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### 3. THE PROPOSAL

#### 3.1 Preamble

Marmong Point Marina is located at the northern end of Lake Macquarie, 18 kms west-south-west of Newcastle CBD and 105 kms nor-nor-east of Sydney CBD. Lake Macquarie is Australia's largest saltwater lake. It occupies an area more than twice the size of Sydney Harbour and is an established recreation resource for the Hunter and an increasingly popular for Sydney and beyond. But because Swansea Channel restricts water access from the Pacific Ocean and the Tasman Sea by large ocean going craft, Lake Macquarie predominantly serves as the iconic recreation resource for local people.



Illustration 5 – Lake Macquarie stretches south from Marmong Point Marina

In 1983 the existing Marmong Point Marina received consent from Lake Macquarie City Council for the development of 160 wet berths, together with ancillary marine craft maintenance operations on adjacent privately owned dry land.



Illustration 6 – The existing Marmong Point Marina looking north

The existing wet berths are within wet lands leased from the Department of Lands and 148 of the approved wet berths are currently installed in two ageing floating pontoon arms on the waters of Lake Macquarie.

Probably the most significant feature of the existing Marmong Point Marina is that the operators own the large parcel of adjacent freehold dry land that enables marina maintenance works to be undertaken away from the Lake's shoreline. This is rare, because it is so often the case that marina space available for boat maintenance inhibits public use of foreshores. It is also rare because traditional boat maintenance undertaken on foreshores can not deliver the same opportunities to prevent maintenance waste from entering waterways than occurs at Marmong Point Marina through both the separation of site and the installed first flush systems.

One of the clear opportunities that the current operators of Marmong Point Marina foresaw when they assumed ownership in 2005 was a potential for the marina's future to accommodate obviously increasing demand around Lake Macquarie for boat storage and for boat maintenance.



Illustration 7 - The Travel Lift

The new owners recognised that the 25 year old floating marina was “tired” and could do with some revitalisation. In considering an expansion, the new owners recognised that they should not neglect the historic feature of the marina that has for decades provided space to the public to maintain and work on their boats. They recognised that “a public marina” meant more than just storage of idle boats – it meant accommodating the holistic concept of boat ownership, and that this includes care of boats and tinkering with boats.

One of the clear futures evident to the new owners was that Marmong Point Marina is not what one would conceive as a “resort marina”, nor is it an “open-waters marina”, nor is it geographically constrained, nor is it a “club marina”. It is a marina for storing boats and for working on boats – it is a “working marina”.

But it is also a marina that has innate qualities that should be recognised and built upon. The new owners' considered view is to maximise the quality that is appropriate for a marina in a coastal lake that has innate access constraints. It would be a “quality marina”, designed to provide features for those who can enjoy the waters of Lake Macquarie. From an international ranking perspectives this is best characterised as a “four star” marina.



Illustration 8 – The existing Hard Stand Area

Consequently Marmong Point Marina is planned to remain as a “four-star working marina” that facilitates quality access to the Lake, responsible use of the Lake foreshores and accessibility by the boating public.

The overall plans for dry and wet land expansion of the marina, as indicated in the published Preliminary Assessment, remain as the longer term intention of the new owners. However this Environmental Assessment specifically concerns the addition of 85 wet berthing opportunities to the existing consent for 160 in order to deliver a total consent for 245 wet berths. This expanded marina will be serviced in the first instance by the existing extensive dry land component of the existing marina, and then in the future, following another assessment process, by an expanded marina environment that produces a contemporary “Four Star Working Marina” in the northern reaches of Lake Macquarie.

For the marina expansion that is the subject of this Environmental Assessment, Marmong Point Marina will continue the operation of boat maintenance and marine workshops on its own freehold lands so that it will maintain the comprehensive marina service for which it is renowned.

### 3.2 The Consent Process

In order to expand the floating pontoon area, Marmong Point Marina understandably requires development consent from the appropriate consent authority. Consequently, dialogue was initiated in 2007 with both Lake Macquarie City Council and the Department of Planning. The initial dialogue concerned the addition of 85 wet berths together with the addition of 110 dry berths. The current proposal concerns just the addition of 85 wet berths.

