Submission on Trinity Point Redevelopment SSD-27028161 14 December 2022

Anna Gamble – 146 Trinity Point Drive, Morisset Park

Dear Ms. Butcher,

Thank you for the opportunity to comment on the Trinity Point development proposal. The property owned by my husband and I at 146 Trinity Point Drive is the corner block facing Bluff Point, and it also faces the rear of the development site at the level of the proposed 'Building F'. We are at location #14 shown on the map below.

We have been planning to build our home on the site, and have designed it to take into account the proposed 4 storey buildings across the road on the developer's site, as per the currently approved DA for the Trinity Point site. The new submission proposes significant increase in the building height for this location, creating significant overlooking of our backyard, causing a major loss of privacy and loss of amenity for us.

Therefore I would like to OBJECT to the proposal in its current form. However, should changes be made to the proposal to address the matters raised in this correspondence, my position would likely change to one of support for the proposal.

To be clear, I am not objecting to the idea of the development, the general architectural direction and the residential and commercial nature of the development. However, there are a number of elements that make the current proposal unsuitable for approval, and if it goes ahead in this form, I believe it would be detrimental to the site and the surrounding area, in addition to the significant loss of amenity and privacy, to us.

By way of this researched and hopefully constructive document, I wish to provide actionable feedback for the proponent, who has a long history with this site and who unquestionably has a strong commitment to it, and as indeed do we.

Specifically, I object to the following elements of the proposal:

1. Increase in height of 'Building F' from the current 12m height limit to 27m (more than double the existing approved height)
2. Non-compliance with the street boundary setback of 'Building F' with the Lake Macquarie Council Boundary Setback requirements for Residential Flat Buildings (sec 13.1 of the DCP).
3. Proposed widening of Trinity Point Dr by 3 m and the impact on our property and the precinct.
4. Excessive bulk, scale, footprints leading to a significant visual impact and loss of amenity, of what should be a relaxing lakeside environment
5. Reduction in the amenity of the main foreshore area due to the increased heights of the buildings, reduction in boundary setbacks along the lake, congestion of the built form due to the great width of

the buildings (26-27m wide) and lack of adequate separation between buildings for the heights proposed.

6. Lack of open space between Buildings D, E and F, due to the 'dead space' associated with the oversized Public Communal Area between buildings C and D. The resulting inadequate separation between buildings D, E and F will be subject to potential wind tunnels, overshadowing and lack of sunlight access between those buildings.
7. Overreliance on the 'Green Roof' concept, which is unproven and risky from a long term maintenance, safety, cost and visual perspective. If the proposed green roofs prove themselves to be an unviable proposition in the medium to long term, there is no consideration of a viable 'Plan B', which would possibly affect heights and footprints of the buildings and this should inform the Department's decision and feedback to the proponent at this current stage.
8. No strategy to deal with excessive wind effects from the south side.
9. Overdevelopment of the site, meaning that that the 'Iconic' nature of the design will not be able to be appreciated because of insufficient clear space provided around these unique and unusual buildings, which are crowded together.
10. Potential misrepresentation of the development as being 6-8 storey – the glazed roof features provide an opportunity for additional two residential floors to be added in at a later approval stage, adding a further two storeys to the already numerous 6-8 storey proposal.
11. Lack of children's playground space within the boundaries of the development – it is not appropriate to just propose to build this on public land, in what is already a small beach area near the lake.
12. The optional nature of the proposal to restore the lake baths, which is one of the only public benefits provided by the proposal.

Please see below discussion of these points:

1. **<u>Increase in height of the end building 'Building F' from 12m height limit to 27m, causing substantial overlooking issues directly into our backyard and subsequent loss of privacy.</u>**

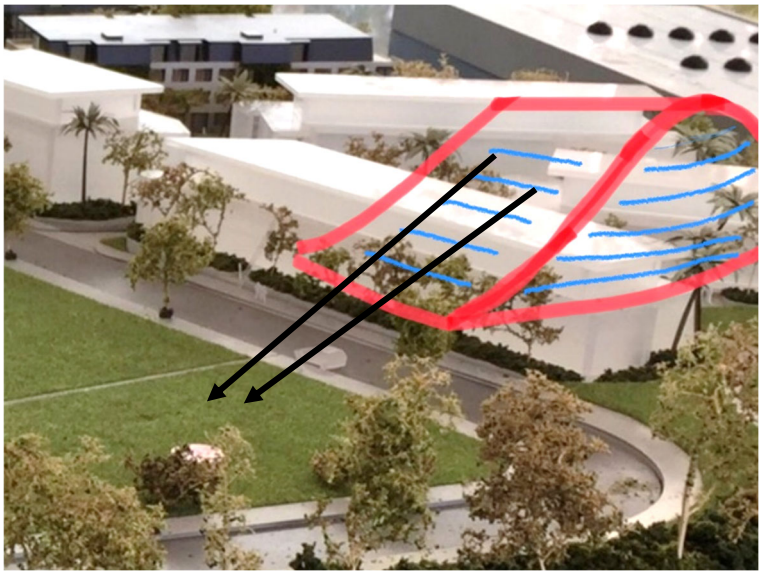
I strongly object to the increase in height of this building which would overlook the rear of our land, ie. our backyard and our private space.

