

# Environmental Assessment relating to Modification to MP06-0309 (Mod 5)

## Trinity Point Marina and Mixed Use Development

### Property:

Primarily relating to Lot 31 DP 1117408  
Lots 32 & 34 DP 1117408 (Public Reserve)  
Crown Land (the lake)

No 71 . Trinity Point Drive  
Trinity Point, Morisset Park

### Applicant:

Johnson Property Group Pty Ltd

### Date:

October 2014

trinity point  
LAKE MACQUARIE

## Document Control

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## 1.0 Background

This report is prepared to summarise an application by Johnson Property Group (JPG) to modify the concept approval of Major Project 06\_0309, under Section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act). This modification request relates to the Trinity Point Marina and Mixed Use Development at Trinity Point Drive, Morisset Park in the Lake Macquarie LGA.

### 1.1 THE SITE

Trinity Point is located on the south western shores of Lake Macquarie in the southern area of Lake Macquarie. The locality is located approximately 125km north of Sydney and the site is 5km east of the Morisset town centre within the Lake Macquarie Local Government Area (LGA) (refer Figure 1). Morisset has been identified in the Lower Hunter Regional Strategy as an 'Emerging Major Regional Centre', which is reinforced also within the NSW 2021 Hunter Regional Action Plan. Morisset is well connected to the passenger rail network, the M1 motorway and the sub-arterial road that connects through the western side of Lake Macquarie (refer Figure 1).

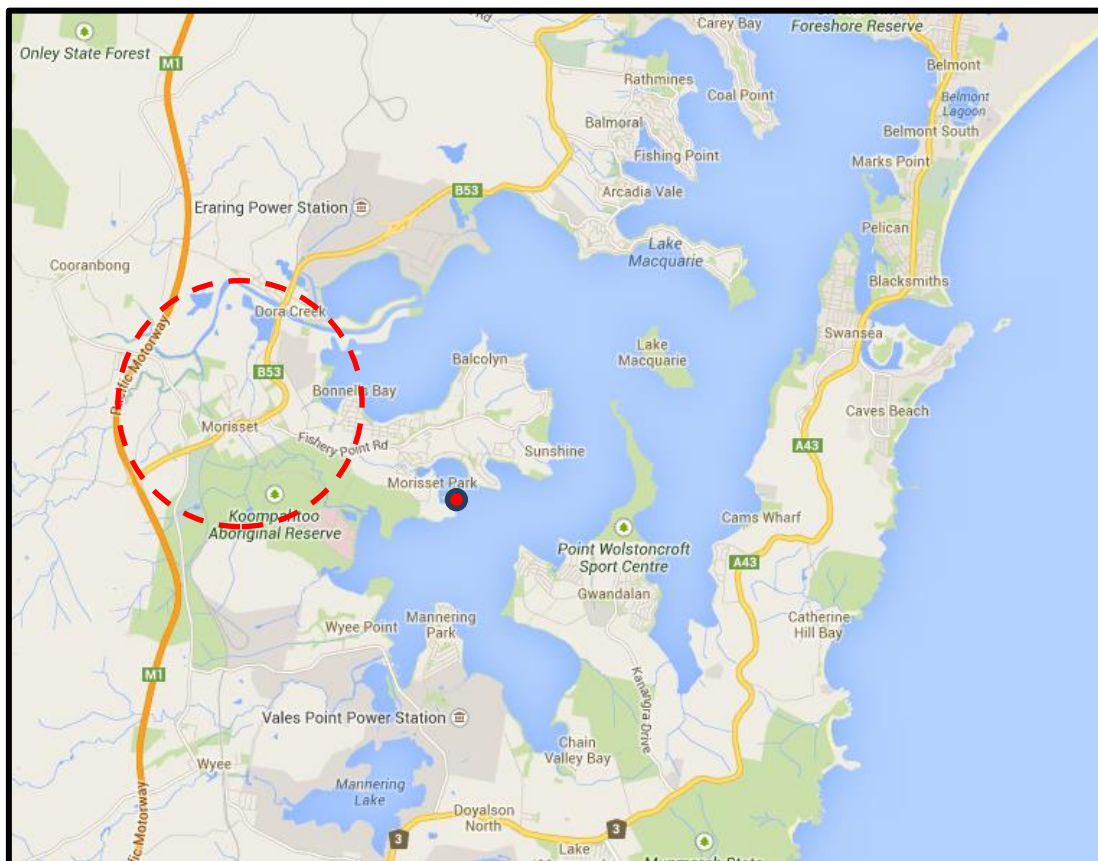


Figure 1 - Locality Plan.



The site is located on the Morisset Peninsula, an area of relatively low density residential neighbourhoods interspersed with bushland. The site is located on the foreshore of Bardens Bay, a sheltered bay on the southern side of Morisset Peninsula (refer Figure 2).



Figure 2 – Aerial Site Photo.

The subject site is primarily Lot 31 DP 1117408 (71 Trinity Point Drive, Morisset Park), but also includes Lots 32 and 34 DP 1117408 (Public Reserve) and part of Lake Macquarie (Crown Land Reserve 10121129) – refer Figure 3. The site adjoins an approved residential subdivision that is progressively being developed by JPG. Works in existing Lot 410 DP 1139690 and Lot 1 DP 1139690 may occur in conjunction with the proposal, depending on the status and timing of public road dedication of the adjoining residential subdivision. However, it is considered Lots 410 and Lot 1 do not need to form part of this modification.



Figure 3 – Site Plan.

The site is bound by public reserve and the waters of Lake Macquarie (Bardens Bay) to the east, north and west (unnamed bay), Lake Macquarie to the south and the adjoining approved and



developing residential subdivision to the west. The approved overall residential layout is included on Figure 3.

### 1.3 STATUS OF THE PROJECT

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. The approved principles relate to:

- Principle 1 – Land Use;
- Principle 2 – Building Setbacks;
- Principle 3 – Building Heights;
- Principle 4 – Public Access and Open Space;
- Principle 5 – Built Form;
- Principle 6 – FSR;
- Principle 7 – Building Materials and Colours;
- Principle 8 – Vegetation;
- Principle 9 – Landscape;
- Principle 10 – Roads, Vehicular Access and Parking;
- Principle 11 – Water Management;
- Principle 12 – Flooding;

- Principle 13 – Services and Waste Management;
- Principle 14 – Marina;
- Principle 16 – Acoustics;
- Principle 17 – Sustainability;
- Principle 18 – Indigenous and European Heritage; and
- Principle 19 – Staging, Subdivision and Management.

Figures 4 and 5 illustrate the approved Concept Plan.



Figure 4 – Summary Figure .



Figure 5 – Mixed Use and Layout.

In consultation with the NSW 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 is attached as **Appendix A**, and as Figure 6 below.

# TRINITY POINT MARINA AND MIXED USE DEVELOPMENT MP 06\_0309

29 OCTOBER 2014

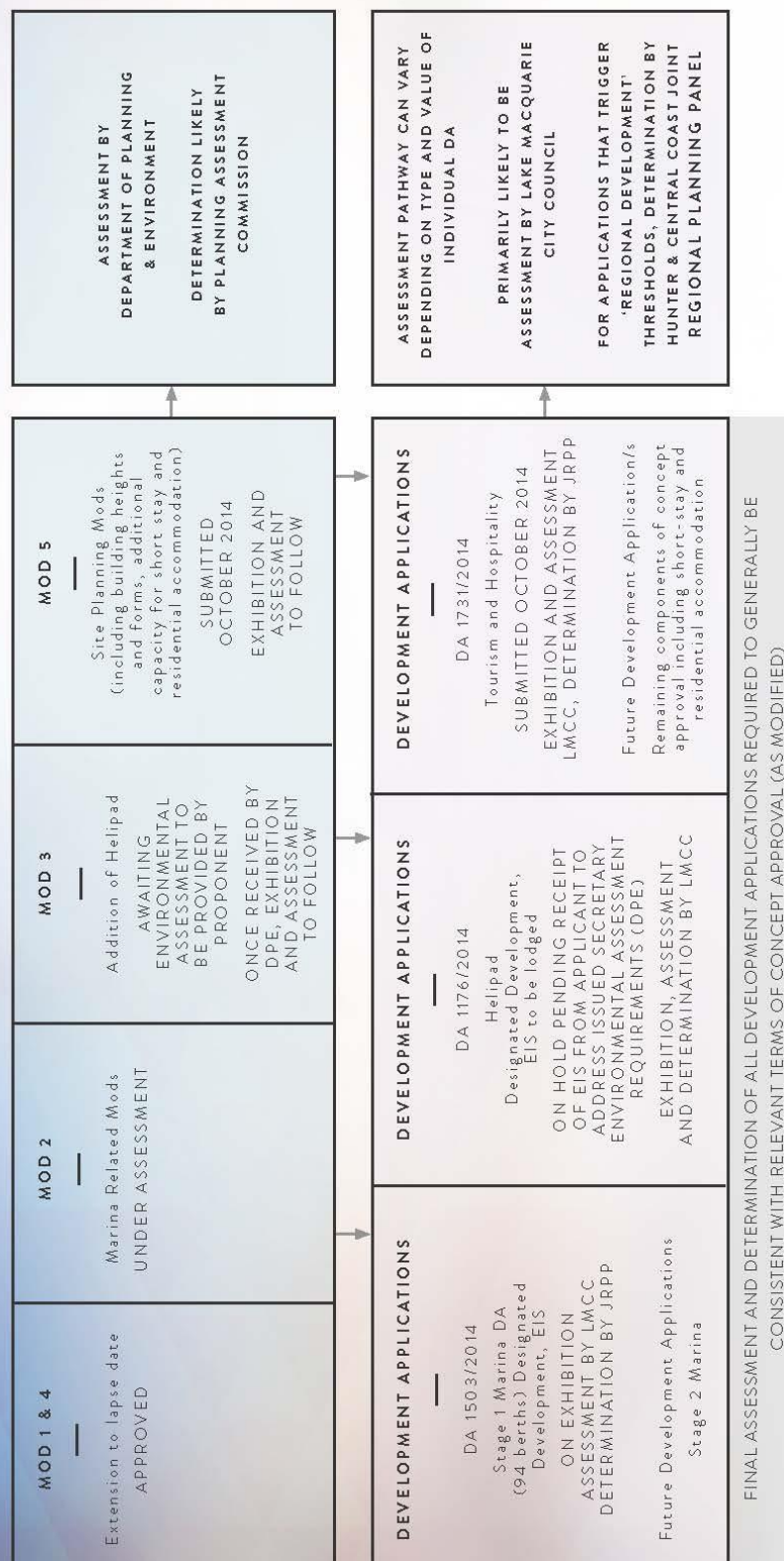


Figure 6 – Flowchart.

Modification 5 is the subject of this report and it 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. It may need to be updated should that not be the case at the time of final assessment and determination of Modification 5.

As outlined in **Figure 6**, there are three development applications currently before Lake Macquarie City Council. 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
- 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 accommodations (65 room hotel accommodation), as well as landscaped forecourt, parking, shared pathways, services, stormwater and landscaping. This 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.

## 1.4 CONSULTATION

The modification has been under preparation for seven months, with initial briefings provided to Department of Planning and Environment (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.

## 1.5 STRUCTURE OF THIS REPORT

This report has been prepared as an overview environmental assessment and contains descriptive and summarised text with appropriate comment, while the appendices provide the detailed specialist assessment reporting considered appropriate for the modification. The structure of the report is as follows:

**Section 1** – Provides background to the Trinity Point Marina and Mixed Use Development Concept Approval (06\_0309) and current project status.

**Section 2** – Provides an overview of the proposed modification which is presented in more detail with comparative graphics in a comparison and design report prepared by Squillace Architects, with input from the project team attached to this report (**Appendix C**).

**Section 3** – Provides an overview of the existing environment.

**Section 4** – Provides a snapshot of the planning context for the modification.

**Section 5** – Provides an overview of the key environmental issues associated with the proposed modification. This section generally summarises the findings of specialist environmental reporting which where relevant are provided within the appendices to the report.

**Section 6** – Provides a summary of the approvals and licenses required.

**Section 7** – Conclusion.

## 2.0 Proposed Modifications

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### 2.1 OBJECTIVES OF THE MODIFICATIONS

The key objectives of the proposed modifications are:

- To maintain and reinforce the approved vision of the concept approval, to create a premier mixed use development, a successful, viable and vibrant place and a world class destination – one that forms part of an experience and interaction with the areas greatest quality – the lake itself. With public access to be facilitated around and through the site, its success as a 'place' is paramount;
- To maintain and reinforce the approved broad structure principles, to create a destination and provide social, economic and employment opportunities;
- To maintain the principle of providing public access to the site, through the site and to the surrounding public foreshore;
- To maintain the approved mix of uses (with a review of the capacities within that mix of uses, and increases in capacities where identified) such that the mix will generate vibrancy, social interaction, activity and surveillance, and ensure viability of the development for future generations;
- To provide an alternate site planning outcome that redistributes uses and reviews floor areas and building footprints through modified built form (including modified heights, setbacks), to increase landscaping opportunities and create an on site landscaped setting, to reinforce relationships to and from the surrounding natural environment (primarily the fringing foreshore vegetation and the lake);
- To provide a higher quality site amenity for occupants, patrons and the general public and maintain opportunities to view to, through and from the site to the surrounding public domain (pubic road network and pubic foreshore reserve);
- To provide architecturally designed buildings, incorporating the mix of uses, in a different and more contemporary built form and architectural style, whilst maintaining material and colour intents to respond to the surrounding environment; and
- To generally maintain the principles relating to vegetation, access and on site parking, stormwater management, flood planning, services and waste management, accessibility, acoustics, sustainability, indigenous and european heritage and staging (with consistency updates where applicable).

The overall intent of the modifications is to **reinforce** the approved overall vision and **reinforce** the approved overall broad structure principles.

Economic analysis and input from multiple hospitality operators since the 2009 Concept Approval has supported the scale of hospitality uses in the concept approval (ie 300 seat function centre, 200 seat restaurant, plus cafe, outdoor dining and gathering places), whilst at the same identifying a shortfall in the supporting tourism and residential accommodation required to directly support and reinforce those uses to facilitate their year round use and full potential.

As such, a key change sought under Mod 5 is an increase in the quantity, quality, siting and form (building typology, heights) of the tourism and residential accommodation - in order to directly support and reinforce the scale of hospitality uses. It is proposed to redistribute that accommodation to include a 65 room hotel in the hospitality precinct, with remaining accommodation (short stay and residential) south of the hospitality precinct.

At the same time, new Project Architects, Squillace, identified opportunities to reinforce the approved vision and principles through modifications to the quality, siting, form and architectural style of buildings and associated landscaping, visual connection and public access opportunities and relationship to the lake edge. Initial architectural concepts were tested against the vision, broad structure principles and objectives of the approved site principles, and the environmental consequences of the changes were identified, assessed and iteratively used to refine the modifications as now sought. This includes visual, landscape, acoustic, traffic/parking and stormwater management.

## 2.2 DESCRIPTION OF THE PROPOSED MODIFICATIONS

**Appendix C** includes an A3 Comparison and Design Report that describes the concept, demonstrates consistency of it to the vision, broad structure principles and many of the approved principles and objectives, and describes where an alternative approach is proposed (via this modification). The comparison document incorporates strong use of simple explanatory graphics, diagrams and photomontages. To aid comparison, the document is structured as a booklet, with direct extract from the Concept Approval document on the left hand side and comparison text and graphics on the right hand side.

Figures 7 and 8 provide a comparison between the approved and proposed indicative summary figures.



Figure 7 – Concept Approval Indicative Summary Figure.



Figure 8 – Proposed Indicative Summary Figure.

Key aspects of the modifications include the following:

- **Increase in the accommodation provision on site**, to support the approved scale of the other mix of uses including function centre, restaurant, cafe, dining and other uses,

Table 1 Retained and Modified Land Use Mix

LAND USE	APPROVED	PROPOSED
Marina	188 berth marina Office Chandlery Boat Sales On shore user amenities including marina lounge	No change  <i>(Mod 2 proposes to delete workshop, maintenance and servicing and apron, and these are excluded in DA 1503/2014)</i>
Function Centre	300 seat	No change and endorsed as appropriate size by economic analysis
Restaurant	200 seat	No change
Cafe	30 seat	+ 10 seats
Outdoor Dining	(not quantified)	No change  <i>(DA 1731/2014 quantifies this use to 115 seats across multiple outdoor dining areas)</i>
Other Uses	Serviced Meeting Rooms Beauty Services Shops Guest Services Operational spaces	No change, addition of small sales centre  <i>(DA 1731/2014 quantifies the scale and GFA of these uses)</i>
Short Stay/Tourist Accommodation	75 accommodation	Increase to 158 for short stay use only, including: <ul style="list-style-type: none"> <li>• 65 hotel rooms;</li> <li>• Min 93 serviced apartments (dual key counted as 1)</li> </ul>
Residential Accommodation	Max 75 accommodation (with option for all to also be used for short stay accommodation)	Increase up to 157 (max)  No change to required ratio of max 50% that can be for permanent residential use (as % when combined with short stay accommodation numbers) and no change to option for these to also have dual use approval for short stay.





Figure 9 – Concept Approval Land Use.

