

I would like to know how this resort is going to address the issues I have. We strongly appose this resort going ahead with the concerns we have. I would appreciate a response.

Thank you

Brooke Warner

0422700451