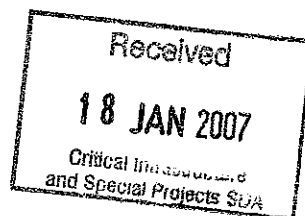




11 January 2007

Department of Planning
GPO Box 39
SYDNEY NSW 2001



Our Ref:
Your Ref: MP 06_0309
ABN 81 065 027 868

Attention: Mr Eng-Joo Ong

Dear Eng-Joo,

SUBJECT: Project Application No. MP 06_0309

Reference is made to your correspondence dated 6 December 2006 seeking Council comment on Project Plan/Project Application No. MP 06_0309 for a marina, helipad, restaurant, conference facilities, tourist accommodation, residential units and boardwalk on land at Trinity Point Drive, Morisset. The applicant is Johnson Property Group.

In response, Council raises the following issues for consideration (in no particularly order):

- ✓ 1. Permissibility. It would appear that the residential component of the project, together with the helipad are not permissible land uses in the respective zones.
2. Economic feasibility of a marina of the size proposed and the tourism component of the project.
- ✓ 3. Consideration should be given to the following strategic plans for Lake Macquarie and its foreshores:
 - a). Lake Macquarie Estuary Management Plan
 - b). Lake Macquarie Mooring Management Plan
 - c). Lake Macquarie Foreshore Stabilisation and Rehabilitation Guidelines
- ✓ 4. The suitability of the site for a marina development requires justification, particularly given the apparent need for extensive infrastructure (eg. breakwalls) to accommodate the proposal in this location.
- ✓ 5. The impacts on seagrass, benthic communities and intertidal ecology need to be addressed and considered.
- 6. The impacts on hydrology need to be considered, especially in relation to altered flow regimes in sensitive habitat locations.
- ✓ 7. The impacts on water quality need to be thoroughly considered and appropriate mitigation strategies identified.
8. The cumulative impacts on increased boating activities within the locality need to be

Phone: 02 4958 7257

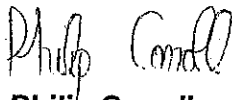
126-138 Main Road Speers Point NSW 2284
Box 1906, Hunter Region Mail Centre NSW 2310
Fax: 02 4958 7257 council@lakemac.nsw.gov.au

considered, including the provision of appropriate boating infrastructure and visual impacts.

- ✓ 9. The application appears somewhat vague as to what boat maintenance facilities (dry water, slipway etc.) are proposed. Clarification and detail is required.
- ✓ 10. Suitability of the existing road network to accommodate the development – adequacy of on site car parking.
- ✓ 11. The suitability of the development in relation to Draft State Environmental Planning Policy No. 66 – Integration of Land Use and Transport and associated policies.
- 12. Flight path, frequency of flights and noise levels of helicopters utilising the helipad - together with the need for such a facility.
- ✓ 13. Adequate provision of infrastructure to service the proposed development (including social infrastructure).
- ✓ 14. The suitability of the land use mix (residential/tourism) and the measures employed to ensure conflict between user groups does not occur.
- ✓ 15. Safety and security measures employed in the design of the development.
- ✓ 16. The suitability of the proposed building heights given the character and context of the locality, the potential visual impacts and the height limits approved as part of the original Master Plan.
- ✓ 17. Consideration of Council's *Lifestyle 2020 Strategy* and Development Control Plan No. 1 – Principles of Development.
- ✓ 18. Public accessibility to the foreshore ensuring that suitable grades and path widths are achieved.
- ✓ 19. View corridors are maintained/established.

Thank you for the opportunity to comment. Should you have any further requirements, please do not hesitate to contact the undersigned on 4921-0256, fax 4921-0718 or email pcarroll@lakemac.nsw.gov.au.

Yours faithfully,



Philip Carroll
Principal Development Planner
Development Assessment & Compliance Department



NSW DEPARTMENT OF
PRIMARY INDUSTRIES

Our ref: CF06-281
Your ref: MP06_0309

22 December 2006

Eng-Joo Ong
23-33 Bridge Street
SYDNEY NSW 2001

Dear Sir

Re: Provision of Details of Key Issues and Assessment Requirements – Trinity Point, Lake Macquarie

Thank you for giving DPI Fisheries the opportunity to comment on the above proposal.

The Department has concerns in relation to a development at this site in the following areas:

- Impacts of the marina structures and operations on the seabed, with particular relation to seagrass and benthic organisms, including the shading effects of the structures. Designs should minimise the shading over seagrass beds. Also of concern is the potential for any structure on the foreshore to interfere with the free movement of seagrass wrack along the foreshore. Build up of this wrack can create nuisance issues of odour and entrapment for unwary individuals.
- Impacts from any structures on the wave energy in the area and the risk of deflection or refraction to other locations.
- Management of stormwater from the entire site should reduce runoff risk to seagrass beds and the lake in general.

Information for the Department to assess the project effectively should also include the information in the attachment.

For further information please contact me on 02 4916 3931.

Yours faithfully

Scott Carter
Senior Conservation Manager – Central

Attachment 1

Matters to be Addressed

Definitions

The definitions given below are relevant to these requirements:

Fish means any part of marine, estuarine or freshwater fish or other aquatic animal life at any stage of their life history (whether alive or dead). This includes aquatic molluscs, crustaceans, echinoderms, worms, aquatic insect larvae and other macroinvertebrates.

Marine vegetation means any species of plant that at any time in its life must inhabit water (other than fresh water).

Waters refers to all waters including tidal waters as well as flowing streams, irregularly flowing streams, gullies, rivers, lakes, coastal lagoons, wetlands and other forms of natural or man made water bodies on both private and public land.

