

MODIFICATION 5 - TRINITY POINT MARINA AND MIXED USE DEVELOPMENT

SUMMARY RESPONSE TABLE TO PUBLIC SUBMISSIONS

SUMMARY

- Group Objections – Four (4) group submissions were received. Submissions were made by Sunshine Progress Association, Bonnells Bay Progress Association, Morisset Park & District Action Group and South Lake Macquarie Amateur Sailing Club (with this last submission relating solely to marina impact issues not the subject of Modification 5 application).
- Individual Objections – Seventy Nine (79) individual submissions objecting to the modification were received.
- Individual Supporters – Forty Seven (47) individual submissions supporting the modification were received
- Petition of Support - A petition of support including fifty five (55) signatures was received.
- Group Comments - Additionally, comments were received in a combined submission from three (3) aboriginal groups (Awabakal Traditional Owners Aboriginal Corporation, Awabakal Descendants Traditional Owners Aboriginal Corporation and Guringai Tribal Link Aboriginal Corporation).

This represents a total of 188 submissions (inclusive of the individual signatures in petition) or 133 submissions (plus the petition of support).

Note: It is noted that of the supporters (individual submission and petition), approximately 50% are from surrounding Morisset and Morisset Peninsula local community (including Morisset Park, Morisset, Sunshine, Brightwaters, Mirrabooka, Yarrawonga Park, Bonnells Bay and Balcolyn) and include multiple new residents in the subdivision to the west.

Note: It is noted that of the objectors (individual), almost all (where that information is available, as many requested details to be withheld) are from surrounding Morisset and Morisset Peninsula local community, and primarily Morisset Park and Brightwaters.

Provided below are three tables.

- Table 1 summarises the grounds of support
- Table 2 summarises and provides a response to the key issues raised by groups and individual objectors that are considered to be relevance to Modification 5.
- Table 3 summarises the key issues raised by groups and individual objectors that are not of direct relevance to Modification 5.

TABLE 1 ISSUES RAISED OF DIRECT RELEVANCE TO MODIFICATIONS SOUGHT VIA MODIFICATION 5 – SUPPORT

Individual Supporters – Forty Seven (47) individual submissions supporting the modification were received

Petition of Support - A petition of support including fifty five (55) signatures was received.

Issue Raised directly relating to Mod 5	Group Tally	Individual Tally	Summary of Issue Raised	Response
Letter of Support		47 + 55 signatures on petition (102)	<p>The letters of support and petition confirm support for the modification on the following grounds:</p> <ul style="list-style-type: none"> • Much needed facility • Lack of modern tourist and leisure facilities in western Lake Macquarie • Good link to greater Sydney, good for tourism • Support for other local small businesses • Employment • Positive economic and lifestyle benefits • What Lake Macquarie needs • Wonderful asset • Residents in adjoining subdivision wanting facilities, moved here for them and looking forward to seeing them developed • Resident at Brightwaters will look at directly and can't wait for it to be built • Compliments the lake side environment & allow others to enjoy the magic 	Support welcome and noted, particularly noting that just over half are from residents of the Morisset and/or Morisset Peninsula community and neighbourhoods (including some new residents in the residential subdivision directly to the west).

Issue Raised directly relating to Mod 5	Group Tally	Individual Tally	Summary of Issue Raised	Response
			<ul style="list-style-type: none"> • Will increase tourism to the area • Will provide a destination for local community • With increasing population in Morisset catchment, good to see facilities • Superior to what was approved • Great outcome for entire lake community • Will be a landmark and source of pride for Lake Macquarie • Support increase in short term and residential accommodation • As long as effect on road and noise considered • As long as public have free access to the foreshore and amenities and public can walk around the foreshore 	

TABLE 2 ISSUES RAISED OF DIRECT RELEVANCE TO MODIFICATIONS SOUGHT VIA MODIFICATION 5 – OBJECTION

Group Objections – Four (4) group submissions were received. Submissions were made by Sunshine Progress Association, Bonnells Bay Progress Association, Morisset Park & District Action Group and South Lake Macquarie Amateur Sailing Club (with this last submission relating solely to marina impact issues not the subject of Modification 5 application).

Individual Objections – Seventy Nine (79) individual submissions objecting to the modification were received.

Group Comments - Additionally, comments were received in a combined submission from three (3) aboriginal groups (Awabakal Traditional Owners Aboriginal Corporation, Awabakal Descendants Traditional Owners Aboriginal Corporation and Guringai Tribal Link Aboriginal Corporation).

