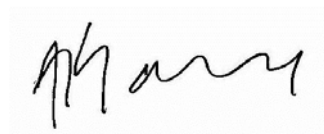


Modification of Minister's Approval

Section 75W of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning under delegation executed on 14 September 2011, we the Planning Assessment Commission of New South Wales (the Commission) approve the modification of the Concept Plan referred to in Schedule 1, subject to the conditions in Schedule 2.



Member of the Commission



Member of the Commission

Sydney

25 November 2015

SCHEDULE 1

Concept Approval:

MP 06_0309 granted by the Minister for Planning on 05 September 2009.

Proponent:

Johnson Property Group

For the following:

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

Modification:

MP06_0309 MOD 5 applies to the land based component and permits:

- the creation of a maximum of 315 accommodation units on-site (no more than 50 per cent of which may be used for residential purposes);
- an increase in the gross floor area and floor space ratio to 29,482 m² and to 0.8:1 respectively;
- the reconfiguration of the building envelopes across the site;
- an increase the number of seats in the café from 30 to 40;
- modification of the Urban Design Guidelines; and
- the reconfiguration of the public domain.

SCHEDULE 2

The above approval is modified as follows:

1. On the cover sheet of the Concept Approval:
 - a) delete point 'b' in its entirety;
 - b) delete the following from point 'c' 'for all land based development (except marina buildings and associated structures)'; and
 - c) re-letter points 'c' and 'd' 'b' and 'c' respectively.
2. In Schedule 1, delete 'Part A- Table' and replace with the following:

PART A – TABLE

Application made by:	Johnson Property Group
Application made to:	Minister for Planning
Project Application:	MP 06_0309
On land comprising:	Lot 31 in Deposited Plan 1117408, Part Lot 32 in Deposited Plan 1117408, Lot 34 in Deposited Plan 1117408, and Part of Crown Reserve 1012129.
Local Government Area	Lake Macquarie City Council
For the carrying out of:	<ul style="list-style-type: none"> • 188 berth marina and associated club facilities; • A maximum of 315 accommodation units (no more than 50 per cent of which may be used for residential purposes); • restaurant, café, function centre, shops and office; and • site access arrangements, parking, servicing, landscaping and boardwalk.
Type of development:	Major Project
Determination made on:	5 September 2009

3. In Schedule 1, 'Part C – Definitions', delete the definitions of 'Building Height' and 'Gross Floor Area' and insert the following new definitions in alphabetical order:

Accommodation Unit	means both short stay accommodation (hotel accommodation and serviced apartments) and residential accommodation. Where proposed, 'dual key' short stay accommodation is considered jointly as one (1) accommodation unit for purposes of yield and mix calculations. All residential accommodation can also be used for short stay accommodation.
Building Height	has the same definition as outlined in the <i>Standard Instrument (Local Environmental Plans)</i> .
Gross Floor Area	has the same definition as outlined in the <i>Standard Instrument (Local Environmental Plans)</i> .
Ground Level (finished)	means, for any point on a site, the ground surface after completion of any earthworks (excluding any excavation for a basement, footings or the like) for which consent has been granted.
RTS (MOD 5)	means the Response to Submissions for Trinity Point Marina and Mixed Use Development (Modification 5), prepared by AdW Johnson, dated April 2015 including all its appendices.
Revised UDG	means the Revised Principles, Objectives and Urban

4. In Schedule 2, replace all references to 'Director-General' and 'future applications' with 'Secretary' and 'future development application/s' respectively.
5. In Schedule 2, replace all references to 'Preferred Project Report prepared by AdW dated, 5 June 2009' with 'Revised UDG prepared by Johnson Property Group, dated June 2015', except in terms A1 and A2.
6. In Schedule 2, delete Term A1 and replace it with the following:

A1 Development Description

Concept Plan approval is granted only to carrying out the development solely in accordance with the Concept Plan as described in:

- i the Preferred Project Report, prepared by AdW/Johnson Property Group, dated 5 June 2009, as modified by the following documents:
 - a) the section 75W modification application dated 6 August 2014, (MOD 4) prepared by Johnson Property Group;
 - b) the section 75W modification dated 15 August 2014, (MOD 2) prepared by Johnson Property Group; and
 - c) the Environmental Assessment dated October 2014 (MOD 5) prepared by AdW Johnson, except where amended by the RtS (MOD 5) dated April 2015, prepared by AdW Johnson and the Revised UDG dated June 2015, prepared by Johnson Property Group.