GENERAL REQUIREMENTS

- Area which may be affected either directly or indirectly by the development or activity should be identified and shown on an appropriately scaled map (1:25000) and aerial photographs.
- All waterbodies and waterways within the proposed area of development are to be identified.
- Description and maps of aquatic vegetation, snags, gravel beds and any other protected, threatened or dominant habitats should be presented. Description should include area, density and species composition.
- A survey of fish species should be carried out and results included. Existing data should be used only if collected less than 5 years previously.
- Identification of recognised recreational and commercial fishing grounds, aquaculture farms and/or other waterways users.
- Details of the location of all component parts of the proposal, including any auxiliary infrastructure, timetable for construction of the proposal with details of various phases of construction
- Aspects of the management of the proposal, both during construction and after completion, which relate to impact minimisation and site rehabilitation eg Environment Management Plans, Rehabilitation Plans, Compensatory offsets
- For each freshwater body identified on the plan, the plan should include, either by annotation or by an accompanying table, hydrological and stream morphology information such as: flow characteristics, including any seasonal variations, bed substrate, and bed width
- For each marine or estuarine area identified on the plan, the plan should include, either by annotation or by an accompanying table, hydrological and stream morphology information such as: tidal characteristics, bed substrate, and depth contours

DREDGING AND RECLAMATION ACTIVITIES

- Purpose of works
- Type(s) and distribution of marine vegetation in the vicinity of the proposed works
- Method of dredging to be used
- Timing and Duration of works
- Dimension of area of works including levels and volume of material to be extracted or placed as fill
- Nature of sediment to be dredged, including Acid Sulphate Soil, contaminated soils etc
- Method of marking area subject to works
- Environmental safeguards to be used during and after works

- Measures for minimising harm to fish habitat under the proposal
- Spoil type and source location for reclamation activities
- Method of disposal of dredge material
- Location and duration of spoil stockpiling, if planned

ACTIVITIES THAT DAMAGE MARINE VEGETATION

- Type of marine vegetation to be harmed
- Map and density distribution of marine vegetation
- Reasons for harming marine vegetation
- Methods of harming marine vegetation
- Construction details
- Duration of works/activities
- Measures for minimising harm to marine vegetation under the proposal and details of compensatory habitat development to replace lost vegetation.
- Method and location of transplanting activities or disposal of marine vegetation

ACTIVITIES THAT BLOCK FISH PASSAGE

- Type of activity eg works in a stream that change flow or morphological characteristics of the stream, including culvert and causeway construction, sediment and erosion control measures, stormwater diversion structures.
- Length of time fish passage is to be restricted, whether permanent or temporary
- Timing of proposed restriction. Should be timed to avoid interfering with migratory movements of fish.
- Remediation or compensatory works to offset any impacts

THREATENED SPECIES

- Threatened aquatic species assessment (Section 5c, EP&A Act 1979). This must be addressed even if there are no Threatened Species present on the site.
- Seven Part Test of significance

FISHING AND AQUACULTURE

- Outline and document commercial, recreational and indigenous fishing activities that may be affected by the activity, including regular commercial fishing grounds, popular recreational fishing sites, recognised indigenous harvesting sites.
- Will the activity interfere with or cause an impact on the continuing operation and viability of nearby aquaculture or mariculture ventures.

2. Initial Assessment

A list of threatened species, endangered populations and endangered ecological communities must be provided. In determining these species, consideration must be given to the habitat types present within the study area, recent records of threatened species in the locality and the known distributions of these species.

In describing the locality in the vicinity of the proposal, discussion must be provided in regard to the previous land and water uses and the effect of these on the proposed site. Relevant historical events may include land clearing, agricultural activities, water abstraction/diversion, dredging, de-snagging, reclamation, siltation, commercial and recreational activities.

A description of habitat including such components as stream morphology, in-stream and riparian

vegetation, water quality and flow characteristics, bed morphology, vegetation (both aquatic and adjacent terrestrial), water quality and tide/flow characteristics must be given. The condition of the habitat within the area must be described and discussed, including the presence and prevalence of introduced species. A description of the habitat requirements of threatened species likely to occur in the study area must be provided.

In defining the proposal area, discussion must be provided in regard to possible indirect effects of the proposal on species/habitats in the area surrounding the subject site: for example, through altered hydrological regimes, soil erosion or pollution. The study area must extend downstream and/or upstream as far as is necessary to take all potential impacts into account.

Please Note: Persons undertaking aquatic surveys may be required to hold or obtain appropriate permits or licences under relevant legislation. For example:

Fisheries Management Act 1994

- Permit to take fish or marine vegetation for research or other authorised purposes (Section 37)
- Licence to harm threatened (aquatic) species, and/or damage the habitat of a threatened species (Section 220ZW).

Animal Research Act 1985:

- Animal Research Authority to undertake fauna surveys.

It is recommended that, prior to any field survey activities taking place, those persons proposing to undertake those activities give consideration to their obligation to obtain appropriate permits or licences which may be required in the specific context of the proposed survey activities.

3. Assessment of Likely Impacts

The EIS must:

- describe and discuss significant habitat areas within the study area;
- outline the habitat requirements of threatened species likely to occur in the study area;
- indicate the location, nature and extent of habitat removal or modification which may result from the proposed action;
- discuss the potential impact of the modification or removal of habitat;
- identify and discuss any potential for the proposal to introduce barriers to the movement of fish species; and
- describe and discuss any other potential impacts of the proposal on fish species or their habitat.

For all species likely to have their lifecycle patterns disrupted by the proposal to the extent that individuals will cease to occupy any location within the subject site, the EIS must describe and discuss other locally occurring populations of such species. The relative significance of this location for these species in the general locality must be discussed in terms of the extent, security and viability of remaining habitat in the locality.

