



December 2007

Mr S Haddad Director General Department of Planning 23-33 Bridge Street Sydney NSW 2000

Dear Mr Haddad

## AMENDED PRELIMINARY ASSESSMENT REPORT – CONCEPT PLAN TRINITY POINT MARINA AND MIXED USE RESORT, LAKE MACQUARIE

#### INTRODUCTION

The purpose of this amended report is to seek confirmation that a revised proposal by Johnson Property Group to develop a marina, marina village, residential and tourism development at Trinity Point, Lake Macquarie (**Proposed Development**), is a Major Project to which Part 3A of the *Environmental Planning and Assessment Act* 1979 (**Act**) applies. No existing consent for the Proposed Development exists under Part 4 of the Act.

This submission supersedes our original Preliminary Assessment Report submission of October 2006.

After extensive consultation with Department of Planning and Lake Macquarie City Council on the amended proposal, we request:

- 1. The Minister's acceptance of this revised project as a Part 3A project.
- 2. The Minister's authorisation to lodge a revised Concept Plan for the amended Proposed Development.
- 3. Revised Director General's Requirements for an Environmental Assessment for the Proposed Development.

This document comprises a Preliminary Assessment Report for the purposes of Part 3A of the Act.

#### 1. THE SITE

The site is located at Trinity Point Drive, off Morisset Park Road, on the southwest edge of Lake Macquarie. The site is located approximately 6km east of the Morisset town centre. The site is located in the Lake Macquarie Local Government Area (**LGA**). **Annexure 1** is a location map of the Proposed Development.

The site is wholly owned by Johnson Property Group and the Trustees of the Hospitaller Brothers of St John of God (the latter as regards the foreshore land only).

#### 2. THE TRINITY POINT MASTERPLAN

The Proposed Development site is located within 'Trinity Point' - a master-planned, lakefront residential community of 195 lots currently being developed by Johnson Property Group. The masterplan for Trinity Point was approved in 2005 by Lake Macquarie Council (2005 Masterplan).

**Annexure 2** is the current Trinity Point 2005 Masterplan.

Key features of the 2005 Masterplan approval process included:

- Assessment of the locality, heritage, traffic, visual, flora and fauna, flooding, acid sulphate soils and access impacts associated with the development of the Trinity Point peninsula for residential and tourism purposes.
- Residential development of 194 lots (now 195 lots), taking into account key urban design principles.
- Acquisition by Lake Macquarie City Council of approximately 3.5 hectares of foreshore around the perimeter of the peninsula into public ownership with pedestrian linkages and water based public facilities.
- Emphasis on the preservation of native vegetation on the peninsula under a Vegetation Management Plan.
- Retention of heritage items in accordance with a Heritage Impact Statement.
- Provision of social and economic opportunities through the design of open spaces, public facilities (including a kayaking launching facility, public

walkways, BBQ and picnic facilities and lake baths) and the marina/tourism accommodation facilities.

Rezoning of part of the peninsula to 6(2) Tourism and Recreation under the
Lake Macquarie Local Environmental Plan, to encourage tourism
development on the edge of Lake Macquarie that would maintain visual and
access links to the water as well as provide community/meeting facilities.

The residential component of the Trinity Point development is well advanced, with Stage 3 of the subdivision to be completed mid May 2008.

After consultation with Department of Planning and Lake Macquarie City Council, revised conceptual plans for the proposed marina, marina village, tourism and residential accommodation components of the Trinity Point development are now finalised, and comprise the subject matter of this project.

#### 3. PROJECT VISION

Johnson Property Group's vision is that the Trinity Point Marina and Mixed Use Resort will be a vibrant, integrated, marina development based on best practice environmental and design principles, which will deliver:

- significant employment opportunities for the local community;
- a much needed local function and event centre as well as community meeting and interaction spaces;
- helicopter landing site;
- highly sought after marina facilities; and
- a complementary mix of residential and tourism accommodation.

Preliminary investigations demonstrate that the Lake Macquarie region lacks quality tourism accommodation, function and event centres, and there is considerable demand for a marina facility to service the south west of the lake (with there being only one small marina in this area of the Lake).

