

Planning Secretary's Environmental Assessment Requirements

Section 4.12(8) of the *Environmental Planning and Assessment Act 1979*

Part 8 of the *Environmental Planning and Assessment Regulation 2021*

Application Number	SSD-77938524
Project	d'Albora Marina Nelson Bay Hotel
Location	6-8 Teramby Road, Nelson Bay within the Port Stephens Local Government Area (Lot 1 DP 807278, Lot 2 DP 807278, Lot 560 DP 1033413)
Proponent	MA MARINA FUND TT PTY LTD
Date of Issue	12/12/2025
General Requirements	The Environmental Impact Statement (EIS) must meet the minimum form and content requirements as prescribed by Part 8 of the <i>Environmental Planning and Assessment Regulation 2021</i> (EP&A Regulation) and must have regard to the <i>State Significant Development Guidelines</i>. Notwithstanding the key issues specified below, the EIS must include an environmental risk assessment to identify the potential environmental impacts associated with the development. Where relevant, the assessment of key issues below, and any other significant issues identified in the risk assessment, must include: - adequate baseline data - consideration of the potential cumulative impacts due to other developments in the vicinity (completed, underway or proposed); - measures to avoid, minimise and if necessary, offset predicted impacts, including detailed contingency plans for managing any significant risks to the environment The EIS must be accompanied by an Estimated Development Cost (EDC) report, providing: - a detailed calculation of the EDC of the development prepared in accordance with the relevant planning circular using the Standard Form of EDC Report. - the EDC Report must specify the EDC of the marina component of the development. - an estimate of the retained and new jobs that would be created during the construction and operational phases, including details of the methodology to determine the figures provided.

Key issues	The EIS must address the following specific matters: 1. Statutory and Strategic Context - Address all relevant legislation, environmental planning instruments (EPIs) (including drafts), plans, guidelines and planning circulars, including (but not limited to those) outlined at Attachment A. - Identify compliance with applicable development standards and provide a detailed justification for any non-compliances. - Provide an explanation of how the development as described in the EIS is consistent with the development as was described in the request for SEARs (including any components that were not SSD) and provide a justification for any differences. - Address the requirements of any approvals applying to the site, including any concept approval, any endorsed or draft master plan, precinct plan or any recommendation from a Gateway determination. - Provide an accurate summary of the detailed assessment of the impacts of the project and integrate the findings and recommendations of technical reports into the justification and evaluation of the project as a whole. - Provide a description of any amendments to and/ or additional licence(s) or approval(s) that must be obtained under any other Act or law before the proposed development may lawfully be carried out 2. Design Quality - Demonstrate how the development will achieve good design in accordance with the seven objectives for good design in <i>Better Placed</i>. - Demonstrate that the development has been reviewed and informed by the State Design Review Panel (SDRP) where required under the NSW SDRP: Guidelines for Project Teams. - Recommendations of the SDRP are to be addressed prior to lodgement. - Address any other matter raised in the submission from Council at Attachment B. 3. Built Form and Urban Design - Explain and illustrate the proposed built form, including a detailed site and context analysis to justify the proposed site planning and design approach. - Demonstrate how the proposed built form (layout, height, bulk, scale, separation, setbacks, interface and articulation) addresses and responds to the context, site characteristics, streetscape and existing and future character of the locality. - Demonstrate how the building design will deliver a high-quality development, including consideration of façade design, articulation, activation, roof design, materials, finishes, colours, any signage and integration of services.
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- Assess how the development complies with the relevant accessibility requirements.

4. Environmental Amenity

- Address how good internal and external environmental amenity is achieved, including access to natural daylight and ventilation, pedestrian movement throughout the site, access to landscape and outdoor spaces.
- Assess amenity impacts on the surrounding locality, including lighting impacts, reflectivity, solar access, visual privacy, visual amenity, view loss and view sharing, overshadowing and wind impacts. A high level of environmental amenity for any surrounding residential or other sensitive land uses must be demonstrated.
- Provide a solar access analysis of the overshadowing impacts of the development within the site, on surrounding properties and public spaces (during summer and winter solstice and spring and autumn equinox) at hourly intervals between 9am and 3pm, when compared to the existing situation and a compliant development (if relevant).