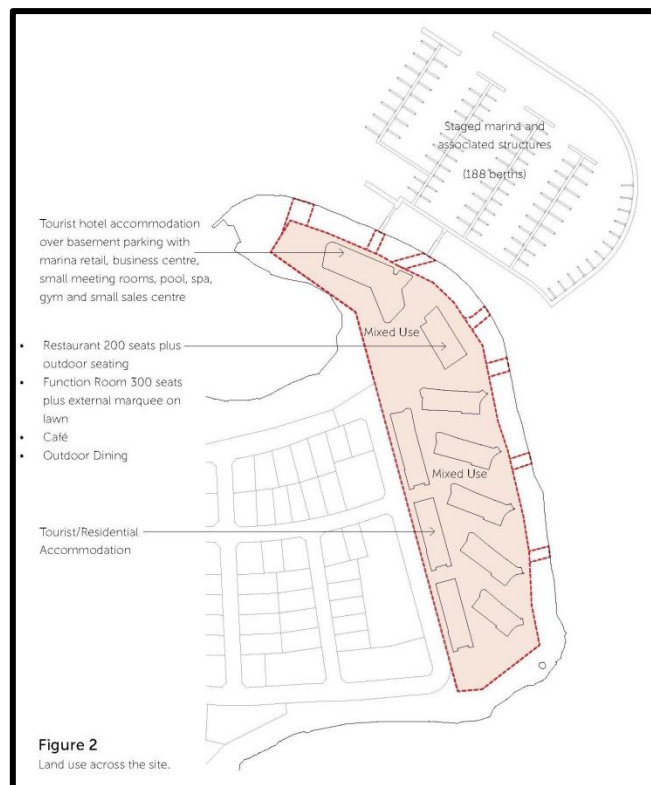


Figure 10 – Proposed Land Use.

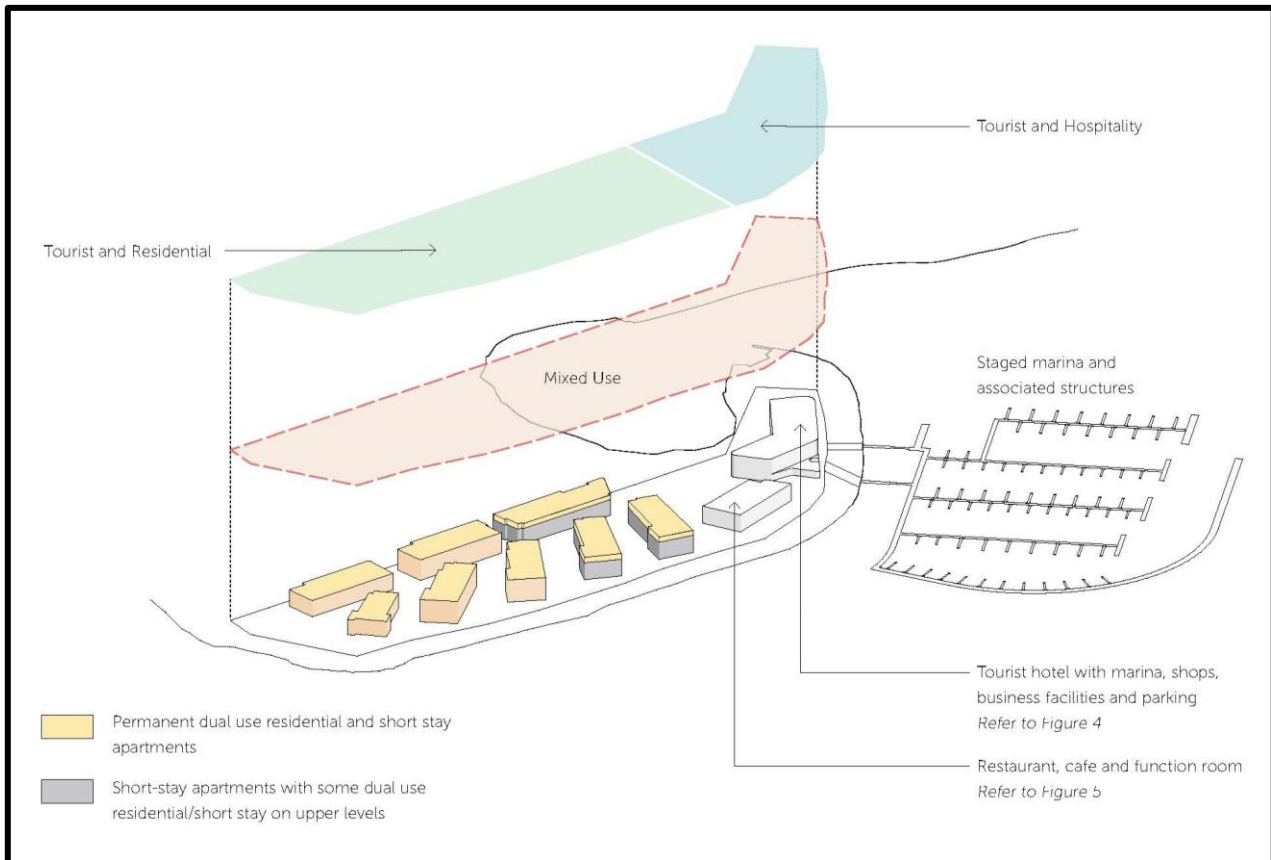


Figure 11 – Proposed Site Land Use Diagram.

- Change in Built Form and Site Planning approach across the site, with corresponding modifications to FSR, buildings heights, setbacks.

Table 2 Northern Precinct - Retained and Modified Site Planning and Built Form

APPROVED	PROPOSED
Main site entry off Trinity Point Drive	No change (DA 1731/2014 includes roundabout requested by LMCC)
Western perimeter accessway	No change
Marina land use location in this precinct	No change applicable to Mod 5 (Mod 2 and DA1503/2014 deletes hardstand and replaces with at grade carpark)
Hospitality land use location in this precinct	No change
Village Piazza contained on three sides by tall perimeter built form of 3 and 4 storeys with pitched roof form over undercroft parking, and up to 7 buildings	Consolidation of built form into two buildings (over expanded footprint parking) separated by landscaped forecourt at site entry to create generous vista across forecourt between buildings and active waterfront edge along reserve edge, two storeys (on parking) for eastern building and four storeys (incl parking) for northern building, of articulated and contemporary built form. Visual testing of heights from the public domain endorses proposed heights and built forms.
Accommodation land use location in this	Reduction in the likely number of accommodations that the northern

APPROVED	PROPOSED
precinct	precinct appears to cater for above podium level of approx 5-6 buildings in Approved Concept. Inclusion of 65 hotel rooms in building consolidated with marina and other land uses.
Primary through site pedestrian access point (edge of northern precinct)	No change in general location, change to remove use by vehicles so pedestrian only <i>(DA 1731/2014 includes these works and details)</i>
Perimeter public access	No change to principle, however change to propose this primarily within Council reserve on western and eastern perimeter, with shared zone connection between these through marina carpark, with linkages of eastern and western pathway to the primary through site pedestrian access <i>(DA 1503/2014 and DA 1731/2014 includes these works and details)</i>
Building Setbacks	Increased northern setback. Modified western setback to unnamed bay (down to 18m in part, increasing to 34m and 82m across forecourt), and change to provide for 5-7m setback (to face of facade so as to allow for articulation, activation and overhangs and shadows, with 5m for a single storey component only) for consolidated marina and hotel accommodation building with 13-15m setback for consolidated hospitality building, with active waterfront precinct and terrace forward of those setbacks
Material and Colours	No significant change to overall principles
Vegetation	No significant change to overall principles, consistency updates
Water Management	No significant change to overall principles, consistency updates
Flooding	No significant change to overall principles, consistency updates
Services and Waste Management	No significant change to overall principles, consistency updates
Acoustics	No significant change to overall principles, consistency updates
Sustainability	No significant change to overall principles, consistency updates
Indigenous and European Heritage	No significant change to overall principles, consistency updates
Staging, Subdivision & Management	No significant change to overall principles, consistency updates

Table 3 Central & Southern Precinct - Retained and Modified Site Planning and Built Form

APPROVED	PROPOSED
Integrated small lot housing (2 storey) with at grade individual dwelling parking on internal grid accessway characterised by dominant n/s axis, with row housing along Trinity Point Drive (2 storey, some accent 3 storey and 1 storey towards Bluff Point).	Change to apartment buildings with basement parking, dedicate more of the ground plane to pedestrians, landscaping and vistas, with buildings other than along public road aligned e-w allowing multiple vistas and visual permeability across landscaped spaces e-w and also n-s, with improved solar access and amenity for occupant, with buildings heights increased to 4 storey (with recessed upper roof) and 3 storey at interface to Bluff Point. Buildings sit in a ground plane of landscaping, rather than harder road and parking system, with visual testing of heights from the public domain endorsing proposed heights and built forms.

APPROVED	PROPOSED
Short Stay and Permanent Residential land use in this precinct. Concept Approval silent on location of short stay and permanent other than seeking a mix but with management for potential conflicts.	No change to overall principle of this being part of site for accommodations (refer Table 1 which identifies increases in accommodation numbers). Locate the short stay accommodation only apartments to be sited towards the hospitality precinct, but with a mix of dual use permanent residential within that. Locate the majority of permanent residential towards the south (noting dual use for short stay as well).
Perimeter public access around eastern and southern perimeter	No change to principle, with this access primarily located within the site with linkages to through site connections and back around to the public road system (refer also to eastern building setback).
Through site public access and permeability provided in conjunction with ground level internal street system (2 x e/w and 1 x n/s)	Consolidates e-w public access points in this precinct to one primary public access points and retains secondary public access (1 x n/s) through the site to Bluff Point, for physical permeability (with additional visual permeability between all buildings)..
Building Setbacks	No change to overall setback principles along Trinity Point Drive (additional built form to address height). Reduction to Bluff Point setback to 24 and 36m. Eastern Setback changed from 20m continuous line of dwellings, to variable setbacks equalised with extensive landscaped fingers between buildings extending back into the site. Public access and amenity maintained to perimeters notwithstanding varied setbacks, with interface details to be developed at DA stages.
Material and Colours	No significant change to overall principles
Vegetation	No significant change to overall principles, consistency updates
Water Management	No significant change to overall principles, consistency updates
Flooding	No significant change to overall principles, consistency updates
Services and Waste Management	No significant change to overall principles, consistency updates
Acoustics	No significant change to overall principles, consistency updates
Sustainability	No significant change to overall principles, consistency updates
Indigenous and European Heritage	No significant change to overall principles, consistency updates
Staging, Subdivision & Management	No significant change to overall principles, consistency updates

The following three pages include extracts, labelled as Figures 12 – 21 of various diagrams from **Appendix C** which represent some key features of the proposed scheme referenced in Tables 2 and 3 above (refer to **Appendix C** for full size images).

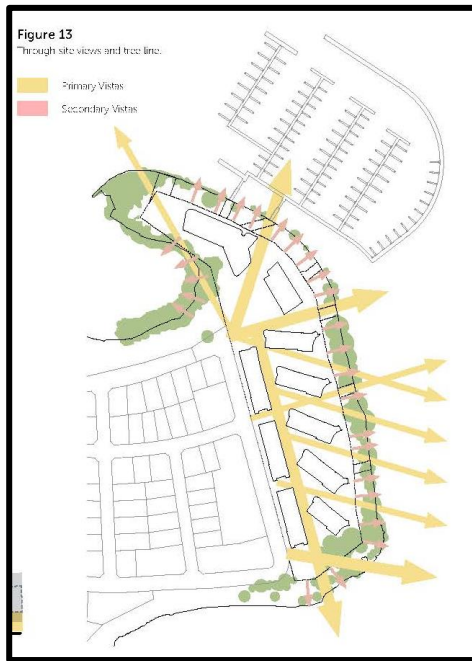


Figure 12 - Through Site Views.

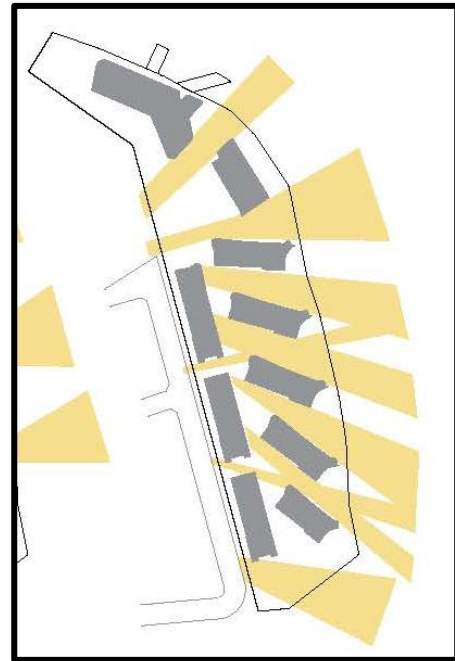


Figure 13 - Building Separations.

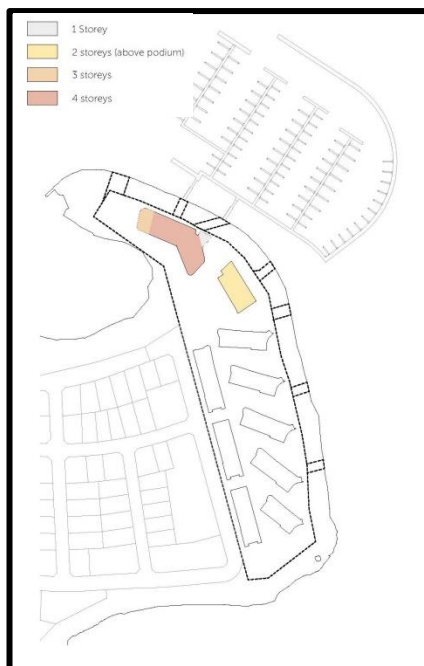


Figure 14 - Building Heights (northern).

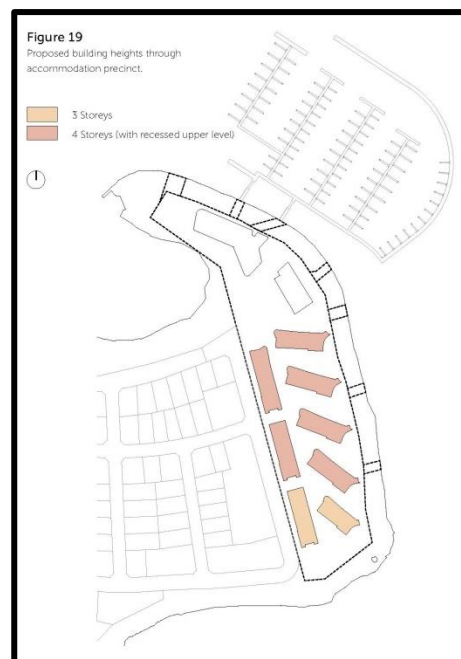


Figure 15 - Building Heights (southern).



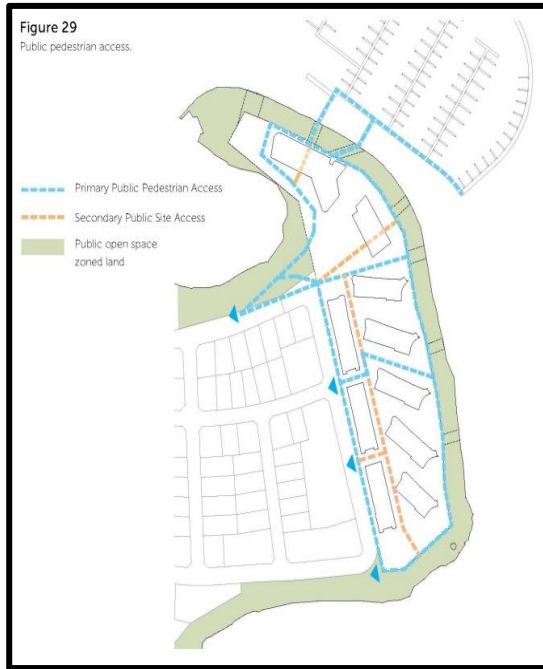


Figure 16 – Public Pedestrian Access.

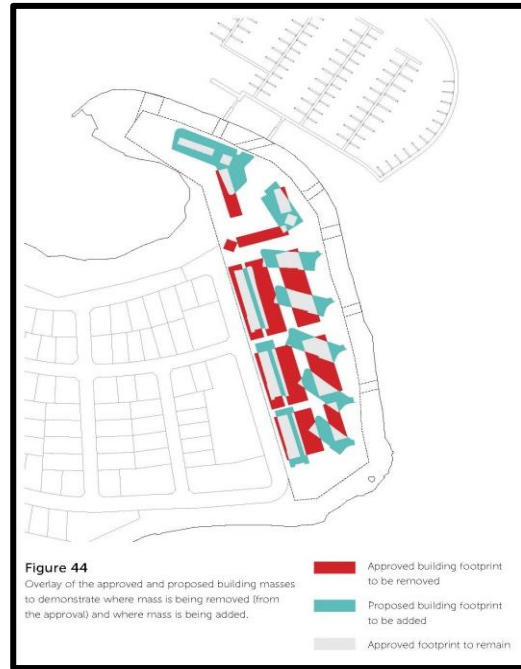


Figure 17 - Footprint Overlay.

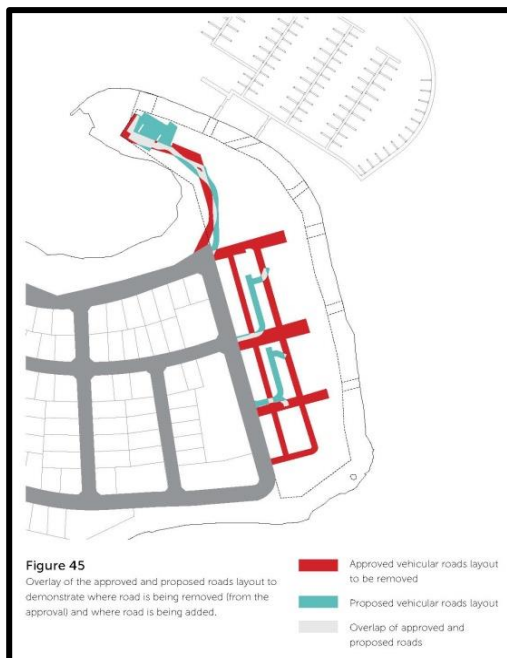


Figure 18 - Access Overlay.



Figure 19 - Deep Soil Zones.



Figure 20 - Mass Planting Areas.



Figure 21 - Landscape Concept.