Currently, under this proposal we are faced with two more storeys being added to the building facing our private space directly, as well as a 7m high 'Roof Feature' on top, which creates potential for further 2 floors of residential accommodation, to be 'added in' at a future DA stage.

View of our land from the location of the proposed 'Building F' – ie. over the side boundary of our land.

Master Plan showing overlooking from Building F
Source: JPG

Photo of a physical model of the site taken at the JPG sales office at the time land was purchased showing 4 storey DA approved building across the road from our land



Hand rendering of the proposed building F overlooking our land over the photo of a physical model of the site for the approved DA. Source. D&A Gamble

Whilst initially we considered how the overlooking impacts of a 4 storey buildings across the road may be managed, the impact of 2-4 more storeys overlooking us is another matter altogether, and this is not manageable by any means available to us.

We raised this issue briefly with the Proponent and were told that this proposal is to our benefit because storey 3 and 4 will be further away from our land than originally proposed. Our response to this is that any benefit gained due to any change in setback of level 3 and 4 is overtaken and nullified by the addition of storey 5 and 6, which from the proposed location will cause overlooking issues. These issues were not there prior to this revised proposal being put forward and were not there when we bought the land from the proponent on his assurances that the approved DA would be built.

In summary, on this part of the site, the Department should allow no more than 4 residential storeys of up to 12m high (up to the ceiling of level 4) plus a proportional height for the roof feature. There should be a limit of 4 residential floors only.

2. <u>Non-compliance with Street Boundary Setback of 'Building F' with the Lake Macquarie Council Boundary Setback requirements for Residential Flat Buildings (sec 13.1 of the DCP).</u>

The proposal shows Building F within 2.2 m of the Trinity Point Dr boundary. <u>This is completely inadequat</u>e for the reasons outlined below:

a) This setback does not comply with the Lake Macquarie DCP for Residential Flat Buildings.
In part 9 of the Lake Macquarie DCP – Specific Land Uses – Residential Flat Buildings, the Council sets out its Street Setback objectives (sec. 13.3):

a.To ensure that the development pattern complements the existing setback pattern in the locality.

and,

c. To define the street edge …

The Council then states in its Controls, that the building must be setback a minimum 6 and maximum 8 metres from the street boundary. Further, it is clear from the DCP, that the council intends to set a consistent setback standard and define a consistent edge for the street. This proposal shows Buildings D and E setback 7 m from the street. The setback of Building F which is 2.2 metres at the closest corner runs foul of these guidelines and directly contravenes Council's DCP requirements in relation to this issue. It should be noted that the Council's guidelines specifically state "minimum 6 metres". We understand that 6 metres is not a distance for an average of variable setbacks. It is a minimum setback of the part of the building that is closest to the street boundary. In the case of Building F, its closeness to Bluff Point and matters raised in point 4 and 9 of this document create a strong case for the closest point of the building to be further than the maximum 8m setback nominated by the Council for standard Residential Flat developments.

b) The proposed setbacks are not sympathetic to the land. Building F is the last building and at the rear of the development. It overlooks Bluff Point and the wide 270 degree open space of the lake. The development needs to pull back its intensity by reducing the intrusion of the built form on nature and allow the land to feature more prominently. This means reduced heights and larger setbacks for the rear building.

c) The proposed setbacks are not sympathetic to the built environment in the area. The DA for townhouses across the road and other homes in the area are all compliant with Council requirements for the 2 storey homes, which is a minimum of 4 m. The non-compliant setback of Building F in this proposal is unfair on other dwelling owners, and negatively impacts the amenity of their properties.

The setback for building F is shown below:

In conclusion, Building F should be set back a minimum of 8-10m from the closest point to the boundary, in recognition of Council's guidelines on setbacks, the proximity of this building to Bluff Point, the need to provide room for additional planting as discussed in point 4 of this document (see below), and to provide more space around this iconic and unique structure as per point 9 of this document.