The future buildings/uses on the land will be contained within two areas as follows:

Tourism and Hospitality Precinct

1. The Tourism and Hospitality Precinct will contain the following buildings:
 - a) the northern most building consists of a four storey building comprised of marina offices, retail, sales centre, hotel foyer, car parking and associated uses at ground level with up to 3 storeys of hotel accommodation and associated uses above; and
 - b) the building along the eastern edge of the precinct consists of a two storey building containing a function centre, restaurant, bar and café with below ground car parking.

The basement level car park is permitted to sit 1.2 m to 1.5 m above the finished ground level.

Tourism and Residential Precinct

2. The Tourism and Residential Precinct will contain buildings ranging in height between 3 and 4 storeys with basement level car parking.

The basement car park is permitted to sit between 1.2 m and 1.5 m above the finished ground level.

Additional Works

3. The following building/works will be undertaken as shown on the Concept Plan and the Revised UDG, as modified by Term B5 of this approval:
 - a) a marina and associated facilities;
 - b) a walkway/cycle path around the eastern and southern edge of the development between the buildings and the lake edge;
 - c) internal vehicular access roads and pedestrian pathways;
 - d) at-grade and basement parking areas;

- e) stormwater management measures;
- f) bulk earthworks; and
- g) landscaping.

7. In Schedule 2, delete Term A2 and replace it with the following:

A2 Project in Accordance with Plans

The development must be undertaken in accordance with:

1. The Environmental Assessment, dated November 2008, prepared by AdW Johnson, as amended by the Preferred Project Report, dated 5 June 2009, prepared by AdW Johnson/Johnson Property Group, as modified by the following documents:
 - a) the section 75W modification dated 6 August 2014 (MOD 4) prepared by Johnson Property Group;
 - b) the section 75W modification dated 15 August 2014 (MOD 2) prepared by Johnson Property Group;
 - c) the section 75W Environmental Assessment dated October 2014 (MOD 5) prepared by AdW Johnson, except where amended by the RtS (MOD 5) dated April 2015, prepared by AdW Johnson and the Revised UDG dated June 2015 prepared by Johnson Property Group; and
 - d) the following drawings except as modified by the terms in Part B and C of approval below:

Revised Principles, Objectives & Urban Design Guidelines (Revised UDG) Prepared by Johnson Property Group June 2015			
Drawing No.	Revision	Name of Plan	Date
Principles 1 to 19	N/A	Revised Principles, Objectives & Urban Design Guidelines Trinity Point Marina and Mixed Use Development	June 2015
Not provided	N/A	Indicative Outcome - Summary Figure Plan by Squillace Architects in Part C of Revised UDG	Part of Revised UDG June 2015
Modified Concept Plan Marina Layout Prepared by RHDHV			
8A0379- MA_LB031	B	Concept Marina Layout - Overall	4 August 2014
8A0379-MA_LB021	B	Concept Marina Layout - Stage 1a & 1 b	4 August 2014
8A0379-MA_LB011	C	Concept Marina Layout - Stage 1a	15 January 2014

8. In Schedule 2 insert the following additional documents after the final bullet point in Term A3 as follows:
 - Environmental Assessment (MOD 5) dated October 2014, prepared by AdW Johnson including all its appendices, except where amended by the RtS (MOD 5) dated April 2015, prepared by AdW Johnson, including all its appendices and the Revised UDG dated June 2015, prepared by Johnson Property Group.
9. In Schedule 2, after Term A6 insert new Term A7 as follows:

A7 Dispute Resolution

In the event that a dispute arises between the Proponent and Council or a public authority, in relation to an applicable requirements in this approval, either party may refer the matter to the Secretary for resolution. The Secretary's determination of any such dispute shall be final and binding on the parties.