## 2.3 CAPITAL INVESTMENT VALUE ESTIMATE

The Concept Approval was reported by DPE in 2009 with an estimated project cost of \$85 million.

A recent Capital Investment Value Estimate (refer *Appendix K*) reports the concept, as sought to be modified (in combination with the greater level of detail available arising from shift from concept phase to development application phase and cost changes since 2009) with a CIV of \$138.53 million.

This represents a \$53.5 million dollar increase in investment.

## 2.4 KEY ENVIRONMENTAL INVESTIGATIONS

Detailed investigations of the existing environment are well documented and not repeated within this document, nor re-attached. A key test for the modification is an assessment of the environmental consequences that may arise as a result of the changes. Key matters reported on and investigated include:

- Strategic Context and Economics;
- Site Analysis, Site Planning (including public access and vistas), Built Form Design and integrated architectural and landscape character and interfaces to the public domain;
- Visual Amenity and Impact;
- Noise Impact;
- Road Traffic, Access and Car Parking;
- Landscape Design;
- Water Cycle Management and Flooding; and
- Crime Prevention.

Additionally, consideration has been given at concept level to the range of related matters including:

- Aboriginal and European Heritage Management and Interpretation;
- Surrounding Aquatic and Terrestrial Ecology;
- Land Surface Matters including Geotechnical Assessment, Contamination & Acid Sulphate Soils Management;
- Waste Management; and
- Infrastructure Provision.

A replacement 'Principles, Objectives and Urban Design Guidelines' document that merges the approved and proposed modifications and removes the comparative analysis (**Appendix C**) is included in **Appendix L**.

It is also proposed to provide, under separate cover, a table that identifies the associated modifications to the terms of the Concept Approval itself to achieve the modifications sought by this application, for consideration as part of the assessment process.

## 3.0 Overview of Environment

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This section provides an overview of the site, its context and environment. Section 1.1 provides a summary of the location and titles for the site.

### 3.1 CURRENT & HISTORICAL USES OF THE SUBJECT SITE

The subject site is currently vacant, and is subject to Concept Approval (MP 06\_0309) for a Marina and Mixed Use Development.

The site and the broader Trinity Point site (consisting primarily of Lot 31 and parts of the approved adjoining residential estate) has a range of known previous uses and associated built forms. The following is noted:

- The site and its surrounds contain evidence of Awabakal occupation over an unknown period of time;
- A number of buildings were formerly located on the broader Trinity Point site and uses associated with:
  - private use and agricultural activity;
  - a rehabilitation and retirement centre; and
  - a school for children with disability until closure in 2000.
- All buildings have since been demolished and the site remains vacant; and
- In 2009 the proponent received Part 3A Concept Approval for a marina and mixed use development, which this modification application relates to.

### 3.2 ADJOINING LANDS

The following is noted in relation to lands immediately adjoining the site:

- The site is bound by public reserve and the waters of Lake Macquarie (Bardens Bay) to the north and east;
- The site is bound by public reserve and the waters of Lake Macquarie (unnamed bay) to the west, and to approved public road network of the adjoining residential estate. This is progressively being developed under a range of development consents, and will provide the legal access point to the site. Stage 5, which will complete construction of Celestial Drive and part of Trinity Point Drive near the site entry, has recently commenced construction; and



- The site is bound to the south by public reserve (Bluff Point) and the waters of Lake Macquarie.

A description of the broader surrounding land uses and visual environment is included in Sections 3.11 of this report.

### 3.3 TOPOGRAPHY, DRAINAGE AND FLOODING

The northern part of the site is low lying and generally flat in its northern tip (generally 2.0m AHD and lower) and rises to the south up to Bluff Point. The foreshore is predominantly flat around the immediate northern precinct with no obvious level change between the site and the foreshore. This changes to a sloping vegetated foreshore edge through to localised cliffs off Bluff Point to its eastern and southern edge to the lake.

The northern part of the site has some localised low areas but with no defined overland flow path. Surface water either infiltrates into the ground, or sheet flows across the land and reserve to the surrounding vegetation and the lake edge.

The sensitive receiving environment, including the lake and associated fringing terrestrial and aquatic ecology (refer Section 3.4) will require appropriate stormwater runoff management.

Since approval of the concept plan, Council has undertaken a comprehensive Lake Macquarie Waterway Flood Study and Flood Risk Management Plan (WMA Water, 2012). A flood information certificate has been sourced for site and included as part of **Appendix H**. It advises estimated flood levels at the subject site under current year, projected 2050 and projected 2100 conditions, accounting for assumed sea level rise, as extracted in Table 4 below.

**Table 4 - Summary of Flood Levels**

Land Surface Type	Current Year	Projected 2050 Conditions	Projected 2100 Conditions
Assumed Sea Level Rise	0.0m	0.4m	0.9m
Mean Still Water Level	0.10m AHD	0.50m AHD	1.00m AHD
1:20 Year Flood	1.23m AHD	1.61m AHD	2.1m AHD
1:100 Year Flood	1.50m AHD	1.86m AHD	2.32m AHD
PMP Level	2.45m AHD	2.81m AHD	3.27m AHD

The subject site is categorised as both high permanent inundation hazard (being those parts of the site at or below the lake mean still water level for Year 2100, being at or below 1.0m AHD), high flood hazard (being those parts of the site at or below the 1:100yr flood level for current year, being at or below 1.5m AHD) and low flood hazard (being those parts of the site in the flood fringe for current year generally above 1.5 AHD and below 3.0m AHD). It is not affected by flood planning above 3.0m AHD.

The flood information certificate also advised flood planning levels for various types of development. In discussion with Council, the hotel foyer, marina, shops and marina/shop

carparking has a flood planning internal floor height level of 2.36m AHD, with the hotel accommodation, hospitality uses and entry to associated parking (and all other short stay and permanent residential accommodation) having a flood planning internal floor height level of 2.82m AHD.

Flooding and stormwater are addressed in detail in **Appendix H** of this report.

### 3.4 TERRESTRIAL & AQUATIC ECOLOGY

Comprehensive terrestrial and aquatic flora and fauna survey and assessment was undertaken and informed the Concept Approval process, and forms part of the Concept Approval (refer extracted portion included as Figure 22). Updated vegetation community mapping was undertaken by terrestrial and aquatic ecologists as part of the Stage 1 Marina DA to verify any changes since time of concept approval, with composite mapping produced (refer Figure 23).



Figure 22 - Vegetation Community Mapping (Original).



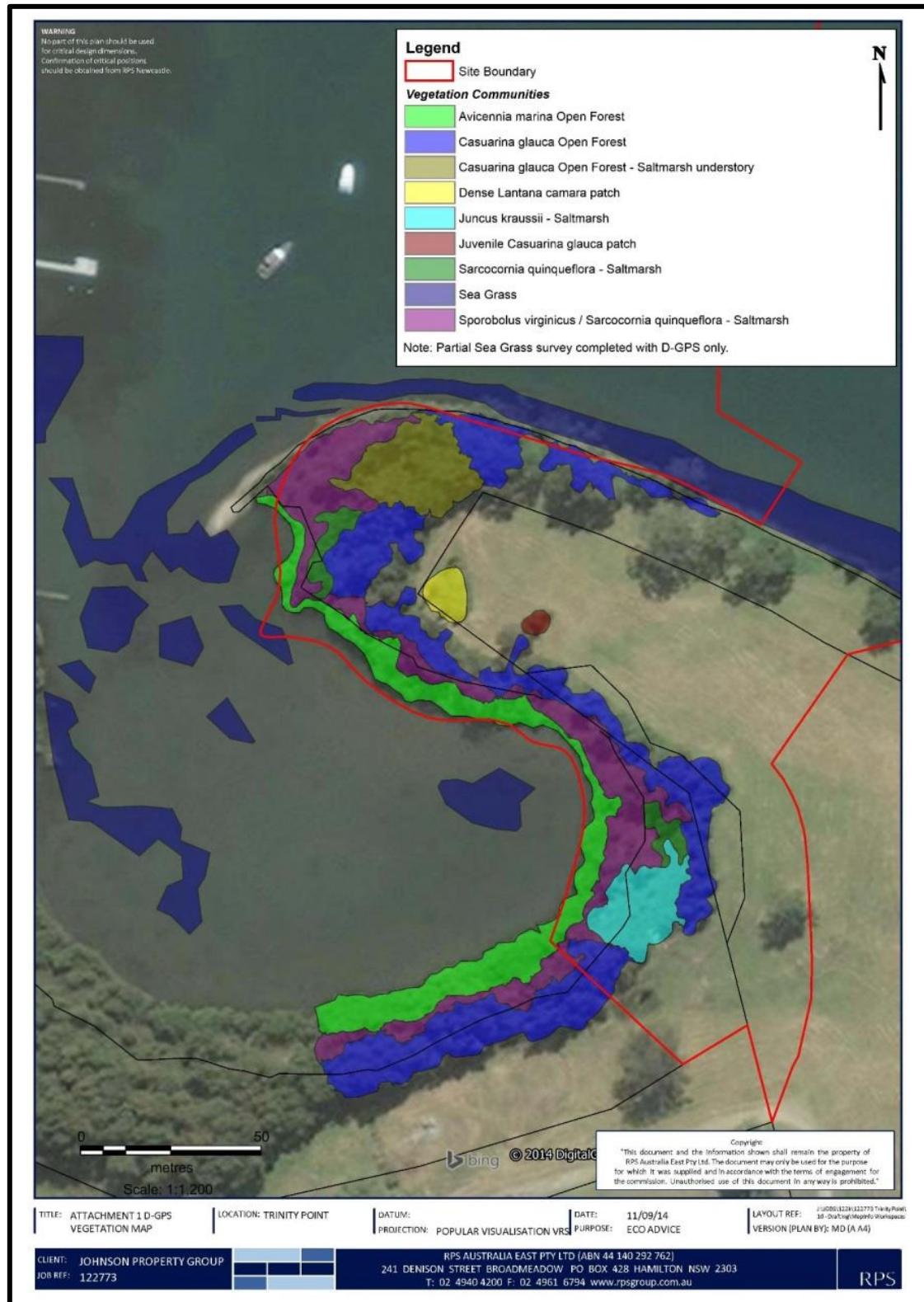


Figure 23 - Vegetation Community Mapping (Updated).

Lot 31 (the main development site) is generally devoid of vegetation. Very small areas of casuarina regrowth now extend into parts of Lot 31 along its western boundary with a juvenile casuarina patch also within Lot 31. A dense patch of Lantana is sited in the western corner of Lot

31 (these are that part of the site subject to Stage 1 marina works and included in impact assessment of stage 1 marina DA).

The unnamed bay to the west (and the public reserve, Lot 32) includes fringing mangrove and saltmarsh communities and casuarina forest community. Three saltmarsh community variants exist, and despite the number of weed species recorded, the overall areas of weed cover are small and the saltmarsh communities are judged to be in good health, with the community around the northern tip of the site in very good condition. Casuarina forest also extends around the northern tip of the reserve, with the casuarina forest extending also along part of the eastern foreshore reserve. There are additional casuarina trees and two eucalypt trees spotted around the eastern foreshore adjacent to the northern end of the hotel accommodation/marina building. Individual trees continue to be more sparsely sited along parts of the eastern foreshore reserve. The eastern foreshore vegetation then transitions back into casuarina forest near the southern edge of the hospitality building, and then further south transitions into eucalyptus and angophora open forest through to Bluff Point.

Each of the native vegetation communities (mangroves, saltmarsh and casuarina forest) mapped is representative of Endangered Ecological Communities (EEC). Previous assessments did not consider the communities to be groundwater dependent ecosystems given they exist in areas where groundwater is controlled by water levels in Lake Macquarie.

The land is otherwise covered by kikuyu grass through to the water's edge, including along the eastern foreshore edge of the area subject to this application.

Seagrass has been extensively mapped and verified through earlier work and includes a narrow largely continuous fringing bed almost entirely of *Zostera* seagrass (and mostly very dense) with widths of 11-16m, which further south becomes progressively more patchy, fragmented and mixed with *Halophila* and mussel clumps in a broadened bed. There is very sparse and very patchy distribution of *Zostera* throughout the unnamed bay to the west of the site. This inlet is capable of supporting this seagrass with its distribution normally variable. The seagrass beds were judged to be good with some area of light epiphytic algae cover, but generally with no epiphytic algae growth. The declared noxious marina algae *Caulerpa taxiflora* has not been recorded during any macroalgae assessment around Trinity Point between 2008-2014.

Provided below as Figure 24 is the general distribution of mapped seagrass extracted from previous work included in DA 1503/2014.





Figure 24 – Seagrass Mapping.

### 3.5 GEOTECHNICAL

#### 3.5.1 Mine Subsidence

The site is located in a mine subsidence district and consultation has been undertaken with the Mine Subsidence Board (MSB). MSB have confirmed that the design parameters as listed in Condition C27 of the Concept Approval currently remain valid for the broader Trinity Point and Mixed Use Development site, being:

- Subsidence: 150mm;
- Strains: +/- 2mm/m; and
- Tilt: 2mm/m.

However, it is noted that further consultation between Northrop Engineers and MSB has been undertaken to confirm the extent to which the design parameters apply or do not apply to the northern part of the site (being that below 2.0m AHD), and indeed whether future mining is likely for other parts of the site. An appropriate application has been provided to MSB, with a response pending.

### 3.5.2 Geotechnical

As part of the overall Concept Approval, the Environmental Assessment Report contained a Geotechnical Assessment prepared by Douglas Partners. Cardno Geotech Solutions have since undertaken an updated Geotechnical Review of the available geotechnical data on the overall Trinity Point Marina and Mixed Use development site. This can be provided under separate cover if required.

The Gosford-Lake Macquarie 1:100,000 Geological Map Sheet indicates that the site is underlain by rocks mapped as Munmorah Conglomerate, a part of the Clifton Subgroup of the Narrabeen Group. The rocks are described as conglomerate, pebbly sandstone and gray to green shale.

## 3.6 ACID SULPHATE SOILS & CONTAMINATION

### 3.6.1 Acid Sulphate Soils

The site is located within a zone with a high probability of acid sulphate soil. This is shown on the Lake Macquarie LEP 2014 mapping (extracted as Figure 25). The site falls within 'Class 2', requiring development consent for any works undertaken below ground surface and an acid sulphate soils management plan to be prepared.



Figure 25 – Extract from the LMLEP 2014 Acid Sulphate Soils Map.

A detailed acid sulphate soils management plan has previously been prepared by Douglas Partners. It forms an appendix to the Geotechnical Report.

### ***3.6.2 Contamination***

It was established during the Concept Approval for the overall site through previous contamination assessment, audit and validation that the land is not constrained by contamination. No further assessment of land contamination is necessary.

## **3.7 TRAFFIC, ACCESS & ROAD NETWORK**

The site will obtain its access from the road network being progressively constructed in the adjoining Trinity Point residential subdivision (Stage 5 has recently commenced construction and will provide public road frontage to the site access via Celestial Drive and part Trinity Point Drive). Ultimately the road network will include the extension of Trinity Point Drive, which connects through to Trinity Point Road and Morisset Park Road. The site plan included earlier in this report overlays the approved residential subdivision and road network. The intersection of the local road system to Morisset Park Road will be upgraded as part of the residential subdivision (anticipated in 2015).

Trinity Point Drive loops through the residential subdivision to connect to Morisset Park Road and to Henry Road (in both directions). In 2005 masterplan approval by LMCC, Trinity Point Drive is a designated bus route with a bus layby to be constructed as part of the residential subdivision.

Morisset Park Road provides a single lane of travel in both directions and is a local road providing access to the existing residential development in the locality of the subject site.

Morisset Park Road connects to Fishery Point Road, which is a local road providing single lane of travel in both directions.

Fishery Point Road connects with Macquarie Street via a 3-way give way controlled intersection which features additional turn lanes to reduce the delays and congestion for road users. Macquarie Street is the major road through the locality, which forms part of the regional road network and extends along the western side of Lake Macquarie. It provides a connection to the south to the M1 Motorway that provides a connection between Sydney and Newcastle. Macquarie Street continues to run north along the western side of Lake Macquarie, connecting through major centres such as Toronto through the western suburbs of Newcastle.



Figure 26 - Road Network Plan.

DA 1503/2014 (Stage One Marina DA) includes an overall traffic report that includes more detailed descriptions of the existing road network, with recently updated background traffic counts, description of traffic levels and intersection performance. That overall traffic report provides a snapshot of the overall potential traffic and parking associated with the approved concept plan (as required by Condition C7 of the Trinity Point Concept Approval), the implications of that broadly for the existing road networks, and notes that an upgrade to the intersection of Fishery Point Road to Macquarie Road (to traffic signals) is fully funded by others under a separate VPA with RMS for upgrading by 2019, and a number of other intersection and other local road network improvement works are identified in Council's relevant section 94 plan (a stage 1 marina DA traffic report also forms part of that application) .

DA 1731/2014 includes a traffic report relating to traffic and parking associated with the tourism and hospitality uses of the northern precinct.

An updated overall traffic report (incorporating the more detailed results from assessment of DA 1503/2014 and DA 1731/2014) has also been prepared to accompany this modification. Traffic and parking is further discussed in this report.

### 3.8 BUSHFIRE

The site is mapped as partly bushfire prone land (refer Figure 27).





Figure 27 – Extract from Lake Macquarie Council's Bushfire Prone Land Map.

Through consultation with the NSW RFS and the Concept Approval it has been established that the vegetation mapped does not represent a bushfire hazard and has no Asset Protection Zone requirements. This has been confirmed by advice provided by RPS.

### 3.9 ABORIGINAL ARCHAEOLOGY & CULTURAL HERITAGE

The site and surrounding area are known to contain items of Aboriginal Heritage significance. In accordance with Condition 22 of the Concept Approval, Insite Heritage have prepared a Cultural Heritage Management Plan (draft CHMP) and Interpretation Policy (draft IP) for the entire Trinity Point site subject to the Concept Approval. This was submitted in DA 1503/2014 and DA 1731/2014 for Council's assessment as required by approval conditions, and is not reattached to this modification application.