4. Ameliorative Measures

The EIS must consider how the proposal has been or may be modified and managed to conserve fisheries habitat on the subject site and in the study area.

In discussing alternatives to the proposal, and the measures proposed to mitigate any effects of the proposal, consideration must be given to developing long term management strategies to protect areas within the study area which are of particular importance for fish species. This may include

ke am 31/107

To David

Letters

Eng. Roy 8/1/7



NSW Government

DEPARTMENT OF NATURAL RESOURCES

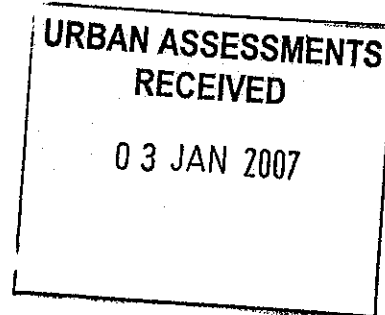
Your Ref: MP 06_0309
Our Ref: ER5624E

19 December 2006

Director
Urban & Coastal Assessments
Department of Planning
GPO Box 39
SYDNEY NSW 2001

Attention: Eng-Joo Ong

Dear Sir



**MP06_0309 - Request for Key Issues and Assessment Requirements
Proposed Concept Plan/Project Application for Marina Berths, Restaurant, Conference
Facilities, Tourist Accommodation and Boardwalk
Trinity Point Drive 'Trinity Point', Morisset Park**

I refer to your correspondence of 8 December 2006 seeking key issues and assessment requirements for inclusion in the Director-General's Environmental Assessment Requirements (DGEAR) in relation to the above proposal.

The Department of Natural Resources submits the following for consideration:

Groundwater Protection

Excavation works that intercept the groundwater require a licence under Part 5 of the *Water Act 1912*. If this is the case, a key issue is the protection of the groundwater and requirement to satisfy legislation and adhere to the principles and objectives of the groundwater policies. The purpose of the State groundwater policies is to guide the management of the State's groundwater resources so that they can sustain environmental, social and economic uses for the people of New South Wales.

The State groundwater policies include:

- NSW Groundwater Policy Framework Document – General;
- NSW Groundwater Quality Protection Policy; and
- NSW Groundwater Dependent Ecosystem Policy.

If the proposed development/ works intercept groundwater, the DGEAR to address:

1. Details of the predicted highest groundwater table at the development site.
2. Details of any proposed works likely to intercept groundwater.
3. Details of any proposed groundwater extraction, including purpose, location and construction details of all proposed bores and expected annual extraction volumes.
4. Details to prevent groundwater pollution so that future remediation is not required.
5. Details on protective measures for groundwater dependent ecosystems.
6. Details of proposed method of disposal of waste water and approval/s from the relevant authorities.

For clarification of approval requirements under the *Water Act 1912* and State groundwater policies, the contact officer is Hemantha De Silva, Senior Natural Resource Officer on 4904 2525 at the Newcastle office.

Yours sincerely



Peter Johns
Natural Resource Project Officer (Licensing)
Newcastle



Memorandum

To Eng-Joo Ong

cc.

From Gary Freeland
A/Team Leader
Ph 4904 2710. Fax 4904 2701

Date 20 December 2006 File no NEW006180, MP06_0309

Subject: Key Issues and Assessment Requirements – Trinity Point Marina and Tourist Facility

Eng-Joo

I refer to your request for key issues and EARs for the above project dated 6 December 2006 in relation to this project. The key issues from the Regional perspective are:

- ✓ • Potential impacts on the physical environment;
- ✓ • Proposed residential use within the development;
- ✓ • Urban design principles and built form specifically height of buildings and scale/density of development;
- Provisions of Lake Macquarie LEP, Lifestyle 2020 Strategy, DCP and Section 94 Plans; and
- ✓ • The adopted Master Plan for the site.

The following matters should be given consideration for inclusion in the EARs:

- ✓ • Views of RTA in respect of impacts on regional road infrastructure (see below for further background);
- ✓ • Views of DPI and Mine Subsidence Board with respect to impacts on future coal resources in the area;
- ✓ • Provision of infrastructure, including social/community needs should residential development be proposed;
- ✓ • Submission of a visual impact assessment addressing impacts on public places (i.e. the lake) and proposed mitigation measures;
- ✓ • Urban design guidelines that takes into account the low density and essentially one and two storey development nearby and the character of the land;
- ✓ • Justification for the residential component of the development;
- ✓ • Ecological assessment of the marine environment;
 - Examination of hydrological processes applying to the Lake;
- ✓ • Aboriginal heritage and cultural impact assessment given the foreshore location; and
- ✓ • The usual environmental considerations such as soil stability/erosion control/water quality, drainage management and prevention of contamination (sewerage and hydrocarbons) from the marina.

I also take this opportunity to provide some further background to the site.

Road Transport Network: The RTA has been involved in a number of rezonings on the Morisset peninsular. The extent of its input has in relation to the intersection of Fishery Point Road and Macquarie Street, Morisset. Fishery Point Road is the access point for all the communities on the peninsular, and the intersection will be utilised by the proposed development. Macquarie Street is a State road. Proponents wishing to rezone in this area are entering into agreements with the RTA regarding contributions for upgrading of that intersection.

The recently approved residential development by the same proponent has not attracted such a contribution. The rezoning occurred prior to RTA raising the issue. It is recommended that the RTA be given the opportunity to seek funding on a pro-rata basis for the intersection, the same as other developments in this locality.

Residential Occupancy: The rezoning of the former St John of God site to the current Residential 2(1) [14 ha] and Tourism and Recreation 6(2) [5 ha] occurred with the gazettal of the Lake Macquarie LEP 2004. Council was initially of the view that the whole of the site should be used for eco-tourism. This position accords with the provisions of its settlement strategy - Lifestyle 2020. The proponent (Johnson Property Group or JPG) sought residential development over the whole of the site.

