

# **Environmental Assessment Report - Concept Plan VOLUME 1**

Trinity Point Marina & Mixed Use  
Development  
Morisset Park, Lake Macquarie

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## Executive Summary

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### Site & Proposed Concept

Johnson Property Group (JPG) commissioned ADW Johnson Pty Ltd and a team of specialist consultants to assist in developing part of their site at Trinity Point, Morisset Park. This Environmental Assessment Report (EAR) is prepared in accordance with the requirements of the Director-General (DG) for Planning, to accompany an application for a Concept Plan pursuant to the provisions of Part 3A of the Environmental Planning and Assessment Act (the Act) 1979.

The applicant seeks Concept Plan approval from the Minister for the establishment of a Marina and Mixed Use Development incorporating:

- Accommodation for Tourists (up to 75 units);
- Accommodation for Residents (up to 75 Units);
- 308 berth Marina (staged) include minor boat repair facility, marina lounge, chandlery operations, management and admin and site managers residence;
- Limited operation of a helipad;
- Marina / Tourist Village Centre incorporating village square, function rooms, restaurant, café, service meeting rooms, ancillary uses such as convenience store, gym/fitness, beauty, tourism operators, tourism operations/management and administration area; and
- Associated public, communal and private domain, carparking, landscaping, servicing and infrastructure.

Separate Project Applications will be made at later times for the various components of the project. It is envisaged that a project application for the marina and parts of the marina village will be the first application lodged after approval of the concept plan. Much of the detail provided with this Concept Plan is already to Project Application standard for the Marina.

The subject land is 3.94 hectares in total area (plus 9.34ha marina lease area) and is situated adjoining the foreshore of Lake Macquarie. Lake Macquarie City Council (LMCC) identified this land as being suitable for and capable of supporting tourist type development, given the prominent waterfront location, site area, and proximity to major infrastructure, the F3 Freeway, the Northern Rail Line and Morisset town centre. Trinity Point represents a unique opportunity to develop appropriately zoned tourism land on the western side of Lake Macquarie south of Rathmines. The site's attributes and location provide an excellent opportunity to establish it as a tourist destination, attracting new visitors to Lake Macquarie.

The site is also unique in that it is the first to offer the opportunity to fully integrate a marina and a land-based tourism component on Lake Macquarie, creating a true destination and point of distinction for the Lake, enhancing existing facilities.

The proposed development is situated within the Trinity Point master-planned estate, a 194 lot lakefront residential community being developed by the applicant. A Masterplan for the entire Trinity Point site was adopted by LMCC in 2005 and is known as the Kendall Grange Masterplan.

The proposed development has an estimated capital value in excess of \$90 million, with the potential to employ 60 people as part of the operational phase of the resort, and 810 during the development stage.

The initial investment and job creation, together with expenditure by tourists attracted to the development represent a significant positive outcome for the region and the local area, in particular for the Morisset town centre, which has been earmarked as a major emerging centre under the Lower Hunter Regional Strategy.

The proposed development is consistent with the NSW State Plan for “Growing Prosperity” through the encouragement of tourism and the creation of jobs.

## **Consultation**

During the concept design and EAR preparation consultation has been undertaken with key agencies, including the Department of Planning; Lake Macquarie City Council; the Department of Environment and Climate Change; the Department of Water and Energy, the Department of Primary Industries; the Department of Lands; the Mine Subsidence Board; the NSW Road and Traffic Authority and Civil Aviation Safety Authority.

In addition to authority consultation, a range of community consultation sessions have been undertaken by the proponent, to keep the community informed of the project and to obtain feedback for the purpose of developing the Concept Plan development process.

Further opportunity for involvement of both government authorities and the community will occur during the public exhibition phase of the assessment.

## **Key Issues**

The proposed Concept Plan is supported by extensive investigations to understand relevant opportunities and constraints. Considerations include: topography, flooding and drainage, social and economic, air quality, flora and fauna and aquatic ecology, geotechnical conditions, groundwater, acid sulphate soils, bushfire, views, heritage, traffic and access, existing acoustic environment and the existing context of site. In addition the applicable legislation and planning controls have been identified and considered.