5. Visual Impact

- Provide a Visual Impact Assessment that includes, but is not limited to, an assessment of the following matters:
 - o the impacts of the development on the existing catchment
 - o a visual analysis of the development from key viewpoints, including photomontages or perspectives showing the proposed and likely future development
 - o potential visual impacts from the waterfront and potential view impacts for properties to the rear of the site.

6. Public Space

- Demonstrate how the development maximises the amount, access to and quality of public spaces (including open space, public facilities and streets/plazas within and surrounding the site), reflecting relevant design guidelines and advice from Port Stephens Council and the Department.
- Demonstrate how the development:
 - o ensures that public space is welcoming, attractive and accessible for all
 - o maximises permeability and connectivity (including consideration of pedestrian desire lines)
 - o maximises the amenity of public spaces in line with their intended use, such as through adequate facilities, solar access, shade and wind protection
 - o maximises street activation
 - o minimises potential vehicle, bicycle and pedestrian conflicts.
- Address how Crime Prevention through Environmental Design (CPTED) principles are to be integrated into the development, in

accordance with Crime Prevention and the Assessment of Development Applications Guidelines.

7. Trees and Landscaping

- Assess the number, location, condition and significance of trees to be removed and retained and note any existing canopy coverage to be retained on-site.
- Provide a detailed site-wide landscape plan, that:
 - o details the proposed site planting, including location, number and species of plantings, heights of trees at maturity and proposed canopy coverage (as a percentage of the site area).
 - o provides evidence that opportunities to retain significant trees have been explored and/or informs the plan.
 - o demonstrates how the proposed development would:
 - contribute to long term landscape setting in respect of the site and streetscape.
 - mitigate the urban heat island effect and ensure appropriate comfort levels on-site.
 - contribute to the objective of increased urban tree canopy cover.
 - maximise opportunities for green infrastructure, consistent with *Greener Places* and having regard to any bush fire risk.

8. Biodiversity

- Prepare a Biodiversity Development Assessment Report (BDAR) that assesses biodiversity impacts in accordance with the *Biodiversity Conservation Act 2016* and the Biodiversity Assessment Method 2020, unless a waiver is granted, or the site is on biodiversity certified land.
- Address any other matter raised in the submission from DCCEEW BCS at **Attachment B**.

9. Ecologically Sustainable Development (ESD)

- Provide an estimate of greenhouse gas (GHG) emissions for the project by carrying out a Greenhouse Gas Assessment consistent with the most recent version of the EPA's *Greenhouse Gas Assessment Guide for Large Emitters*.

If Chapter 3 of the *State Environmental Planning Policy (Sustainable Buildings) 2022* applies, and not otherwise exempt under Chapter 3.1:

- demonstrate how the development has been designed to address the provisions set out in Chapter 3.2(1).
- provide a NABERS Embodied Emissions Material Form to disclose the amount of embodied emissions attributable to the development in accordance with section 35BA of the EP&A Regulation.
- a net zero statement (as defined in section 35C of the EP&A Regulations) that includes:

- evidence of how the development will either be fossil fuel-free after the occupation of the development commences or transition to be fossil fuel-free by 1 January 2035.
- details of any renewable energy generation and storage infrastructure implemented and any passive and technical design features that minimise energy consumption.
- estimations of annual energy consumption for the building and amount of emissions relating to energy use in the building (if information is available).
- a NABERS Agreement to Rate that demonstrates the large commercial areas of the development are capable of achieving the standards for water use specified in Schedule 3 of SEPP (Sustainable Buildings) 2022. A separate agreement is required for each large commercial use.
- a NABERS Agreement to Rate or Commitment Agreement that demonstrates the large commercial areas of the development are capable of achieving the standards for energy use specified in Schedule 3 of SEPP (Sustainable Buildings) 2022 . A separate agreement is required for each large commercial use.
- Address any other matter raised in the submission from the EPA at **Attachment B**.