As part of preparing the draft documents required by the Concept Approval, Insite Heritage also recommenced consultation with registered aboriginal parties in early 2014, and that is and will be ongoing for the life of the project, as guided by the draft CHMP and draft HIP. A response to comments on the draft issued documents included in DA 1503/2014 and DA 1731/2014 is under preparation, with any changes incorporated into replacement final CHMP and IP which will be supplied to Council for assessment in DA 1503/2014 and DA 1731/2014.

Provided below is an extract from the draft Cultural Heritage Management Plan that shows the locations of registered archaeological sites in the locality (Figure 28). It should be noted that the



below figure was produced during the Cultural Heritage Reporting that formed part of Concept Approval 06\_0309 (and therefore the site boundary does not represent the site boundary of this application), notwithstanding it demonstrates the location of the registered archaeological sites.



Figure 28 - Location of Registered Archaeological Sites.

The sites described as '45-7-0228 (SJOG 2)' and '45-7-0244 (SJOG 3)' will be impacted by the Approved Concept. SJOG 2 is described as an 'isolated artefact and low density subsurface scatter and shell fragments on Wyong Soil Landscape' and has been subject to archaeological test excavations (Section 87 Permit SZ3509). SJOG 3 where it extends into the development site is subsurface shell deposits on Doyalson Soil Landscape, with parts of the site outside of Lot 31

having been subject to subsurface testing and salvage works undertaken for the residential subdivision (AHIPS SZ3509, #1947 & #2845).

An AHIP will be required to be obtained prior to commencement of construction works for each phase of the development. That process will determine the location and timing of the two 25m<sup>2</sup> open salvage excavations identified in the approved concept plan.

### 3.10 EUROPEAN HERITAGE

The European Heritage of the broader Trinity Point site (subject to Concept Approval 06\_0309) has been significantly reported on and assessed during earlier planning processes. Insite Heritage has prepared a Cultural Heritage Management Plan (draft CHMP) and Heritage Interpretation Policy (draft HIP). It covers both Aboriginal and European heritage.

The following is noted in relation to the European heritage of the broader Trinity Point site (subject to Concept Approval 06\_0309):

- The original main buildings that existed on site were constructed by Mr Bert Bailey and used for private purposes and agricultural activity. The agricultural activity is unlikely to have been intense as Mr Bailey used the property as a retreat rather than an income producing farm. The early films 'Dad and Dave' and 'On My Selection' may have been filmed on the site;
- The site was passed onto religious organisations on Mr Bailey's death. A group of Sisters first used the site as a rehabilitation and retirement centre for clergy;
- The site was subsequently taken over by The Brothers and eventually became a school for children with disabilities (known as St John of God Special School);
- The school focus then changed to assisting / educating children with behavioural disabilities, until its closure in 2000; and
- All buildings have since been demolished and the site is currently vacant. An archival photographic folio was prepared prior to demolition, and archaeological excavations of the Bailey residence were undertaken and reported on in 2006-2007. These excavations revealed low levels of archaeological integrity.

Some features remain of historical European association including a grotto and stone base of a sundial, a lake bathing area and cultural tree plantings, all located in proximity to Bluff Point.

The site is not listed on the Lake Macquarie LEP 2014, National Trust or State Heritage Register as an item of significance, however an assessment of the site based on the standard evaluation criteria defined in the ICOMOS Burra Charter (adopted by the Heritage Council of NSW) was previously undertaken and not repeated here.

### 3.11 SURROUNDING VISUAL ENVIRONMENT

The subject site is located on the western side of Lake Macquarie, south west of the Swansea Channel. The Lake is conventionally considered to be separated into a north and a south basin by the channel. The southern section of the Lake is less intensely urbanised than the north. The site is closest to Morisset Park and Windemere Park to its west and northwest respectively and is visible across Bardens Bay from the margins of the suburb of Brightwaters, which is adjacent to the north. Morisset is the nearest urban centre and is located to the north west of the site. There is no visual contact between Morisset and the site.

The southern basin of the Lake has a predominantly urbanised residential foreshore north of the site, with urban settlements and a higher proportion of rural and open space land of various kinds to the south and the east. There are no major commercial centres on the western or southern shoreline in the vicinity. The region also has an active and prominent coal extractive industry and a series of coal fired power stations are located behind and between town centres. There are two power stations in the locality of the site, located at Vales Point and Eraring (both visible from the site).

The local geomorphology is that of a drowned valley landscape, which is being in-filled by alluvial deposition, which is more prominent in the southern basin. The topography of the area is generally characterised by low ridges, minor promontories and low scale shoreline features developed on soft sandstone and shaly sedimentary rocks of the Triassic Narrabeen and Upper Permian Newcastle Coal Measures geology. Flat alluvial and depositional landscapes and flood plains are associated with creeks and bays. Wide, shallow inter tidal areas, sand and mud flats characterise the waterway margins.

There are no significant maritime developments on the western or southern shoreline in the vicinity.

There is predominantly detached residential development in the vicinity of the site to the north and west and on most parts of the shore to the south, southeast and east. The foreshores to residential areas are generally a mix of mostly manicured and/or cleared and privatised and publicly accessible foreshore reserves with residential development at their rear. There is a housing development immediately west of the site, which is presently under construction by JPG.

There are a number of areas of a treed or natural appearance in the local context including Point Wolstoncroft State Recreation Area (SRA) to the east, Bird Cage Point in the Lake Macquarie SRA to the southwest and the Morisset Hospital site.

The site has some discontinuous remnant foreshore vegetation within the foreshore reserve that helps give the site a natural appearance in views from across the Lake. The Lake is generally visible in outward views, through the foreshore vegetation which mainly consists of casuarinas. The area of thickest remnant vegetation surrounds an area of salt marsh west of the northern tip of the site.



A Visual Impact Assessment for the modification has been prepared by Richard Lamb & Associates and is provided within **Appendix E**.

### 3.12 COASTAL ZONE

The subject site is identified as being located within a prescribed coastal zone (refer **Figure 29** below).

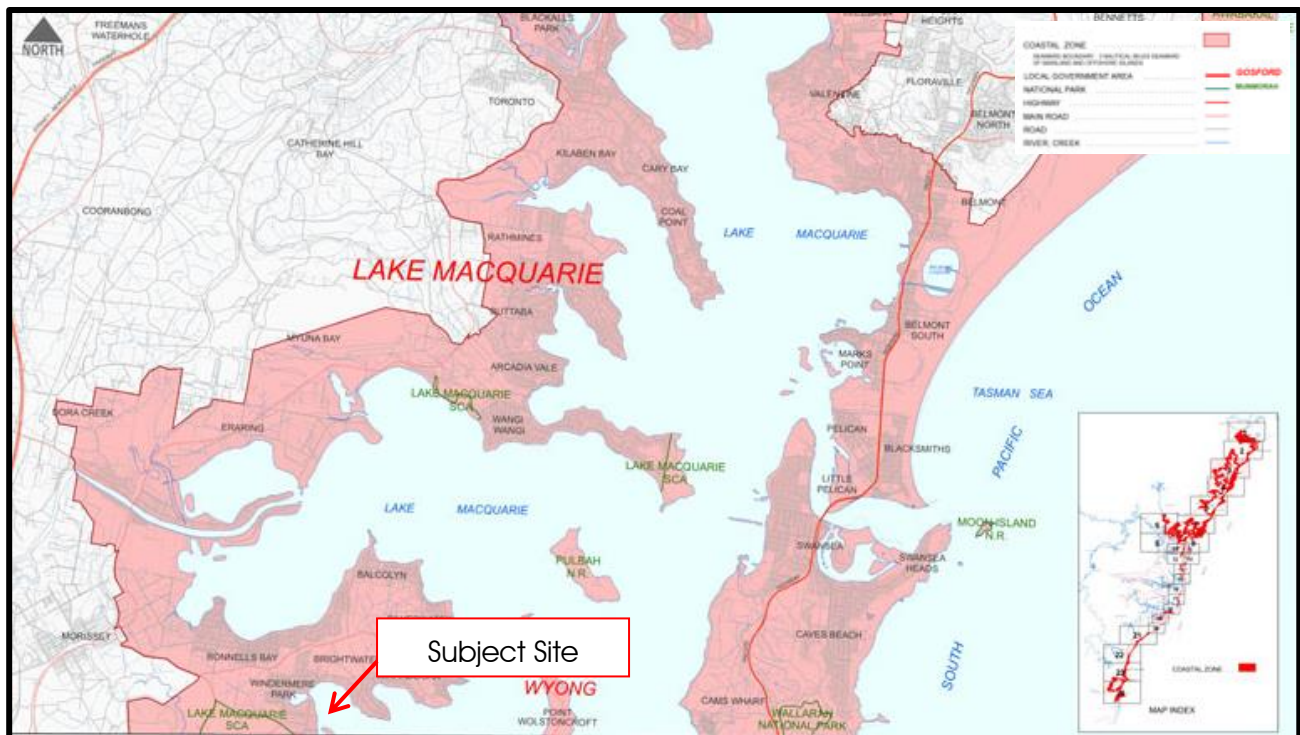


Figure 29 - Extract from the NSW Coastal Protection Map.

### 3.13 ACOUSTIC ENVIRONMENT

The Acoustic Group prepared an overall acoustic criterion assessment for the whole site and approved Concept Approval (including this modification). This is provided in **Appendix G**.

It is noted that ARUP prepared a Noise Impact Assessment which formed part of Concept Approval 06\_0309 for the marina and the broader Trinity Point mixed use development site. The ARUP report relied upon the results of noise logger measurements conducted on the subject site in October 2007, supplemented by attended measurements towards the nearest residential boundary to the north west of the site. The following was noted in relation to the existing acoustical amenity of the site and surrounds:

- Given that the site is removed from major arterial roads and itself is set back from existing residential dwellings, the assessment revealed that the nature of the area is quiet, revealing a relatively low ambient background where a Rating Background Level of 34dB(A) was obtained for the day and evening periods, reducing to 34dB(A) at night; and

- At the subject site noise from the Vales Point Power Station across Lake Macquarie to the south of the development is a noise source, although no impact of the power station was observed.

To establish a current understanding of the background acoustic amenity of the site and surrounds, and also to address in part Principle 16 of Condition B5 of the Concept Approval, in July and August 2014, The Acoustic Group undertook unattended and attended noise monitoring to re-establish ambient noise levels.

Unattended noise loggers were located in three locations: (1) 7 Lake View Avenue, Brightwater; (2) 57A Lake View Road, Morisset Park; and (3) south of the subject marina site on Lot 31 DP 1117408 (land subject to the mixed use component of Concept Approval 06\_0309). The location of The Acoustic Group loggers as well as the loggers used by ARUP are shown in the below figure (Figure 30).



Figure 30 - Unattended Noise Logger Locations.

The measured ambient noise levels are summarised in Table 2 (for completeness the ARUP reporting results are also included in the table):



Table 5 - Measured Ambient Noise Levels

Logger	Noise Descriptor	Time of Day		
		Day (7am-6pm)	Evening (6pm – 10pm)	Night (10pm – 7am)
3	Rating Background Noise Level (dB(A) $L_{90}$ )	35	34	33
	Ambient Noise Level Db(A) $L_{eq(Period)*}$	46	42	39
4	Rating Background Noise Level (dB(A) $L_{90}$ )	32	32	30
	Ambient Noise Level Db(A) $L_{eq(Period)*}$	49	44	43
5	Rating Background Noise Level (dB(A) $L_{90}$ )	37	33	32
	Ambient Noise Level Db(A) $L_{eq(Period)*}$	45	40	42
ARUP	Rating Background Noise Level (dB(A) $L_{90}$ )	34	34	30
	Ambient Noise Level Db(A) $L_{eq(Period)*}$	47	38	35

The recorded background levels indicate the following in comparison to the 2007 ARUP findings for background amenity:

- In the vicinity of the subject site (logger 5) there are higher background levels during the day, similar background levels in the evening and marginally higher background levels at night;
- With respect to the existing residential premises in proximity to the subject site (logger 4), results are consistent with the ARUP 2007 measurements;
- For properties to the east of the site (logger 3), the day and evening levels are similar and the night time levels are marginally higher; and
- With respect to ambient  $L_{eq}$  noise levels (being the cumulative average noise level), a similar pattern exists for the day and evening periods between the ARUP 2007 results and the 2014 Acoustic Group results, whereas the night time ambient  $L_{eq}$  is higher for the night-time results.

To supplement the logger data and ascertain the acoustic environment of the area, attended noise monitoring was undertaken in July 2014. The results (provided in **Appendix G** of this report) support the findings of the unattended monitoring.

Overall, the ambient data suggests that the locality is generally quiet in nature.

### 3.14 UTILITY SERVICES

Service infrastructure including reticulated water, sewer, electricity, gas and telecommunications is available to the site (or will be made available as part of the progressive construction of the adjoining residential estate by JPG) and will be extended to service the development over time.

### 3.15 OBSERVATIONS FROM THE SITE CHARACTERISTICS & LOCALITY

Concept Approval 06\_0309 established that the site characteristics and locality were well located for a mixed use development on the site. Broadly, the zoning of the land permits the proposed development, as does the Concept Approval.

Since the time of Concept Approval, the proponent has continued to investigate and study both the characteristics of the site and the locality and the economics, operator needs and factors (including built form style and relationship to the lake) which are likely to reinforce and improve on the achievement of the approved vision.

These investigations have confirmed the site suitability to accommodate the hospitality uses of a scale as approved in the concept approval, whilst identifying the need to increase the on site accommodations (tourist and residential) to support those uses and reinforce the vision. At the same time, they have identified opportunities to reinforce and improve vistas and arrangement of built form and the architectural style across the concept approval.

These opportunities are sought to be incorporated into the concept approval via this modification.

The site and context analysis has included:

- updates to the current context, traffic/pedestrian, acoustic, visual and landscape environments;
- review and critiques of current and potentially desired public access and the potential for the development of the Concept Approval to deliver public domain improvements to and connections with the surrounding Council reserve;
- reviews and endorsement of the concept approved and proposed scale of hospitality uses and operational needs of those, through discussion with multiple hospitality operators and through economic analysis to confirm scale of hospitality and modifications to support that scale (numbers of supporting tourism and residential accommodations);
- reviews and critiques of the site planning, built form and architectural opportunities and how those influence the development proposal and its details, in order to reinforce the approved vision with a better contemporary architectural response factoring in operator efficiencies and the key reasons likely to attribute to success of the land uses being the visual connection and relationship to the lake and its climate;
- updates to flooding characteristics and levels;
- updates to current terrestrial ecology vegetation community extents;

- restating of static attributes relating to mine subsidence, geotechnical, acid sulphate soils and bushfire;
- knowledge from guiding documents on Aboriginal and European heritage management; and
- updates and linkage into most recent infrastructure servicing plans.

All key constraints and sensitive environmental aspects of the site and surrounds are well understood.

## 4.0 Planning Controls

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### 4.1 ENVIRONMENT PROTECTION & BIODIVERSITY CONSERVATION ACT 1999

This Act (EPBC Act) was introduced in 1999, and replaces several dated Environmental Protection and Conservation Acts. The EPBC Act aims to protect seven matters of national environmental significance being;

- World Heritage properties;
- National heritage places;
- Wetlands of international importance (Ramsar wetlands);
- Threatened species and ecological communities;
- Migratory species;
- Commonwealth marine areas; and
- Nuclear actions (including uranium mining).

The proposed development, as established with advice from specialist consultants, does not impact on matters referenced by the EPBC Act 1999. Accordingly, a referral to the Australian Government Department of the Environment is not required. This is consistent with advices received at time of concept plan application.

### 4.2 ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979 & REGULATION 2000

The EP&A Act 1979 and the EP&A Regulation 2000 constitute the principle planning legislation in NSW and provide the statutory framework for the assessment of the proposed subdivision.

Consideration has been given to the objectives of the EP&A Act 1979 and it is considered that the proposed modification, where relevant, is consistent.

### 4.3 STATE ENVIRONMENTAL PLANNING POLICIES

#### *4.3.1 SEPP 71 – Coastal Protection*

This SEPP has been made under the Environmental Planning & Assessment Act 1979 to ensure that development in the NSW coastal zone is appropriate and suitably located, to ensure that there is a consistent and strategic approach to coastal planning and management and to ensure there is a clear development assessment framework for the coastal zone.

SEPP 71 is applicable to all future applications under the concept approval. Broadly, the proposed modifications, where relevant, have appropriately addressed the matters for consideration (public access to an along the foreshore, opportunities for new access, suitability and relationship with the surrounding area, amenity, views, scenic quality, threatened spaces and coastal processes and hazards, minimising land and water based conflicts, cultural heritage and other heritage, water quality, cumulative impacts and water and energy efficiency).

Overall it is considered the modifications to the concept approval are appropriate. The proposal represents the development of a quality destination facility on the south western edge of Lake Macquarie that will encourage public access to the site and lake's edge. The proposed mixed use tourist development remains consistent with this manual. Flooding is addressed in detail in Section 7.3 and **Appendix J** of this SoEE.

Appropriate environmental controls will be implemented to ensure that there are no significant adverse impacts created by the proposal.

#### ***4.3.2 SEPP (Infrastructure) 2007***

The aim of this Policy is to facilitate the effective delivery of infrastructure across the State of NSW. The proposed mixed use (tourism and hospitality) development may trigger Clause 104 – Traffic Generating Development of this SEPP given that it accommodates 200 or more vehicles as part of its peak parking strategy. As such the current and future development applications may be referred to the RMS (formerly RTA).

An updated overall traffic report has also been prepared to accompany Modification 5 to the concept approval.

#### ***4.3.3 SEPP (State and Regional Development) 2011***

The aims of this Policy are to identify development that is State significant development, State significant infrastructure and critical State significant infrastructure; and to confer functions on Joint Regional Planning Panels to determine development applications that are deemed 'Regional Development'.