#### 4. PROJECT OUTLINE

The following summarises the revised proposal:

- 1. Approx 3.5ha of previously inaccessible public foreshore walks
- 75 luxury serviced apartments and hotel accommodation for short medium term tourist use in buildings ranging in size from 5 to 6 storeys (plus undercroft carparking).
- 3. 75 superior quality residential apartments, in buildings ranging in size from 2 to 5 storeys, each provided with basement parking
- World-class 300 seat function centre + 100 seat fine dining restaurant + 30 seat café
- 5. Chandlery and small convenience store
- 6. Fully serviced conferencing facilities and business meeting rooms
- 7. Kayak launch facilities
- 8. Restoration of sea baths, grotto & sun dial
- 9. Day spa and health/fitness centre
- 10. Publicly accessible breakwater
- 11. Over 400m of publicly accessible village boardwalk
- 12. Interpretative signage
- 13. Vessel detailing
- 14. Undercroft parking
- 15. Water and waste management initiatives
- 16. Helicopter landing facility
- 17.308 floating berth marina facility (staged) including refueling and sullage facilities

Whilst we only seek Concept Plan Approval for this project, there are certain aspects of the development that we would like to document to a Project Application standard. These include:

- Marina, including breakwater, travel lift, and foreshore jetties that extend to the lake;
- Establishment of the Helicopter Landing site;
- Noise Impact Assessment for the Helicopter Landing site, marina (and marina construction) and marina engineering workshop and hardstand area;
- Fuel Storage;
- Aquatic Ecology Assessment;

- Visual Impact Assessment; and
- Traffic Impact Analysis

The following table summarises the amendments made to the revised proposal when compared against the original proposal.

	Original November 2006 Concept Plan	Amended December 2007 Concept Plan
Village	Function Centre and Meeting Rooms	Flexible function centre rooms, to cater for up to 3 x 100 seat functions or 1 x 300 seat function. Serviced meeting rooms.
	Marine and Tourism Sales and support systems	A small-scale serviced business centre, to provide a meeting facility. A small convenience store to primarily service marina and tourism users needs.
	Restaurant	Up to 200 seat restaurant
	Café	Small café around 30 seats
	Marine and Tourism Offices	Tourism Reception and Tourism/Marina Operations, Management and Administration area
	Club	A Marina Club/Lounge
	Boardwalk	A public village square linking into the pedestrian system in and around the site
	Parking	Undercroft car parking adequate to cater for demand
Apartments	170 (50% tourism, 50% residential) 3 to 7 storeys, variable in height	150 apartments incorporating 75 tourist and 75 permanent occupancy residential apartments. Building heights ranging from 2 to 6 storeys plus underground/undercroft carparking
	Boardwalks and Courts	Public access over the site, including Board Walks
	Parking	Underground or undercroft car parking
Marina	200 wet berths	Staged 308 berth marina consisting of 4 arms of floating pontoons, a fixed vertical structure breakwater, day berthing area and fuel and sullage capabilities.
	Up to 90 dry berths	No longer part of proposal
	Helipad	Helipad provided off the Marina for a small number of helicopter movements (approx 4 movements per day as a worse case situation)
	Breakwaters and floating jetties	Fixed vertical structure breakwater. Public access will be available along the breakwater
	Repairs and Engineering	Travel lift with associated hardstand and boat repair services. Boat fuelling and sullage disposal is also proposed

	Boardwalk, Gathering Places and Parking	Interpretative signage and publicly accessible boardwalk and viewing platforms
Forest Park	Forest Park	No longer part of proposal
Foreshore Reserve	Sundial and Grotto preservation	Restoration of the sundial and grotto, being heritage features of the site
	Interpretive Plaques and Artwork	Incorporation of interpretive signage and themes
	Public Access Boardwalk	Public access over the site, including Board Walks

**Annexure 3** is a revised conceptual plan of the proposed development.

**Annexure 4** is a revised conceptual elevation views of the proposed land-based development.

**Annexure 5** is a survey plan of the proposed development.

**Annexure 6** is a conceptual image of the proposed marina development.

#### 5. MAJOR PROJECTS SEPP 2005 - SCHEDULE 1

We seek confirmation that the provisions of Clause 6(1) of the Major Projects SEPP will apply to the Proposed Development such that, in the opinion of the Minister, the Proposed Development is development of a kind referred to in Schedule 1 as a project to which Part 3A of the Act.