10. Traffic, Transport and Accessibility

- Provide a Transport Impact Assessment (TIA) in accordance with the TfNSW *Guide to Transport Impact Assessment*, which includes:
 - an analysis of the existing transport network, including the road hierarchy and any pedestrian, bicycle or public transport infrastructure, current daily and peak hour vehicle movements, and existing performance levels of nearby intersections.
 - details of the proposed development, including pedestrian and vehicular access arrangements (including swept path analysis of the largest vehicle and height clearances), parking arrangements and rates (including bicycle and end-of-trip facilities), drop-off/pick-up-zone(s) and bus bays (if applicable), and provisions for servicing and loading/unloading.
 - analysis of the impacts of the proposed development during construction and operation (including justification for the methodology used), including predicted modal split, a forecast of additional daily and peak hour multimodal network flows as a result of the development (using industry standard modelling), identification of potential traffic impacts on road capacity, intersection performance and road safety (including pedestrian and cyclist conflict) and any cumulative impact from surrounding approved developments.
 - measures to mitigate any traffic impacts, including details of any new or upgraded infrastructure to achieve acceptable performance and safety, and the timing, viability and mechanisms of delivery (including proposed arrangements with local councils or

	government agencies) of any infrastructure improvements in accordance with relevant standards. ○ proposals to promote sustainable travel choices for employees, residents, guests and visitors, such as connections into existing walking and cycling networks, minimising car parking provision, encouraging car share and public transport, providing adequate bicycle parking and high quality end-of-trip facilities, and implementing a Green Travel Plan. - Provide a Construction Traffic Management Plan detailing predicted construction vehicle routes, access and parking arrangements, coordination with other construction occurring in the area, and how impacts on existing traffic, pedestrian and bicycle networks would be managed and mitigated. - Address any other matter raised in the submission from TfNSW and Council at Attachment B. 11. Noise and Vibration - Provide a noise and vibration assessment prepared in accordance with the relevant NSW Environment Protection Authority (EPA) guidelines. The assessment must detail construction and operational noise and vibration impacts on nearby sensitive receivers and structures and outline the proposed management and mitigation measures that would be implemented. - Address any other matter raised in the submission from the EPA at Attachment B. 12. Air Quality - Provide an air quality impact assessment (AQIA) in accordance with the relevant NSW EPA guidelines. The AQIA must detail emission control techniques/practices that will be employed at the site and identify how the proposed control techniques/practices will meet the requirements of the POEO Act, POEO (Clean Air) Regulation (2022) and criteria within Approved Methods for the Modelling and Assessment of Air Pollutants in NSW (2022). - Address any other matter raised in the submission from the EPA at Attachment B. 13. Ground and Water Conditions - Assess potential impacts on soil resources and related infrastructure and riparian lands on and near the site, including soil erosion, salinity and acid sulfate soils. - Provide a Surface and Groundwater Impact Assessment that assesses potential impacts on: ○ surface water resources (quality and quantity) including related infrastructure, hydrology, dependent ecosystems, drainage lines, downstream assets and watercourses. ○ groundwater resources in accordance with the relevant Groundwater Guidelines.
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- Address any other matter raised in the submission from DCCEEW Water and Hunter Water at **Attachment B**.

14. Water Management

- Provide an Integrated Water Management Plan for the development that:
 - o is prepared in consultation with Port Stephens Council and Hunter Water.
 - o outlines the water-related servicing infrastructure required by the development (informed by the anticipated annual and ultimate increase in servicing demand) and evaluates opportunities to reduce water demand (such as recycled water provision).
 - o details the proposed drainage design (stormwater and wastewater) for the site including any on-site treatment, reuse and detention facilities, water quality management measures, and nominated discharge points.
 - o demonstrates compliance with the local council or other drainage or water authority requirements and avoids adverse downstream impacts.
- Where water and drainage infrastructure works are required that would be handed over to the local council, or other drainage or water authority, provide full hydraulic details and detailed plans and specification of proposed works that have been prepared in consultation with, and comply with the relevant standards, the local council or other drainage or water authority.
- Address any other matter raised in the submission from Council, DCCEEW Water and Hunter Water at **Attachment B**.