3. <u>Lack of clarity what widening Trinity Point Dr by 3 m actually involves.</u>

The proponent should clarify what specifically they mean by 'widening Trinity Point Dr by 3m. If the proponent means to widen the road reserve, inclusive of the footpath, then presumably this land will come from the proponent's own land and will not impact the road reserve land on the western side of Trinity Point Dr. As a matter of further clarification, I totally oppose any widening of the driveable road surface itself of Trinity Point Dr.

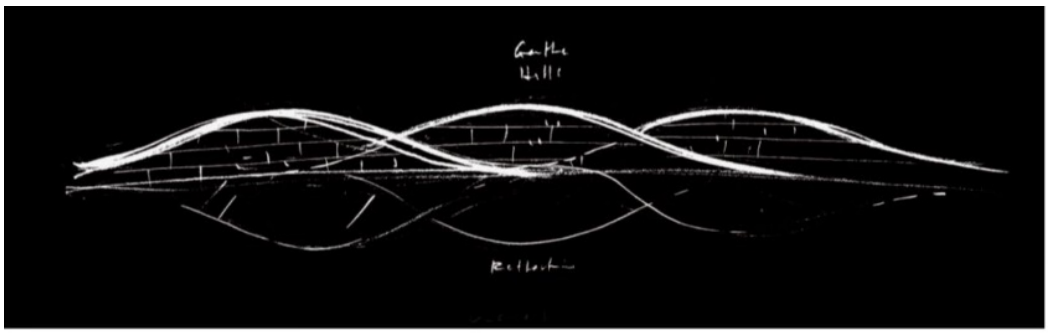
4. **<u>Excessive bulk, scale, footprints leading to a significant visual impact and loss of amenity, of what should be a relaxing lakeside environment.</u>**

Much of the support for this proposal has been due to the expected economic benefits and the fact that after so many years of planning and changes by the Proponent, the public just wants "something" built. However, it is the job of the approval authorities to ensure that this "something" is not just "anything", and that the advantages and disadvantages of the proposal are well balanced.

Sadly, this project has moved from mostly 4 storey development to mostly 8 storey development with no doubt, a further 2 storeys to be added in the future within the proposed beautifully glazed 8 metre tall roofspaces of the buildings, making these buildings essentially 10 storey structures.

The evolution of the Trinity Point Hotel. 1. Currently approved DA, 2. Initial Koichi Takada proposal, 3 Current proposal. Source: JPG

It is hard to know how much further in the name of economic gain this development will still be pushed through variations and concessions to increase the yield from this site, that is no doubt still to come. What is certain, is that this concept has moved way away from architect's original vision of gently rolling hills.



Koichi
Takada
Architects

Visually, the disadvantages of this current proposal stem from the great mass, bulk and density of the buildings, which are overbearing, and which tower and dominate their surroundings. At up to 42 m tall, 27m wide and 60-70m long or more, they would be considered massive within any urban setting. From a distance they look like giants squashed into a space that is just too small for them. They are tightly packed for their heights, with little room for any substantial vegetation between them to soften their facades.

For most part, the visuals/renderings provided with this proposal are vertically compressed and do not give a true impression of the heights and bulk of these buildings. And they lack context – human context, which is the only way that the bulk of these buildings can properly be judged.

Under this proposal, these gigantic buildings are located right across the road from two storey townhouses with block widths of just 4 m each. They neighbour and overlook modest 1-2 storey family homes which will forever see the hulking structures towering above them. Most residents will no doubt wonder how such out-of-scale gigantic structures were ever able to be constructed in this quiet regional area. Simply put, at the present heights and footprints, this development is grossly overscaled.

2 storey terrace homes with land 4m wide

1 and 2 storey family homes

Looking through the numerous renderings provided, from many vantage points, the nuance of the shape of these buildings is lost – The shapely, tilted nugget profile seen from above is hard to fathom, when viewed from within the precinct, as the human eye cannot take in a structure the size of these buildings in one go. Most people accessing the site will see bits of these buildings at a time – bits of endless unvaried façade, framed by concrete.

It should also be said that the renderings provided in this proposal in many aspects are misleading. It appears that in a number of cases the proposed buildings have been compressed vertically, making them look shorter than they would in real life.

In summary, no matter how modern and innovative this proposal is, the likely negative psychological impact of such dominating structures on the residents of this precinct cannot be underestimated. If the risks of the 'green roof' idea eventuate, as per point 4 below, the size and scale of these buildings will only magnify the problem.