Issue Raised directly relating to Mod 5	Group Tally	Individual Tally	Summary of Issue Raised	Response
Process	3	67	<ul style="list-style-type: none"> • Unlawful, not a modification • Too different, not a modification • Piecemeal, fragmented & need to consider whole of site • Confusion to community by multiple modifications & development applications • Disillusioned by process • Similar to original concept that was not approved • Contrary to LEP clause and zoning history 	<ul style="list-style-type: none"> • Section 4.0 of the RTS Report outlines the very broad scope provided in legislation for s75W modifications to concept approvals. It is considered that the proposed concept plan modification falls well within the scope of s75W. • The modification application provides a significant amount of 'whole of site' context to the proposed changes and is not piecemeal. There are justified reasons why separate modifications have been proposed being Mod 2 – marina related (with its primary water based assessment considerations, noting this has recently been recommended for approval by DPE) and Mod 3 - addition of a helipad (with its own specific set of environmental assessment requirements, which is yet to be submitted). • The modification application proposes an alternative approach to achieving the approved site principles and objectives. It is a unique alternative approach relative to the key urban design objectives established for the site and is not as per the original concept that was not approved. • It is acknowledged that the planning process, including different assessment and determination bodies, can create confusion. That however does not make the process invalid and there is no impediment to assessment and

Issue Raised directly relating to Mod 5	Group Tally	Individual Tally	Summary of Issue Raised	Response
				<p>determination of this modification. JPG have responsibilities to meet in the ongoing development of the site which has guided their decisions on the nature and timing of modification applications and development applications. Each and every application provides opportunity for the community to avail themselves of information and provide submissions relating to the relevant aspects of the development. This provides multiple opportunities for involvement in the planning process.</p> <ul style="list-style-type: none"> Section 4.6 of the EA report addresses the Lake Macquarie LEP 2014, and notes that under Section 3B(2)(f) of Schedule 6A the provisions of an EPI do not have effect to the extent to which they are inconsistent with the terms of the approval of the concept plan. Clause 7.16 is an additional permitted uses style clause allowing development on the subject site beyond that permitted within the standard zoning of the site. Notwithstanding, the concept plan provides permissibility and prevails.
Overdevelopment and Mix of Uses	2	71	<ul style="list-style-type: none"> Overdevelopment, too much footprint Compromises well-being of many for gain of a few Concern about increase in restaurant/café seats Not sympathetic Objects to high density urban living Impact to existing tourist operators Management between tourist and residential users and change from mixed to separate Should retain 150 maximum and should be required to adhere to 50/50, concern that will become 100% tourist, shouldn't allow residential as short term Should have DAs for apartments and show 	<p>Section 3.3, Appendix B and Table 11 of the RTS Report provides comparative analysis between the modified and approved concepts and justifications relating to urban design considerations, including site planning, building footprint, density, gross floor area, heights, setbacks, public access, open space, built form and landscape.</p> <p>With respect to specific land use comments within submissions (refer also Section 3.3.3.1 and Appendix B of RTS Report):</p> <ul style="list-style-type: none"> The modified concept overall has a reduced footprint and increased areas of open spaces and access based on Squillace analysis. <u>Non-Accommodation Uses</u> <ul style="list-style-type: none"> There is only a minor increase in café seats (30 seats approved, 40 seats proposed);

Issue Raised directly relating to Mod 5	Group Tally	Individual Tally	Summary of Issue Raised	Response
			<p>them upfront</p> <ul style="list-style-type: none"> Limited jobs and limited benefits 	<ul style="list-style-type: none"> There no increase in restaurant seats; Outdoor dining was not numerically quantified in the approved concept (but extended over a large space), the modified concept quantifies outdoor dining seating numbers; The function centre has the same seating capacity as approved, with an additional complimentary outdoor lawn area for up to 100 patrons. Both the café and lawn area (and associated patrons) are proposed to be limited to day time use only; It is disagreed that the project will create limited jobs and benefits; In response to concerns about impacts on existing tourist operators, the approved concept and modified concept are on land zoned for tourism. The original DPE assessment report confirms that LMCC have consistently sought a tourism use on site including function and restaurant uses to support the economic sustainability of south western Lake Macquarie. <u>Accommodation Uses</u> <ul style="list-style-type: none"> The 3-4 storey accommodation buildings and an overall site FSR of 0.8:1 does not support the position that the concept is high density by typical FSR categories; It is noted that some submissions seek DA level detail of accommodation buildings up front. The modified concept provides guidelines for design development and development applications. JPG have undertaken multiple pre-application meetings with LMCC and the SEPP 65 Design Panel relating to the modified concept and accommodation precincts, and a development application for the first four accommodation buildings is proposed to be submitted during March 2015. The modification application provides a rationale for

