

31 August 2018

The Secretary
NSW Department of Planning & Environment
GPO Box 39
SYDNEY NSW 2001

Dear Sir / Madam

**RE: MODIFICATION APPLICATION (MOD 8)
PROPOSED AMENDMENT TO TERM C7
PART 3A CONCEPT APPROVAL (06_0309) FOR TRINITY POINT, LAKE MACQUARIE**

SUMMARY

The NSW Government has fully funded and commenced construction for the upgrade to the Fishery Point Road/Macquarie Street intersection, independent of the Trinity Point Concept Approval. Due to this circumstance, this application requests deletion of Term C7(1) of the Trinity Point Concept Approval 06_0309, being the requirement for the entering into an agreement to pay contribution to the same works, given they are independently and fully funded. To require a contribution from the Trinity Point proposal in these circumstances would be 'double dipping' in the funding of the intersection upgrade.

1.0 Concept Approval MP 06_0309

This modification application seeks to modify Concept Approval 06_0309, which was originally granted approval by NSW Minister for Planning on 5th September 2009, and as subsequently modified. The concept plan has been acted upon.

As currently approved, the concept plan provides for:

- 188 berth marina and associated club facilities;
- a maximum of 315 accommodation units (no more than 50 percent of which may be used for residential purposes);
- restaurant, café, function centre, shops and office; and
- site access arrangements, parking, servicing, landscaping and boardwalk.

The concept approval includes revised Urban Design Guidelines (UDG), dated November 2015, approved by the Department of Planning and Environment on 15th December 2015. A revised Statement of Commitments dated July 2015 also form part of the concept approval.

Conditions apply to the concept plan which set key development parameters, require compliance with the approved UDG, manage tourist use of accommodation, traffic and parking, sustainability, vegetation management, landscaping, marina and boating requirements, bushfire protection, stormwater management, groundwater, flooding, Aboriginal and historic heritage and interpretation, erosion and sediment control, construction management, acoustics, public access, mine subsidence, and local contributions.

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2.0 Contribution to Future Upgrade of Fishery Point Road/Macquarie Street intersection

In 2015, as part of Modification 5 to the Concept Approval 06_0309, a replacement Term C7 was included relating to traffic and parking. The first part of the term relates to entering into an agreement with Roads and Maritime Services (RMS) to pay contributions towards future upgrade of the Fishery Point Road/Macquarie Street intersection.

The relevant part of the term is extracted below:

“C7 Traffic and Parking

1. *The developer shall enter into an agreement with Roads and Maritime Services to pay a contribution of \$769,464 (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”.*

The term was applied at the request of Roads and Maritime Services (RMS). Johnson Property Group (JPG) made approaches to RMS to progress the required agreement across 2015-2017, and were advised in 2016 that RMS would supply a draft Deed Containing Agreement for review. That has not been received, and as such, no agreement currently is in place.

3.0 Independent Funding and Upgrade of Intersection

Since the imposition of that term and discussions on a draft agreement in 2015, RMS have progressed with upgrade of the Fishery Point Road/Macquarie Street intersection independent of the Trinity Point Concept Approval. Attached is the RMS August 2018 Project Notification.

JPG supports RMS identification of the need for this intersection upgrade independent of the Trinity Point Concept Approval and endorses the decision of the NSW Government to provide \$3.3M under the Network Efficiency Program to build traffic lights and associated upgrade works at the intersection.

Given that the intersection has been fully funded by the NSW Government independent of the Trinity Point Concept Approval, (and noting that no development approved by the Concept Approval has been completed yet at Trinity Point) it is entirely appropriate to remove the requirement for Trinity Point to enter into a deed and pay a contribution. The deletion of that requirement will ensure that the NSW Government does not ‘double dip’ on the funding for the intersection upgrade.

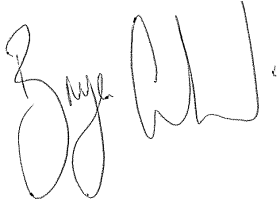
This application now seeks Term C7(1) to be deleted, noting that the intersection has been fully funded through a different funding source, and collection of contributions in addition would result in ‘double dipping’ for funding for the specific intersection.

Given that the NSW Government has separately funded the intersection upgrade, and construction is underway and will be in place independent to development of the Trinity Point Concept Approval, there are no impacts that would arise from the deletion of Term C7(1) as sought.

Landowners consent has been obtained for the primary land lot.

Should the Department wish to discuss this application, I can be contacted on 0408 991 888 or via email bryang@johnsonpropertygroup.com.au.

Yours sincerely
Johnson Property Group

A handwritten signature in black ink, appearing to read 'Bryan Garland', written in a cursive style.

Bryan Garland
Development Director
B Urb & Reg Planning, Dip Civ Eng, JP

Start of work on Macquarie Street and Fishery Point Road, Morisset from Tuesday 28 August

The NSW Government is providing \$3.3million under the Network Efficiency Program to build traffic lights at this intersection to cater for increased traffic volumes associated with development in the area.

Roads and Maritime Services will carry out the work, which includes:

- Installing traffic lights at the intersection for motorists turning left and right onto Macquarie Street from Fishery Point Road and for motorists turning left and right from Macquarie Street into Fishery Point Road.
- Road widening, installing concrete median and new line marking in Macquarie Street to provide dual right turn lanes into Fishery Point Road.
- Widening on the northern side of Macquarie Street to retain parking for residents on the southern side of the street, and provide a new on-road cycleway
- Building a retaining wall on the northern side of Macquarie Street to facilitate the road widening.
- Providing dual lanes for traffic that has turned right into Fishery Point Road, merging at Pulbah Street and allowing enough width for through traffic to pass right turning vehicles.
- Providing 'Keep Clear' line marking at Pulbah Street (northbound)
- Relocating line marking at the Macquarie Street and Wyee Street intersection to allow through traffic to pass vehicles turning right into Wyee Street.