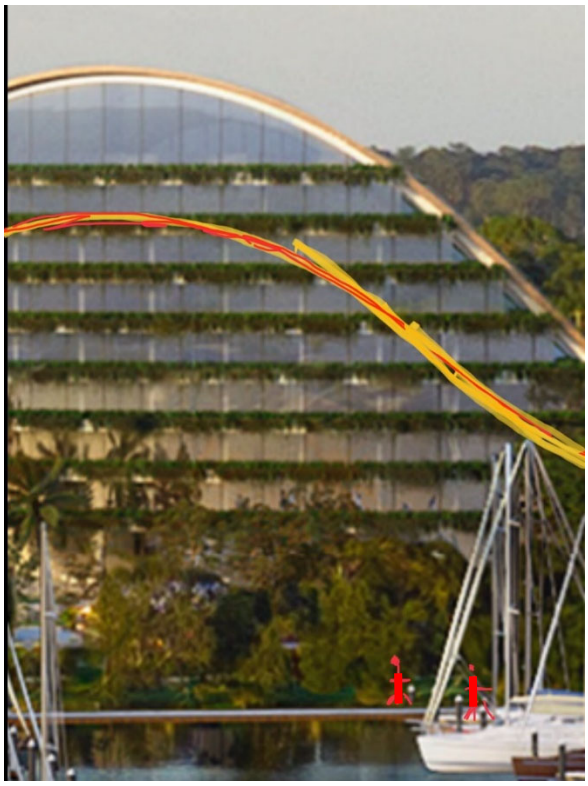
Good design is meant to uplift, not subdue and the only way to describe the relationship between this proposal and the reminder of the Trinity Point surroundings is as one of Dominance and Subversion – Subversion of a community that felt they could do very little to stop these giants being foisted upon them.

So, did the architect get this design wrong? That depends how you look at the site – literally. From a bird's eye view, the shapely tilted sculptural nuggets of Trinity Point buildings winding their way through the site look intriguing and have artistic merit. From the foreshore they are uncomfortable towering mounds confusing families and retires whether they are at a relaxing lakeside location or in a metropolis on steroids. And from within the site itself, one would be forgiven for thinking that they are within a concrete labyrinth steeped in its own overbearing shadows, concrete skeletons and glass facades towering above.

If this language sounds emotive, it's because human response to architecture is first and foremost one of emotion. It is the responsibility of those approving this development to ensure that the legacy of this development is not defined by financial gain, but provides a contribution to the Morisset Pak area, which uplifts the spirit and brings joy to the soul, is a true jewel in Morisset's crown and an asset to New South Wales. Sadly, the proposal in its present form does not offer that anywhere near to the level it should.

There needs to be a better balance between the Architect's original vision of undulating and gently rolling hills and the massive mounds dominating the landscape and protruding into the sky that these buildings have now become. And further, there needs to be a better balance between economic gain and retaining the essential amenity of this site for the rest of the community and the future users.

It should also be noted that all of the land at Trinity Point was sold by the Proponent at premium prices, with the approved DA design for the precinct setting the expectation of the overall amenity of the area, based on well spaced, medium rise buildings. The proposed buildings with their bulk and height would be more appropriate in an area that already has high rise buildings, like Green Square in Sydney, than in an area adjoining predominantly 1-2 storey single dwellings.