Issue Raised directly relating to Mod 5	Group Tally	Individual Tally	Summary of Issue Raised	Response
				<p>the increase in maximum accommodations numbers on site. Section 3.3 and Appendix B of the RTS Report further outline that the doubling of accommodation does not represent a doubling in accommodation floor area (16% increase) nor a doubling in bedroom numbers (marginal increase only). The impact of the additional accommodation on site has been considered in the assessments submitted.</p> <ul style="list-style-type: none"> Some submissions challenge the dual use of residential accommodation for short stay use. The concept of allowing all residential accommodation (which is limited to a max of 50% of all accommodation on site) to have a dual use for tourism is established by the concept approval, and the modified concept maintains that provision. The proposal, even with the inclusion of residential land use, is not a privatised gated community, but rather a grouping of dual use buildings within a ground plane that has the objectives and guidelines (and for ongoing design development) for use and enjoyment by residents, tourists and the wider community via multiple pathways, linkages and spaces between and around all buildings. This will be clear to any future resident. The hierarchy of private/semi-public/public space has been further justified within the RTS documentation (for example refer Figure 71 in Appendix B), and will be subject to ongoing design development.
SEPP 65 Design Quality	2	4	<ul style="list-style-type: none"> Quality downgraded from approved Should give due consideration to opinions of local SEPP 65 Panel of experts 	<p>It is strongly disagreed that the design quality of the site is downgraded by the modified concept compared to the approved concept.</p> <p>Section 2.2 of the RTS Report outlines the ongoing design review process with the local SEPP 65 Panel and the LMCC</p>

Issue Raised directly relating to Mod 5	Group Tally	Individual Tally	Summary of Issue Raised	Response
				<p>submission provides information on the latest opinion of the Panel (Dec 2015). The RTS Report provides revisions to the modified concept and additional design and justifications to positively respond to the local SEPP 65 Panel opinions (refer Sections 3.1 and 3.3 and Appendix B of RTS Report).</p> <p>Appendix E to the RTS Report provides a design report against SEPP 65 and identifies that the modified concept is capable of meeting the ten (10) Design Principles of SEPP 65 and is capable of compliance with the key provisions of the Residential Flat Design Guide (or alternative outcomes that are appropriately justified). Refer also Section 3.3.3.2 of RTS Report.</p>
Economic & Viability	2	28	<ul style="list-style-type: none"> JPG should abandon project if they can't make the 2009 viable Inexperience evident by disconnect between function centre size and accommodation If local residents and on site residential population required to support facilities, concern that local residents won't have capacity to support and residential could be used for short stay and therefore not be available to support the facilities, should keep that 50% must be residential. Take away from other competitors in the market who are high quality No need for any of it Should rethink concepts that do not require increased accommodation, ie smaller function, different type of tourist development 	<ul style="list-style-type: none"> Abandoning the project is not an option As outlined above, the dual use for any residential accommodation to also be able to be used for tourism is maintained from the approved concept to the modified concept. As outlined above, the original DPE assessment report confirms that LMCC have consistently sought a tourism use on site including function and restaurant uses to support the economic sustainability of south western Lake Macquarie. JPG has received advice on the appropriate size of a function centre, being that a 300 seat function centre is the appropriate scale of use, as approved. JPG has no intention of reducing the size of the function centre and is committed to providing a project that can deliver the approved vision, principles and objectives for the site.
Road Network, Traffic and Parking	3	52	<ul style="list-style-type: none"> Will double the traffic impacts from approved concept Impacts to Bonnells Bay School 	<ul style="list-style-type: none"> Lake Macquarie City Council undertook catchment wide traffic assessments as part of preparing the 2012 contributions plan, which occurred after the original

Issue Raised directly relating to Mod 5	Group Tally	Individual Tally	Summary of Issue Raised	Response
			<ul style="list-style-type: none"> Local roads too narrow, particularly Henry Road and Trinity Point Drive Local roads pavements deteriorated particularly Henry Road Impact to current access to Henry Road if it becomes one way Heavy vehicle construction traffic impact to local roads Heavy vehicle operational traffic impact to local roads Poor coach access Traffic congestion Extra traffic and impacts on wildlife Requests Council do new peninsula wide traffic study, no confidence in submitted traffic study (doesn't reflect doubling of accommodation, traffic flows too conservative & not cumulative) Intersection at Fishery Point Road and Morisset Park Road should be changed to lights, and funded by project Should contribute to upgrades All external intersection works should be completed prior to any on site development <p>Parking</p> <ul style="list-style-type: none"> Inadequate on site parking, including for all uses in peak & impact to surrounding local roads & need for resident parking scheme and time limited parking No confidence in operational management to manage parking 	<p>concept approval (2009). That independent process identifies catchment wide required works for the expected traffic increases in the peninsula, and was not limited to just residential traffic. The local Section 94 plan identifies traffic contribution requirements for Council identified intersection and other road upgrades, spread across a range of land uses and for various traffic catchments. It is expected that contributions will be levied on all components of the Trinity Point project (based on peak vehicle trips) to assist Council fund the identified traffic network improvements for the catchment, inclusive of intersection upgrades other than to the state road network.</p> <ul style="list-style-type: none"> The submitted Seca traffic report (Appendix F to the submitted EA) identifies that traffic generation arising from the proposed increase in accommodation may almost double the daily traffic flow expected for the accommodation uses (hotel, serviced apartments and residential) by comparison between approved and proposed concepts for that land use component. That is a 'worse-case' scenario (ie assuming that the tourism accommodation is fully utilised and no consideration given to trip containment due to cross use within the site). Seca do not identify a doubling of accommodation traffic in the am or pm peaks from that expected by the concept approval, based on a review of rates used against RMS guidelines and the change in mix of the proposed accommodations. Seca identify that there is an increase of only 13 pm peak movements arising from the accommodation land use based on RMS peak traffic rates. Seca disagree that the traffic flows within the submitted traffic study are too conservative – they have adopted generation rates from the approved concept plan and/or under RMS guidelines, have provided worse case