10. In Schedule 2, delete Term B4 in its entirety.

11. In Schedule 2, delete Term B5 and replace it with the following:

B5 Changes to Revised Urban Design Guidelines dated June 2015

Principle 2 - Building Setbacks should be modified to:

- specify that a minimum building separation of 18 m must be provided between buildings F and G, and B and C to deliver a continuous view corridor from Celestial Drive through the site to the foreshore reserve; and
- specify that future applications for buildings with a zero setback demonstrate a suitable level of detailing and articulation is provided to ensure they add to the streetscape. Blank walls are to be avoided.

Principle 4 - Public Access and Open Space should be amended as follows:

Under 'Guidelines' add an additional dot point stating that the design and construction of the roads and pedestrian path will allow for public authorities to access the 6(1) zoned land for maintenance and the like.

Principle 9 – Landscape:

Modify Principle 9 to prohibit the use of exotic species within the 20 m foreshore reserve.

Principle 10 – Roads, Vehicular Access and Parking:

Add an additional dot point stating that the Proponent will pay a proportional contribution to the RMS toward the upgrade of the Fishery Point Road/Macquarie Street intersection in accordance with the Deed of Agreement required under Term C7 of the Concept Approval.

Principle 12- Flooding:

Minimum flood planning levels must be consistent with Council's *Lake Macquarie Waterway Flood Risk Management Study and Plan*, June 2012, or as amended or replaced from time to time.

Principle 16 - Acoustics should be amended by:

- deleting sections 16.1, 16.2, 16.3, Table 7, Section 3.26 and Table 8; and adding the following additional requirements:
 - the general EPA criterion of background + 5 dB(A) when measured as an Leq level over 15 minutes at any residential boundary is a standard noise criterion used and will apply to this development;
 - this background + 5 dB(A) criterion is commonly identified as the EPA's "intrusive noise" criterion and will cover all noise emitted from the operations of the development. The intrusive criterion will cover mechanical plant noise;
 - due to the intermittent nature of noise from the construction of the development the EPA's relevant construction noise criteria will be adopted for the development;
 - the noise limits for construction noise require extensive noise control measures to be maintained throughout the construction phase of the development with on-going noise and vibration monitoring to occur and the provision of a dedicated noise complaint hotline;
 - the *NSW Road Noise Policy* will be applied to all traffic generating developments;

- as part of an overall acoustic control the proponent will be required to produce a Noise Management Plan that provides self-imposed noise control measures; and
- whilst the Concept Plan has indicated preliminary acoustic concepts for the development and has been modified during the consultation process to address some of the acoustic issues, the actual controls that will be incorporated into the development have yet to be finalised, due to the concept nature of the application.

General:

All diagrams within the Revised Urban Design Guidelines must be updated to reflect the modifications required to principles 2 and 9.

The Revised Urban Design Guidelines, must be submitted to and approved by the Department of Planning & Environment within three (3) months of the dated that the modification is determined.

12. In Schedule 2, delete Term C2 and replace it with the following:

C2 Development Parameters

Future development application/s must comply with the following development parameters:

Tourism and Hospitality Precinct	
Development Parameter	Requirement
Marina Staging	
A maximum of 94 private berths are permitted within Stage 1, and a maximum of 94 private berths are permitted within Stage 2 of the marina development.	
Number of Storeys (maximum)	
Northern Mixed Use Building	4 storeys exclusive of basement level car parking, which is permitted up to a maximum of 1.5 m above the finished ground level.
Eastern Building	2 storeys exclusive of basement level car parking, which is permitted up to a maximum of 1.5 m above the finished ground level.
Building Setbacks to the Foreshore Reserve	
Northern Mixed Use Building	7 m (to the external wall of main building) to the east. Exceptions: <ul style="list-style-type: none"> • single level retail area is setback 5 m; and • balconies/terraces, slab/roof overhangs and blade walls.
Eastern Building	15 m (to the external wall of main building) setback to the eastern boundary. Exceptions: <ul style="list-style-type: none"> • 13 m setback on the north-eastern corner; and • balconies/terraces, slab/roof overhangs, outdoor dining, terracing and pool.
Building Setback to the Unnamed Inlet to the West (minimum)	
All Buildings	18 m, with the exception of slab/roof structures and associated columns.
Tourism and Residential Precinct	
Number of Storeys (maximum)	
Six accommodation buildings	4 storeys exclusive of basement level car parking, which is permitted up to a maximum of