15. Flood Risk

- Identify the flood planning level as set out in the relevant council LEP or SEPP and identify any:
 - o flood risks on site having regard to adopted flood studies
 - o the potential effects of climate change, and
 - o any relevant provisions of the NSW Flood Risk Management Manual.
- Where the development is occurring on flood prone land a flood impact and risk assessment (FIRA) must be prepared having regard to the Flood Impact and Risk Assessment Guideline - LU01 (FIRA guide). When determining the scope and category of the FIRA the requirements outlined in the FIRA guide must be considered.
- Detail any flood risk management measures that are to be incorporated as part of the development having regard to relevant guidelines (including any design solutions, flood modification measures, property modification measures, operational procedures or Flood Emergency Response Plan).
- Address any other matter raised in the submission from Council and DCCEEW BCS at **Attachment B**.

16. Hazards and Risks

- Where there are dangerous goods and hazardous materials associated with the development provide a preliminary risk screening in accordance with Chapter 3 of SEPP (Resilience and Hazards) 2021.
- Where required by SEPP (Resilience and Hazards) 2021, provide a Preliminary Hazard Analysis prepared in accordance with Hazardous Industry Planning Advisory Paper No.6 – Guidelines for Hazard Analysis and Multi-Level Risk Assessment.
- If the development is adjacent to or on land in a pipeline corridor, report on consultation outcomes with the operator of the pipeline, and prepare a hazard analysis.

17. Contamination and Remediation

- In accordance with Chapter 4 of SEPP (Resilience and Hazards) 2021, assess and quantify any soil and groundwater contamination and demonstrate that the site is suitable (or will be suitable, after remediation) for the development.
- Address any other matter raised in the submission from the EPA at **Attachment B**.

18. Waste Management

- Identify, quantify and classify the likely waste streams to be generated during construction and operation in accordance with the relevant NSW EPA guidelines.
- Provide the measures to be implemented to manage, reuse, recycle and safely dispose of waste in accordance with any council waste management requirements.
- Identify appropriately sited waste storage areas, collection access paths/roads, and appropriate servicing arrangements for the site.
- If buildings are proposed to be demolished or altered, provide a hazardous materials survey.
- Address any other matter raised in the submission from the EPA at **Attachment B**.

19. Aboriginal Cultural Heritage

- Provide an Aboriginal Cultural Heritage Assessment Report (ACHAR) prepared in accordance with relevant guidelines, identifying, describing and assessing any impacts to any Aboriginal cultural heritage sites or values associated with the site.
- Address any other matter raised in the submission from Heritage NSW at **Attachment B**.

20. Environmental Heritage

- Where there is potential for direct or indirect impacts on the heritage significance of environmental heritage, provide a Statement of Heritage Impact and Archaeological Assessment (if potential impacts to archaeological resources are identified), prepared in accordance with

the relevant guidelines, which assesses any impacts and outlines measures to ensure they are minimised and mitigated.

- Address any other matter raised in the submission from Heritage NSW at **Attachment B**.

21. Infrastructure Requirements and Utilities

- In consultation with relevant service providers:
 - o assess the impacts of the development on existing utility infrastructure and service provider assets surrounding the site.
 - o identify any infrastructure required on-site and off-site to facilitate the development and any arrangements to ensure that the upgrades will be implemented on time and be maintained.
 - o provide an infrastructure delivery and staging plan, including a description of how infrastructure requirements would be co-ordinated, funded and delivered to facilitate the development.
- Address any other matter raised in the submission from Hunter Water at **Attachment B**.

22. Marine Safety and Navigation

- Demonstrate that:
 - o the development complies with the *Marine Safety (Domestic Commercial Vessels) National Law Act 2012* and exhibit lights and shapes in accordance with International Regulations for Preventing Collisions at Sea.
 - o any vessels involved in the project comply with the relevant NSW Marine Legislation (i.e. speed and wash restrictions, days, shapes, lights, etc.).
 - o mitigation measures have been provided to address potential impacts to navigation, including (but not limited to) consideration of:
 - possible or actual impacts to vessel operators using the area whilst operating at night
 - possible interference with the designed lighting of aids to navigation (AtoNs) and their intended purpose.
 - impacts or restrictions to the vessel operations of the boatyard facility, as this could adversely affect boating activity in Port Stephens, e.g. emergency lift of sinking vessels.
- Address any other matter raised in the submission from TfNSW Maritime at **Attachment B**.