Issue Raised directly relating to Mod 5	Group Tally	Individual Tally	Summary of Issue Raised	Response
				<p>outcomes, as well as considerations and rationale for trip containment due to cross use as well as seasonal use and variations.</p> <ul style="list-style-type: none"> Importantly the Seca assessment identifies the traffic to be generated by the accommodation (inclusive of the increase in accommodation numbers) and a review of generation rates and further design development of the non-accommodation uses on site, identifies trip containment for cross use and reports on seasonal peaks and variations. Seca have determined that the traffic generations can adequately be catered for within the road network and by the intersection upgrades identified by Council's section 94 plan (which the project will contribute to as conditions of consent for development approvals). Seca have not identified that the modified concept and traffic generations results in the need to alter the nature and type of intersection upgrades identified by Council's s94 plan, based on their SIDRA analysis. Specifically and in response to submissions, the SIDRA analysis by Seca does not identify that the modified concept (inclusive of the additional accommodation traffic) creates the need for the intersection of Fishery Point Road and Morisset Park Road to be upgraded to traffic signals. The submitted traffic report provides information that existing Henry Road and Trinity Point Drive are not too narrow to cater for the traffic generation associated with the approved and modified concept, and also confirms that the capacity of the roads are adequate. The current standard of road pavements including Henry Road is one for the road authority and its asset maintenance programs (historical, current and future), noting that the project will also generate a rate revenue for Council. In response to concerns about heavy vehicle construction

Issue Raised directly relating to Mod 5	Group Tally	Individual Tally	Summary of Issue Raised	Response
				<p>traffic impacts on pavements of local roads, this is a matter for development application stage and conditions of consent deemed reasonable and relevant (which may exclude pre-existing pavement issues that should be addressed by the road authority). It is noted that there is a requirement for Construction Management Plans including for traffic management within the terms of the concept approval (Condition C24) and that LMCC have standard consent conditions relating to fix damage caused by construction work.</p> <ul style="list-style-type: none"> • In response to concerns about operational traffic impacts on pavements of local roads, Seca has advised that the traffic to be generated by the modified concept regarding heavy vehicle use of local roads is not significant beyond heavy vehicle use typically expected on a local and collector road network. • Henry Road is not proposed to become one way. • Occasional access of coaches through the public road network is no greater for the modified concept as would have been expected for the approved concept. The requirement for a coach stopping area, in conjunction with a public bus stop, in the Trinity Point Drive road network was identified for the approved concept and is retained as a requirement in the modified concept. • It is understood that existing traffic issues at Bonnells Bay School are being considered by Lake Macquarie City Council, separately to the Trinity Point project. <p>Parking</p> <ul style="list-style-type: none"> • A detailed and thorough analysis is provided on provision of parking on site, which will be further detailed on a DA by DA basis. • The need or otherwise of a resident parking scheme and time limited parking is premature and a matter for the

Issue Raised directly relating to Mod 5	Group Tally	Individual Tally	Summary of Issue Raised	Response
				<p>road authority at any time.</p> <ul style="list-style-type: none"> The concept approval was granted on the basis of parking management strategy for peak times. That principle is retained in the modified concept.
Visual & Amenity	1	43	<ul style="list-style-type: none"> Larger buildings will create eyesore Concrete jungle where once open and grass Wall of buildings to west, limits lake views to all to lake views for some Wall of buildings to lake and visual impact across bay Too high and inconsistent with character of area (height & intensity) Hotel may exceed height controls No perspective of hotel Questions whether below tree line and reality not represented by photomontages and are misleading; Concern over long term retention of trees in public reserve (construction & tension with future users) Concern marquee becomes permanent structure, negating any benefits of space between buildings Footprint of hotel building leaves little room for vegetation 	<p>It is not agreed that the buildings will create an eyesore and concrete jungle.</p> <p>Comprehensive visual impact assessment has been provided as part of the modification, with Appendix D to the RTS Report providing further comparative analysis between the approved and modified concepts. It concludes that in comparison to the concept approval, the visual impacts of the modified concept are considered to be either neutral (no different) or superior (less). It considers that the modified concept provides a greater degree of accessibility to view, a more equitable distribution of view sharing, a higher proportion of perceived public to private space and a more spacious, inviting and engaging environment.</p> <p>With respect to specific visual impact comments (refer also Section 3.3.4 and Appendix B and D of the RTS Report):</p> <ul style="list-style-type: none"> The modified concept does not present any greater length/wall of building along the western boundary than the approved concept (row housing). Additional design analysis and justification has been provided on how the height of buildings facing the west within the modified concept sits in the Trinity Point Drive streetscape and the context of 'small lot housing' lots opposite; The modified concept has reduced footprint and increased open areas by comparison to the approved concept (refer Appendix B); The modified concept does not present a wall of buildings to the lake;
	1	26	<ul style="list-style-type: none"> Destroy natural beauty and semi-rural aspect 	