This is not relevant to a s75w modification application.

### **4.4 OTHER STATE LEGISLATION & STATE POLICIES**

#### ***4.4.1 Threatened Species Conservation (TSC) Act 1995***

The TSC Act 1995 provides a framework for the listing and declaration of threatened species, populations, endangered ecological communities, key threatening processes and critical habitat. It also provides a framework for the preparation and implementation of recovery plans and threat abatement plans and for licensing.



#### ***4.4.2 Coastal Protection Act 1979***

The Coastal Protection Act provides for the protection of the coastal environment of the State for the benefit of both present and future generations.

There are no known notifications concerning the subject land made under Sections 38 and 39 of the Act.

#### ***4.4.3 NSW National Parks & Wildlife Act 1974***

The objects of this Act are the conservation of nature and objects, places or features of cultural value within the landscape. The Act also has controls that apply to Aboriginal relics and sites. The Minister can issue stop work orders in relation to an action that may detrimentally affect an Aboriginal object or place.

Aboriginal Archaeology is addressed by the Concept Approval and is not altered by this modification application.

#### ***4.4.4 Water Management Act 2000 & Water Act 1912***

The Water Management Act contains provisions relating to management of works affecting the banks or bed of a water body. A controlled activity approval under this Act is likely to be required prior to construction for some development applications.

The Water Act is relevant to the proposed development with regard to protection of groundwater. Under Part 5 of the Water Act, a groundwater application will need to be lodged if any on site dewatering activities are required to be undertaken prior to construction.

#### ***4.4.5 NSW 2021 Plan***

NSW 2021 is the State Government's 10 year plan to guide policy and budget decision making and to deliver on community priorities. It sets long term goals and targets, and outlines immediate actions to help to achieve the goals. The goals reflect the Government's commitment to state growth to improve opportunities and quality of life for people in regional and metropolitan NSW.

NSW 2021 is based around five (5) key strategies including:

- *Rebuild the economy – restore economic growth and establish NSW as the 'first place in Australia to do business'.*

**Comment** – This section of the plan identifies a target of 100,000 new jobs (including 40,000 in regional NSW); new infrastructure; more land available for housing and jobs; growth of critical industries and investment; 20% red tape

reduction; improving public sector efficiency; and boosting skills and qualifications. The proposed development remains entirely consistent with this strategy based on the following:

- The proposal will create a quality mixed use development on the south western side of Lake Macquarie. This proposal represents initial and ongoing investment into the Lake Macquarie and Lower Hunter Region.
- The proposed development will generate construction and ongoing positions of employment to operate the facility into the future.
- *Return quality services – provide better transport, health, education, policing, justice and family services, with a focus on the customer.*

**Comment** – This strategy is not relevant in relation to the proposal. It is noted however that no element of the proposal contrasts with any of the goals of this strategy.

- *Renovate infrastructure – build the infrastructure that makes a difference to both our economy and people’s lives.*

**Comment** – Servicing and infrastructure can be readily extended to service the proposed development (as modified) and will be undertaken in accordance with the requirements of the relevant service and infrastructure providers.

- *Strengthen our local environment and communities – improve people’s lives by protecting natural environments and building a strong sense of community.*

**Comment** – The development of the Trinity Point Mixed Use (Tourism and Hospitality) development improves public access to and around the site and seeks to create a meeting place and node for the local and wider Lake Macquarie community.

The characteristics of the surrounding environment are well known and the proposed modifications do not create any significant impacts in relation to the local natural environment.

- *Restore accountability to government – talk honestly with the community, return planning powers to the community and give people a say on decisions that affect them.*

**Comment** – The proposed development is seeking to contribute towards the realisation of the intent of the Lower Hunter Regional Strategy which identifies Morisset as an emerging Major Regional Centre. The proposal, which will be located approximately 5km from the Morisset town centre will contribute to this objective.

The modification process allows for a suitable public review and input on the proposal to be taken into account during assessment and determination of the application.

The Hunter Regional Action Plan supports the NSW 2021 Plan and in its regional overview acknowledges the world class tourism assets of the region and identifies Morisset as an emerging major regional centre. One of its key strategies is to drive economic growth and diversity, including investing and supporting diversity and growing the visitor economy. The proposed development will make a contribution to these strategies and goals.

#### ***4.4.6 NSW Coastal Policy 1997***

The NSW Coastal Policy has been considered as part of the mixed use design process and is discussed further below.

Trinity Point is located approximately 9km from what would commonly be understood as the NSW Coastline. However, it is coastal in the sense that it is situated on a coastal lake.

The Coastal Policy 1997 has been implemented by the government to better co-ordinate the management of the coast by identifying the State's various management policies, programs and standards as they apply to a defined coastal zone. These policies, programs and standards frequently obtain their legitimacy from other NSW legislation.

Nine goals were adopted for the Coastal Policy including recognizing and accommodating the natural processes of the coastal zone. The policy notes that the impacts of natural coastal processes and hazards (including sea level rise) are to be addressed in coastline and estuary management plans.

The foreshore of the site has been shown to be currently of a mildly erosive nature. The proposed mixed use development will not adversely impact on the erosive nature of the foreshore. Flood planning levels for the site have taken into account predicted sea level rise. It is considered that the proposed development remains consistent with the Coastal Policy.

## **4.5 REGIONAL PLANNING CONTROLS**

### ***4.5.1 Lower Hunter Regional Strategy***

The Lower Hunter Regional Strategy was released as a final document in October 2006. In summary, the purpose of the strategy is to provide broad guidance to future planning for the Lower Hunter, with the following general aims:

- To promote Newcastle as the regional city, with a hierarchy of urban centres;
- To provide for a forecast population increase of 160,000 persons by 2031;

- To identify new release areas;
- To ensure an adequate supply of employment land to cater for a projected 66,000 new jobs;
- To focus a higher proportion of new housing in centres which will reduce pressure on existing established suburbs;
- To enable the release of rural land for a series of new communities and extensions to existing urban areas;
- To ensure that greenfield land is released in a coordinated way with improved neighbourhood design and more efficient use of infrastructure; and
- To ensure the protection of biodiversity through a Regional Conservation Plan.

Figure 31 below is an extract from the Lower Hunter Regional Strategy.



Figure 31 - Extract from Lower Hunter Regional Strategy.

Of particular note to the strategic context of Trinity Point, nearby Morisset is identified as an emerging Major Regional Centre and Lake Macquarie is recognised as Australia's largest saltwater lake.

The proposed development will promote employment and tourism that takes advantage of the lake and the subject site's lake frontage.

It is considered that the proposed development remains entirely consistent with the Lower Hunter Regional Strategy.

#### 4.6 LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN (LEP) 2014

Section 3B(2)(f) of Schedule 6A of the EP&A Act 1979 applies to development for which a Concept Plan has been approved under Part 3A, such as the Trinity Point Marina and Mixed Use Development (06\_0309). Section 3B(2) states:

*"3B Provisions applying with respect to approval of concept plans*

*(1) After the repeal of Part 3A, the following provisions apply (despite anything to the contrary in section 75P(2)) if approval to carry out any development to which this clause applies is subject to Part 4 or 5 of the Act:*

*(f) the provisions of any environmental planning instrument or any development control plan do not have effect to the extent to which they are inconsistent with the terms of the approval of the concept plan.*

Accordingly, the provisions of any environmental planning instrument or any development control plan do not have effect to the extent to which they are inconsistent with the terms of the approval of the Concept Approval.

##### 4.6.1 Zoning

Notwithstanding the above, under Lake Macquarie LEP 2014 the majority of the subject site is zoned SP3 Tourist and Council's public foreshore reserve is zoned RE1 Public Recreation, adjoining R2 Residential zoned land.

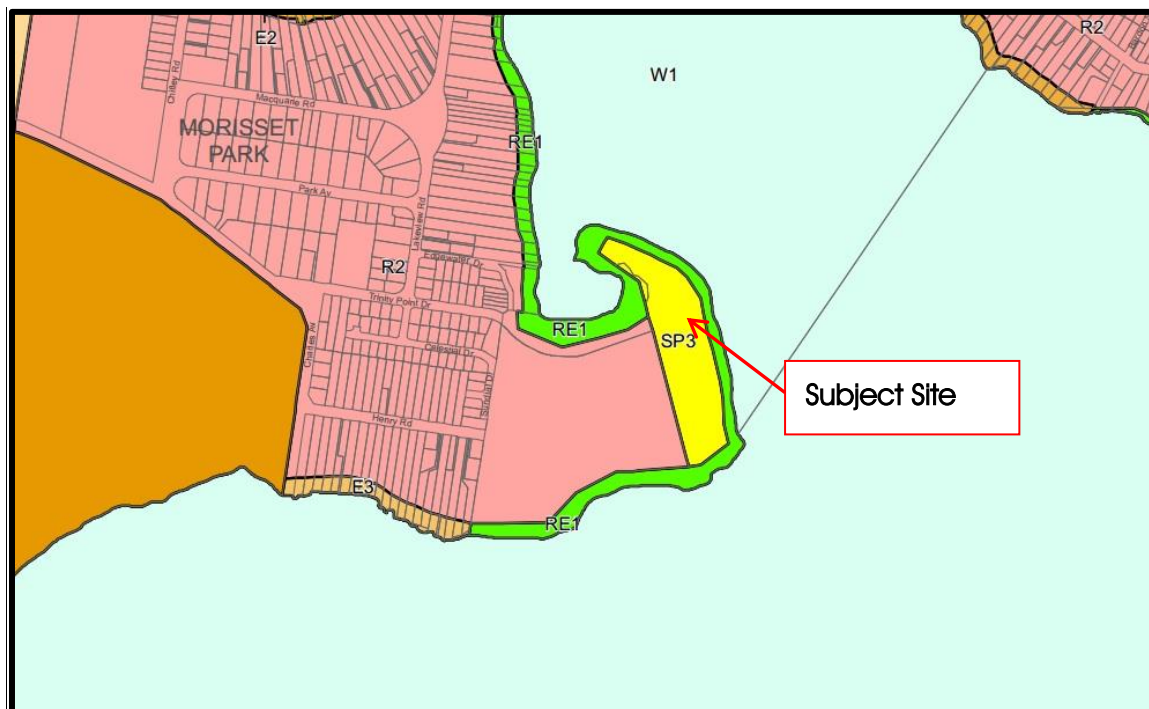


Figure 32 - Zoning Plan Extract from LMLEP 2014.



#### **4.6.2 Permissibility**

It is understood that the Concept Approval 06\_0309 (as sought to be amended) provides for permissibility for all land uses proposed within this development application, notwithstanding the current local planning controls.

#### **4.6.3 Zone Objectives**

Notwithstanding the Concept Approval, provided below are the objectives of each of the relevant zones, SP3 Tourist, and RE1 Public Recreation.

##### ***SP3 Tourist***

- *To provide for a variety of tourist-oriented development and related uses.*
- *To encourage tourism development that is sensitively designed to enhance and complement its location and that avoids unacceptable adverse impacts on the environment.*
- *To preserve land for tourism by limiting and discouraging development and uses that are not tourist-related.*

##### **Comment**

The proposed modification is not contrary to the above objectives. In particular the following is noted:

- The proposal is sensitively designed to enhance and compliment its location on the lake edge;
- The proposal will be highly attractive and include quality facilities including a function centre, restaurant, café and hotel accommodation, plus other uses including a day spa, pool and gym, serviced meeting rooms and retail spaces, and serviced apartments and residential apartments (for dual use);
- The proposed development also incorporates new public access to the foreshore via a public footpath within Council's public foreshore reserve and connections to it. This will encourage public visitation to the site and foreshore and represents a significant community benefit; and
- The proposal has been designed to avoid unacceptable adverse impacts on the environment.

##### ***RE1 Public Recreation***

- *To enable land to be used for public open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*
- *To facilitate the preservation of the environmental qualities of land.*

##### **Comment**

The proposal is entirely consistent with the above objectives, and the following is noted:

- The proposed mixed use development will encourage public access and usage of Lake Macquarie and its foreshore;
- The proposal incorporates new public access to the foreshore via a public footpath within Council's public foreshore reserve. This will encourage public use of the foreshore for recreational purposes and represents a significant community benefit; and
- The proposal and particularly foreshore reserve development has been designed to protect and enhance the natural environment and preserve the environmental qualities of the foreshore.

#### 4.7 LAKE MACQUARIE DEVELOPMENT CONTROL PLAN 2014

As previously noted, Section 3B(2)(f) of Schedule 6A of the EP&A Act 1979 confirms that the provisions of any environmental planning instrument or any development control plan do not have effect to the extent to which they are inconsistent with the terms of approval of the Concept Approval.

LMCCs DCP 2014 will be relevant to the extent it is not inconsistent for future development applications.

#### 4.8 DEVELOPMENT CONTRIBUTIONS PLAN 2012 – MORISSET CONTRIBUTIONS CATCHMENT

The Lake Macquarie City Council Development Contributions Plan 2012 – Morisset Contributions Catchment took effect from 15 December 2012 and applies to all land uses and hence will apply to the proposed mixed use (tourism and hospitality) development. The site is located within the Morisset Peninsula sub-catchment 13.

Review of Tables E1, E2 and E3 of the Contributions Plan indicates that Council will seek to levy the project on the basis of:

- Local Roads – per Peak Vehicle Trip (PVT) for Morisset Peninsula;
- Local Public Transport Facilities – per worker (non-residential development); and
- Plan Preparation and Administration – per worker (non-residential development).

Given the nature of this proposal, with activities which are ancillary to the primary uses and activities which have a significant degree of 'cross use' in terms of their impacts on the types of facilities and works to be provided by funds generated by the plan, discussion with Council on the appropriate and reasonable level of contributions sought and applied, taking into account any impacts upon the project and its wider benefits, will be required through the development assessment process. This may or may not involve discussion on material public benefits, need or otherwise for a planning agreement and the timing of payments.

## 4.9 LOCAL POLICIES AND OTHER CONTROLS

### 4.9.1 Lifestyle 2030 Strategy

Lifestyle 2030 Strategy was adopted by Council in March 2013 to replace Lifestyle 2020. The Lifestyle 2030 Strategy is a Strategic Plan that provides the long term direction for the overall development of the city and describes Council's high level policies for managing private and public development in Lake Macquarie. The 2030 Strategy is encapsulated in a series of strategic directions that convey envisaged outcomes for future land use patterns in the city.

Following are the key city visions as outlined within the 2030 strategy:

*'The vision for the City, held by Council and the community, is that it is a place:*

- Where the environment is protected and enhanced;*
- Where the scenic, ecological, recreational, and commercial values and opportunities of the Lake and coastline are promoted and protected;*
- With a prosperous economy and a supportive attitude to a balanced growth, managed in a way to enhance quality of life and satisfy the employment and environmental aims of the community;*
- That recognises, encourages, develops its diverse cultural life and talents, protects and promotes its heritage;*
- That encourages community spirit, promotes a fulfilling lifestyle, enhances health and social well-being, encourages lifestyle choices and has opportunities to encourage participation in sport and recreation;*
- That promotes equal access to all services and facilities and enables all citizens to contribute to and participate in the City's economic and social development; and*
- That promotes affordable housing.*

The Concept Approval has previously been determined to be consistent with the key city visions in the former Lifestyle 2020 document, and retains consistency with the updated document inclusive of the proposed modifications.

- The proposed mixed use development has been designed with regard to important environmental considerations. This report details a range of environmental investigations that have been undertaken to ensure that any potential impacts are appropriately minimised, mitigated and managed during construction and operation of the development, and the built form, architectural

and landscape strategies to promote the scenic, ecological, recreational and commercial values and opportunities of the Lake;

- The proposed development has been designed to capitalise on the scenic, ecological and recreational value of Lake Macquarie and will promote local and other visitation to the site, city and region;
- The proposal will represent a significant investment into Lake Macquarie that will create numerous positions of local employment;
- The proposal will encourage public visitation to the site and the lake foreshore and facilitate a sense of community spirit and participation;
- The proposed mixed use development will be developed with respect to the heritage value of the site. The broader Trinity Point site (subject to Concept Approval) provides a draft Heritage Interpretation Strategy to promote this heritage value, features of which are incorporated into each development application;
- The proposed development will encourage public recreation associated with Lake Macquarie; and
- The proposal has been designed to provide and promote equal access to the Lake's foreshore.

The 2030 Strategy provides four core values being sustainability; equity; efficiency and liveability, and based on the above key outcomes associated with the proposal, the proposed marina development will remain consistent with these core values.

The 2030 Strategy also includes a number of aims, which are identified and discussed below:

**Table 6 - Review of Lifestyle 2030 Strategy**

2030 Strategy Aims	Comment
Provide the community with realistic expectations about the future development patterns of the LGA, while retaining flexibility for land use decision making in the longer term.	The proposed mixed use development is being undertaken in accordance with Concept Approval 06_0309 (as sought to be modified).
Reinforce and strengthen centres so that a wide range of commercial and community services may be provided in a timely and accessible manner.	The proposed development will support the Morisset Town Centre, which is identified in the Lower Hunter Regional Strategy and 2030 Strategy as an 'Emerging Major Regional Centre'.
Provide local employment opportunities for residents and to promote economic development consistent	The proposed development will provide a significant investment into the LGA and create numerous positions of local employment during the construction

2030 Strategy Aims	Comment
with the LGA's natural, locational and community resources.	and operational phase of the development.
Guide the development of urban communities that are compact, distinct and diverse and include a range of housing types and activities.	The proposal provides an opportunity to integrate a varied form of housing than exists in the locality, integrated into a high quality facility, adding to the range of housing type and activities to support the urban community
Achieve a strong sense of positive community identity, through the development of local communities that are safe and liveable and offer a diversity of use, economic opportunity, and ready access to services, while minimising the use of private motor vehicles.	The proposal will contribute towards the generation of a strong sense of positive community identify. The proposal will encourage local community visitation to the site and provide for public pedestrian access to and around parts of the lake's foreshore. The proposal will represent a significant investment into the Lake Macquarie LGA and provides economic opportunity.
Develop attractive and liveable urban centres in the LGA which reflect its physical and natural environment, and visual character.	As detailed within this report, the proposed development has been designed to reflect the natural environmental features of the site, taking into consideration the visual character.
Manage the City's natural environment so that its ecological functions and biological diversity are conserved and enhanced, and contribute to the City's overall well being and amenity.	The proposed development has been designed to ensure that any potential ecological impacts are minimised and managed.
Manage the City's heritage and economic resources, in a way that protects the value of these resources and enhances the City's character.	<p>The proposed development will respect and promote the heritage value of the site (both Indigenous and non-Indigenous).</p> <p>The proposal will represent a significant investment into the LGA and will enhance the character of Lake Macquarie.</p>
Integrate land use with the efficient provision of public and private movement systems.	The proposed mixed use development will be provided with suitable vehicular access and parking.