	1.5 m above the finished ground level. These buildings are in the form of residential flat buildings with basement parking.
Two accommodation buildings on southernmost part of site adjacent to Bluff Point	3 storeys exclusive of basement level car parking, which is permitted up to a maximum of 1.5 m above the finished ground level. These buildings are in the form of residential flat buildings with basement parking.
Building Separation	
Accommodation buildings F and G, and B and C	Minimum of 18 m
Building Setbacks to the Foreshore Reserve	
Six accommodation buildings	Minimum of 6 m, with the setback variations as shown in approved Principle 2 of the Revised Urban Design Guidelines for the eastern ends of the envelopes for future buildings A to E.
Two accommodation buildings on southernmost part of site adjacent to Bluff Point	Between 22.8 m and to 35.7 m as depicted in approved Principle 2 of the Revised Urban Design Guidelines.
All Development	
Floorspace	
Total Floor Space Ratio (maximum)	0.80:1
Total Gross Floor Area	29,282 m ²
Total Number of Accommodation Units	
A maximum of 315	
Residential Development	
A maximum of 50 per cent of the total units are permitted for use as permanent residences. The site must maintain a dominant tourist use at all times.	
Public Open Space	
A minimum of 16,677 m ² of land must be publicly accessible as per Figure 47 of the Urban Design Guidelines.	
Car Parking	
All car parking shall comply with the requirements of Council's Development Control Plan, as amended from time to time.	
Flood Planning Levels	
All development must comply with the flood planning levels outlined in Council's <i>Lake Macquarie Waterway Flood Risk Management Study and Plan</i> dated June 2012, as amended or replaced from time to time.	

The GFA, building height, and storey must be measured in accordance with the definitions contained within the *Standard Instrument (Local Environmental Plans)*.

Future development application/s must demonstrate that the cumulative maximum GFA and dwelling yield across the Concept Plan is not exceeded.

13. In Schedule 2, delete Term C3 and replace it with the following:

C3 Urban Design

The proposed development must comply with the Revised UDG, prepared by Johnson Property Group, dated June 2015. A final Urban Design Guideline incorporating the changes identified in Term B5 must be submitted to and approved by the Department of Planning & Environment within three (3) months of the date that the modification is determined. All future buildings must exhibit design excellence and consider whether:

- a) a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved;
- b) the form and external appearance of the buildings will improve the quality and amenity of the public domain; and
- c) the buildings meet sustainable design principles in terms of sunlight, natural ventilation, wind, reflectivity, visual and acoustic privacy, safety and security and resource, energy and water efficiency.

All future development application/s must demonstrate the building materials and colours comply with Principle 7 – Building Materials and Colours in the Revised UDG prepared by Johnson Property Group, dated June 2015.

All future development applications for residential flat buildings must address the requirements of *State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development*.

14. In Schedule 2, delete Term C4 and replace it with the following:

C4 Use of Accommodation for Tourist Purposes

The use of the tourist accommodation units is to be for short stay tourist accommodation purposes only and no tourist accommodation units are to be occupied by a person for more than 42 consecutive days, or in aggregate no more than 150 days in any 12 month period.

All future development consents must include a condition which restricts the use of all short stay tourist accommodation units and prohibits the use of these units as permanent residential accommodation.

All future development applications for the residential and tourist accommodation must provide a detailed Management Plan outlining all operational and design measures that will be implemented to minimise potential conflict between permanent resident and tourist user groups. In addition, where tourism and residential accommodation is proposed within a single building envelope, the Proponent must demonstrate how the tourism and residential land uses will be physically separated to ensure an adequate level of amenity for future residents.