Issue Raised directly relating to Mod 5	Group Tally	Individual Tally	Summary of Issue Raised	Response
				<ul style="list-style-type: none"> Perspectives of hotels are provided within Appendix B, D and K of the RTS Report. Photomontages have been prepared accordingly to specific requirements and are valid; Tree lines have been surveyed and ground truthed as part of the visual impact methodology and incorporated into 3D models and to aid preparation of photomontages; The trees, predominantly sited within public reserve, will be protected by appropriate measures during construction and subject to vegetation management plans under the terms of the concept approval. It is agreed that the retention overall of the tree screen within the public reserve particularly in the northern tip of the site, around the unnamed bay, and along the south-eastern and southern perimeter are important for ecological and visual reasons. The footprint of the hotel building is in a location that, under the approved concept plan, was built upon (vessel hardstand, marina building, repair and maintenance facility) and was not proposed to have vegetation or landscaping. The marquee is not intended to be permanently left in place, and it is agreed it needs to be managed. To facilitate that, DA level planning for the site has incorporated a conveniently located and sized storage area for the marquee when it is dismantled.
Noise & Amenity	3	9	<ul style="list-style-type: none"> Noise from liquor outlet and late night disturbance; Noise travels across water, deliberate design to place impact across bay rather than to own residents and adjoining subdivision Does not address noise from marquee and likely amplified music in that at night time 	<ul style="list-style-type: none"> The function centre and other hospitality uses (other than marquee) are part of the approved concept plan land use mix. The approved concept plan established acoustic targets for the entire site and relied on DA level acoustic assessment and identification of noise control measures at DA stage. The acoustical criteria report (Appendix G of the submitted

Issue Raised directly relating to Mod 5	Group Tally	Individual Tally	Summary of Issue Raised	Response
	1	26	<ul style="list-style-type: none"> Noise from late night traffic Destroy quiet ambience & impact on amenity 	<p>modification) re-established acoustic targets for the entire site and separate targets for various components of the modified concept to satisfy on a cumulative basis the overall noise targets. That report identifies that noise emitted from licensed premises is covered by more stringent criteria issued by the Office of Liquor, Gaming and Racing, and that that criteria will be applied to the function centre and to be addressed by individual development applications for components that includes licenced premises.</p> <ul style="list-style-type: none"> As outlined in Section 3.6 of the RTS report, the current concept approval establishes criteria and requires acoustic assessments to accompany individual development applications. That intent is carried over into the modified concept. It is noted that DA 1731/2014 includes a DA level acoustic assessment for the hospitality uses and provides calculations and reveals compliance with OLGR criteria up to midnight subject to identified management and mitigation measures that are DA level determined (and equally incorporates DA level acoustic planning within the design of the function centre itself). It also considers noise from marquee and music across each of the hospitality areas (with recommendations relating to those). It also considers and assesses traffic noise. It concludes that the tourism and hospitality component of Trinity Point can operate and fully satisfy the acoustic design principles set by the acoustical criteria report (including OLGR criteria, traffic noise criteria and intrusive noise targets for those land uses as part of overall noise budget to satisfy cumulative overall noise targets).
Open Space, Public Access & Facilities	3	11	<ul style="list-style-type: none"> Question how public walkway connects to broader residential area Questions if size and location of public 	<ul style="list-style-type: none"> The shared public pathway connects to Trinity Point Drive public road system in multiple locations. The specific design of those connections will be provided with relevant