23. Construction, Operation and Staging

- If staging is proposed, provide details of how construction and operation would be managed and any impacts mitigated.

	24. Contributions and Public Benefit - Address the requirements of any relevant contribution plan(s), planning agreement or EPI requiring a monetary contribution, dedication of land and/or works-in-kind and include details of any proposal for further material public benefit. - Where the development proposes alternative public benefits or a departure from an existing contributions framework, the local council, the Department and relevant State agencies are to be consulted prior to lodgement and details, including how comments have been addressed, are to be provided. 25. Social - Provide a Social Impact Assessment prepared in accordance with the <i>Social Impact Assessment Guideline for State Significant Projects</i>. 26. Engagement - Detail engagement undertaken and demonstrate how it was consistent with the <i>Undertaking Engagement Guidelines for State Significant Projects</i>. Detail how issues raised and feedback provided have been considered and responded to in the project. In particular, applicants must consult with: - o the relevant Department assessment team. - o any relevant local council/s. - o any relevant agencies. - o the community. - o if the development would have required an approval or authorisation under another Act but for the application of s 4.41 of the EP&A Act or requires an approval or authorisation under another Act to be applied consistently by s 4.42 of the EP&A Act, the agency relevant to that approval or authorisation.
Plans and Documents	The EIS must include all relevant plans, architectural drawings, diagrams and relevant documentation required under Part 8 of the Regulation. Provide these as part of the EIS rather than as separate documents. In addition, the EIS must include the following: - High quality files of maps and figures of the subject site and proposal - Site survey plan, showing existing levels, location and height of existing and adjacent structures/buildings - Site analysis plan - Architectural drawings - Public Domain and Landscape plan - Access Impact Statement - Urban Design Report - Overshadowing analysis - Schedule of materials and finishes - Details of any business identification signage - Demolition plan - Cut and Fill Plan

	- Visual Impact Assessment - Stormwater Management Plan - Flood Impact and Risk Assessment - Surface and Groundwater Impact Assessment - Erosion and Sediment Control Plan - Social Impact Assessment - Noise Impact Assessment - Arborist report - Aboriginal Cultural Assessment Heritage Report - Statement of Heritage Impact - Ecologically Sustainable Development (ESD) report - Building Code of Australia (BCA) report - Transport Impact Assessment - Preliminary Construction Management Plan, inclusive of a construction and pedestrian traffic management plan - Consultation summary report - Geotechnical and structural report - Contamination assessment, including remedial action plan and site audit statement (if required) - Integrated water management plan - Servicing and operational waste management plan
Engagement	During the preparation of the EIS, you must consult with the relevant local, State or Australian Government authorities, service providers, community groups and affected landowners. In particular you must consult with: - Port Stephens Council - Environment Protection Authority - Hunter Water Corporation - Crown Lands division within the Department of Planning, Housing and Infrastructure The EIS must detail the engagement undertaken and demonstrate how it was consistent with the <i>Undertaking Engagement Guidelines for State Significant Projects</i>. The EIS must detail how issues raised and feedback provided have been considered and responded to in the project.
Expiry Date	If you do not lodge a Development Application and EIS for the development within 2 years of the issue date of these SEARs, your SEARs will expire. If an extension to these SEARs will be required, please consult with the Planning Secretary 3 months prior to the expiry date.
References	The assessment of the key issues listed above must take into account relevant guidelines, policies, and plans as identified. While not exhaustive, the following attachment contains a list of some of the guidelines, policies, and plans that may be relevant to the environmental assessment of this proposal.

ATTACHMENT A

The following guidelines may assist in the preparation of the environmental impact statement. This list is not exhaustive and not all of these guidelines may be relevant to your proposal.