15. In Schedule 2, delete Term C7 and replace it with the following:

C7 Traffic and Parking

1. The developer shall enter into an agreement with Roads and Maritime Services to pay a contribution of \$769,494 (inclusive of GST) towards the cost of the future upgrade of the Fishery Point Road/Macquarie Street intersection. The agreement is to be executed prior to the issue of the first Occupation Certificate (interim or final) for residential apartments and/or short stay accommodation on-site. The agreement must incorporate details of staged payment of the contribution that will be linked to the staged development of the residential apartments and short stay accommodation. The total agreed contribution of \$769,494 (inclusive of GST) must be indexed quarterly in accordance with *the NSW Road and Bridge Construction Index*.

2. Future development application/s must demonstrate compliance with Principle 10 – Roads, Vehicular Access & Parking in the Revised UDG, prepared by Johnson Property Group, dated June 2015. This is to include the provision of a roundabout at the intersection of Trinity Point Drive and the site entrance for the land based development.
3. Parking numbers are to be provided in accordance with the relevant *Lake Macquarie Development Control Plan* and AS 3962-2001 (*Guidelines for the Design of Marinas*).
4. A Parking Management Strategy should be provided to manage parking on the site including during peak events within the northern and southern precincts.

16. In Schedule 2, delete Term C9 and replace it with the following:

C9 Vegetation Management Plan – Marina and Foreshore Area

All future development applications must be consistent with:

- a) the requirements of Council's Plan of *Management for Community Land 2011*, as amended or replaced from time to time;
- b) the *Vegetation Management Plan Proposed Marina and Mixed Use Development on 71 Trinity Point Road, Morisset Park*, prepared by RPS and dated September 2014; and
- c) the recommendations for the management of Aboriginal and archaeological items outlined in the *Trinity Point Marina Mixed Use Development Morisset Peninsula, NSW Archaeological Assessment* prepared by Insite Heritage Pty Ltd and dated 30 October 2008, as amended or replaced from time to time.

17. In Schedule 2, delete Term C9A and replace it with the following:

C9A Vegetation Management – Whole of Site Plan

A whole of site Vegetation Management Plan (VMP) shall be submitted to and approved by Council the first development application for a tourist, hospitality, or accommodation building, whichever occurs first. The VMP must be:

- a) prepared by a suitably qualified person;
- b) be kept consistent with and updated in response to the Council's Plan of *Management for Community Land 2011*, as amended or replaced from time to time;
- c) be consistent with the *Vegetation Management Plan Proposed Marina and Mixed Use Development on 71 Trinity Point Road, Morisset Park*, prepared by RPS and dated September 2014;
- d) comply with the requirements of the *Guidelines for Vegetation Management Plans on Waterfront Land* (2012), as amended or replaced from time to time;
- e) consistent with the recommendations for the management of Aboriginal and historic archaeological items outlined in the *Trinity Point Marina Mixed Use Development Morisset Peninsula, NSW Archaeological Assessment* prepared by Insite Heritage Pty Ltd and dated 30 October 2008, as amended or replaced from time to time; and
- f) be consistent with principles 4, 8 and 9 of the Revised UDG.

The Proponent must implement the requirements of the approved VMP for all future development applications..

18. In Schedule 2, delete Condition C10 and replace with the following:

C10 Landscape Plan

A detailed Landscape Plan for the Tourism and Hospitality and Tourism and Residential Precincts shall be submitted to and approved by Council with the first development each development application for a tourist, hospitality, or accommodation building within the Concept Plan area, whichever occurs first.

The Landscape Plan must be prepared in accordance with Principle 9 – Landscape of the Revised Urban Design Guidelines, as outlined in Term C3. It must provide details of the

staging of the landscape treatment of the site with the intention of implementing the landscaping on site as soon as possible. The Landscape Plan must provide information regarding:

- (a) a detailed species list appropriate to the site and the circumstances;
- (b) details of landscaping around the outdoor pool;
- (c) surface areas for all pedestrian pathways, boardwalk and public access areas;
- (d) fencing and any other works in the public domain;
- (e) details of landscape treatments and planting for parking areas;
- (f) the landscape interface between the private and public domain, including street setback areas adjoining the Trinity Point Drive road reserve;
- (g) the landscape interface between the Proponent's land and the foreshore land owned by Council; and
- (h) retention of cultural landscape plantings including figs, palms and Norfolk Island Pines located near Bluff Point.