Issue Raised directly relating to Mod 5	Group Tally	Individual Tally	Summary of Issue Raised	Response
			<p>foreshore being reduced/changed</p> <ul style="list-style-type: none"> • Reduced public open space and encroaches on setbacks and reduces public areas • Reduced private open space • Reduces and limits public access • Must maintain public access to foreshore • Impacts on recreational amenity • No parks, playgrounds to service new residents • Should have public access to resort pool • Should provide for public swimming baths • Limited public transport • Limited support infrastructure (police, hospital, fire, ambulance) and sporting/social infrastructure for young people 	<p>development applications but are conceptually shown in the modified concept. Additionally road widening along the length of Trinity Point Drive (by 2m) is proposed to facilitate additional space in the public road for additional public pathway as well streetscape outcomes.</p> <ul style="list-style-type: none"> • In terms of pathways in the broader residential area beyond Trinity Point Drive, the adjoining subdivision is being undertaken and will construct a network of public footpaths as required by its development consents. Additionally, it is noted that LMCC section 94 plan identifies a catchment wide shared pathway to connect through to Trinity Point Drive (north) with s94 funds levied on future development applications in the catchment (including this site) to contribute funds towards that pathway. • The size and boundary of the public foreshore reserve is not reduced or changed by the modified concept. The type of works within the foreshore are modified and justified with the intent to facilitate public amenity and use. Public access in the foreshore is not reduced by the modified concept. • The amount and distribution of public areas within the site, publicly accessible connections and the amenity, use and connectivity of those and their connection to the foreshore, has been considered in depth by the project architects, with additional details and justifications provided in Appendix B (refer also Section 3.3 of RTS report). From that analysis it is disagreed that public access is limited and reduced. It is considered that the combined linkage, use and amenity of the public connections and spaces provided through the site (inclusive of the alternative approach) achieve approved principles and objectives regarding open space and public access, site permeability and the legibility of those spaces

Issue Raised directly relating to Mod 5	Group Tally	Individual Tally	Summary of Issue Raised	Response
				<p>and links.</p> <ul style="list-style-type: none"> • It is unclear on what basis it is considered reasonable for public access to be provided to the proposed resort pool, nor where there would be precedence elsewhere for a resort pool to be public. Public pools are provided and managed by Council and it is not the role of a tourist facility to provide public swimming pools. The pool contributes to the overall tourist experience and as a facility for patrons of the site. It significantly adds to the amenity of the restaurant without detracting from the amenity of the surrounding publicly accessible spaces and the public foreshore. • LMCC have recently completed (2012) a comprehensive section 94 planning process for the wider catchment, which identifies parks, playgrounds and other recreational needs for the catchment and its residential population arising from new development. Whilst modification 5 increases the permanent population on site, it is not such an increase that would be likely to alter Council's catchment intentions. The residential accommodation will be levied contributions for wider recreational needs. • The recently completed Council section 94 plan (2012) identifies numerous public transport related works that the project will contribute towards. The adjoining residential estate makes provision for a bus route and bus stops separate to the concept plan. • In terms of state related infrastructure (police, hospital, fire, ambulance), it is not considered that the nature of the modifications makes any significant difference to the demand for nor provision of those services for the south western part of Lake Macquarie. • JPG would welcome the reinstatement of the public swimming baths which adjoin the residential subdivision to the west, noting they are not part of the approved or

Issue Raised directly relating to Mod 5	Group Tally	Individual Tally	Summary of Issue Raised	Response
				modified concept plan. Residential subdivision approvals issued for the land by LMCC to the west currently require the old sea baths to be removed. JPG agree it would be great to see them repaired, reinstated and available for public use, and intend to discuss this further with Council outside the concept plan process.
Water Quality, Runoff and Aquatic Environment	1	58	<ul style="list-style-type: none"> Unfiltered runoff to unnamed bay; Increased apartments will increase pollution and runoff and impact unnamed bay & lake water quality & aquatic ecosystems 	<ul style="list-style-type: none"> The approved concept is subject to environmental assessment requirements for stormwater management of the project (for both construction and operations) in order to limit impacts on water quality of the lake, the unnamed bay and aquatic ecosystems. These will equally apply, where relevant, to the modified concept. All runoff from the western access way and marina carpark (those parts of the site which adjoin the unnamed bay) will be subject to stormwater management prior to discharge off site and towards the unnamed bay. It is noted that the permanent deletion of the repair and maintenance facility (via Mod 2 recently recommended for approval) significantly reduces risks of water quality impacts. DA level stormwater management associated with DA 1503/2014 has purposely been designed to provide appropriate erosion and sediment control during construction and bioretention and water quality control measures within the proposal in order to treat runoff and meet pollution reduction targets (with that confirmed via water quality modelling). The outcomes of that DA level work has been uplifted and incorporated into the overall stormwater management system of the site as reported in Section 3.4 and Appendix F of the RTS report. The overall stormwater management system for the modified concept has been updated to identify the water quality control measures required to meet the appropriate water quality targets identified for the site, in order to reduce runoff and pollution and impact to lake water