Many of these documents can be found on the following websites:

<http://www.planning.nsw.gov.au>

<http://www.epa.nsw.gov.au/>

<http://www.environment.nsw.gov.au/>

<http://www.dpi.nsw.gov.au/>

Policies, Guidelines & Plans	
Statutory documents	
- Environmental Planning and Assessment Act 1979 - Roads Act 1993 - Hunter Water Act 1991 - Water Management Act 2000 - Biodiversity Conservation Act 2016 - Coastal Management Act 2016 - Protection of the Environment Operations Act 1997 - Crown Land Management Act 2016 - Commonwealth Native Title Act 1993 (if required) - Environmental Planning and Assessment Regulation 2021 - Biodiversity Conservation Regulation 2017 - Hunter Water Regulation 2015 - Water Management Regulation 2018 - State Environmental Planning Policy (Planning Systems) 2021 - State Environmental Planning Policy (Transport and Infrastructure) 2021 - State Environmental Planning Policy (Resilience and Hazards) 2021 - State Environmental Planning Policy (Biodiversity and Conservation) 2021 - State Environmental Planning Policy (Industry and Employment) 2021 - State Environmental Planning Policy (Sustainable Buildings) 2022 - Port Stephens Local Environmental Plan 2013	
Strategic Plans	
- NSW State Priorities - Future Transport Strategy 2056 and supporting plans - Hunter Regional Plan 2041 - Port Stephens Local Strategic Planning Statement 2020 - Nelson Bay Strategy (and associated guidelines)	
Strategic plans, policies and guidelines	
- State Significant Development Guidelines (DPHI, 2024)	

- Department's Community Participation Plan (DPHI, 2024)
- Undertaking Engagement Guidelines for State Significant Projects (DPHI, 2024)
- Registered Environmental Assessment Practitioner Guidelines (DPHI, 2022)
- Cumulative Impact Assessment Guidelines for State Significant Projects (DPHI, 2022)
- Social Impact Assessment Guidelines for State Significant Projects (DPHI, 2023)
- Better Placed – an integrated design policy for the built environment of NSW (2017)
- NSW Planning Guidelines for Walking and Cycling
- Managing Land Contamination: Planning Guidelines - SEPP 55 Remediation of Land (DUAP)
- Austroads Guide to Traffic Management Part 12: Traffic Impacts of Development and the complementary TfNSW Supplement
- Australian Standards AS2890 Parking Facilities Set
- Australian Standard 1742.3
- Cycling Aspects of Austroads Guides (2017)
- Interim Construction Noise Guidelines (DECCW, 2009)
- Draft Construction Noise Guideline (EPA, 2020)
- Crime Prevention Through Environmental Design Principles
- Guide to Transport Impact Assessment (TfNSW, 2024)
- Guide to Traffic Management Part 12: Integrated Transport Assessments for Developments
- Healthy Urban Development Checklist 2009
- Code of Practice for Archaeological Investigations of Aboriginal Objects in NSW (OEH)
- Guide to investigating, assessing and reporting on Aboriginal Cultural Heritage in NSW 2011 (DECCW)
- Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (DECCW)
- Statement of Heritage Impact Guide (OEH)
- Managing Urban Stormwater – Soils & Construction Volume 1 (Landcom, 2004)
- ANZECC (2000) Guidelines for Fresh and Marine Water Quality
- Risk-based Framework for Considering Waterway Health Outcomes in Strategic Land-use Planning Decisions
- Better Placed: An integrated design policy for the built environment of New South Wales (GANSW, 2017)
- Healthy Urban Development Checklist (NSW Health, 2009)
- Draft Greener Places Design Guide (GANSW, 2020)
- Crime Prevention through Environmental Design Principles
- Flood Risk Management Manual (DPE 2023) and associated Guidelines
- Water Quality Objectives (as endorsed by the NSW Government)
- NSW Aquifer Interference Policy (2012)
- Relevant Water Sharing Plans
- Planning for Bush Fire Protection 2019 guidelines
- NSW, DPE, Net Zero Plan, Stage 1: 2020-2030

ATTACHMENT B

Government Authority Responses to Request for Key Issues For Information Only