The compromise position was to permit residential development over the majority of the site whilst keeping the headland available for tourism. This outcome was initially suggested and ultimately supported by the Department. It is further noted that the rezoning of the land will permit approximately 200 residences on that part of the site zoned 2(1). JPG's intention to provide 50% of the proposed apartments for permanent residency will undermine the strategic framework established by Council and supported by the Department. It is inconstant with the zone objectives and Council's adopted settlement strategy. It is also inconsistent with the adopted masterplan for the site (see below). The Regional office does not support residential development on the land zoned 6(2).

Building Heights: JPG's submission states that buildings ranging from 2 to 7 storeys are proposed on the site. During a briefing by JPG on 13 December, development up to 8 storeys was indicated. Such building is unprecedented on the Lake Macquarie Foreshore. There are only a few examples of buildings over 8 storeys in the whole of the LGA and these are contained in existing urban centres. The majority of tall buildings over 8 storeys are situated in Charlestown, which is a sub-regional centre. By way of comparison, the following height controls apply to other locations in the LGA, as contained in DCP1:

Centre	Height Control	Comment
Charlestown	3-6 storeys generally Taller buildings on landmark sites	Sub regional centre
Belmont	3 – 4 storeys Up to 6 storeys under stringent conditions	Development not on the foreshore
Toronto	Up to 4 storeys 1-2 stories at waterfront/foreshore	
Warners Bay	Up to 4 storeys Exceptional design up to 6 in town centre	Town separated from waterfront by extensive public domain

The permitted building heights in the above urban centres are generally at the scale which is proposed at Morisset Park. The existing development in and around the locality is 1-2 stories.

The development proposal is inconsistent with the character and scale of existing development. To permit 8 storeys at this site would set an undesirable precedent for development in the LGA.

✓ **Master Plan Provisions:** The Lake Macquarie LEP 2004 not only rezoned the land, it also established a requirement (at Schedule 8 [cl.48]) for the adoption of a detailed master plan to be prepared prior to development consent being granted. Council adopted a master plan for the site in accordance with Schedule 8 on 28 July, 2005. Subsequently, a number of development applications for residential subdivision, residential buildings and demolition have been granted by Council in accordance with that plan.

With respect to the land zoned 6(2) the master plan identifies low key tourism development of approximately 50 single storey cabins. The development scale and density is inconsistent with the master plan. To assist in your future deliberations I have enclosed a copy of the master plan (on CD Rom).

Thank you for the opportunity to provide these comments. If you have any enquiries please feel free to contact me on 4904 2710.



Gary Freeland
A/Team Leader, Hunter Region

Your reference : MP 06_0309
Our reference : DOC06/57890 FIL06/921
Contact : Bill George, 4908 6821

Department of Planning
Urban and Coastal Assessments
GPO Box 39
SYDNEY NSW 2001

Attention: Heather Warton

URBAN ASSESSMENTS
RECEIVED

03 JAN 2007

Dear Madam

CONCEPT PLAN APPLICATION FOR MARINA BERTHS, RESTAURANT, CONFERENCE FACILITIES, TOURIST ACCOMMODATION AND BOARDWALK AT TRINITY POINT DRIVE, LAKE MACQUARIE

I refer to your letter dated 6 December 2006 to the Department of Environment and Conservation (DEC) requesting identification of key issues and assessment requirements for the above proposal.

DEC has considered the details of the proposal and has identified the information it requires to assess the proposal in **Attachment A**. The proponent should ensure that the Environment Assessment (EA) is sufficiently comprehensive and detailed to allow DEC to determine the extent of impacts of the proposal. In summary, DEC's key information requirements are:

- ✓ • impacts on water quality (during construction and operation), including stormwater management systems, surface water controls, management of slipways, hardstands, and vessels, management of sewerage waste from vessels, fuel and chemical storage and management, and spill management;
- ✓ • impacts on air quality, including dust generation during construction activities and boat maintenance and repairs;
- ✓ • noise impacts (during construction and operation), including an assessment of noise impacts from the proposed helicopter facility;
- ✓ • waste management, including the collection, storage and disposal of liquid (including sewerage) and solid waste;
- ✓ • impacts on threatened species and Aboriginal cultural heritage; and
- details of the design and layout of facilities to minimise potential impacts and actions that will be taken to avoid, or mitigate environmental impacts, or compensatory measures to offset unavoidable impacts.

Based on the information provided to DEC, the proponent would need to apply for an environment protection licence for the marina and possibly helicopter facilities, dependent on the number of flight movements and/or proximity to any dwelling not associated with the facility.

Should development consent be granted, the applicant would need to make a separate application to DEC for an environment protection licence. General information on environment protection requirements can be obtained from the DEC's Environment Line on 131 555 during office hours or can be found at the DEC web-site at: <http://www.environment.nsw.gov.au/home.htm>.

The proponent should be aware that any commitments made in the EA may be formalised by way of conditions within an environmental protection licence should development consent be granted. For this reason pollution control measures should not be proposed if they are impractical, unrealistic or beyond the financial viability of the development.

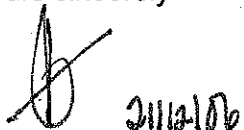
Consideration should also be given to the following reference documents:

1. EPA Best Management Practice for Marinas and Slipways (on DEC web site).
2. Boating Industry Association Code of Practice.
<http://www.bia.org.au/environment/background.html>
3. Australian Std: Guidelines for design of marinas AS3962-2001.
http://www.epa.sa.gov.au/pdfs/water_marinas.pdf
4. SA EPA Stormwater Management for Marinas, Boat Sheds and Slipways.
http://www.epa.sa.gov.au/pdfs/cop_vessel.pdf
5. Pollution Solutions – Marina Operators and Boat Maintainers – Brisbane City Council.
6. ANZEC, 2000 Code of Practice for Antifouling, Code of Practice for In-water Hull Cleaning and Maintenance.