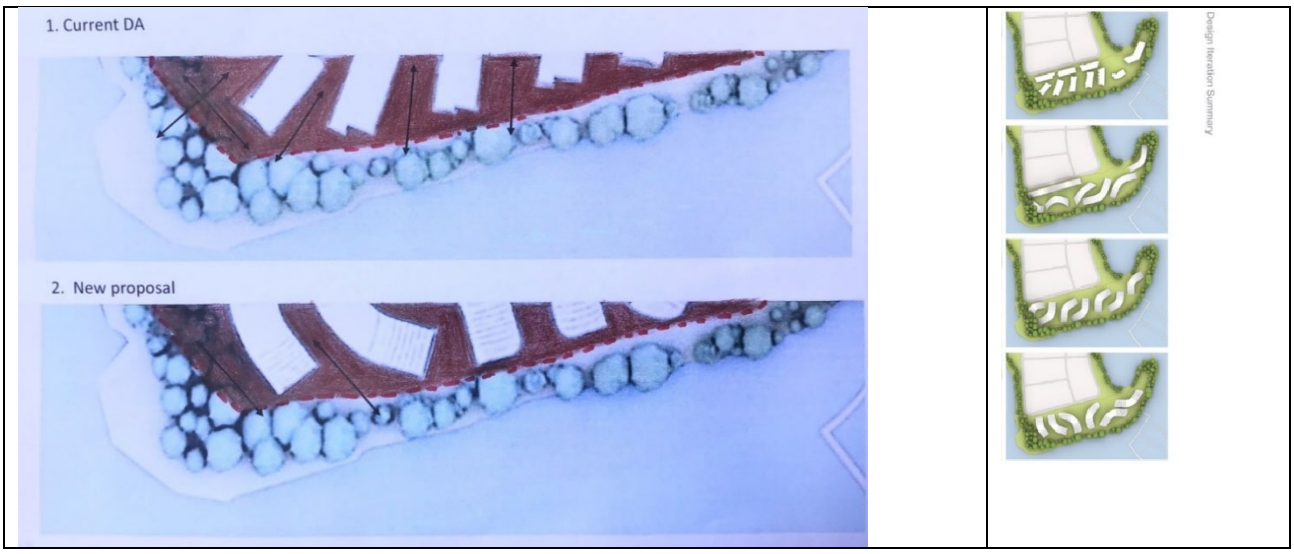


The above hand drawn illustration show a reduction of building height by two residential floors and that such a change would yield buildings that are much more proportional to their environment.

In summary, the proposal would greatly benefit with reduction of two floor heights, or around 6-7m height reduction, and a corresponding reduction in footprint of the buildings. Looking at the conduct of the project to date, and the matters raised in point 10 below, it is likely that the Proponent will put in some residential space into the 'Roof Feature' which is fully glazed and stands at 8m high. Reduction of the building height by 2 storeys would still allow construction of these buildings essentially to 8 storeys.

5. **<u>Reduction in the amenity of the main foreshore area due to increased heights of the buildings, reduction in setbacks along the foreshore area and congestion of the built form due to some of the buildings lacking adequate separation.</u>**

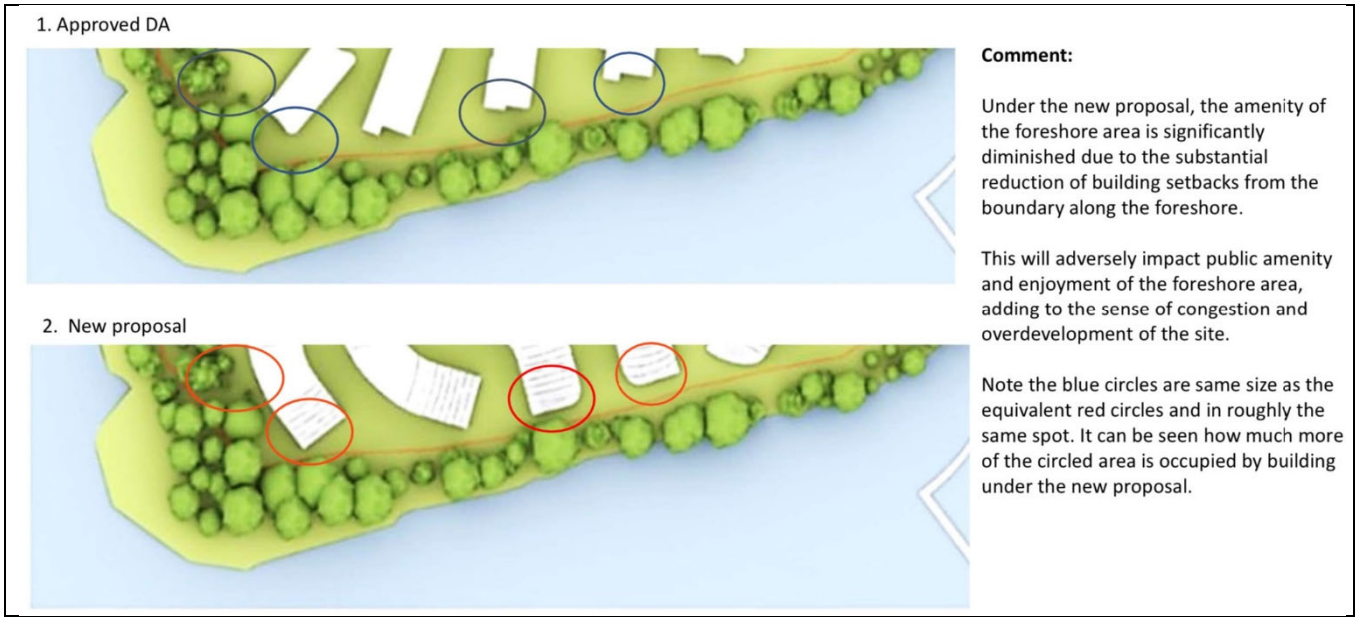
Under the new proposal, the amenity of the foreshore area is significantly reduced. The new proposal has much less open space within the proponent's boundary on the foreshore side, as illustrated by the amount of coloured-in area (in brown) in the visuals below.



Impact of the development on the foreshore area: DA Approved vs. Current Proposal. Soure: Base image: JPG (cropped image 1 and 4 above), rendered by A Gamble.