Following site investigation and consideration of relevant legislation and planning objectives the Concept Plan was developed and the following Key outcomes established:

- A mix of land use is desirable to create a successful project that will create a destination tourists are attracted to.
- The site is a unique site, being one of very few zoned for the purpose of tourism and at the same time has the opportunity to establish in association with a Marina. The Marina location is supported by its minimum environmental impacts with no dredging required and being clear of substantial areas of sea grass.

- Large areas of open space to provide significant site amenity achieved through reduced building footprint and generous setbacks are considered important. As part of the success of the project public access to the open space is considered essential and this is to be secured as part of the process. A substantial public accessible boardwalk through the site is highly desirable.
- The site landscaping will be important to create the tourist destination and a high level of site amenity.
- The site has the opportunity to recognise its Aboriginal and European history through interpretation strategies.
- The low elevations and site context provide capacity for taller buildings. The site is not prominently located, is screened by existing foreshore vegetation and has a limited visual catchment. Taller buildings that are visible are an opportunity to create a visual impression that will attract tourists to the site. These buildings need to be of high quality and artistic forms. Materials and colours will be important to the success of these buildings.
- The site has the acoustic capacity to cater for the range of proposed uses as well as limited helicopter movements (two landings and take offs per day maximum) without significant adverse impacts. The helicopter facility allows the transport of tourists from Sydney to the site and will enhance the overall success of the project.
- The proposed development will provide significant benefits to the economy and will create substantial job opportunities.
- The proposed development will support of the growth of Morisset Town Centre as an emerging growth centre as identified under the Lower Hunter Regional Strategy.

## REPORT STRUCTURE

The Environmental Assessment and Concept Plan application comprises the following:

**Volume 1** – ADW Johnson Pty Ltd, addresses the rezoning and the overall concept, including the shore-based components of the project, and those pertaining to the helipad, but not including those immediately associated with the operations of the proposed Marina.

**Volume 2** – Prepared by Worley Parsons Pty Ltd, addresses the Marina and associated shore-based components, as well as assessing the coastal processes aspects, flooding, stormwater, water quality and infrastructure issues for the site.

**Volume 3** – Comprises all Appendices that Volumes 1 & 2 refer to.

**Concept Plan** – Prepared by HBO & EMTB in conjunction with the project team.



## Author Certification

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*Trinity Point Marina and Mixed Use Development Concept Plan – Environmental Assessment Report - Volume 1.*

**Name:** Craig Ian Marler

**Position:** Senior Planner

**Qualifications:** B.App.Sc. (Environmental Planning)  
G. Dip. App.Sc (Building)  
MPIA CPP

**Address:** ADW Johnson Pty Ltd  
Unit 7, 335 Hillsborough Road  
Warners Bay NSW 2282

**Project:** Trinity Point Marina and Mixed Use Development

**Subject Land:** Lot 31 DP 1117408, Pt Lot 32 DP 1117408, Pt Lot 33 DP 1117408,  
and Pt Crown Land

**Certificate:** I hereby certify that I have prepared the content of this Environmental Assessment and to the best of my knowledge it is in accordance with the Environmental Planning and Assessment Act and Regulations and is not false or misleading.

**Signature:** 

**Date:** 18 November 2008

## 1.0 Introduction

Johnson Property Group (JPG) commissioned HBO\_EMTB (Architects), ADW Johnson (Planners) and Worley Parsons (Marina + Engineering Specialists) and a team of other specialist consultants to assist in developing part of their site at Trinity Point, Morisset Park. The site boundary of this Concept Plan is illustrated in **Figure 1**.



**Figure 1: Concept Plan Site Boundary.**

This Environmental Assessment Report (EAR) is prepared in accordance with the requirements of the Director-General (DG) for Planning, to accompany an application for a Concept Plan pursuant to the provisions of Part 3A of the Environmental Planning and Assessment Act (the Act) 1979.

The applicant seeks Concept Plan approval from the Minister for the establishment of a Marina and Mixed Use Development (which includes providing accommodation for permanent and non-permanent occupants) at Trinity Point, Morisset Park. Separate project applications will be made at later times for the various components of the project. It is envisaged that a project application for the marina and marina village will be the first application lodged after approval of the concept plan.