#### The Proposed Development:

- includes a marina facility that falls within the criteria specified in Schedule 1, Group 6(14) (Marina Facilities) of the Major Projects SEPP; and
- 2. will have a capital value that will exceed \$100 million, and will therefore be the kind of project that falls within Schedule 1, Group 6(17) (Tourist, Convention and Entertainment Facilities).
- 3. will have a capital investment value of more than \$50 million, and will therefore be the kind of project that falls within Schedule 1, Group 5(13) (Residential, commercial or retail projects)

The relevant provisions of the Major Projects SEPP provide:

#### 13 Residential, Commercial or retail projects

(1) Development for the purpose of residential, commercial or retail projects with a capital investment value of more than \$50 million that the Minister determines are important in achieving State or regional planning objectives.

#### 14 Marina facilities

- (1) Development for the purpose of marinas or other related land or water shoreline facilities that moor, berth or store vessels (excluding dinghies and other small craft) at fixed or floating berths, at freestanding moorings, alongside jetties or pontoons, within dry storage stacks or on cradles in hardstand areas and that:
  - (a) ....
  - (b) moor, berth or store more than 80 vessels in other waters, or
  - (c) are located in environmentally sensitive areas of State significance

but excluding any development that, in the opinion of the Minister, is only of local environmental planning significance.

(2) A reference in this clause to the number of vessels moored, berthed or stored includes a reference (in the case of an existing facility) to the additional number of vessels moored, berthed or stored at the facility.

. . . .

#### 17 Tourist, convention and entertainment facilities

Development for the purpose of tourist related facilities, major convention and exhibition facilities or multi-use entertainment facilities that:

- (a) has a capital investment value of more than \$100 million, or
- (b) employs 100 or more people....

#### 6. CONCEPT PLAN APPROVAL

To obtain approval for the Proposed Development, it is requested that the Minister provide authorisation that the Proposed Development be subject to a Major Project approval process under Part 3A of the *Environmental Planning and Assessment Act*. We also request that the Minster consider authorising the lodgement of a Concept Plan.

#### 7. REZONING PROCESS

Permanent residential occupancy is not permissible in the existing zone, under the Lake Macquarie Local Environmental Plan 2004. Council has resolved to commence the rezoning process to allow an additional landuse within the existing zone and to cap this additional landuse. We understand that this process will run concurrently with the Part 3A Major Project process.

# 8. DIRECTOR GENERAL'S REQUIREMENTS FOR ENVIRONMENTAL ASSESSMENT

An Environmental Assessment will be prepared to support the Major Project application.

In this regard, it is requested that the Director General issue requirements as to the level and scope of the necessary documentation and assessment.

To support the request for the Director General's requirements relating to the environmental assessment, a preliminary description of the proposed Development and identification of potential environmental issues is set out below. It is intended to assist the Director General in determining the likely environmental assessment requirements for the project.

#### 9. OTHER PLANNING CONTROLS

The following planning instruments and development control plans are relevant to the proposed development:

- 1. State Environmental Planning Policy 11: Traffic Generating Development.
- 2. State Environmental Planning Policy 14: Costal Wetlands.
- 3. State Environmental Planning Policy 19: Bushland in Urban Areas.
- 4. State Environmental Planning Policy 55: Remediation of Land.
- 5. State Environmental Planning Policy 71: Coastal Protection.
- 6. Hunter Regional Environmental Plan

#### Other relevant legislation includes:

- Environmental Protection and Biodiversity Conservation Act 1999 This Act will be considered in any flora and fauna assessment in the Environmental Assessment.
- Threatened Species Conservation Act 1995 This Act will be required to be considered in any flora and fauna assessment.
- Protection of the Environment Operations Act 1997 'Marinas and boat repair facilities' for 80 or more vessels are listed within Schedule 1 of the PEO Act and therefore require an Environment Protection License.

As the land/water below Mean High Water Mark is owned by the Department of Lands, a lease will be obtained from the Department of Lands in addition to the Concept Plan approval. We are in contact with the Department of Lands and the Minister in this regard.