In terms of the consent process, Section 75D of the Environmental Planning and Assessment Act 1979 specifies that: -

“A person is not to carry out development that is a project to which (Part 3A) applies unless the Minister has approved of the carrying out of the project under (Part 3A of the Act).”

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Section 6(1)(a) of State Environmental Planning Policy (Major Projects) 2005 specifies that:-

“Development that, in the opinion of the Minister, is development of a kind that is described in Schedule 1 or 2 ..... is declared to be a project to which Part 3A of the Act applies.”

Schedule 1 of the Major Projects SEPP, at Clause 14(1)(b), includes marinas in relevant waters “that moor, berth or store more than 80 vessels...”.

Schedule 2 of the Major Projects SEPP at Clause 1(1)(d) includes “Development within the coastal zone for ... marinas that are designated development and that are wholly or partly in a sensitive coastal location”.

Because the addition of 85 wet berths is capable of being a project to which Part 3A of the Environmental Planning and Assessment Act applies, the Proponent was professionally advised that it would be imprudent to initiate any consent process for a marina enlargement on the shores of Lake Macquarie until the Minister had been provided with an opportunity to consider the intended proposal in the context of its prima facie “capture” by the relevant parts of Schedules 1 and 2 of SEPP (Major Projects).

By letter to the Proponent dated 8 January 2008 the Minister indicated that he had formed the opinion that the Marmong Point Marina project is a Major Project.



Illustration 9 – Existing Marmong Point Marina Pontoons

### 3.3 The Proponent

The Proponent is Marmong Point Marina Pty Ltd (Marmong Point Marina).

The active day-to-day management of Marmong Point Marina is undertaken through the teamwork of Managing Director Mr Les Binkin and Marina Manager Mrs Symantha Suprain.

Mr Binkin also owns and operates Endeavour Marine under a lease of part of the freehold lands owned by Marmong Point Marina Properties Pty Ltd.

The shareholders in Marmong Point Marina Pty Ltd and Marmong Point Marina Properties Pty Ltd are Mr Les Binkin, Mrs Dianne Binkin, Mrs Symantha Suprain, Mr Garry Suprain and Mr Wal Moloney.

### 3.4 The Objectives of the Proposal

The principal objective of the proposal is to expand Marmong Point Marina into a “four star working marina” that provides comprehensive marina services to those boat owners operating from, or visiting Lake Macquarie.

Marmong Point Marina’s aspiration for a “four star” standard recognises that tourism resorts incorporating marinas, and other “high profile” marinas, that rely on large ocean-going craft and offshore visitation, need to consider facilities that include “five star” accommodation, “five star” dining and an array of other “five star” services. This “five star” market, that relies upon craft too large to enter Lake Macquarie, is not likely to deliver customers to Marmong Point Marina.

Consequently Marmong Point Marina is not looking to service the “five star” market. It seeks to provide an excellent service to the people of Lake Macquarie and its surrounds, and to respect the interest by many of those patrons to “get their hands dirty” as they maintain and tinker with their own boats. It also respects the increasing propensity of Lake Macquarie boat owners to seek secure boat storage.

As was evident in the published Preliminary Assessment, an important objective of Marmong Point Marina is to upgrade the privately owned dry lands to facilitate delivery of an array of features and services that boat owners using Lake Macquarie would expect including marine engineering, boat hoisting, chandlery, restaurant/café, ablutions, fuel and sewer pump-out, contemporary dry storage.

However, the specific objective of the subject proposal is a focus upon upgrading an ageing floating marina pontoon system to reflect contemporary infrastructure standards, and to add 85 wet berths that respond to actual berthing demand that Marmong Point Marina is currently experiencing. Adding 85 berths also requires provision of appropriate additional car parking.



Illustration 10 – The existing Marmong Point Marina from East