## 1.1 STATUTORY CONTEXT

State Environmental Planning Policy (Major Projects) 2005 identifies development to which Part 3A of the EP&A Act applies and which therefore requires approval from the Minister for Planning. Clause 6 of the SEPP states that development, which is in the opinion of the Minister is development of a kind referred to in Schedule 1 of the SEPP, is declared to be a project to which Part 3A of the Act applies.

In accordance with Section 75B of the EP&A Act and Clause 6 of the SEPP, JPG sought confirmation of the Minister as to whether the Act applies. The Minister determined that the proposed development is a Major Project. Subsequently the Minister authorised the submission of this Concept Plan application.

A Concept Plan application provides a broad overview of what is proposed and establishes the framework for future applications/approvals. In this instance, the Concept Plan predominantly consists of a set of guidelines that establish broad features of the proposal and key site parameters. It is envisaged that separate project applications will be made at later times for the various components of the project, under the process confirmed in the Concept Plan approval. These applications will provide greater detail and further opportunity for issues assessment and community comment, subject to consistency with the Concept Plan approval.

A set of Director General Environmental Assessment Requirements has been issued. A copy of these are included in **Appendix M**. This EAR addresses the requirements of the Director Generals, within the reporting structure outlined below. A Table of Compliance is included as part of the Application documentation.

## 1.2 REPORT STRUCTURE

The Environmental Assessment and Concept Plan application comprises the following:

**Concept Plan Document** – Prepared by HBO & EMTB in conjunction with the project team. This includes Part A – Background and Supporting Information and Part B – Principles, Objectives and Urban Design Guidelines. It is Part B for which Concept Plan approval is sought.

**Volume 1** – Prepared by ADW Johnson Pty Ltd, addresses the overall concept, with a focus on the shore-based components of the project, and those pertaining to the helipad, but not including those immediately associated with the operations of the proposed Marina.

**Volume 2** – Prepared by Worley Parsons Pty Ltd, addresses the Marina and its associated core shore-based components.

**Volume 3** – Comprises all Appendices that Volumes 1 & 2 refer to, and include all the detailed specialist studies undertaken to provide input into the context and site analysis, opportunities and constraints, iterative development of the Concept Plan document and Indicative Outcomes plans, including assessment of those.

Please note that the decision to separate the EAR into two volumes (plus appendices) was taken by the proponent in recognition of the very different specialities that were required for the marina and non-marina aspects of the proposal.

### 1.3 PROJECT BACKGROUND

In 2004 the lands known as 'St John of God site' or 'Kendall Grange' were zoned for residential, foreshore public open space (acquisition) and tourism development.

Lake Macquarie City Council (LMCC) strongly pursued the inclusion of the tourism zoning in the eastern area of the larger site, having identified the land as being suitable for and capable of supporting tourist type development. This land use zoning decision recognised the prominent waterfront location, the site area and its characteristics, and the proximity to major infrastructure - the F3 Freeway, the Northern Rail Line and Morisset Town Centre. The pursuit of the tourism zoning represented in our view a strong recognition of the positive role that tourism development plays within a city and the NSW economy, the recognition of the lack of other current or identified lake front landholdings for tourism development (particularly on the western side of the lake) and a decision for that type of land use to be appropriate within the urban structure of Morisset Peninsula and Lake Macquarie.

A masterplan for the entire site (residential, open space and tourism) was adopted by LMCC in 2005 and is known as the 'Kendall Grange Masterplan'. Since then, development of the residential zoned land included within that masterplan has proceeded, with development approvals in place for a staged 194 lot subdivision. The area has become known as Trinity Point. The public open space zoned land was identified for acquisition by Lake Macquarie City Council, and negotiations for that acquisition are ongoing. The principles of the masterplan have been given careful consideration and analysis in preparing the Concept Plan for the tourism site.

The tourism zoned land at Trinity Point represents the only opportunity to develop appropriately zoned lake front tourism land on the western side of Lake Macquarie south of Marmong Point. The site's attributes and location provide an excellent opportunity to establish it as a tourist destination, attracting new visitors to Lake Macquarie and providing a place for return visitors and residents of Lake Macquarie and their guests.

The site is unique in that it is the first to offer the opportunity to fully integrate a marina and a land-based tourism component on Lake Macquarie, creating a true destination and point of distinction for the Lake, enhancing existing facilities.