DEC requests that the applicant provide four (4) copies of the EA for review. These documents should be lodged with DEC, to the attention of the Regional Manager, PO Box 488G Newcastle NSW 2300.

If you require any further information, regarding this matter, please contact Bill George in our Newcastle Office on (02) 4908 6821.

Yours sincerely



JOSH GIBSON
Head Regional Operations Unit
North East Branch
Environment Protection and Regulation

Encl: Attachment A

DEC'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS PROPOSED TRINITY POINT MARINA AND TOURISM DEVELOPMENT

GENERAL INFORMATION

The Environmental Assessment report (EA) should identify the environmental objectives for the proposal. These environmental objectives will guide decisions on environmental controls and management throughout the life of the development. The EA should fully detail the existing environment including a description of water, air, noise, waste, cultural heritage, flora and fauna characteristics.

1. THE PROPOSAL

The objectives of the proposal should be clearly stated and refer to the:

- size and type of the operation, the nature of the processes and the products, by-products and wastes produced;
- use or disposal of products;
- anticipated level of performance in meeting required environmental standards and cleaner production principles;
- staging and timing of the proposal; and
- proposal's relationship to any other industry or facility.

2. THE PREMISES

The EA should fully identify all of the processes and activities intended for the site and during the life of the project, including details of:

- the location of the proposed facility and details of the surrounding environment;
- the proposed layout of the site;
- appropriate land use zoning;
- ownership details of any residence and/or land likely to be affected by the proposed facility;
- maps/diagrams showing the location of residences and properties likely to be affected and other industrial developments, conservation areas, wetlands, etc in the locality that may be affected by the facility;
- all equipment proposed for use at the site;
- chemicals, including fuel, used on the site and proposed methods for the transportation, storage, use and emergency management;
- waste generation, storage and disposal; and
- methods to mitigate any expected environmental impacts of the development.

3. AIR QUALITY

The EA should include a detailed air quality impact assessment. The assessment should identify and describe in detail all possible sources of air pollution and activities/processes with the potential to cause air pollutants including odours and fugitive dust emissions beyond the boundary of the development site. This should cover potential air impacts from the construction and operational phases, and vessel maintenance and repairs. The assessment should include cumulative impacts associated with existing developments and any developments having been granted development consent but which have not commenced.

Noise Sensitive Locations

- Identify any noise sensitive locations likely to be affected by the helicopter operation, such as residential properties, schools, churches, and hospitals; and
- Identify the land use zoning of the site and the immediate vicinity and the potentially affected areas.

Describe Baseline Conditions

- Determine the existing ambient (L_{Aeq}) noise levels. The existing ambient L_{Aeq} is to be measured in the absence of the proposed helicopter operations to determine the guideline levels for residential and commercial receivers. It should be measured at the most affected receivers surrounding the helipad and measurement should exclude noise from extraneous noise sources not characteristic of the area; and
- One week of valid continuous monitoring is recommended in determining the daily L_{Aeq} levels where there is strong daily variation. Where daily variation is small then shorter periods of monitoring are acceptable. The monitoring must be conducted under meteorological conditions where wind speeds do not exceed 5 m/s and no rain.

The noise impact assessment report should provide details of all monitoring of existing ambient noise levels including:

- Details of equipment used for the measurements;
- A brief description of where the equipment was positioned;
- A statement justifying the choice of monitoring site, including the procedure used to choose the site;
- Details of the exact location of the monitoring site and a description of land uses in the surrounding areas;
- A description of the dominant and background noise sources at the site;
- Graphs of the measured noise levels for each day should be provided;
- A record of periods of affected data (due to adverse weather and extraneous noise), methods used to exclude invalid data; and
- Determination of ambient L_{Aeq} .

Predictive Noise Modelling

- The measured or predicted L_{Aeq} , 15min from typical worst case ground operations should be assessed against a criteria derived from the Rating Background Noise Level (RBL)¹ at relevant receiver locations plus 5dB(A).
- The measured or predicted L_{Aeq} , period (considering the operating period of the helipad) from ground operations should be assessed against the acceptable noise levels in Table 2.1 to the NSW Government Industrial Noise Policy at relevant receiver locations. The assessment periods are those defined for day, evening and night (as relevant to the proposed hours of operation of the facility) within the NSW Government Industrial Noise Policy. Where operations are proposed for only part of an assessment period, the period of actual operation shall be assessed against the acceptable noise level for the period.

¹ As defined in the NSW Government Industrial Noise Policy

- Effective management of stormwater to segregate surface water runoff from undisturbed areas and disturbed areas;
- Maintenance of sediment and erosion control structures; and
- Sealing, kerbing and guttering of trafficable areas.

Slipways

The proposal at this stage does not specify whether a slipway will be included at the facility. Should a slipway be considered, the EA should provide sufficient information to demonstrate that it would not impact on water quality during construction and operation.

Bunding, Fuel Transfer Lines and Bowsers

The EA should identify any fuel or chemical storage areas to be established on the site and describe the measures proposed to minimise the potential for leakage or the migration of pollutants into the soil/waters or from the site.

Spill prevention should also be discussed in detail in relation to the installation, management and maintenance of fuel lines and bowsers.

Protocols for fuel dispensing, including fuel nozzle and fuel pump safeguards, use of drip trays, and the development and implementation of a fuel spill avoidance plan, should be discussed in detail.