We have included a map to show the location of the project.

Our schedule

We will be working between **7am and 6pm Monday to Friday** and **8am and 1pm Saturday**. We expect to complete the work in **five months**, weather permitting. We will let you know in advance if we need to do any work outside these times.

How will the work affect you?

The work will involve the use of machinery which generates some noise. We will make every effort to minimise noise completing noisier activities earlier in the night and turning off machinery and vehicles when not in use.

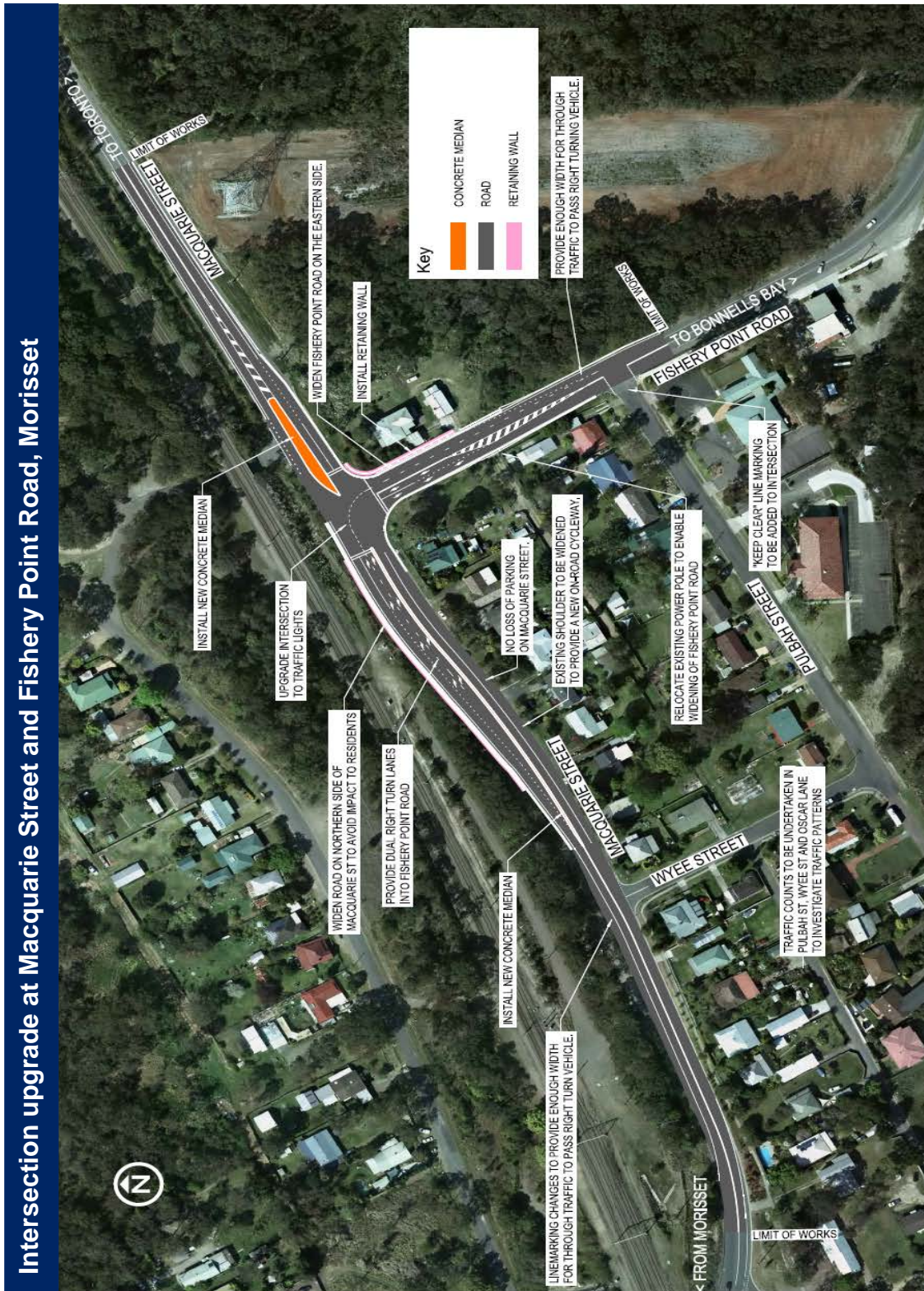
Traffic changes

There will be some temporary traffic changes to ensure the work zone is safe. Lane closures and a 40km/h speed limit will be in place during work hours and may affect travel times.

Please keep to speed limits and follow the direction of traffic controllers and signs. For the latest traffic updates, you can call 132 701, visit livetraffic.com or download the Live Traffic NSW App.

Contact

If you have any questions, please contact our Project Manager, David Crowley, on 02 4352 5411 or david.crowley@rms.nsw.gov.au. For more information on our projects, visit rms.nsw.gov.au. Thank you for your patience during this important work.



If you need help understanding this information, please contact the Translating and Interpreting Service on 131 450 and ask them to call us on 02 4352 5411.