

31 October 2014



The Secretary
NSW Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001



Attention: Necola Chisolm

Section 75W Modification Application – Land-based Modifications

*Trinity Point Marina & Mixed Use Development Concept Approval (MP 06_0309)
Lot 31 DP 1117408, Pt Lot 32 DP 1117408, Pt Lot 33 DP 1117408 (now Lot 410, DP1139690), and Pt
Crown Land (the Lake)*

Dear Necola

As you are aware, on 5 September 2009, the Minister for Planning granted Concept Approval (06_0309) to the Trinity Point Marina and Mixed Use Development. The Concept Approval currently includes:

- 188 berth marina, associated offices, maintenance and facilities;
- 150 accommodation units (75 tourist and 75 residential);
- Restaurant, café, function centre, shops and office; and
- Parking, landscaping and boardwalk.

The Concept Approval includes a range of land uses, buildings and site planning outcomes, approval conditions, approved concept plan principles, objectives and urban design guidelines and statement of commitments.

In consultation with the NSW Department of Planning and Environment (DPE), it has been established that the Concept Approval is a transitional Part 3A project under the provisions of Schedule 6A of the Environmental Planning & Assessment Act 1979 (EP&A Act). As such Part 3A (as in force immediately prior to repeal of Part 3A) continues to apply to the Concept Approval, including modification provisions of Section 75W.

In August 2014, modification to MP 06_0390 (Mod 4) was approved to extend the lapse date of the Concept Plan approval to align with Schedule 6A(11)(3) of the EP&A Act 1979 (which is 5 years after the repeal of Part 3A resulting in a modified lapse date of 1 October 2016). The project has not as yet physically commenced.

There are a number of modifications and development applications at various stages of the assessment process that relate to MP 06_0309. A flowchart illustrating the nature of the various modifications and development applications has been enclosed in the attached documentation.

This proposed modification (referred to as Modification 5) relates to non-marina based components of the project. This report on Modification 5 has been written on the assumption that Modification 2 (relating to the marina) has been determined as sought. We acknowledge that it may need to be updated should that not be the case at the time of final assessment and determination of Modification 5.

There are three development applications currently before Lake Macquarie City Council relating to this Trinity Point project. Two of these have relevance to Modification 5 (the third being a helipad DA that is not relevant to this modification), being:

- DA 1503/2014 – Marina Stage 1 Development Application and Environmental Impact Statement, consisting of first 94 berths (in two sub stages), small marina building, access, parking, shared pathways, services, stormwater and landscaping; This application is reliant on determination of Modification 2; and

Level 12, 48 Hunter Street
Sydney NSW 2000

PO Box A1308
Sydney South NSW 1235

- DA 1731/2014 – Mixed Use Development (Tourism and Hospitality) Development Application, consisting of function rooms, restaurant, cafe, outdoor dining and combined with the stage 1 marina building, associated uses including shops, commercial premises, day spa, serviced meeting rooms, tourist reception and the first group of tourism accommodation (65 room hotel), as well as landscaped forecourt, parking, shared pathways, services, stormwater and landscaping. This Development Application is reliant on determination of Modification 5.

These applications relate to that part of the site to the north of (and including) the primary through site pedestrian connection to facilitate pedestrian access from public road system to the west, through the site to the lake foreshore to the east, fringed to the west, north and east by reserve, foreshore vegetation and Bardens Bay and the unnamed bay. Together they propose a significant contribution towards delivering the vision, broad principles and mix of uses from the Concept Approval.

It is anticipated that a number of further development applications will be prepared and submitted across 2014/15 relating to those parts of the site to the south of the tourism and hospitality and marina development applications, which provides the balance of the tourism accommodation and residential accommodation and associated works. Subject to requirements related to Stage 1 of the marina, a future development application will also be required for Stage 2 of the marina.

The modification has been under preparation for seven months, with initial briefings provided to DPE and Lake Macquarie City Council (LMCC) in May 2014.

A joint site inspection with DPE and LMCC in June 2014, and additional briefings have been undertaken with Lake Macquarie City Council (LMCC), the LMCC SEPP 65 Design Review Panel, and with DPE as preparation of the modification has progressed.

Consultation has also been undertaken more broadly with Office of Environment and Heritage, Mine Subsidence Board, Hunter Water Corporation, Registered Aboriginal Parties (as part of ongoing consultation recommended in January 2014) and Department of Lands.

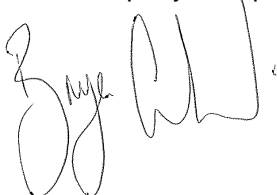
Most recently a public open day was held on site (October 2014), where information boards on the proposed concept were available, and site tours conducted by the project architect.

There is a significant level of public interest in all aspects of the project (both negative and positive), and that will extend to this modification. Further opportunity for involvement of both government authorities and the community will occur during the public exhibition phase of the assessment, and separately through the statutory processes associated with DA 1731/2014.

The enclosed Environmental Assessment documents provide further justification for the proposed modification. An updated Preferred Project Report is currently being finalised and will be submitted under separate cover.

Should you wish to discuss the contents of this correspondence please do not hesitate to contact me on 0408 991 888 or email bryang@johnsonpropertygroup.com.au.

Yours sincerely
Johnson Property Group



Bryan Garland
Development Director

Encl:
Kendall Grange Landowner Consent
Environmental Assessment Report (ADW Johnson)

Appendix A – Project Approval Flowchart
Appendix B – Financial and Economic Analysis (PwC and ADW Johnson)
Appendix C – Comparison Report (Squillace)
Appendix D – Landscape Plans (Terras Landscape Architects)
Appendix E – Visual Impact Assessment (Richard Lamb & Associates)
Appendix F – Traffic Impact Assessment (Seca Solution)
Appendix G – Acoustic Assessment (The Acoustic Group)
Appendix H – Stormwater Report (ADW Johnson)
Appendix I – Civil Works and Utilities Report (ADW Johnson)
Appendix J – Crime Prevention Report (Harris Crime Prevention Services)
Appendix K – Capital Investment Value (WT Partnership)