Issue Raised directly relating to Mod 5	Group Tally	Individual Tally	Summary of Issue Raised	Response
				quality and aquatic ecosystems (refer Section 3.4 and Appendix F of the RTS report).
Setbacks	2	4	<ul style="list-style-type: none"> High probability for environmental damage to fragile unnamed bay if change 30m setback to 18m setback and access, should maintain protection by setback Should not allow any encroachment into setbacks along Trinity Point Drive street edge 	<p>The proposed change to the building setback for the marina/hotel building to the west (which sits on the <u>inside</u> of the concept approved western accessway and hardstand (carpark via Mod 2) area) has limited (if any) impact on the acknowledged environmentally sensitive area around the edge of the unnamed bay. It is disagreed that the setback needs to be maintained to provide environmental protection, as an appropriate edge treatment and vegetation management was approved and is proposed and is not linked to the siting of built form internal to the site and away from that edge.</p> <p>Regarding Trinity Point Drive street edge concerns, rather than encroach, the concept includes the dedication of an additional 2m width of land to public road to facilitate additional public road verge width and streetscape opportunities, and then also maintains a 4m setback to buildings (from that new public road edge). It is unclear what encroachment is referred to in the submissions.</p>
Sea Level Rise/Climate Change	1	2	<ul style="list-style-type: none"> Caution in placing development on northern lower lying part of site 	Flood planning and sea level rise is well understood for the approved and modified concepts. Refer Section 3.5 and Appendix F of RTS report for further description and analysis.
Aboriginal and Cultural Heritage	3	2	<ul style="list-style-type: none"> Should acknowledge heritage and do survey Lacks of respect evident by objection from traditional owners Concern from traditional owners: <ul style="list-style-type: none"> that scar trees identified have been ignored and formal compliant made to OEH; on many occasions concerns and remarks of impact have been overlooked and 	<p>JPG note that OEH, the responsible government authority for Aboriginal cultural heritage matters, have reviewed modification application and advised it poses no additional impacts to Aboriginal cultural heritage and has no additional comments or recommendations.</p> <p>JPG note with their own concern the concerns expressed by the traditional owner groups. The traditional owners represent three out of eight registered aboriginal parties that have been</p>

Issue Raised directly relating to Mod 5	Group Tally	Individual Tally	Summary of Issue Raised	Response
			<p>disregarded and that effects exist no matter what mitigation practices are put in place, those effects being to the shoreline by increased pollution, deterioration of midden sites, removal of scar tree, impact on grinding grooves by water craft and potential increased pedestrian activity on shoreline and rock platform</p> <ul style="list-style-type: none"> - Questions what measures can be put in place to protect the fragile sites and more rapid onset of their deterioration due to development, and notes that the sites are compromised if the approved or modified development becomes a reality - JPG withholding information and no open and continuous communication and no prolific inclusive consultation; - Concern regarding content of CHMP and HIP - Have not been adequate assured or have confidence that JPG are greatly concerned about protecting values. - Outlines registered native title claimants for a regional claim - Provides additional context to the cultural heritage values of the area. 	<p>re-engaged on the project since the beginning of 2014, and JPG feel the need to provide some response to the specific concerns raised.</p> <ul style="list-style-type: none"> - JPG notes the formal complaint referenced in the objection, and has been advised in writing by OEH that the complaint has been investigated and dismissed. It is noted that there is no scar tree on the site of the approved/modified concept, and it is located in the adjoining residential subdivision and is not relevant to the concept approval or its modification; - The objection does not identify what additional impacts are of concern relative to the modified concept specifically, taking into account the terms of the concept approval as it stands; - Whilst the JPG ongoing consideration of aboriginal cultural heritage is guided by the requirements of Principle 18 and Condition C22 of the concept approval, which are largely unaltered by the modified concept. They have a very genuine interest in facilitating the salvages identified through the concept approval to assist in building on the information that has been obtained by the salvage and AHIP process from the adjoining residential estate, and are even more genuinely excited about positively incorporating heritage interpretation opportunities within the concept in a partnership with the registered aboriginal parties and as identified through the concept approval. - JPG have undertaken and exceeded the OEH consultation requirements to date, and have agreed to the establishment of an Aboriginal Advisory Committee (AAC) who will meet every four months for the next two years (with the first meeting held in December 2014. This arose as an outcome of the final

Issue Raised directly relating to Mod 5	Group Tally	Individual Tally	Summary of Issue Raised	Response
				<p>Cultural Heritage Management Plan that has been prepared as per the terms of the concept approval.</p> <ul style="list-style-type: none"> - JPG note a concern by three of the eight groups to the content of the CHMP and HIP, which is submitted to LMCC for approval with the first development application (DA 1503/2014). A response to the submissions is included here for completeness noting that the CHMP/HIP issue is not relevant to modification 5. Whilst a comprehensive process of review and input from all eight RAPs was undertaken from preparation of a draft to final document (noting considerable and positive input from the three groups objecting), and noting that OEH endorsed the original draft documents as appropriate, JPG through their consultants were advised in December of ongoing concerns with the documents. Despite numerous requests for the specific concerns with the documents to be advised for consideration, those concerns have not been articulated to JPG either verbally or in writing. Ultimately, consultation and opportunity for input into the documents have been provided and OEH has supported the documents. - JPG are aware of the native title process underway and have discussed this with the groups who accepted at the time that it is not a matter for JPG and the development proposal. <p>JPG are committed to ongoing consultation with the aboriginal community and will continue to seek to engage with all registered aboriginal parties as part of implementing (once approved) the CHMP and HIP, further developing the details of the HIP and integrated that into the ongoing design development process in accordance with or exceeding government requirements.</p>