In exploring the full potential of an integrated land use and to assist the success of the project and it becoming a vibrant destination all year round - and borrowing from how Council plan for vibrancy and dynamics within their town centres - a range of uses were identified as desirable. Whilst many were clearly permissible, a business use and a component of permanent occupancy dwellings were identified as additional, desirable uses. At the request of the applicant, Lake Macquarie Council sought approval from the Minister for Planning to amend LMLEP 2004 to enable these additional land-uses of the site, with limitations. That amendment is being concurrently exhibited and assessed with this Concept Plan.

## 2.0 Site and Locality

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### 2.1 CONTEXT AND SITE ANALYSIS

The Concept Plan Document contains a detailed site and context analysis, predominantly through the use of photos, figures and key descriptions. The analysis includes:

- **Regional and Local Context:** - Where the site sits in relation to the region, to the lake, to town centres around Lake Macquarie, to the Morisset Emerging Major Centre and to key infrastructure (rail, F3 freeway, arterial road network); where marinas are sited and how many berths there are now and planned and a demand context to boating facilities and where vacant lakefront tourism zoned land exists around the lake.
- **Local Context.** - Where the site sits in relation to the Morisset Peninsula and its neighbourhoods, what roads connect the site within the local urban structure; how the site sits reasonably flat in the topography with the forested Watagan mountains providing a backdrop in some lake views; the large tracts of vegetated conservation lands and small fringing foreshore reserves and local parks; the predominant suburban context of detached single and two storey homes; where local services and facilities are; what pedestrian facilities exist; and what the sites visual catchment is.
- **Site Analysis** - What lands and waters form part of the site; its area; what its topography is - rising from low lying land to a small low ridge and point in the south; what water depths extend out into the bay; what indigenous and European heritage values are and remnants of those which remain; what features are around the site; what the nature of the adjoining approved residential estate is – its road system and housing form; where the residential neighbours are; what aquatic features exist - the narrow fringing seagrass edges expanding to a larger seagrass bed off the south-eastern shore; the sensitive receiving environment of the unnamed inlet fringed by mangrove and saltmarsh; what the vegetation communities in the foreshore edges are and in what condition they are in; where the site is bushfire prone land; what the soils and groundwater characteristics are; what are the current flooding restrictions; what individual remnant trees remain; how topography and tree canopy around the edges of the site interact.

These analysis observations and iterative study and analysis of them has revealed Opportunities and Constraints for the site, which has iteratively informed evolution of the Indicative Design Outcome and the set of Principles, Objectives and Urban Design Guidelines for which Concept Plan approval is sought.

The site is not in its context prominently located. In broad terms it is of very low elevations and its visual catchment is restricted. The visibility of the site is further restricted by the existing trees that run along its edge with the lake. It is a unique site as it is one of a very few on the edge of the lake that is zoned for purpose of tourism and one of a few that also has capacity for a marina that can be constructed without significant environmental impacts such as loss of sea grass and disturbance through dredging operations. The Concept Plan provides locations of the existing Marinas on the lake and existing larger and lake front tourism zoned land around the lake. It can be seen there is not a proliferation of either. Indeed the rarity of such sites requires that the development of each be appropriate and efficient. A clear rationale in any decision to support the Concept Plan can establish the uniqueness of this and limit concerns of bad 'precedence'.



