

Ms Carolyn McNally
Secretary
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

9 April 2015

Dear Ms McNally

**Subject: Modification to Trinity Point Marina and Mixed Use Development
Concept Plan (MP06-0309 MOD 2)**

I refer to the Department's letter dated 5 March 2015 referring the above modification application to the Planning Assessment Commission for determination.

Ms Lynelle Briggs AO and I constituted the Commission for the modification.

The Concept Plan for the Trinity Point Marina and Mixed Used Development was approved in September 2009 by the then Minister for Planning. The Concept Plan currently permits the following uses:

- 188 berth marina and associated offices and maintenance facilities;
- 150 accommodation units (75 tourist and 75 residential);
- restaurant, café, function centre, shops and offices; and
- parking, landscaping and a floating boardwalk.

This modification application seeks approval to amend the marina layout and design, staging, public access and boat size limit aspects of the Concept Plan.

On 25 March 2015, the Commission met with the proponent and the Department individually for briefings on the modification.

The panel notes that there were 52 public submissions (51 objections and 1 submission in support), 5 submissions from special interest groups and 4 submissions from public authorities (including Lake Macquarie City Council).

In its submission, Council objected to the revised public access arrangements and raised other minor concerns. The Proponent subsequently prepared a Response to Submissions to address these concerns, including revisions to the modification.

The Commission met with representatives from Council on 30 March 2015 to discuss the modification. The Commission notes that the modification would now allow public access on the land-side boardwalk, but not on the proposed floating breakwater in the lake, due to safety concerns. Council conceded to this approach and noted that overall the revised modification provided improvements to the original proposal.

Due to the level of community concern, a public meeting was held in Bonnell's Bay on 30 March 2015. There were 12 speakers, including 6 that objected, 5 that supported the modification and 1 that provided comments. A list of speakers at the public meeting and a summary of the matters presented during the public meeting are available in **Attachments 1 and 2**.

A number of the public submissions and the speakers at the public meeting complained about the confusing nature of the assessment process, and in fact raised concerns about other aspects of the Concept Plan approval, including additional modifications for the land-side of the marina that have been received by Council but do not form part of this modification.

The Commission acknowledges the complexity of the assessment process, and for that reason provided an explanation at the public meeting about the current modification application and its relationship to the Concept Plan, other modification applications and Council's role in the assessment process.

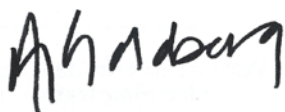
The Commission also acknowledges the community's concerns regarding the modification, particularly in relation to public access, boat sizes, native vegetation impacts and environmental monitoring. The Commission is satisfied that these concerns have been considered in the Department's assessment report and addressed in the recommended conditions of approval.

Nevertheless, the Commission has made some minor amendments to the Department's recommended conditions of approval to provide greater clarity around boat size limitations, and to enhance the environmental management and monitoring requirements of the approval.

The recommendation for approval, subject to the conditions as amended, is reasonable.

The signed instrument of approval and file (13/18008 – Part 3) are enclosed.

Yours sincerely



Abigail Goldberg
Planning Assessment Commission

cc. The Hon. Rob Stokes, MP
 Minister for Planning
 GPO Box 5341
 SYDNEY NSW 2001

Attachment 1
List of Speakers

PLANNING ASSESSMENT COMMISSION
PUBLIC MEETING

Project: Trinity Point Mixed Use Development Concept Plan MOD2

Date: Monday 30 March 2015, 1:30pm onwards

Place: Bonnells Bay Youth 7 Community Centre, 275 Fishery Point Road, Bonnells Bay

Speakers:

1. Col Roach, Bonnells Bay Progress Association
2. Bruce Baylis, Sunshine Progress Association Inc
3. Tom Dumbrell, President, Morisset Park District Action Group
4. Greg Piper, Lake Macquarie MP
5. John Skewes, Mannering Park Amateur Sailing Club
6. Eric Wilson
7. Gary Wilson
7. Philip Russle
8. Robert Cowan
9. Ann Riding
10. Murray Sorrell
11. Margaret Carew
12. Darren Zeuschner

Attachment 2

Issues Raised at the Public Meeting

Issues of concern or objection included:

- A number of speakers commented that the proposed development is excessive and that the number of berths should be much less.
- The issue of numerous modifications to the project was raised. Residents expressed concern about the complexity of the assessment process, multiple confusing modifications leading to substantive project changes and multiple approval authorities with different roles.
- Residents requested that sewage and oil pumps be made available from Stage 1 of the project. Conditions of approval should ask for an effective drip tray for all boats and effective monitoring to ensure compliance.
- It was suggested that road capacity cannot sustain proposed development and that truck movements during construction cause unacceptable dust and noise. Proposed car parking is considered excessive.
- Some concerns were raised about the size of boats over 20 metres and potential visual impact.
- Public boat ramp has not been provided.
- Much of the native tree cover will be lost which will cause erosion and increased run off.
- One of the speakers opposed reductions in building setbacks.
- A speaker opposed removal of the maintenance facility as it would be of economic and social benefit to the local community.
- Baseline data for monitoring the quality of water should be publicly available. The locations for monitoring should be: berthing, Lake Petite, Un-named Lake and in front of residential properties. There should be no amendments to the existing C11 condition related to verification of baseline data for the marina.
- It was requested that access to public foreshore areas not be compromised as the staged construction would take many years to complete.

Issues raised in support of the proposal included:

- A number of speakers were of the opinion that the proposed modification is an improvement on the original proposal. In particular, replacement of the fixed with the floating breakwater and limits to public access to the marina's boardwalk.
- Removal of the maintenance facility will reduce contamination risk and increase public access to the foreshore.
- Marina will provide employment for local population and generate income for the local economy. It will also be an additional recreation facility for local community.