Issue Raised directly relating to Mod 5	Group Tally	Individual Tally	Summary of Issue Raised	Response
Landscaping	2	2	<ul style="list-style-type: none"> Does not use endemic species, proposed landscaping a visual insult Preserve casuarinas and enhance with additional planting 	<p>The landscape strategy for the proposal is described in Appendix C to the RTS and incorporates a combination of native and other landscaping. It is disagreed that it represents a visual insult.</p> <p>The majority of all existing vegetation around the edge of the site is preserved, with individual tree clearing for marina structures unchanged via modification 5. The terms of the concept approval requires vegetation management plans for that existing vegetation including infill planting where identified, and that intent is not altered under the modification. It is not proposed to extend casuarina forest around the active waterfront edge of the northern site, which is currently sparsely vegetated.</p>
Social/Crime	1	2	<ul style="list-style-type: none"> CPTED inward looking Concern about liquor outlet, noise and control 	Concerns about hospitality uses, noise and control does not arise from the nature of the modifications. It is disagreed that the crime and safety report at concept plan stage is too inward looking.
Alternative Concepts	-	1	<ul style="list-style-type: none"> Shift marina to south outside bay Shift hotel/café to south Rezone northern tip environmental Rezone southern edge along Henry Rd to high density housing; Include vegetable gardens Concern that current design limits cooling winds and will shadow future small lot housing to the west 	<p>These alternative concept suggestions are not new, were raised previously during 2008/09 at the time of original concept assessment and were discounted.</p> <p>The modified concept does not create an unacceptable shadow impact to future small lot housing to the west (refer shadow diagrams provided in Appendix B).</p>
Trees & Fauna	-	2	<ul style="list-style-type: none"> Should not remove trees Huge number of healthy mature trees to be felled towards Henry Road Noise impacts on fauna using trees 	<p>The approved and modified concept requires very limited tree removal, with no additional removal arising from this modification.</p> <p>There is not a huge number of healthy mature trees on the concept plan site. It is assumed the submission is referencing to trees in the adjoining residential subdivision, which have</p>

Issue Raised directly relating to Mod 5	Group Tally	Individual Tally	Summary of Issue Raised	Response
				development consents which provide for tree removal/retention.
Environmental Sustainability	-	3	<ul style="list-style-type: none"> • Lack of solar or wind generation; • Increased ecological footprint • Contributes to climate change • Tourism over consumption of water, energy & waste generation 	There is no change to the sustainability measures proposed in the approved concept. These considerations are balanced against the outcomes the concept approval (as approved and as modified) and in the context of current sustainability requirements. The proposal seeks to incorporate appropriate water capture and reuse, water and energy consumption reductions for residential use and by passive design such as appropriate solar access and natural ventilation to units and will consider at individual development application other sustainability measures.
Bushfire	-	8	Evacuation of peninsula if bushfire	The Rural Fires Service has raised no issues with the proposed modification.
Acid Sulphate Soil	-	1	Shouldn't disturb acid sulphate soil	Refer Section 3.8.1 of RTS Report and Appendix H. The concept approval was identified likely to disturb acid sulphate soils and that remains likely for the modified concept. The terms of the concept approval incorporate appropriate management of acid sulphate soils during construction, and that management is no different for the modified concept.
Air		1	Increased air quality impacts	Refer Section 3.7 of RTS Report and Appendix G. It does not identify any new sources of air quality impact between the approved and proposed concept. It reports that during construction the air quality impacts are likely to be similar and of neutral significance with appropriate management of dust generation and traffic plant and equipment. It reports that during operation, potential air quality impacts are likely to be lower than the approved concept given the deletion (under Mod 2) of the boat lift and repair and maintenance facility). Additional air quality impacts from operational traffic is considered and deemed to be of neutral impact significance.

TABLE 3 ISSUES RAISED NOT OF DIRECT RELEVANCE TO MODIFICATIONS SOUGHT VIA MODIFICATION 5 - OBJECTION

Issue Raised NOT of relevance to Mod 5	Group Tally	Individual Tally	Response
Impacts from Helipad	-	34	A range of objections to impacts from helipad, which does not form part of the scope of this modification. <i>Note: impact assessment for helipad part of Mod 3 and future EA/EIS, future assessment & determination</i>
Impacts from Marina	1	36	A range of objections relating to impacts from marina, which does not form part of the scope of this modification.
Land Ownership	-	1	One objection challenges original land grant for Lot 31 and past religious abuse on site. Not relevant to Modification 5.