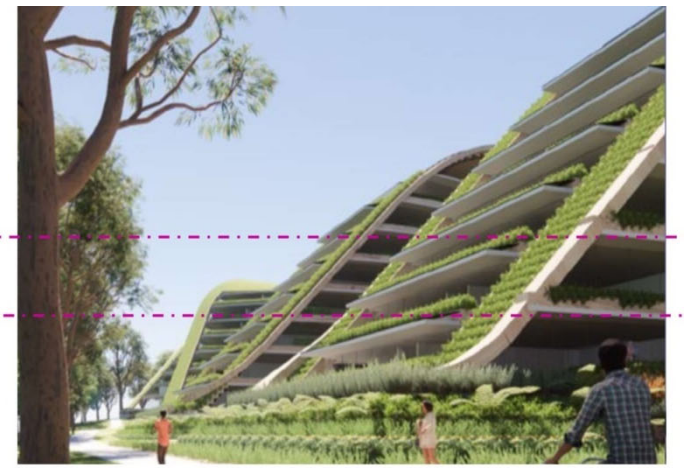
The new concept lacks the long views into the site of the original proposal, which make these oversized buildings even more problematic.

The visual below shows the reduction of foreshore setbacks from the current DA and now to the new proposal.



The new proposal features much smaller building setbacks along the foreshore boundary, which together with the oversized building footprints and much greater building heights, will potentially make foreshore users feel that they are sandwiched between the massive development and the massive lake.

Lake foreshore – Approved DA. Source JPG



Lake Foreshore – New proposal Source: JPG

The overall impression of this site is one of congestion, overbearing visual density and dominance of the built form at the expense of human experience and the proper and balanced relationship of the built environment and the land.

To resolve this issue, reduction in building footprints should be considered, together with a reduction in heights, increased setback from the foreshore and improved spacing between the buildings.

6. **Inadequate separation between buildings D, E and F, creating potential for wind tunnels on site and overshadowing/ lack of sunlight access between the buildings, whilst creating oversized Communal Public Communal area between buildings C and D.**

It is unclear why the communal space between buildings C and D is so large when Buildings D, E and F are bunched together towards the southern part of the site. The buildings could be rotated to create a better spatial distribution and allocation of available space between the buildings to minimise overshadowing, wind tunnelling and better free space allocation between the buildings.

7. **Overreliance on the 'Green Roof' concept, which is unproven and risky from a long term maintenance, safety, cost and visual perspective.**

The green roof cover, whilst innovative, is also an experimental and risky proposition. Simply put, it may not work. The technology of green roof systems is still relatively young and there are many factors at play that may uniquely collide on this site to create maintenance and management of these roofs an untenable proposition going forward.

In fact, too many variables exist on this site for anyone to determine with certainty, that the roofs will look the lovely green colour shown in this proposal, that in time they will not become an eyesore, and that they will NOT cause dust/dirt pollution in the area. These uniquely colliding factors include the high slope and height of the roofs, the intensely windy position of this peninsula open to the vast lake Macquarie on three sides, the dry/hot Australian weather, the La Nina downpours that may flush out anything that is not glued or nailed to a roof surface, the availability (or lack of) of skills in the area to maintain them and the likelihood, or otherwise that the strata bodies will continue to fund the very expensive upkeep of these roofs into the future.

It is therefore possible that these roofs will end up not the attractive green hills, but more like massive brown/green dust mounds that will spray their soil in the intense Southerly winds of Lake Macquarie all around the neighbourhood. The result of these potentially brown scraggly, untrimmed eyesores will be a mess in people's backyards, pools and dirty washing as a minimum, leaving local officials, press, strata bodies and residents wringing their hands in the future as to what to do about them. What is the plan then? Will the roofs then be cladded? Concreted? What will that look like?

For clues about what that may look like, we should look towards the Crown Infinity Building, also designed by Koichi Takada Architects. At the design stage, the strong geometrical form was draped in lush in greenery. The reality now is much different. A few scraggy plants hanging off the balconies that can barely be seen from a distance make the bulky geometric form dominate the urban landscape. That is fine in the heart of Sydney, but what if this form, or indeed a number of them were located on the Foreshore of Trinity Point?