Further to the above, to achieve the aims, values and vision, a number of strategic directions are described within the 2030 strategy. These include:

- Strategic Direction 1 – A city responsive to the environment;
- Strategic Direction 2 – A city that makes equitable contribution to global sustainability;



- Strategic Direction 3 – A well designed adaptable and liveable city;
- Strategic Direction 4 – A well serviced and equitable city;
- Strategic Direction 5 – A city of progress and prosperity;
- Strategic Direction 6 – A city responsive to the wellbeing of its residents; and
- Strategic Direction 7 – A city that practices participatory democracy and is well organised.

The proposed mixed use development, based on the above discussion addressing the values and aims of the 2030 Strategy, remains consistent with the Strategic Directions of the 2030 Strategy.

The final section of the 2030 strategy provides a range of maps and intent statements. Relevant to the subject site, and consistent with the Lower Hunter Regional Strategy, Morisset is identified as an 'Emerging Major Regional Centre' and an area identified for growth and expansion. The proposed development will contribute to Morisset emerging as a major regional centre. Furthermore, the site is located within an 'Urban Area' on the Urban Change and Investigation map. The site is appropriately zoned for the proposal, and is concept approved for a significant marina and mixed use development.

#### ***4.9.2 Lake Macquarie Estuary Management Plan***

The Lake Macquarie Estuary Management Plan defines a series of actions which if implemented, will help maintain and improve Lake Macquarie's environmental and socio-economic values and develop a greater awareness and understanding of the benefits of lake management actions within the community, in turn aiming to enhance recreation, tourism, community attitudes, commercial opportunities and the general well-being of the Lake.

The objectives of the Lake Macquarie Estuary Management Plan are:

- Maintain or improve existing water quality in Lake Macquarie consistent with expected waterway use;
- Maintain or improve the ecological status of Lake Macquarie; and
- Maintain or enhance the foreshores of Lake Macquarie to protect the ecological, recreational and visual amenities.

Management Plan actions relevant to new foreshore development are as follows:

- Rigorously enforce sediment and erosion control requirements on construction sites;

- Require water sensitive urban design techniques in new development areas and infill development;
- Create riparian buffer zones; and
- Enhance and maintain foreshore vegetation.

The proposed mixed use development remains entirely consistent with the objectives of the Estuary Management Plan. In relation to the relevant actions for new foreshore development, the following is noted:

- Sediment and erosion control measures to be implemented during construction;
- Water management (including harvesting and reuse, and water quality treatment) is incorporated into the proposal; and
- Protection of riparian foreshore vegetation will be achieved.

#### ***4.9.3 Lake Macquarie Foreshore Stabilisation and Rehabilitation Guidelines***

The purpose of the guideline is to assist landowners to determine which foreshore stabilisation treatment and construction techniques to implement when undertaking development on the foreshore. The guidelines were initially adopted by Council in 2004 as a support document to the LEP 2004 and DCP No. 1, however in 2013 the document was revised to reference Council's LEP and DCP 2013 (now LEP and DCP 2014).

The guidelines note that 'soft' options (e.g. creation of beaches) are the preferred option to address foreshore erosion and suit most conditions in Lake Macquarie. Reinstatement or rehabilitation of foreshore vegetation is also encouraged. Additional foreshore stabilisation measures are not proposed as part of this development application.

### **4.10 OTHER RELEVANT POLICY & GUIDELINES**

#### ***4.10.1 Waste Classification Guidelines***

The Environment Protection Authority (formerly DECC) released the Waste Classification Guidelines document in 2008 (with a revision in 2009). The documents provides six classes of waste:

- Special waste;
- Liquid waste;
- Hazardous waste;

- Restricted solid waste;
- General solid waste (putrescible); and
- General solid waste (non-putrescible).

Wastes generated by the proposed mixed use development are typical and include sewage and trade waste, general solid waste (putrescible and non-putrescible) and gross pollutants and waste management will be documented with each development application.

#### *4.10.2 Acid Sulphate Soils Assessment Guidelines (ASSMAC)*

These guidelines confirm matters such as:

- How to evaluate whether acid sulphate soils are present, if they are likely to be disturbed by works and if an acid sulphate soil management plan should be prepared because of the level of risk; and
- How to develop mitigation strategies.

An excellent understanding of acid sulphate soils has been established throughout the Concept Approval process.

#### *4.10.3 NSW Floodplain Development Manual 2005*

The manual supports the NSW Government's Flood Prone Land Policy. It provides a process for the development of sustainable strategies to manage human occupation and use of floodplains, consistent with risk management principles.

Strategies include:

- Property modification measures such as zoning and development controls (ie. minimum floor levels);
- Response modification measures such as community flood awareness and readiness, flood predictions and warnings and emergency response planning; and
- Flood modification measures such as levees.

The proposed mixed use development remains consistent with this manual as further guided by the concept approval.

## 5.0 Development Matters

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It is considered that the key issues for the proposed modification are:

- Reasons for the proposed increase in accommodation;
- Consideration of the environmental consequences of the modifications, beyond the originally approved concept plan, with a specific focus on (but not limited to):
  - Visual Context and Visual Impact consequence resulting from the proposed changes including consideration of modified built form, including building heights and changed setbacks;
  - Consequences resulting from proposed site planning changes to physical public access and visual permeability, and the interface to the public domain; and
  - Consequences to the surrounding road network.

The proposed amendment seeks a different form of development than approved and that exists in the locality, representative of its different zoning and different mix of land uses than the surrounding area. The amendments are proposed to reinforce the Concept Approved vision for the site, and its broad structure principles, and present an alternative scheme to achieve that, being changes to the short and long stay population density and changes from dense domestic scale buildings to apartment buildings of increased building heights sitting within a landscape setting, with recessed upper roof forms, articulation and appropriate materials and colour choices.

Despite the various changes, the proposed modifications do not alter the key vision, broad structure principles and overall site planning principles and objectives in any substantive way. For instance, pedestrian public access and amenity, and visual permeability around and through the site to and from the lake will be maintained as will the overall mix and location of various uses within the site. While there is an increase in the number of residential accommodation units, there is an equivalent increase in the number of tourist accommodations such that the dominant character of being an integrated destination facility required by the concept approval is therefore maintained.

The consequences of the modifications are considered to overall be positive, with the benefits of the modifications to the broader community of some significance, to reinforce the Concept Approval vision and generate the substantial capital investment and broader employment, economic, social and community outcomes.

The following sections summarise the key issues identified above.

## 5.1 INCREASING THE ACCOMMODATION

### Overview

Following approval of the concept plan in July 2009 there has been significant work undertaken by JPG to better understand all of the elements in that will make the project successful in 2014 and as the project moves from the concept phase into the Development Application and delivery phase. This work is largely driven by financing & economics but is also strongly related to the social aspects surrounding the need to create active, vibrant and pleasant environments to attract people to Trinity Point to achieve the overall Concept Approval vision for the site.

To deliver on Council's long term objective for tourism at Trinity Point it is imperative that the project can be financed, is economic and does create the destination point that will attract people to it. JPG like Council and the community want a successful development outcome.

### The Economic and Social Drivers and Review Process

#### Function Centre

The project team and principally Squillace Architects, JPG financiers and independently PWC, have verified that a 300 seat function centre as approved remains the critical mass to ensure that an operator is attracted to the project and to ensure it is successful. A copy of the PWC report is attached at **Appendix B**. The PWC report is a comprehensive document and was commissioned by JPG to provide independent guidance to the project team.

#### Short Term Accommodation

It is a fact that people visiting a function centre require accommodation, without it such facility cannot work. In some locations the accommodation can be within the established surrounds of the locality. In the case of Trinity Point there is no easily accessible accommodation in proximity to the site and so it is necessary for this to be provided on site, aside from the fact that people will be attracted to the site for other reasons such as the lake and what it offers. The concept approval provided for up to 150 on site accommodations, with up to 75 of those able to be for residential accommodation.

This was identified very quickly by Squillace Architects upon their more recent engagement to the project team as being insufficient in their experience in designing tourist facilities and function and hospitality venues. This position was supported by PWC and their report has confirmed that 150 rooms plus would be needed to support the function centre and the associated outdoor lawn component. The proposed development has responded to this and now proposes some 158 short term accommodation units across two offerings, hotel style or serviced apartment style. This accommodation choice contributes to the overall attractiveness of the facility to not only hospitality operators, but also to visitors. Without this level of short term accommodation the project cannot proceed.



### Long Term (or Permanent) Accommodation

The Concept Plan as approved incorporates long term accommodation as an important attribute to the success of the overall facility. The importance of this component is twofold. Not only does it ensure that there is always people in and around the facility to create vibrancy, activity and a sense of place but to also ensure that there is a permanent local demand for the on-site facilities. The ancillary uses outside of the function centre, whilst would be supported when a function is operating and during other peak trade times, will not trade well without support at other times. In turn, if these uses are not able to be economically sustained over the long term and fail this will impact on the ability of the function centre to attract functions, as visitors want more than just to attend a function.

PWC and ADW Johnson Land Economist Jenny Roberts (reports attached at **Appendix B**) have further considered the need for on-site permanent accommodation compared with when the concept plan was approved in 2009, the purpose being to ensure the quantum of long term accommodation was adequate.

Key findings of the PWC report are:

- Due to the location of the site and lack of significant permanent accommodation in nearby towns/centres, to be commercially viable and successful the development needs to be destinational and a fully integrated resort style facility where, the various uses support and sustain one another. In order for this to be achieved there needs to be contribution from both a permanent and short term stay population;
- PWC note that the dwelling density for western Lake Macquarie is significantly less than other localities by comparison. This reduced density and the need for housing to support the tourist facility has led them to recommend that the permanent population on site should be maximized where possible to underpin the viability of the tourist facilities and ancillary uses;
- On site permanent population provides for a sense of community and provides for passive safety and security; and
- Having a permanent population will also improve the visibility and profile of the site generating greater interest and awareness as well as creating an active and vibrant environment for visitors.

Squillace Architects in responding to the above points were keen to ensure that the ratio of on site population of 50% permanent and 50% short stay was maintained as a minimum to ensure that the vibrancy and necessary sense of place was maintained and that the scale of the permanent housing was not lost among the overall facility. Accordingly the number of permanent accommodation units has increased to a maximum of 157.

ADW Johnson Land Economist Jenny Roberts, following the broader findings of the PWC report looked in more detail at the likely local population needed to support the on-site facilities. In

doing so a 400m walkable catchment was identified as the local catchment from which people would walk to the site on a regular basis to support the proposed development (total walkable catchment is subject site and housing built or proposed within 400m) Appendix C of that report identifies the catchment and it is otherwise depicted in the aerial photograph below as Figure 33:



Figure 33 - Walkable Catchment to Site.

It can be seen in a spatial sense that the catchment is significantly impacted by the site's (point) location, with much of the walkable catchment over the water and therefore not contributing to nearby demand for the proposed Trinity Point facilities.

The report identifies that some 407m<sup>2</sup> – 570m<sup>2</sup> of floor space on the subject site is able to be supported by the local catchment. With some 500m<sup>2</sup> of floorspace proposed and noting the relatively conservative numbers adopted in the report it was concluded that providing additional permanent accommodation within easy walking distance of the facility is critically important to the success of the project. Further the report identifies further that with the proposed maximum 157 residential apartments, while supporting the viability of the commercial floor space, the project will need to be augmented by other strategies to achieve year round commercial viability.

### Associated Floorspace for Accommodations

The number of accommodations has increased from 150 in the original concept plan approval (noting that the type of short stay accommodation was not specified, and hotel accommodation now forms part of the total short stay accommodation proposal).

A maximum of 250 apartments (in addition to a 65 room hotel sited in the northern precinct) are proposed across the 8 buildings on the tourist/residential accommodation precinct. Whilst at early concept stages, the mix will consist of 1, 2 & 3 bedroom apartments with some dual key apartments for the short stay apartments (noting dual keys counted as one apartment). The proposed mix between short stay and permanent remains (ie. max 50% able to be permanent, but with 100% having option to be short stay).

Whilst the 158 short term accommodations (65 hotel rooms, minimum 93 short stay) and up to 157 permanent residential accommodations is just over double that approved, the actual increase in floorspace to achieve this is relatively moderate and does not propose a representative doubling in GFA. The FSR of the entire Trinity Point site is proposed to be 0.8:1 (currently 0.65:1).

An analysis of the FSR by Squillace Architects reveals that if commercial areas are roughly equivalent, the average size of the 150 apartments would have been approximately 140m<sup>2</sup> each. The actual increase in GFA that this proposal (for the tourist (including hotel) and residential accommodation) is approximately 23%. As such, some of the increase in numbers of accommodations is a result of a greater mix in the size and bedroom numbers and distribution across the accommodation offering, and not solely due to increased GFA.

It has been established through other reporting within the overall 75W submission that this increase in floorspace can be accommodated without significant additional impacts.

### Broad Strategies

The Hunter Regional Action Plan supports the NSW 2021 Plan and in its regional overview acknowledges the world class tourism assets of the region and identifies Morisset as an emerging major regional centre. One of its key strategies is to drive economic growth and diversity, including investing and supporting diversity and growing the visitor economy. The proposed development will make a contribution to these strategies and goals.

### Conclusion

The project has been refined following approval of the concept plan in 2009 to ensure a successful and economical sustainable project is delivered on the ground. It is fact that for the project to be successful the right mix of tourism, hospitality, tourist accommodation and permanent housing needs to be achieved. It has been established that a 300 seat function centre requires approximately 150 tourist accommodation units.

To attract functions and people to the site a range of other ancillary uses are required and proposed, to build the site as destination point. These facilities in turn require support not just during times when functions are being held but at all times in order to survive. This requires a strong contribution from permanent housing within the site and within a walkable catchment of the site.

Whilst the increase in accommodation is approximately double that of the concept plan the actual floor area increases from the approved are more moderate and it has been established through other reporting that the site can easily accommodate these increases without significant environmental consequences.

## 5.2 VISUAL CONTEXT AND VISUAL IMPACT

The siting and type of built form, including building heights and setbacks, is a key component of the modification.

Within the northern precinct, building form is consolidated (numbers of buildings reduced) and separated to provide a landscaped space and setting to the hospitality and marina/hotel accommodation buildings, with a more contemporary architectural expression.

- The design concept for the hospitality building (refer Figure 34) is to accentuate the openness of the ground floor toward the Lake and to minimise the distinction between outdoor and indoor space in the interface, so as to make maximum use of the views and of the ambiance and proximity of the Lake. Between the building and the foreshore reserve a pool is proposed to extend the sense of waterside ambiance into the outdoor spaces of the building, increasing the complexity of experiences for patrons.



Figure 34 - Hospitality Building.



- The hotel accommodation built form (refer Figure 35) has been shifted to the north and west of approved built form and as a four storey structure and with varied setbacks. The concept for the 4 storey building is to provide an appearance of lightness to the structure by means of detailing and materiality, to de-emphasise the fourth storey element. The fourth storey would be set back from Levels 2 and 3 and be of light-weight materials. Levels 2 and 3 would be cantilevered over the ground floor and on the east side toward the lake produce a dark and deep shadow line below projecting and overlapping planes of roofs, reducing the perceived mass of the building. Similarity of materials and detailing of levels 2 and 3 is intended to de-emphasise the distinction between those two levels in views from the north east and east, assisting in impressing that the building is of three, rather than of four storeys in height, when seen from the north and east across the Lake. Seen from the south west, the building is generally of three storey appearance with part of the underground car park wall to be clad in stone, visible as a foundation element. The south western elevation however is of minor visibility in reality, other than from close range inside the Commercial site and the margins of future approved residential land east of it. This is because of the screening effect of vegetation associated with the foreshore and the unnamed lake west of the building, which is in the view line between adjacent residential development on Doull Lane and in Lakeview Road.'



Figure 35 - Hotel Accommodation, Marina and Other Uses Building.

Within the central and southern precincts, built form has changed from dense domestic scale buildings to apartment buildings of increased building heights (3 to 4 storeys) sitting within a landscape setting, with recessed upper roof forms, articulation and appropriate materials and colour choices and with varied setbacks (refer example Figure 36). The apartment building forms have been split into multiple buildings, each located in a landscaped setting, in order to reduce the overall scale of the proposal and increase the landscaping opportunities within the site. The amount of the ground floor plane dedicated to internal roads and carparking is reduced by



inclusion of basement parking, designed to still provide deep soil planting zones between the buildings as they face the shared public pathway and the lake. Architectural treatment of the building forms, their facades and materials/colours are also proposed, including visually recessive upper levels on 4 storey built form.



Figure 36 - Indicative Accommodation Building.

Visual absorption capacity of the site in its context and setting relative to the proposed building heights, setbacks and footprints, particularly from the lake, has been a significant area of analysis, with a visual impact assessment by Richard Lamb & Associates accompanying the modification application (refer **Appendix E**). The foreshore vegetation around the southern and eastern edges of the site (which includes trees which range from 15m to 25m in height) when viewed from the lake will remain the dominant characteristic.