#### 10. PRELIMINARY ENVIRONMENTAL CONSIDERATIONS

The Director General's requirements will identify the key issues to be addressed and the level of assessment desired in relation to these issues in accordance with the environmental assessment guidelines.

The information below has been prepared to assist the Director General in identifying the general requirements and key environmental project specific issues to be addressed in the future Environmental Assessment.

Technical studies have already been undertaken to assess the suitability of the site for a marina facility. This has included a hydrological study of the water depth around the site. The studies have shown that the site (including the foreshore/lake area) are highly suitable for the proposed use.

The following matters are also identified as potential environmental considerations associated with the Proposed Development:

- Traffic. A detailed traffic report was prepared by Parsons Brinckerhoff as part of the 2005 Masterplan. A further specific traffic study will be undertaken to assess the requirements of the marina, function centre and tourism/residential development.
- 2. Flora and Fauna. Detailed Flora and Fauna studies were undertaken by Harper Somers O'Sullivan as part of the 2005 Masterplan process for the entire Trinity Point site. The studies noted the vegetation fringing Bardens Bay to the north of the Trinity Point peninsula was composed of mangroves and two Endangered Ecological Communities, namely the Coastal Saltmarsh and the Swamp Oak Floodplain Forest. The proposed development is located on the eastern side of the peninsula, and will not impact the EEC. Those species exist in a foreshore corridor that is currently being reserved to Lake Macquarie City Council.
- 3. Flood and Drainage Assessment. Previous studies undertaken as part of the masterplan application by Parsons Brinckeroff demonstrate that the proposed marina development will be located partly within a 1:100 year flood zone. The Proposed Development Environmental Assessment will take into consideration flooding issues when siting is being assessed.
- 4. Water Quality and Aquatic Ecology. The Environmental Assessment will include studies on the impact of the proposed marina berths on water quality and ecology.
- 5. **Soil quality.** The Proposed Development is located partly within a zone of high probability of acid sulphate soil within 1 metre of the ground level under the *Swansea Acid Sulfate Soil Risk Map* (Edn 2). The Environmental Assessment will take this into account.
- 6. **Visual.** The Proposed Development will have visual impacts on the surrounding lakefront suburbs and from the lake itself.

- 7. **Noise Impacts**. The Environmental Assessment will include studies into noise impacts from the proposed marina, helicopter landing facility, workshop and hardstand area, function centre, accommodation and associated traffic.
- 8. Heritage. The 2005 Masterplan included a Heritage Impact Statement that detailed the previous uses of the Trinity Point peninsula, including the historic homestead of Bert Bailey from 1913-1934, a convalescent home run by the Little Company of Mary from 1934-1948 and a Catholic School from 1948 onwards. Built elements from the previous School have now been demolished. A historic grotto, lake bathing area and sundial have been retained in accordance with the Heritage Impact Statement, and should not be impacted by the Proposed Development.
- 9. Community consultation. Significant community consultation has already been undertaken by Johnson Property Group in relation to this project and will be documented as part of the Environmental Assessment Report. An internet site will also be established for further community feedback.

#### 11. CONCLUSION

The Proposed Development will create a new marina, marina village, tourism and residential accommodation precinct in an area that has been generally earmarked for that purpose under the 2005 Masterplan. This Major Project application is an extension of that planning process.

The Proposed Development will provide employment opportunities to the local population and will significantly contribute to the development of the Lake Macquarie region as a whole.

Having regard to the above, we seek confirmation that the Proposed Development is a development of the kind described in Schedule 1 of the Major Projects SEPP 2005 and therefore, is a major project to which Part 3A of the Act applies.

#### We also request:

- 1. The Minister's authorisation to lodge a Concept Plan for the Proposed Development.
- 2. The Director General's Requirements for an Environmental Assessment for the Proposed Development.

Should you have any queries about this matter, please do not hesitate to contact the undersigned.

Yours sincerely

**Keith Johnson** 

Managing Director

Johnson Property Group





Annexure 1 - Location Plan showing Trinity Point within the Lake Macquarie area





# Trinity Point Masterplan





