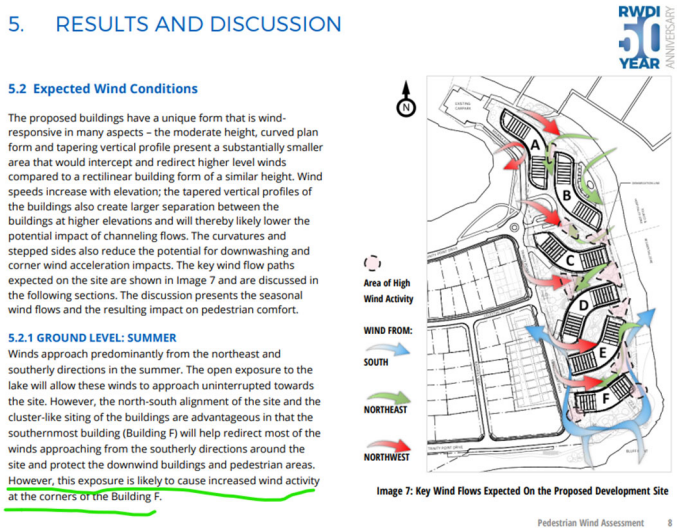
The proponent ought to produce some further renderings of key vantage points, such as the one below showing the likely patchy green brown roofs, similar to the proponent's reference building (8 House in Copenhagen) and also some that are either cladded or concreted in case the soil and plants on these roofs are eroded and the roofs need to be covered with standard building materials.

Further, whether the roofs remain cladded or not, they pose visual and practical risks for maintenance. These can be mitigated by extensive on ground plantings utilising tall trees with lots of foliage at the junction of the apartment buildings and the low rise residential neighbourhood to screen the buildings and provide a filter for the dust that will inevitably be blown around the area.

This means the location of the buildings should allow for extensive plantings within the development's setbacks. Currently, the street setbacks along Trinity Point Dr are too small for this to be done successfully, and this is particularly so in the case of Building F, which has the smallest setback at just 2.2 m from the street boundary. A boundary setback of 10 m at Trinity Point Dr junction would allow sufficient plantings to deal with this issue.

8. <u>Lack of strategy to deal with excessive wind effects from the south side.</u>

The wind flow analysis does not seem to have considered impact on our property – only the development itself. It acknowledges that the corner of Building F, which is only 20 m from our boundary, will experience increased wind activity during summer. No mitigation measures are proposed.



5. RESULTS AND DISCUSSION

RWDI 50 YEAR ANNIVERSARY

5.2 Expected Wind Conditions

The proposed buildings have a unique form that is wind-responsive in many aspects – the moderate height, curved plan form and tapering vertical profile present a substantially smaller area that would intercept and redirect higher level winds compared to a rectilinear building form of a similar height. Wind speeds increase with elevation; the tapered vertical profiles of the buildings also create larger separation between the buildings at higher elevations and will thereby likely lower the potential impact of channeling flows. The curvatures and stepped sides also reduce the potential for downwashing and corner wind acceleration impacts. The key wind flow paths expected on the site are shown in Image 7 and are discussed in the following sections. The discussion presents the seasonal wind flows and the resulting impact on pedestrian comfort.

5.2.1 GROUND LEVEL: SUMMER

Winds approach predominantly from the northeast and southerly directions in the summer. The open exposure to the lake will allow these winds to approach uninterrupted towards the site. However, the north-south alignment of the site and the cluster-like siting of the buildings are advantageous in that the southernmost building (Building F) will help redirect most of the winds approaching from the southerly directions around the site and protect the downwind buildings and pedestrian areas. However, this exposure is likely to cause increased wind activity at the corners of the Building F.

Image 7: Key Wind Flows Expected On the Proposed Development Site

9. **<u>Overdevelopment of the site, meaning that that the 'Iconic' nature of the design will not be able to be appreciated because of there is insufficient clear space provided around these unique and unusual buildings, which are crowded together.</u>**

The 'iconic' nature of the design calls for a much greater amount of space around it to create separation from the traditional 1-2 storey residential construction in the area. It should be noted that a setting for 'iconic' structures generally involves a much greater level of space around them to enable the public to make a cognitive shift from one type of architecture to another and reduce the potential for a cognitive clash.

Failure to consider these simple imperatives creates much the same effect as if the Opera House was built across the road from a row of terraces and residential buildings in Surry Hills or Stanmore. The Opera House would indeed not be the loved building that it is, if it was located across the road from a low level residential area, and with such minimum setbacks, as the proposed Trinity Point development. This is the danger of allowing this development to proceed without adequate setbacks being put in place to allow the development to make its own statement without clashing with the surrounding traditional low key development.

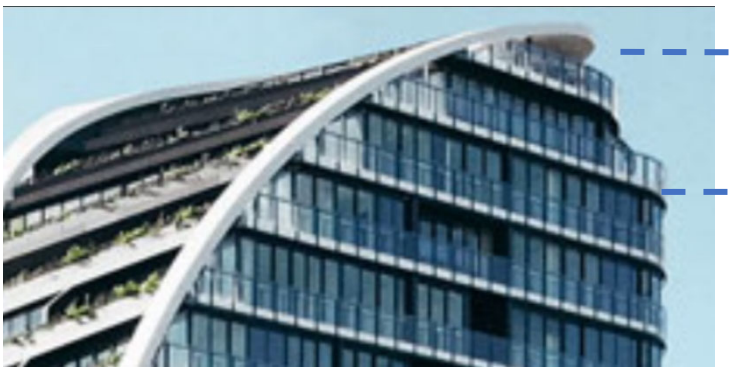
The already recommended increase in setbacks right around the development would address this issue.