19. In Schedule 3, delete Term C17 and replace it with the following:

C17 Bushfire Protection

The consent authority must include a condition in any development consent permitting the construction of tourist or visitor accommodation requiring the Proponent to obtain a Bushfire Safety Authority in accordance with section 100B of the *Rural Fires Act 1997*.

In addition, all landscaping on-site must comply with the principles of Appendix 5 of *Planning for Bushfire Protection 2006*. The enhancement of the foreshore vegetation must not increase the bushfire risk on site.

20. In Schedule 2, delete Term C18 and replace it with the following:

C18 Implementation of the Vegetation Management Plan

A detailed works plan prepared by a qualified bush regenerator or landscape contractor is to be approved as part of the first development application for a tourism, hospitality, or accommodation building within the Concept Plan area, whichever occurs first. The works plan must identify the actions and tasks required to implement the VMP approved under Term C9A.

21. In Schedule 2, delete Term C19A and replace it with the following:

C19A Stormwater Management

Future development application/s shall include a detailed Stormwater Management Plan (SMP) for each relevant stage which addresses Site Principle 11 – Water Management in the Revised UDG, prepared by Johnson Property Group, dated June 2015, and the *Stormwater and Flooding Management Plan* prepared by AdW Johnson and dated April 2015.

The SMP shall include details of the proposed stormwater management system and shall be consistent with the SMP required by Term C19 of this approval and include all matters where relevant listed in Term C19. The SMP must be approved by the consent authority as part of the development application for the first stage of the land based development.

22. In Schedule 2, delete Term C20 and replace it with the following:

C20 Groundwater

Future development application(s) involving excavation are to provide details of how the water table and ground water will be managed during and after construction. Particular detail is to be provided in regard to the impacts to any EEC (e.g. saltmarsh community) that relies on this water table and ground water.

In addition, the Proponent shall ensure that each development application proposing excavation is accompanied by a report which includes:

- (a) an estimate of the volume of groundwater that is likely to be intercepted during construction works; and
- (b) an estimate of the volume of groundwater that is likely to be intercepted following completion of the construction works.

Should groundwater extraction volumes exceed 3 ML/year, a licence under Part 5 of the *Water Act 1912* must be obtained prior to the commencement of construction works.

23. In Schedule 2, delete Term C21 and replace it with the following:

C21 Flooding

Future application/s for development on flood prone land shall address sea level rise adaption measures and strategies; and include evacuation plans and suitable flood levels having regard to climate change for each relevant stage. In that regard the future design and strategies should be:

- (a) prepared by a qualified engineer; and
- (b) consistent with Council's *Lake Macquarie Waterway Flood Risk Management Study and Plan*, dated June 2012, as amended or replaced from time to time.

24. In Schedule 2, delete Term C22 and replace it with the following:

C22 Aboriginal Historic Archaeology and Cultural Heritage

All future development applications must demonstrate compliance with the requirements of the *Trinity Point Marina and Mixed Use Development Cultural Heritage Management Plan*, prepared by Insite Heritage and dated 29 May 2015 and the *Heritage Interpretation Policy Trinity Point Marina and Mixed Use Development, Trinity Point, Morisset Peninsula NSW* prepared by Insite Heritage and dated 29 May 2015.

All future development applications must also demonstrate that the following requirements regarding Historic Cultural Heritage have been satisfied for each relevant stage of the development:

- (a) retain and conserve built heritage items including the sundial and grotto adjoining the foreshore lands;
- (b) significant built heritage items are to be retained and are to be adequately protected during the works from potential damage. Protection systems must ensure that historic fabric is not damaged or removed;
- (c) retain cultural landscape plantings including figs, palms and Norfolk Island Pines located near Bluff Point; and
- (d) and archival photographic record of the historic areas of the site in accordance with the *NSW Heritage Council Guidelines for Photographic Archival recording in a Digital Capture Format* prior to the commencement of any works on-site. The recording shall be referenced to a survey plan identifying the locations of all of the images. A hard copy of the recording shall be lodged with the Heritage Branch of the OEH and the Council.