The visual impact assessment report consists of an assessment of the likely extent and significance of the visual impacts of the amended development of the site, and of the specific built form proposed, considered in regard to the range of public and private places that could be affected and in comparison with the Concept Approval.

The report is based on observations and fieldwork carried out in February, October and November 2007, and July 2014.

RLA prepared the Visual Impact Assessment that formed part of Concept Approval 06\_0309 (RLA, 2007) and RLA confirm that a significant part of the information in that report, which analyses and assesses the existing visual context and visual exposure of the development proposed as part of the Concept Plan, remains current, as no significant changes to the visual environment or access to it have changed in the intervening period. This was confirmed in reassessment of close range viewing places made in July, 2014.

The methodology adopted by RLA in preparing the Visual Impact Assessment attached with this report is similar in concept and logic to the methodology adopted for the RLA 2007 report. The major components of the methodology for the visual impact assessment were determining the concept for the development and general strategic planning principles, view analysis, visual effects analysis, visual impact evaluation and assessment of significance of residual visual impacts. The assessment methodology was also supplemented with an assessment of the merits and compliance of the proposed development with relevant planning instruments in relation to visual and amenity related impacts and the mitigation measures proposed to be undertaken to reduce or eliminate residual impacts. It was also supplemented by a comparative analysis of other mixed shoreline development and marinas in the Lake Macquarie locality.

The key findings of the Visual Impact Assessment include the following:

- The visual catchment for the proposed development is confined to isolated parts of the urban foreshores of surrounding settlements in the southern basin of Lake Macquarie, parts of the Lake and the eastern and south eastern shorelines;
- The landscape setting of the site is within Bardens Bay and is in an urban context. The side slopes and foreshore of the Bay are significantly modified features of the underlying natural character of the bay and shoreline;
- The site is of moderate scenic quality rating with generally low visual accessibility as identified in the Lake Macquarie Scenic Management Guidelines (LMSMG) and confirmed in this assessment. The landscape has a higher potential to absorb visual impacts than one of high scenic quality and high accessibility;
- The site has low visual exposure to the public domain on land and moderate exposure to part of the waters of the southern basin of Lake Macquarie. The southern basin experiences lower usage than the remainder of the Lake;
- View place sensitivity for public domain viewing locations was rated as high for locations less than 100m from the site, medium for locations between 100-1000m from the site and low for distances greater than 1km (refer Figure 37);

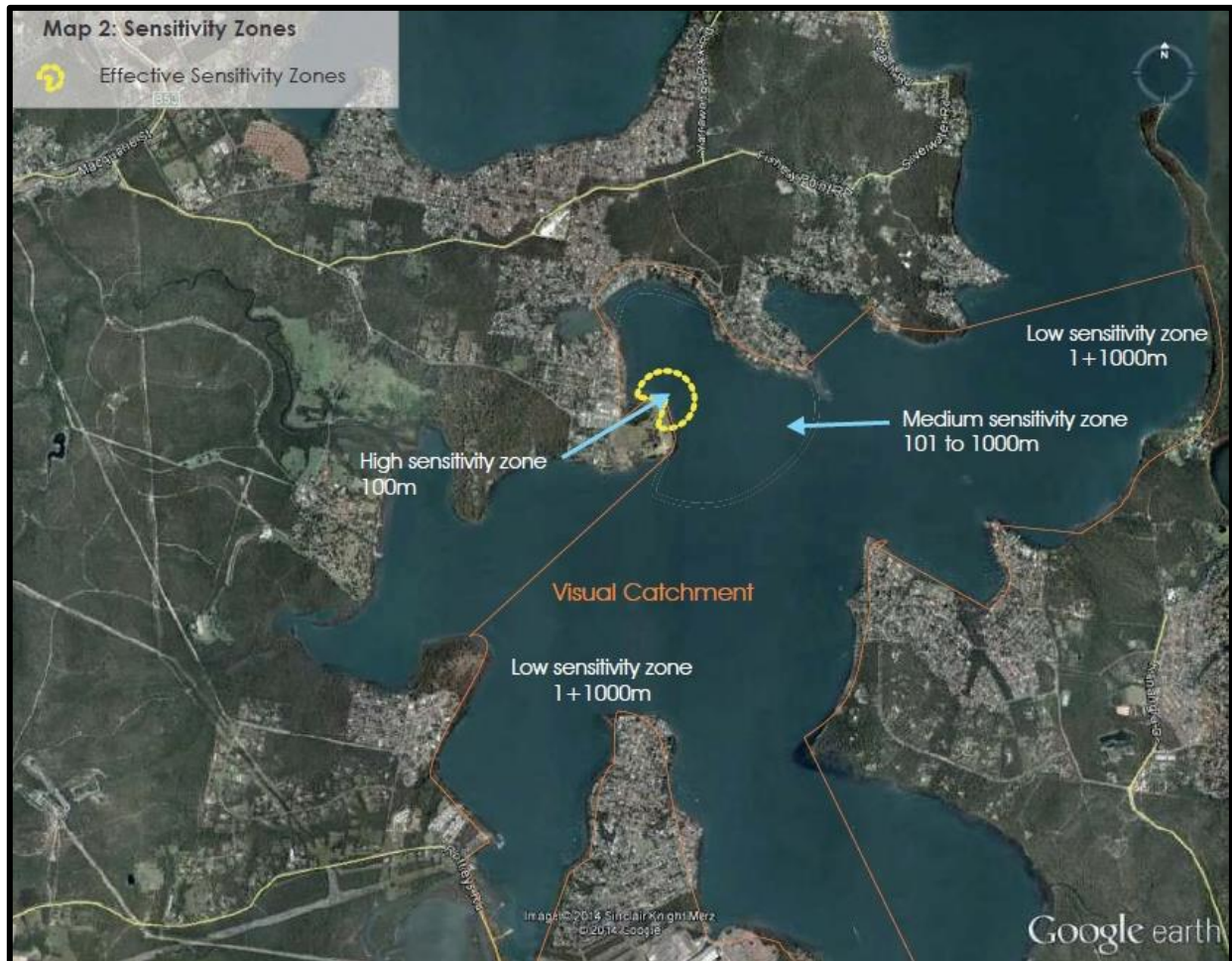


Figure 37 - Visual Sensitivity Zones.

- The effect on view composition compared to the Concept Approval would be minor;
- There is a minor effect of relative viewing level overall; the topography of the visual catchment of the development is relatively flat and most views, including those on the waterway, are on grade with the site;
- Visual effects would be increased for passive users of recreation areas and foreshores and for frequent users of the immediate waterways. There are no roads which provide sustained views;
- Most public domain views other than close views from the water are in the Low sensitivity zone;
- The proposal would cause no greater impact on view through the site from the waterway and foreshores to the north east than the Concept Approval;
- The overall rating of the visual effects of the proposed redevelopment on its total visual catchment was assessed to be low to medium;

- The proposal would cause a low level of view loss and be significantly better in that regard than the Concept Approval. View availability from the site would be superior to the Concept Approval;
- The Physical Absorption Capacity (PAC) for the proposal was rated high for medium range expansive or panoramic views, or restricted views. This is due to its low to moderate intrinsic visibility as a result of retention of existing vegetation and future augmentation of the vegetation canopy;
- The visual compatibility of the proposal with the Concept Approval was rated to be moderate to high. The larger individual buildings would not be any more prominent than the large number of buildings of varying heights in the Concept Approval;
- The overall effects and impacts rating for the high view sensitivity zone in the public domain were assessed to be medium, reflecting the visibility of change in character when viewed in detail, but only from close range on the waterway;
- The overall visual impacts rating of the proposed redevelopment on its total visual catchment, when all relevant weighing factors were taken into account, was assessed to be low;
- Overall in comparison to the Concept Approval, the visual impacts of the Section 75W application are considered to be either neutral (no difference) or superior (less); and
- The visual effects and residual impacts of the proposal were assessed as being acceptable in the context of a destination development of distinctive character with a significant tourism component.

RLA provided the following commentary within the Visual Impact Assessment in relation to the proposed mitigation measures:

- *Proposed Landscaping*

The proposed landscape scheme would assist in mitigating potential visual effects and impacts for both high and medium sensitivity zones. The scheme will assist in providing access to the foreshore, amenity for users and an appropriate setting for earthworks and retaining walls for the road and car park components, while retaining existing natural vegetation in the foreshore reserve.

- *Colours and Finishes*

The colours and finishes of the built component of the development would be chosen to be sympathetic to the colours of the natural environment and to blend and harmonise with the natural features of the site as much as possible. Subject to final design and any residual concerns that Council may have, these may be subject to Conditions of Consent.



- *Lighting*

The lighting for the buildings and landscape would have similar effects to that approved in the Concept Approval. Landscape lighting would only be sufficient for safe access and surveillance and for safe working conditions. The lighting or the proposal would be subject to the need for the design to meet the Australian Standard *AS 4282-1997, Control of Obtrusive Effects of Outdoor Lighting*. A lighting management plan would be a likely requirement for consent.

Based on the Visual Assessment undertaken, the RLA report makes the following overall conclusions:

- The southern basin of Lake Macquarie has generally low public accessibility, including low accessibility from the waterway, as identified in the LMSMG and confirmed in the Visual Impact Assessment undertaken. The locality is of moderate scenic quality and varied integrity. The subject site has significant capacity to absorb the development proposed without visual effects that would be perceived by large numbers of viewers from sensitive public domain locations. The subject site itself possesses minor scenic resources;
- The Concept Approval contemplates the transformation of the site to an urban lake-side setting and a tourism and residential destination. However, the existing Concept Approval is unlikely to be successful in making the site into a world-class tourism destination. In the opinion of RLA as regards view accessibility, relationship of the built form to the views and the Lake, landscape and foreshore, the application is superior to the unmodified Concept Approval;
- The Visual Impact Assessment carried out finds that there are substantive differences between the Concept Approval and the application with regard to building numbers and the proposed building form, character of the public and private domains, view availability and spatial qualities of the site. At the same time, these differences will largely be perceived within the site and will be seen as part of the distinctive character that is intended for the development and an integral part of its appeal as a destination;
- There will be impacts as a result of the change in the site brought about by the concepts for the built form being translated into two to four but predominantly three to four storey character. A more consistent theme for the whole site is the result, compared to the Concept Approval, which was partly a tourism site and partly a small lot residential development. The distinctive character of the application would remain no matter how the individual buildings, or groups of buildings, are delivered giving more certainty as to the visual character of the outcome in regard to the built form compared to the Concept Approval;
- While the predominant building height would be four storeys, that scale can be accommodated on the site within the fringing vegetation and below the tree canopy height. Some additional canopy trees are proposed as a part of the landscape scheme to augment the canopy without conflicting with the obvious pull factor of views of the



Lake. Clearly the proposed future hotel / marina building would be more prominent than residential buildings in some views from the north east, however the footprint size indicates it to be a relatively modest scaled building and indications of potential detailing are that the top level would be made to appear recessive and lightweight;

- The RLA assessment against the criteria of the LMSMG also found the development proposed to be acceptable; and
- RLA consider that the public domain benefits of the development and the contrast they will provide to the generally privatised foreshores of the Lake in the vicinity are major compensatory factors in considering the merits of the redevelopment. The benefits will flow to high numbers of people, not only those within the subject site, but from elsewhere in the locality and the region.

As part of the Visual Impact Assessment, four photomontages have been developed to graphically illustrate the proposal in its visual setting. These are provided as Figures 38, 39, 40 and 41.



Figure 38 – View of site looking from reserve and public boat ramp Lakeview Road, Morisset Park.





Figure 39 – Waterway east of Bluff Point.

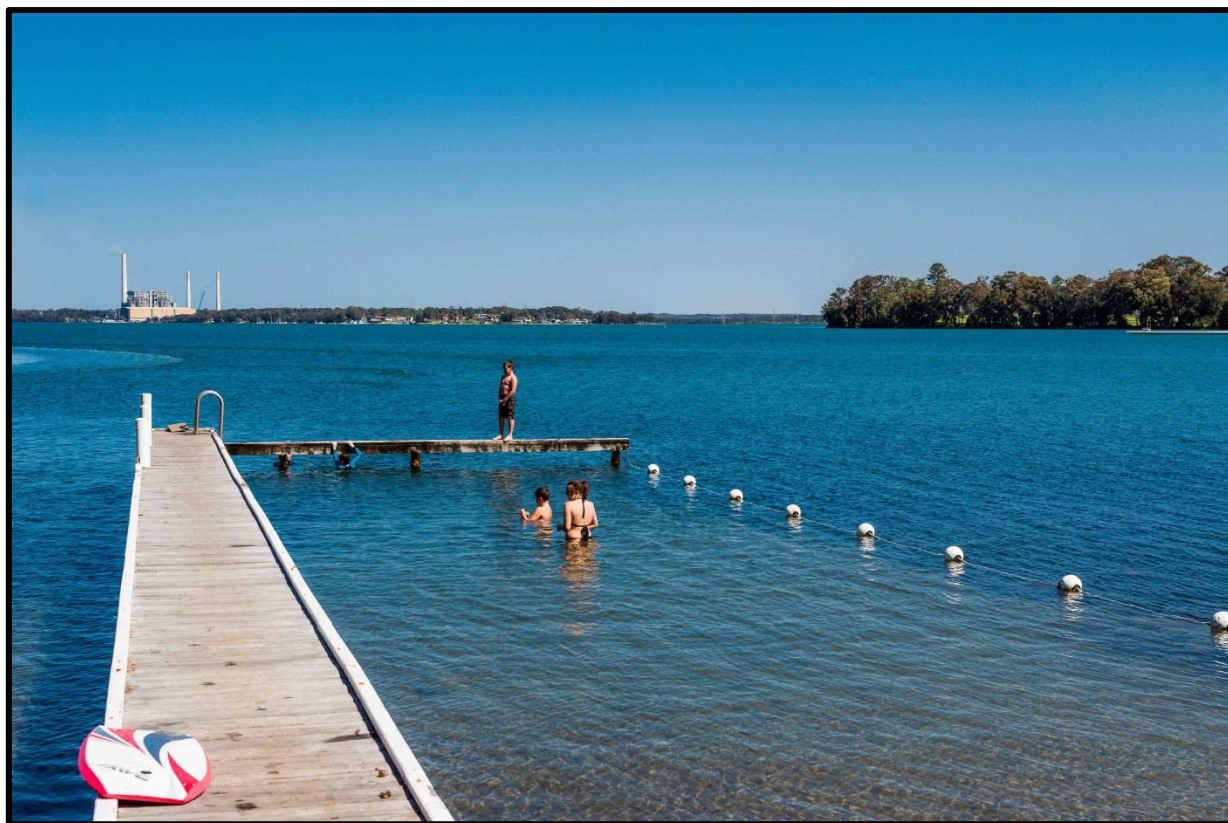


Figure 40 – View from Brightwaters Park, reserve at end of Lake View Avenue, Brightwaters.



Figure 41 – Waterway south south-west of Buff Point.

The Visual Impact Assessment confirmed that whilst the layout and overall building form under the Section 75W application is different from the Concept Approval, it is also far superior with regard to equitability and accessibility to views, spatial separation between buildings, spatial qualities of the public domain and potential scenic quality of both the private and public domains.

The public domain benefits of the development and the contrast they will provide to the generally privatised foreshores of the Lake in the vicinity are major compensatory factors in considering the merits of the proposal. The benefits will flow to high numbers of people, not only those within the subject site, but elsewhere in the locality and the region.

Overall, the visual effects and impacts of the proposed redevelopment, as amended, were assessed as being acceptable, and superior to those of the Concept Approval.

### 5.3 PUBLIC ACCESS, VISUAL PERMEABILITY AND PUBLIC DOMAIN INTERFACE

The site currently offers no physical public access through it to the Lake Macquarie foreshore, nor are there any constructed public access assets within the Council reserve. The proposed development will provide significant public access through and around the perimeter of the site which will be progressively integrated over time, under the progressive development of MP06\_0309.

The proposed development seeks to encourage public visitation to the site and will provide quality access to the site and to the Lake Macquarie foreshore. Public access around and



through the site is maintained and opportunities for visual permeability through the site from the public road and adjoining residential are also incorporated (refer Figures 42 and 43).



Figure 42 - Public Access.

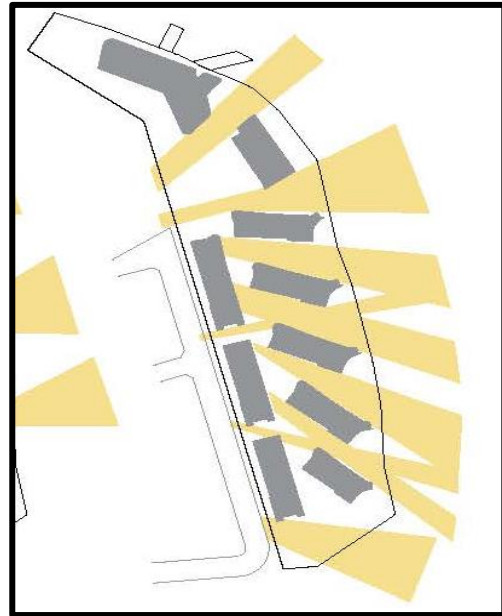


Figure 43 - Visual Permeability.

Whilst the concept for the layout and overall building form is different from the original Concept Approval, it is considered to be far superior with regard to equitability and accessibility to views, spatial separation between buildings, spatial qualities of the public domain and potential scenic quality of both the private and public domains.

Detailed analysis of the site has occurred as part of the design review process with particular emphasis from the public domain including the lake. This has been led by Richard Lamb & Associates in an iterative process with Squillace Architects and Terras Landscape Design. Visual Impact Assessment and photomontages from the lake and other broader public domain areas across the Bay accompany the modification application (refer Section 5.2 above).

Detailed analysis has also occurred as part of the context relating to the public foreshore reserve that surrounds the site, and the interface with it.