## 2.2 SITE DESCRIPTION AND OWNERSHIP

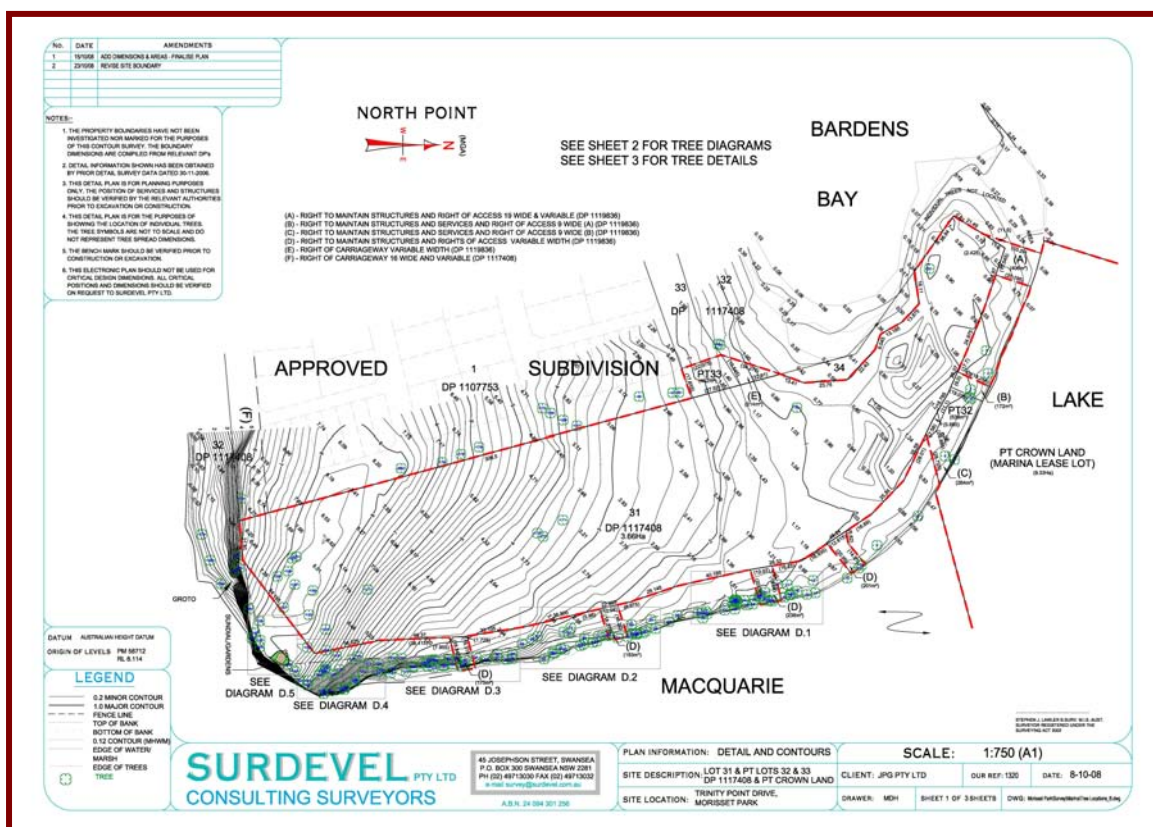
**Figures 2 and 3** illustrate the land to which this Concept Plan applies. The legal property description is Lot 31 DP 1117408, Pt Lot 32 DP 1117408, Pt Lot 33 DP 1117408 and Pt Crown Land, Trinity Point Drive, off Morisset Park Road within the south-western lakeside area of Morisset Park.

The main part of the site (Lot 31) covers 3.66 hectares of land, with an extensive frontage to open space zoned land and Lake Macquarie. Other small areas of land which are included within the Concept Plan site (parts of Lot 32 and Lot 33) cover approximately 2800m<sup>2</sup> combined, resulting in an overall land based site area of 3.94 hectares. The marina site area is 9.34 hectares.

A copy of the relevant Deposited Plans is also located at **Appendix A**.



**Figure 2: Aerial Photo Showing Site Area and Lot Descriptions.**



**Figure 3: Site Survey Plan Showing Site Area and Lot Descriptions**

The subject site is owned by The Trustees of the Hospitaller Brothers of St John of God. A copy of the Certificate of Title is located at **Appendix B**. Land below mean high water mark, and upon which the proposed marina, helipad and access thereto will be constructed is owned by Crown Lands. Owners Consent for both is included with the Concept Plan application submission. **Appendix E** includes the site survey and hydrographic survey of the lake bed.

## 2.3 LOCATION AND CONTEXT

Lake Macquarie Local Government Area has a number of town centres servicing its population that extends around the perimeter of the lake, one of Australia's largest saltwater lakes. The northern part of the lake is typically more urbanised reflecting historical settlement and servicing patterns. In recent years, increased attention has been made in all sectors to the role that the south-western area of the LGA will take, and is taking, in providing for ongoing, sustainable development, focused centrally on the Morisset area.

Morisset is recognised in the Lower Hunter Regional Strategy as an emerging regional centre that is expected to grow in the future into a major centre. The site is located approximately 6km east of the Morisset town centre (**Figure 4**), on the Morisset Peninsula. The Concept Plan document includes a series of regional and local images and photos that illustrate the sites location in the broader context.