6. DANGEROUS GOODS AND CHEMICAL TRANSPORT, STORAGE AND HANDLING

The EA should outline all details regarding the transport, handling, storage and use of dangerous goods, chemicals and products, including fuel, both on site and with ancillary activities.

7. WASTE MANAGEMENT

The EA should identify all potential sources of liquid wastes and non-liquid wastes as defined in the environmental guideline *Assessment, Classification and Management of Liquid and Non-liquid Wastes (EPA 1999)*. It should detail the quantity of waste likely to be produced and the measures to be used to store, treat and dispose of this material.

The EA should identify any wastes that will be stored, separated or processed on the site and identify the procedures to be adopted to manage these wastes. All potentially hazardous, industrial, Group A, B or C waste received at the premises must be assessed in accordance with the above guideline.

The above guideline can be obtained by contacting the DEC's Pollution Line on 131555 or downloaded from the DEC's web site at: <http://www.environment.nsw.gov.au/waste/envguidlms/index.htm>.

Managing Sewerage Waste

The proponent does not discuss options for sewerage waste collection and disposal. The EA should identify strategies for the management of sewerage waste from vessels and other sections of the facility including:

- Pump-out facilities and holding tanks;
- Connections to sewerage systems operated by Hunter Water Corporation or options for waste water treatment, including an examination of re-use options;
- Spill management and containment; and
- Management of privately owned vessels at marina.

Should any Aboriginal archaeological sites be present in the study area, the requirements of the NP&W Act with respect to Aboriginal objects should also be considered. Under s.90 of the NP&W Act, it is an offence to knowingly damage deface or destroy Aboriginal objects without prior permission of the Director-General of the DEC.

Assessment Requirements

It should be noted that Aboriginal cultural heritage is ubiquitous in the Lower Hunter/Central Coast area, even in areas which have already been highly modified. If any topsoil disturbance or excavation is proposed then there may be potential to uncover Aboriginal objects.

The presence or absence of Aboriginal objects should be identified and the significance of the area to the local Aboriginal community must be determined. Accordingly a search of the Aboriginal Heritage Information Management System (AHIMS) should be conducted as a first step. Search results can be obtained upon written application to the Registrar, Cultural Heritage Division, on telephone (02) 9585 6471.

An assessment of the archaeological sensitivity of areas of the subject site and identification of significance of the site to the local Aboriginal community should be undertaken by an appropriately qualified person in consultation with the local Aboriginal community. This may require field survey.

Aboriginal objects and places of significance to the Aboriginal community should be detailed on a plan. This plan should be at the same scale as that of the subject site and development footprint, to assist in the assessment of the impact of the proposal on the identified cultural components.

A report discussing the results of survey and consultation, and including a description of measures proposed to mitigate impacts of the development on any identified Aboriginal objects and other recommendations should be prepared in accordance with the *NPWS Aboriginal Cultural Heritage Standards and Guidelines Kit* and submitted with the EA Report for review. Please note these guidelines are under review but should be used for reference purposes. A contingency plan that details the measures to be taken in the event that Aboriginal objects are discovered during the course of works on the subject site must be prepared.

Details of consultation with the local Aboriginal community must be provided as per the DEC Interim Community Consultation Requirements for Applicants, which may be found on the DEC website at www.nationalparks.nsw.gov.au/npws.nsf/Content/Publications. Please note these guidelines are interim, with a view to being finalised following consultation with external stakeholders.

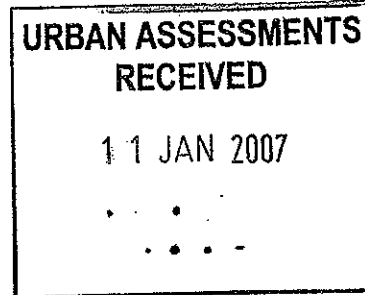
12. DEC LICENSING REQUIREMENTS

Under schedule 1 of the POEO Act 1997 an environment protection licence is required for the following activities:

Marina and Boat Repair Facilities

- (1) pontoons, jetties, piers or other structures (whether water-based or land-based) designed or utilised to provide moorings or dry storage (other than swing moorings) for 80 or more vessels (excluding rowing boats, dinghies or other small craft), or
- (2) works such as slipways, hoists or facilities for the repair and maintenance of vessels (other than boat repair facilities that are not adjacent to waters) at which 5 or more vessels (being vessels other than rowing boats, dinghies or other small craft) or any vessel 25 metres or longer is handled or capable of being handled at any one time.

252DA122;1
06/2791, 06/2759
Brad Parkes



Director, Urban and Coastal Assessments
Department of Planning
GPO Box 39
SYDNEY NSW 2001

Attention: Ms Heather Warton

REQUEST FOR PROVISION OF DETAILS OF KEY ISSUES AND ASSESSMENT REQUIREMENTS – CONCEPT PLAN FOR TRINITY POINT MARINA DEVELOPMENT

Dear Ms Warton

I refer to your letters dated 6 December 2006 (Your reference: MP 06_0309) requesting key issues and assessment requirements for the subject project application.

The RTA's primary interests are in the road network, traffic and broader transport issues, particularly in relation to the efficiency and safety of the classified road system, the security of property assets and the integration of land use and transport.

In accordance with the *Roads Act 1993*, the RTA has powers in relation to road works, traffic control facilities, connections to roads and other works on the classified road network. Council is the roads authority for all public roads in the area.