10. **<u>Potential misrepresentation of the development as being 6-8 storey – the glazed "roof features" provide an opportunity for a two level penthouse to be located within the roof feature, adding a further two storeys to the already numerous 6-8 storey proposal.</u>**

It is inconceivable that the proposed 37m high buildings would have an 8 metre high, fully glazed "roof feature" (see below), to merely house air-conditioning and maintenance units, as claimed in the documents. Some of this equipment is usually housed in the basements anyway. The Proponent has a practical opportunity to turn at least some of this extensive floor area into residential space, making these buildings not 8, as currently claimed, but 10 storey high. It is very likely that this will happen through further/subsequent planning applications, as to do otherwise and leaving all of this space non-residential makes no commercial or practical sense.

Large and beautifully glazed 'roof features' of the proposed buildings will most likely become residential floors

Indeed, the Crown Infinity building designed by same architect has a very similar roof profile to the buildings in this proposal. It can be seen from this work, that it is likely that the Trinity Point buildings will also have apartments, or penthouse within the so called "roof feature", similar to those shown on the photograph of Crown Infinity.



2 Residential floors within the 'Roof Feature' of Crown Infinity

If the Department asks the proponent to reduce the building height by 2 residential floors, then the proponent should be able to use the "roof features" to turn hem into residential floors and still construct the 8 storey building.

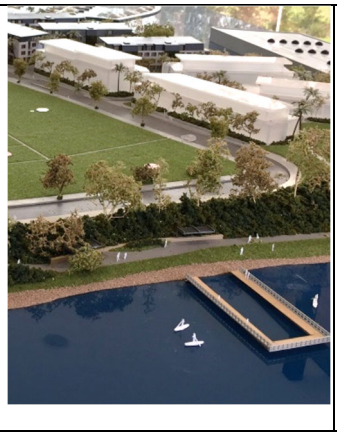
11. **Lack of children's playground space within the boundaries of the development**

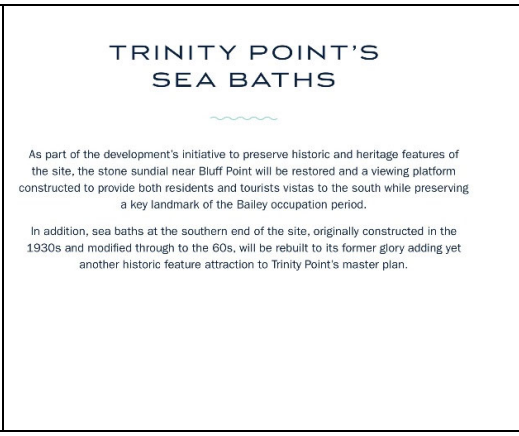
It is not appropriate to just propose to build a playground on public land, in what is already a small beach area near the lake. There needs to be a children's playground within the boundaries of this development to service the needs of children living in this large number of apartments.

12. **The optional nature of the proposal to restore the lake baths, which is one of the only public benefits provided by the proposal.**

It is well known that sightings of sharks and large stingrays have been made in Lake Macquarie. Indeed the lake is connected to the ocean via the Swansea channel and the sealife does pose a hazard to lake users. The developer is proposing to increase the size of the apartments, clearly attracting more families with children to the area.

It is imperative that these children have a safe area to come and play in the lake. The bath restoration should happen at the time of the first apartment building being built. Complete restoration of the Baths, inclusive of shark nets and wooden jetty should be part of the occupation certificate requirements. Under the DA conditions the proponent agreed to restore them as part of the heritage restoration works at the site. It was then included by the Proponent in the extensive marketing package for land sales. Today, many years later, the restoration of the Baths is still nowhere in sight. It is likely that unless this is made mandatory by the approval authorities and within some reasonable timeframe, the restoration of these Baths may in fact never happen. More recently we have been told by a representative of JPG, that the Sea Baths will not be restored until all the apartments and the hotel are built. Now we find in this proposal, that Sea Bath restoration is altogether 'optional', despite the development being increased in size. Many families may potentially buy into these apartments expecting to be able to use the lake safely and take advantage of the Baths and find that they have to wait many, many years before they are able to do so, if ever.





Marketing materials advising that JPG will restore the Sea Baths as part of the heritage restoration of the site