- Both the marina and the tourism/hospitality DAs currently before Council have initiated the siting and design of public foreshore works and details on the interface between those and the buildings and landscape spaces for the northern precinct. Both the DAs currently before Council have also maintained and proposed public access (and additional vistas) at key points through the site, to physically (and visually) connect the western public road and residential area though to the foreshore reserve. A summary of these works include:
  - Based on past environmental assessments completed, the vegetation around the northern tip of the site has been identified as sensitive and accordingly these areas will remain undisturbed;

- Public shared pathway access has been provided along eastern foreshore to provide a clearly defined and accessible public shared pathway primarily on grade;
  - Public shared pathway access has been provided along the western edge of development around edge of unnamed bay (partly on grade, partly raised eco deck), connecting to Trinity Point Drive in the south, and in the north to the marina car park and a shared zone through the carpark to the eastern foreshore; and
  - Primary through site pedestrian link to the south of the hospitality building, linking from western shared pathway, Trinity Point Drive through the site to the eastern reserve and shared pathway.
- The southern precinct will continue this approach, with the concept carefully considering the location of a continuing perimeter shared pathway, and how it interfaces with the proposed varied setbacks and rhythm of the accommodation buildings, their spaces and physical (and visual) through site links. The apartments have been broken down into discrete elements - 8 separate buildings in total, five of which will be able to accommodate permanent residential occupation (with tourism as a dual use) with the remaining three proposed for short term accommodation only (with the exception of the upper most levels). Whilst it is proposed to integrate the permanent residential occupancies together in part of the site, their dual use ability to also be used for short stay accommodation means that in a design sense they are proposed to integrate into the overall destination and facility, with a common built form and architectural design approach, whilst graduating materials/colours towards the south.

Separating the buildings in the way proposed allows vistas from the street & public domain (and from internal public access linkages) across landscaped spaces to the water on the east of the site. This spacing also allows for significant deep soil landscaping between the buildings as they face the lake and shared pathway proposed to form a perimeter to the site. Building separation across the landscaped areas ranges from 14m to 22m, and concepts have been updated to provide for some subtle widening of separations at the interface (in association with reviewing the basement parking footprint to create meaningful deep soil landscaping areas as well and recessed upper levels) to the eastern perimeter pathway facing the lake. These separations are greater than would be seen in a typical RFD design, and greater than minimums. Buildings are proposed with a maximum 3 storey wall height, with a fourth level incorporated into a setback above this. Within each building facades will be broken into a series of bays with screens, balconies & open hallways where possible to increase the permeability of the facades.

Along Trinity Point Drive, a change in form and scale from that opposite will exist, as it would have done under the approved concept. Whilst building heights are increased, architectural treatment of the facades, and the street edge will be provided to ensure an appropriate design relationship.



A crucial design element at development application phase will be the ground level interface internal to the site, along through site access links, across spaces between buildings and to the interfaces with the shared perimeter pathway and to Trinity Point Drive.

Written and graphic representation of this is included in **Appendices C** and **L**, as well as the landscape concept plans included in **Appendix D**, which support the modification.

The visual and environmentally sensitive characteristics of the site have been considered and have been recognised in the landscape concept, including:

- The extensive use of indigenous and endemic plant material;
- Publicly accessible shared pathways and linkages;
- Protection of significant areas of native vegetation;
- Durable, low key materials including natural stone and timber where possible;
- Low maintenance plant selections; and
- Articulated lines to hard build forms to soften visual impact.

#### 5.4 TRAFFIC, ACCESS & PARKING

The existing traffic and road network is well understood and is generally described earlier in Section 3.7.

The main contributing land uses to traffic generation (and seasonal and peak/non peak variations) in the Concept Approval are the marina and hospitality uses, which are not in themselves subject to change under this modification. Each of these uses has been subject to DA level traffic and parking analysis as part of DA 1503/2014 and DA 1731/2014, including overall traffic generation, impacts on the external road network and parking demands.

The addition of tourist and residential accommodation as proposed by this modification on the one hand creates additional traffic generation for those uses in their own right, whilst on the other hand, increases reduction in traffic generation from the hospitality uses, as additional containment of traffic will occur as those tourists and residents become patrons of those other on site activities.

A traffic impact assessment report, relating to the modification, is provided in **Appendix F**. It acknowledges the current known status of road upgrades within the locality, with particular regard to catchment wide road network improvements identified by the road authorities since the time of concept approval.

- The site will continue to have vehicle access via Trinity Point Drive (with the introduction of a roundabout at the site entry as identified by Council) and then connect to the arterial road network via Trinity Point Drive and/or Henry Road/Charles Avenue and then to Morisset Park Road and Fishery Point Road onto Macquarie Road;
- A number of road upgrades have been identified along this external road network. An upgrade to the intersection of Fishery Point Road to Macquarie Road (to traffic signals) is

fully funded by others under a VPA, for upgrading by 2019, and a number of other intersections and other local road network improvements are identified in Council's Section 94 Plan (Morisset Contributions Catchment) or are being undertaken by JPG as part of the adjoining residential subdivision works; and

- The modified concept (in total) could generate as a worst case (reflective of a peak demand over a summer day including for hospitality uses including full use of marina and full use of function centre, and allowing for limited cross use of hospitality uses and not considering daily and seasonal variations) some 246 vehicle movements during the morning peak and 398 during the afternoon peak hours.

Within that worst case peak, the contribution by the combined increase in residential and tourist accommodation proposed by the modifications is relatively low, being 11.4% increase as % of total (AM) and 15.6% increase (PM) (refer Table 7).

**Table 7 Contribution to AM and PM Peaks by Accommodation**

RESIDENTIAL ACCOMMODATION	AM PEAK	PM PEAK
Approved – 75 accommodation (3+4 brm splits)	44	44
Proposed – 157 accommodation (2,3+4 brm splits, significantly more 2 brms)	70	70
Increase in peak	+26	+26
Total (whole concept- latest report)	246	398
Increase as % of total	11%	6.5%
Proposed Residential as % of total	29%	18%
TOURIST ACCOMMODATION		
Approved – 75 accommodation*	8	30
Proposed – 65 hotel rooms and 93 serviced apartments	10	66
Total (whole concept – latest report)	246	398
Increase	+2	+36
Increase as % of total	0.8%	9%
Proposed Tourism as % of total	4%	16.5%
COMBINED ACCOMMODATION		
Combined Increase	+28	+62
Combined Increase as % of total	11.4%	15.6%
Combined Accommodation as % of total	32.5%	34%

\*The approved concept calculated AM/PM peaks differently for tourist accommodation. For comparison purposes the Seca reported RMS AM/PM peak has been applied. Note: Data for table sourced from Seca Solution s75w (Mod 5) Traffic Impact Assessment Oct 2014

- Additionally, Seca Solution identify that a significant benefit of the increased accommodations is the potential trip containment due to cross use of facilities. Based on an assumption that 80% of patrons from the hotel and serviced apartment accommodations and that 10% of residents from the residential accommodation will attend at least one other on site use (cafe, restaurant, function), a potential trip containment of some 290 trips arising from the on site accommodations, with associated decrease in external traffic demands;
- The approved concept plan traffic flows and those assessed for the modified concept are reported by Seca to be within the capacity of the local road network, based upon the road upgrades identified by Council in their Section 94 Contributions Plan to be constructed in the locality. All of these road upgrades have funding identified to allow them to be implemented. The levying of contributions by Council for local road works in the catchment as a result of development applications arising from the concept approval will result in collection of a significant portion of the contributions required for Council to fund and deliver the identified works;
- Accident data was provided by RMS and shows that the overall road network operates in a safe and acceptable manner, and it is considered that this can continue to occur with the additional traffic movements associated with the approved concept and the modifications. The road upgrades identified will improve road safety further in this location to accommodate these additional traffic movements; and
- Parking demands have been analysed by Seca, inclusive of the proposed modifications, with a seasonal parking demand and cross use allowances between facilities, an estimate of between 500 - 600 spaces (and that prior to any analysis against operational characteristics such as facilities with different hours of operation). Concepts developed by Squillace (taking into account the site planning modifications) has identified opportunity for >600 parking spaces accommodated for on site, such that external parking impacts will not be created.

The overall traffic report identifies that future development applications will need to assess the more specific traffic, access and parking arrangements for the uses subject to those applications. This is appropriate as the project evolves from concept to DA level.

## 5.5 OTHER CONSIDERATIONS

### 5.5.1 Acoustic

The existing acoustic environment is well understood and is generally described earlier in Section 3.13.

Potential noise from marina, tourism and hospitality uses on the site was broadly considered as part of the Concept Approval. The acoustic report at the time found that those uses (and the total development) could meet compliance.

The Acoustic Group has been engaged to assist with acoustic planning and assessment for the whole site, including consideration of this modification. The Acoustic Group has extensive experience in acoustic impact assessment for the types of facilities. The Acoustic Group has identified a methodology for the assessment of all noise from the overall Trinity Point site (inclusive of the proposed modifications). The methodology involves understanding the whole of site noise context from which each component of the overall proposed development is compared against. An Acoustical Criteria Report (44.4732.R2) by The Acoustic Group (dated 22<sup>nd</sup> August, 2014) provides the overall project specific acoustic criteria based on updated ambient measurements conducted on site and in the nearby residential areas (**Appendix G**).

The potential noise generating activities associated with the site are not the subject of the proposed 75W modification. Accordingly the overall acoustic environment has not changed and there is no acoustic impact consequences as a result that need to be further considered. The noise criteria and noise budgets established by The Acoustic Group account for the proposed modifications.

#### ***5.5.2 Water Cycle Management***

A stormwater and flooding assessment of the proposed modifications are included in **Appendix H**.

The assessment identifies that the reduced extent of paved surfaces reduces potential sources of waterway pollutants and that whilst minor amendments are proposed to treatment measures to enable more efficient treatment of stormwater and increased opportunities for rainwater harvesting, the overall approved stormwater principles (as relevant) and targets remain and are achievable (with a high level water quality model undertaken to confirm that). In that sense appropriate water cycle management is able to be incorporated into development applications to exceed water quality targets established through the Concept Approval. Construction management and erosion and sediment control will continue to be integrated into development applications.

The assessment identifies that whilst flood planning levels have been updated by Council since Concept Approval in 2009, these are accommodated into the modified design and there are no increased consequences arising from the proposed modifications.

#### ***5.5.3 Flora and Fauna***

Subject to appropriate construction management and stormwater management, the modifications do not have any consequences of note relating to the aquatic and terrestrial flora and fauna. Vegetation management of the foreshore vegetation remains an important ongoing commitment and is unmodified from that provided for in the Concept Approval.

#### *5.5.4 Land Surface*

Sections 3.5 and 3.6 provide an overview of the geotechnical and other land surface conditions on the site. Whilst relevant to the project, these are not of any consequence to the modification, with the exception of perhaps mine subsidence parameters, which have been applied as a result of potential future mining. An application is before the Mine Subsidence Board to determine whether these will apply. Preliminary indications from Northrop is that if they are, they will not result in precluding the nature of the modifications sought (building height, form and parking), noting that previously MSB supported up to seven storeys on this site.

#### *5.5.5 Aboriginal and European Heritage*

The site has been the subject of Aboriginal & European heritage assessment as part of the approved concept plan. Condition C22 of the Concept Approval and approved principle 18 provide the terms for ongoing consideration of aboriginal heritage.

The work completed to date by Insite Heritage covers the whole of the subject site, and includes a draft Cultural Heritage Management Plan (CHMP) and draft Heritage Interpretation Plan (HIP). The draft CHMP provides the overarching framework for the development of the whole of the site (including land subject to future separate Development Applications associated with the Concept Approval) and adjacent public land where subject to works and also for the Aboriginal Heritage Impact Permit (AHIP) applications. The Concept Plan and approval identified the need and importance for an interpretation strategy given the rich history of the site. This is so for both Aboriginal and European Heritage. The proposed development of the site provides a good opportunity to showcase this history, providing an important social, cultural and educational experience for those that visit the site. It is likely that this history would not be as well understood or have the chance to reach out to a larger number of people if it was not for the development of the site.

The modifications have no impact on the Concept Approval requirements, nor the whole of site guiding documents. **Appendix D** (Landscape) identifies heritage interpretation opportunities within the concept layout which will be further document, consistent with the Concept Approval, in all development applications.

#### *5.5.6 Services*

All key services including electricity, water and sewer will be extended to the site. There are not significant consequences to utility provision arising from the proposed modifications (refer **Appendix I**).



#### *5.5.7 Crime Prevention and Safety*

A Crime Prevention Report has been prepared by Harris Crime Prevention Services and is attached at **Appendix J** of this report.

Harris Crime Prevention Services prepared a Crime Prevention Report as part of the original approved concept plan for the proposed overall marina and tourism development (MP 06\_0309). This report identified four security (design and management) objectives, including compliance with regulatory and / or planning instruments, minimising broader community crime risks; creating 'safe space' (design) and future security management objectives and outcomes.

The original Crime Prevention Report prepared by Harris Crime Prevention Services concluded that the overall Trinity Point proposal met each of the above objectives, subject to incorporation of the specific Crime Prevention Through Environmental Design features recommended as part of the pre-construction certificate design development.

The current Crime Prevention Report assesses the relevant crime prevention design issues as part of the Section 75W application, taking into consideration the original concept approval, the conclusions and recommendations of the previous Crime Prevention Report for the concept approval, and the changes to the proposal under this Section 75W application and any impacts on the abovementioned objectives.

Harris Crime Prevention Services concludes that they have assessed the revised drawings and supporting information to be submitted as a Section 75W application for a residential, tourist and marina resort precinct at Trinity Point, Morisset Park. The revisions are consistent with the original concept plan which, in relation to curbing and / or preventing anti-social and criminal behaviour, considered the intentional application of Crime Prevention Through Environmental Design (CPTED) principles within the (revised) footprint.

The Section 75W revisions:

- (a) Support Harris Crime Prevention Services earlier (2007) assessment that the design and operation of the development should generate positive opportunities for a crime prevention partnership between the neighbouring community and the development,
- (b) Contain CPTED features consistent with those incorporated into the original concept plan,
- (c) Provide a platform to incorporate CPTED specifics to enhance (strengthen) the already-present design features, and
- (d) Comply with the relevant planning and / or policy instruments of Lake Macquarie City Council and the NSW Government.

## 6.0 List of Approvals & Licences

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Following is a list of approvals which would be required as a result of the proposed development, following consent to development applications:

- **NSW Office of Water**

Approval under Part 5 of the *Water Act 1912* will be required for de-watering (which is a licensed activity) associated with excavations as part of the proposed development.

Given works are proposed within 40m of the lakes edge, a controlled activity approval under the *Water Management Act 2000* will be required. The need, or otherwise, for additional approvals under this Act, will be identified.

- **NSW Environment & Heritage**

An Aboriginal Heritage Impact Permit (AHIP) will be required to be obtained under Section 90 of the *National Parks and Wildlife Act 1974*.

- **Hunter Water**

A Section 50 Certificate will be required.

- **Mine Subsidence Board**

Given the siting within a declared Mine Subsidence District, appropriate approval by MSB may still be required.

- **NSW Environment Protection Authority**

The proposed marina would be a 'Scheduled Activity' (Marinas & Boat Repairs) as defined by Schedule 1 of the *Protection of the Environment Operations Act 1997*. An Environmental Protection License is therefore required.

## 7.0 Conclusion

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The purpose of the proposed modification is to maintain and reinforce the vision of the approved concept plan, to create a premier mixed use development, a successful and vibrant place and a world class destination. The proposed modification does not change the overall concept.

The proposed modification seeks to provide a built form more consistent with a tourist resort and that improves public access and view corridors throughout the site. In particular the proposed modifications provide for an architectural style that is by far more coherent in the context of the natural setting of the lake and foreshore environment.

The modification is to ensure that the proposal as conceived and approved can be delivered. To that end it has been clearly established that there is a critical mass and synergy of land uses that if not achieved will mean the project cannot be delivered. Accordingly the proposal incorporates additional short term accommodation that is necessary to support the function centre and other hospitality and on site uses. It has also been necessary to provide for an increase in permanent accommodation such that the uses are able to be sustained at times when the tourism components of the site are otherwise not operating or not in peak times. Perhaps more importantly to maintain the appropriate ratio of long term residents to ensure vibrancy, activity and a sense of place and community is created.

The proposed modifications, incorporating relatively modest increases in floor area do not have any significant environmental consequences. Overall it is considered that the modifications enhance the proposal.

## Appendix A

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### *PROJECT STATUS FLOWCHART*

## Appendix B

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*ECONOMIC ANALYSIS REPORTS (PWC & ADWJOHNSON PTY LTD)*



## Appendix C

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*COMPARISON & DESIGN REPORT RELATING TO PRINCIPLES, OBJECTIVES AND URBAN DESIGN  
GUIDELINES (SQUILLACE ARCHITECTS)*

## Appendix D

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*LANDSCAPE ANALYSIS AND DESIGN PRINCIPLES (TERRAS LANDSCAPE ARCHITECTS)*

## Appendix E

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*VISUAL IMPACT ASSESSMENT (RICHARD LAMB AND ASSOCIATES)*

## Appendix F

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*TRAFFIC IMPACT ASSESSMENT (SECA SOLUTION)*

## Appendix G

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*ACOUSTIC CRITERIA REPORT (THE ACOUSTIC GROUP)*



## Appendix H

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*STORMWATER AND FLOODING CONCEPT REPORT (ADW JOHNSON)*

## Appendix I

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*CIVIL WORKS AND UTILITIES REPORT (ADW JOHNSON)*

## Appendix J

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*CRIME RISK ASSESSMENT (HARRIS CRIME)*

## Appendix K

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*CAPITAL INVESTMENT VALUE ESTIMATE (WT PARTNERSHIP)*

## Appendix L

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*PREFERRED PROJECT REPORT RELATING TO PRINCIPLES, OBJECTIVES AND URBAN DESIGN GUIDELINES  
(SQUILLACE ARCHITECTS)*