25. In Schedule 2, add new Term C22A as follows:

C22A Aboriginal and Historic Heritage Interpretation Plan

A whole of site Aboriginal and Historic Heritage Interpretation Plan shall be submitted to the Heritage Branch and the Regional Operations Group of the OEH for endorsement prior to the determination of the first development application for a tourist, hospitality, or accommodation building within the Concept Plan area, whichever occurs first.

The Plan must:

- (a) be prepared in accordance with the consultation requirements outlined in the *Trinity Point Marina and Mixed Use Development Cultural Heritage Management Plan*;
- (b) provide appropriate measures to ensure that the Aboriginal cultural heritage values and the Historic heritage values of each phase of development are interpreted; and
- (c) specify the mechanisms and requirements for on-going agency and community consultation.

The Aboriginal and Historic Heritage Interpretation Plan *Trinity Point Marina and Mixed Use Development Cultural Heritage Management Plan, Heritage Interpretation Policy Trinity Point Marina and Mixed Use Development, Trinity Point, Morisset Peninsula NSW* must be reviewed every five years to ensure that the interpretive measures are consistent with current best practice, and consider any relevant interpretation measures recommended in any State Commission of Inquiry or Commonwealth Royal Commission reports. The finding and recommendations of each review for the Plan must be submitted to and endorsed by the Heritage Branch and the Regional Operations Group of the OEH.

26. In Schedule 2, add new Term C22B as follows:

C22B Installation of Aboriginal and Historic Cultural Heritage Interpretation Devices

All interpretation devices must be installed in accordance with the requirements of the Aboriginal and Historic Heritage Interpretation Plan endorsed by the Heritage Branch and the Regional Operations Group of the OEH prior to the issue of any relevant Construction Certificate for buildings on land where an interpretive device is identified within the Plan.

27. In Schedule 2, delete Term C25 and replace it with the following:

C25 Acoustics

A detailed acoustic assessment addressing the terms of the Concept Plan and associated modifications to minimise noise in the surrounding area shall be provided for each relevant stage of the development. This is to include a Construction Noise and Vibration Management Plan, Road Traffic Noise Plan and Operational Noise Management Plan. The proposal must comply with Principle 16 – Acoustics in the Revised UDG, prepared by Johnson Property Group, dated June 2015.

28. In Schedule 2, delete Term C26 and replace it with the following:

C26 Public Access

The future applications must demonstrate compliance with Principle 4 – Public Access & Open Space in the Revised UDG, prepared by Johnson Property Group, dated June 2015.

The design should maximise access opportunities through the site and ensure a high level of amenity and safety for pedestrians. Future applications must provide:

- (a) appropriate building setbacks to the foreshore reserve (as nominated in Principle 2 – Building Setbacks of the Revised UDG and Term C2);
- (b) an appropriate setback from south-eastern corner of the site to create a publicly accessible open space at Bluff Point on the elevated part of the site (as nominated in Principle 2 – Building Setbacks of the Revised UDG and Term C2);
- (c) a publicly accessible pathway around the southern and eastern edge of the development;
- (d) a network of east-west publicly accessible pathways from Trinity Point Drive to the lake;
- (e) all pedestrian through-site links, perimeter pathways and nominated open space areas are to be made publicly accessible. Future development applications are to incorporate an appropriate legal mechanism for creating a right of public access to those areas. The future development applications are also to incorporate appropriate

measures to ensure those areas are managed and maintained to a high standard by future owners;

- (f) public access along the landward floating boardwalk parallel to the foreshore and its connections to the foreshore, in accordance with drawing number 8A0379-MA_LB031, revision B dated 4 August 2014;
- (g) public access to the northern part of the site, access is not to be impeded by the marina;

29. In Schedule 2, delete the first sentence in part (4) of Term C27 and replace it with the following:

Any future development application/s must ensure development on the site is designed for the following subsidence parameters:

30. Insert new Term C32 in Schedule 2 as follows:

C32 Section 94 Contributions

Future development applications shall be required to pay developer contributions to the Council in accordance with the requirements of the section 94 Contribution Plan current at the time of determination.

31. In Schedule 3, delete the Statement of Commitments and replace them with the Statement of Commitments prepared by Johnson Property Group and dated July 2015.

END OF MODIFICATION MP 06_0309 MOD 5