The RTA's requirements for the environmental impact assessment primarily relate to traffic generation to / from the site. In this regard the following guidelines would apply:

- DIPNR (Department of Infrastructure, Planning and Natural Resources) EIS Guidelines
 - *Roads and Related Facilities* (Transportation and Traffic Issues)
- Roads and Traffic Authority's *Guide to Traffic Generating Developments*
- EPA's *Environmental Criteria for Road Traffic Noise*

The RTA's primary interests in relation to the road network are to:

- Maintain an efficient and safe road system (includes *SEPP 11* considerations).
- Facilitate the integration of land use and transport (includes consideration of the intent of draft *SEPP 66*).
- Maintain the integrity and security of the road network, property and assets.



The proposed project would likely meet the requirements for referral to the RTA and Hunter Regional Development Committee (HRDC) under SEPP11 (Schedule 1). Please note that the preparation of a traffic study in accordance with the RTA's *Guide to Traffic Generating Developments* would be a minimum requirement of the RTA and HRDC when considering a formal development application. The study should include (but not limited to) the following:

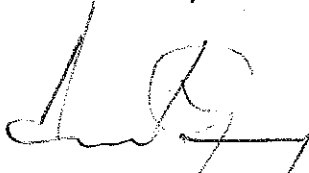
- Identify all relevant vehicular traffic routes and intersection for access to / from the subject areas
- Current traffic counts for all of the above traffic routes and intersections
- The anticipated vehicular traffic generated by the proposal
- Consideration of the traffic impact on the existing intersections and the capacity of the state road network to safely and efficiently cater for the additional vehicular traffic generated.
- Traffic analysis, using SIDRA or similar traffic model, for the relevant intersections including:
 - Current and traffic growth projects for the life of the project
 - 95th percentile back of queue lengths
 - Delays and level of service on all legs

Comments should also be obtained from Lake Macquarie Council in terms of assessment requirements for traffic and transport issues.

It is also noted that the RTA, in agreement with the Department and Council, has required other developments in the area to contribute to the upgrade of the Macquarie Street / Fishery Point Road intersection. Given the potential attraction to such a tourist type development in this area of Lake Macquarie there would likely be impacts upon the intersection as it is the primary access to the Morisset Peninsula. It is requested that the Department consider this issue and determine if it is appropriate to require a contribution towards the required road infrastructure works from this development proposal.

For more information please contact me on (02) 4924 0240.

Yours, sincerely



Dave Young
Manager, Land Use Development
Hunter Operations & Engineering Services

8 January 2007

FAXED
20/12/06

Noted in 27/12/06.
to David Mutton.

Heather Warton
Director, Urban & Coastal Assessments
NSW Department of Planning

Via Email - eng-joo.ong@planning.nsw.gov.au

Department of Lands

Land Administration & Management
Property & Spatial Information
Cnr New England Highway & Banks Street
(PO Box 6) East Maitland NSW 2323
Contact Officer: Anthony Signor
Phone: (02) 49 379 332 Fax: 49 348 417
E-mail: anthony.signor@lands.nsw.gov.au
www.lands.nsw.gov.au

Your Ref: MP 06_0309

19 December 2006

Dear Ms Warton,

**Re: REQUEST FOR PROVISION OF DETAILS OF KEY ISSUES AND
ASSESSMENT REQUIREMENTS - MP 06_0309 - CONCEPT
PLAN/PROJECT APPLICATION - LAKE MACQUARIE.**

Thank you for your letter of 6 December 2006 regarding the above issue involving the Johnson Property Group (JPG) application for a development at Trinity Point.

The marina component of this project would be located on Crown land below mean high water mark and would require a commercial tenure under the *Crown Lands Act 1989*. The critical issues from Lands' perspective are to satisfy the requirements for Lands to be able to:

- provide Land Owners Consent to the making of a development application for this component
- resolve ongoing tenure arrangements.

Generally, Land Owners Consent would only be formally provided for proposals on Crown lands following receipt of an environmental impact assessment detailing the impacts and management of key issues.

Department of Lands officers met with representatives of JPG on 19 December 2006 to discuss the proposal. Lands confirmed its willingness to consider the proposal and its desire to ensure that the approval process is streamlined as much as possible. There are a number of matters requiring resolution prior to the Department confirming its support for the project and providing Land Owners Consent for lodgement of the development application.

The Department met previously with JPG and its consultants in September 2006 to discuss the processes involved in allocation of Crown Lands for commercially based activities. A series of standard requirements was conveyed to JPG relating to Lands' commercial business principles; and specifically the need to satisfy a public interest test for Lands to deal directly with this proponent. To date these requirements have not been addressed, and correspondence with the proponent is continuing.

Prior to allocating Crown Lands, including submerged areas, the principles of Crown lands management under *Section 11, Crown Lands Act 1989* need to be addressed. These relate to; environmental protection principles, natural resource conservation.



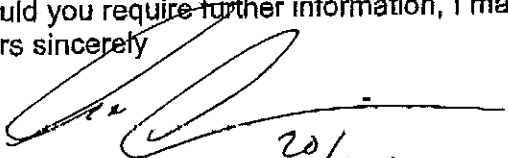
public use and enjoyment, multiple usage and dealing with lands in the public interest. Additionally, Part 3 – the land assessment provision – of the Act needs to be addressed. Formal land assessment may be waived if it is in the public interest to do so, but there is currently insufficient information regarding the proposal for this to occur. To minimize duplication in the approval process, the proponent should be requested to specifically address the requirements of Section 11 of the Act as part of the Environmental Assessment process.