**Figure 4: Locality Plan.**

Observations include:

- Morisset and the Peninsula is located within proximity to major transport links (F3 Freeway and Northern Railway Line) between Newcastle and Sydney, as well as the main arterial road that runs along the western side of the Lake linking the F3 freeway and areas back to Newcastle. The Morisset Peninsula is serviced by Fishery Point Road as its main sub-arterial road, and Morisset Park Road branches off this to connect to Morisset Park and the site.
- Bonnell's Bay Village (currently being redeveloped) is located within 2km of the site, and it, combined with nearby Morisset Emerging Regional Centre, provides commercial, retail, educational, medical, community, sporting and recreation facilities. With considerable population growth anticipated in the broader locality (some 5000 lots in Morisset and Coorangbong), appropriate social and community infrastructure planning is underway.
- Topography of the area is generally characterised by low ridges, minor promontories and low scale shoreline features, with the forested Watagan mountain range providing a western backdrop to the Peninsula.
- The broader locality has large tracts of vegetated and reserved lands including the Morisset State Conservation Area. These areas provide recreational and conservation resources. In addition, there are a range of parks and reserves and fringing foreshore reserves, with a mix of passive and active recreation (predominantly passive).. Pedestrian facilities consist of pathway systems around schools and in reserves, along some residential streets, and within the Conservation Area. There are no significant pedestrian linkages to the site at present.
- Suburban development extends around the edges of the Morisset Peninsula and facing Bardens Bay. These include a variety of interfaces to the lake, including some highly modified edges (walls, manicured lawns). Domestic built form is detached dwellings of single and two storey. Large scale power stations (Vales Point, Eraring) are obvious points in the local landscape.



- Land use zonings across the Peninsula reflect location of conservation, residential, commercial, open space and other lands. As outlined in Section 2.1, the site is one of a very few on the edge of the lake that is zoned for the purpose of tourism. The nearest equivalently zoned site on the western side of the lake to the north is at Marmong Point. A tourism zoned area at Wyee Point to the south is developed (albeit not in any memorable way) and split into significant multiple ownerships.

## 2.4 ADJOINING LANDS

Trinity Point Concept Plan site is located on a point with open space zoned land and the waters edge to the north, east and south. The large bay which extends north of the site is Bardens Bay. The subject site generally offers filtered views of the lake from all parts, and unimpeded views from strategic points

The area immediately to the west of the site is being progressively developed by JPG as the Trinity Point residential estate. Approval has been granted for 194 residential lots to be constructed in stages. Extracts of the urban structure to be created by that estate are included in the Concept Plan. Importantly, the approved road network will provide vehicular and pedestrian access to the Concept Plan site, and also provides cues for urban design guidelines to build upon in terms of visual and physical permeability from that estate and surrounding residential areas to and through the Concept Plan site.

Other lands outside the Trinity Point estate are typically low density residential development, and are largely buffered from the subject land by the JPG residential estate, or by the Lake. The closest of these are existing dwellings along Lake View Road, which are separated from the subject site by a shallow unnamed bay, as well as existing dwellings along the approach roads (eg Henry Road, Trinity Point Drive, Charlest Avenue, Morisset Park Road), and across Bardens Bay (predominantly Brightwaters and parts of Windermere Park).



***Photo 1: Trinity Point and Adjoining Lands at Morisset Park.***

The site is not prominently located on a ridge line, and local views of the site are restricted due to topography and vegetation. Viewing points of the site are generally confined to the waterway (distances up to 4km), located some distance away and are screened by the existing edge planting or for isolated parts of the urban foreshore of surrounding settlements.