There is a broad range of issues relating to the impacts of the proposal on the Lake Macquarie community and environment that need to be included in the Environmental Assessment requirements. The views of other organisations will be crucial in this regard. Without limiting the breadth of these issues, specific matters for consideration include:

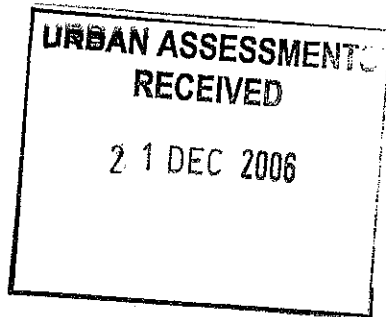
- Future ownership and management of the foreshore reserve, including any arrangements required by or of Lake Macquarie City Council.
- Enhancement of public access, recreation, tourism and social amenity.
- Management and enhancement of existing Endangered Ecological Communities and other environmental values.
- Management and enhancement of foreshore values, including an assessment of the need to manage accumulation of seagrass wrack and stabilise foreshore edges.
- The views of the Office of Lake Macquarie and Catchment Coordinator, the related Lake Macquarie Project Management Committee, and the Lake Macquarie Coast and Estuary Management Committee should be considered.
- Hydrographic survey and modelling – the need for dredging both on-site and for access from other parts of the lake and ocean (via Swansea Channel), its impacts and on-going maintenance issues.
- Demonstration of best practice principles for marina management – including asset management and negligible potential for pollution from either marina operations or tenants/visitors vessels.
- Opportunity for environmental education of boat owners and marina visitors
- Noise and visual amenity impacts
- Incident/emergency management, waste management, acid sulphate soils.
- Impacts on water quality. Sustainable water cycle management, including management of stormwater and impacts on the Lake and its bed.

Additionally, approval and construction of a marina at this site is likely to be an activity with potential impact on Native Title under the relevant Commonwealth and State legislation. An investigation of this issue is required to determine the appropriate processes. This may require a "Non-claimant" application to the Federal Native Title Tribunal.

Should you require further information, I may be contacted on 02 8836 5333.
Yours sincerely


Andrew McAnespie
Regional Manager
Sydney Hunter
Crown Lands Division

20/12/06



Our Ref: W06/775
Your Ref: MP 06_0309

19 December 2006

Heather Warton
Director Urban and Coastal Assessments
GPO Box 39
Sydney NSW 2001

Dear Ms Warton

Re: Trinity Point Development, Lake Macquarie

I refer to your letter 6 December 2006 requesting details of any issues or assessment requirements from NSW Maritime for the above development.

Having met with representatives of the proponents and their consultants on Monday 18 December the following issues would need consideration in the planning of the development.

- o NSW Maritime would need to assess the Marina development in terms of impacts on navigation or any impacts on existing swing moorings in the immediate area of Bardens Bay.
- o NSW Maritime would suggest that a public sewage pump out facility be incorporated into the design to cater for both marina patrons and the general boating public in South Lake Macquarie.
- o The provision of public day berthing facilities should be considered to enable the general boating public access to the proposed facilities.

Should you have any further enquiries please contact Regional Manager Charlie Dunkley on 49628517.

Yours sincerely



Charlie Dunkley
Regional Manager
Hunter Inland

All communications to be addressed to:

Development Control Services
NSW Rural Fire Service
Locked Mail Bag 17
Granville NSW 2142

Telephone: (02)8741 5555

Development Control Services
NSW Rural Fire Service
15 Carter Street
Homebush Bay NSW 2127

Facsimile: (02)8741 5433



Urban Assessments
Department of Planning
GPO Box 39
SYDNEY NSW 2001

Attention: Eng-Joo Ong

Your Ref: MP 06_0309

Our Ref: S06/0074

G06/3825

DA06121336427 JC

URBAN ASSESSMENTS

RECEIVED

Date: 21-Dec-2006

13 JAN 2007

Dear Eng-Joo,

**Integrated Development: 38//1076099, 59 LAKEVIEW ROAD, MORISSET PARK
NSW 2264**

I refer to your letter received on 06-Dec-2006 seeking our General Terms of Agreement to the above-integrated development in relation to the requirement for a Bush Fire Safety Authority under section 100B of the Rural Fires Act 1997.

Please be advised that the DA - MP 06_0309 does not require the issue of a Bush Fire Safety Authority. Accordingly, the application is referred back to Council for your final determination.

For further information concerning this matter please contact Jaclyn Cowen.

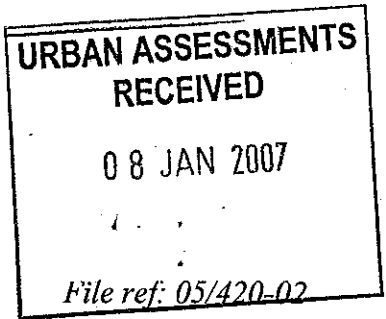
Yours faithfully,

Lew Short

Manager, Development Control



Australian Government
Civil Aviation Safety Authority



Eng-Joo Ong
Senior Planning Officer
Urban Assessments (Coastal Team)
Office of Sustainable Development Assessments and Approvals
Department of Planning
GPO Box 39
SYDNEY NSW 2001

Dear Sir,

Trinity Point, Lake Macquarie – marina development proposal

Thank you for the opportunity to provide input to your key issues and assessment requirements in relation to the above proposal.

As you might expect, CASA's main role in such an assessment is to ensure that issues affecting aviation safety are taken into account; to identify and minimise the risks to the public, whether travelling in an aircraft or on the ground, is our primary focus.

CASA has provided material for use by designers of helicopter landing sites - "*Guidance for the establishment and use of helicopter landing sites (HLS)*" - available from the CASA website at http://www.casa.gov.au/download/CAAPs/ops/92_2.pdf. I have attached a copy for your reference. The section you will find useful is pp5-8, "*Recommended criteria for a standard HLS*".

It is unlikely that CASA would have concerns with an HLS that met these criteria.

Yours sincerely,

Leonard Yates
Flying Operations Inspector
Sydney Region
General Aviation Operations Group

2 January 2007