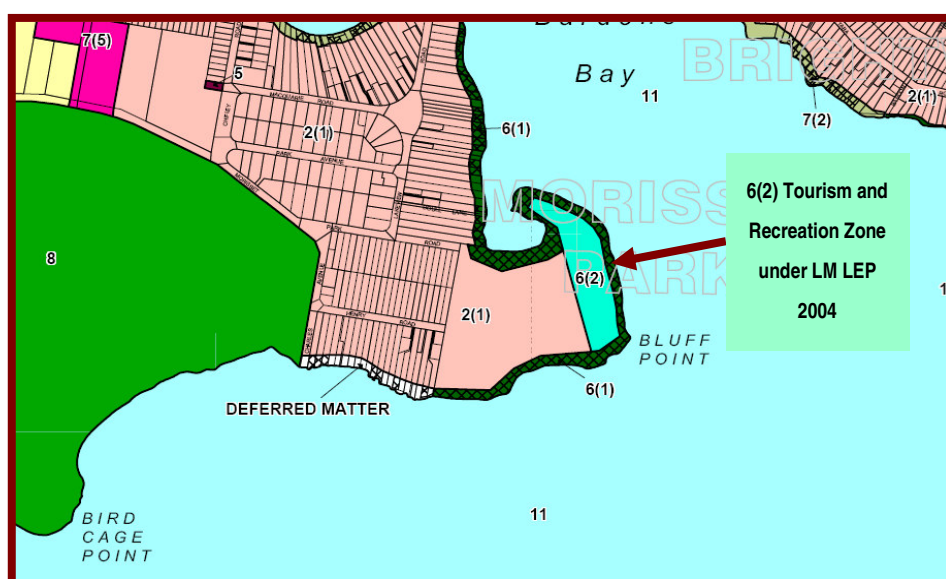
Topography and tree analysis has formed a key component in understanding the site and its visual capacity, and has assisted in informing the evolution of the concept plan. A summary of the analysis is included in the Concept Plan document, in words and visually (plan and elevation view). In essence, existing trees predominantly in the foreshore zone, but also including cultural plantings within the Concept Plan site, provide some screening from and to the site, largely along the southern and eastern elevations when viewed from the lake. There are three dominant canopy heights which can be expressed in AHD terms to enable direct comparison to the site topography. These are RL 15, 30 and 40m AHD. The northern part of the site does not include existing vegetation screening from the north.

Dr Richard Lamb has prepared a Visual Assessment of the site and proposal, and this is located at **Appendix K**. That assessment identifies a range of close, middle and long distance land viewing locations and identifies a visual catchment and sensitivity zones, as a precursor to visual impact assessment.

LMCC Scenic Quality Guidelines classify the locality (which includes the site) as Level 3 (low) visual accessibility with a Scenic Management Zone C (Moderate).

## 2.5 LAND USE ZONING

Trinity Point is identified by LMCC to form part of the tourism profile and experience for Lake Macquarie. The site is predominantly zoned 6 (2) Tourism and Recreation under Lake Macquarie Local Environmental Plan 2004 (LM LEP 2004). The site does extend into small areas of 6(1) Open Space and 2(1) Residential zoned areas. The Crown Land components (water) are zoned 11 Lakes and Waterways Zone. Refer to **Figure 5: LMCC Zoning Map**.



**Figure 5: LM LEP 2004 - Zoning Map.**

## 2.6 SITE HISTORY AND HERITAGE

The subject site has had a range of previous uses and associated built forms.

The site and its surrounds contain evidence of Awabakal occupation over an unknown period of time. There are various registered sites on the land (**Figure 6**) including:

- Site 45-7-0228 – isolated stone artefact and sub-surface deposits within Wyong soil landscape.
- Part Site 45-7-0244 – sub-surface deposits which extend from the adjoining residential subdivision within Doyalson soil landscape, but truncated by historical development of site.



**Figure 6: Indigenous Heritage Features.**

Importantly there are also features in the adjoining foreshore land. (see also **Figure 6**). The sites are of high significance as assessed on a cultural basis by the Aboriginal community.



The European Heritage of the larger Trinity Point site has been significantly reported on and assessed during earlier planning processes.

- 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 as an income producing farm. The early films “Dad and Dave” and “On My Selection” may have been filmed on this site.
- The site was passed to 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.

The following aerial photograph shows the extent of the former development.



***Photo 2: Aerial photo of the site showing former development.***

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 2006-07. These excavations revealed low levels of archaeological integrity.

Features which remain of historical European association include a grotto and stone base of a sundial (both sited in the adjoining foreshore lands, refer survey in **Appendix E**), a lake bathing area and cultural tree plantings. The lake bathing area is required to be removed as a condition of approval for residential