



9 October 2024

Chris Eldred

Development Assessment and Infrastructure

Department of Planning, Housing and Infrastructure

Dear Sir/Madam

Subject Trinity Point Mixed Use Development (Tourism, Hospitality and Residential)

I refer to the Department's request for advice on the Trinity Point Mixed Use Development Modification 1 (SSD-27028161-Mod-1).

Council's review and comments on the proposed modification is provided for your consideration:

1. Increases in building height to accommodate servicing requirements

The proposed modification sought to increase height to accommodate servicing requirements is supported.

Pursuant to Clause 7.16 of the *Lake Macquarie Local Environmental Plan 2014* (LMLEP 2014), the proposed increase in height within the architectural roof feature can be supported if it satisfies clause 5.6(3)(a) and (b) of the LMLEP 2014. To assist, an assessment of this clause is provided below:

(3) Development consent must not be granted to any such development unless the consent authority is satisfied that—

(a) the architectural roof feature—

(i) comprises a decorative element on the uppermost portion of a building, and

Response: the curvature roof feature is considered a decorative element on the uppermost portion of the building.

(ii) is not an advertising structure, and

Response: the curvature of the roof is not an advertising structure.

(iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and

Response: Gross floor area, as defined by the Standard Instrument, excludes *plant rooms, lift towers and other areas used exclusively for mechanical services or ducting*. The curvature of the roof does not include floor space area, the roof area is used to store equipment for servicing the building.

(iv) will cause minimal overshadowing, and

Response: the proposed height increase is considered to result in minimal overshadowing. The supplementary Shadow Diagrams – Winter 01 (Koichi Takada Architects, PP-0476, Rev B, dated 16/09/2024), Winter 02 (Koichi Takada Architects, PP-0477, Rev B, dated 16/09/2024) and Winter 03 (Koichi Takada Architects, PP-0478, Rev B, dated 16/09/2024) have suitably demonstrated the increase in height will not create greater overshadowing impact to what has originally been assessed. The developments located adjacent to Trinity Point Drive will remain impacted between 9am and 10am however will achieve solar access between 10am and 3pm. The overshadowing impacts internal are considered generally consistent with the approved development, and will be subject to further detailed assessment in the development application.

(b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.

Response: the proposed modification seeks to fully integrate the servicing for the building, with screening, so that it will not be visible. Lift overruns and other servicing will not penetrate above the curved roof feature.

2. Increase in the height of ground level RLs of Buildings A and B to satisfy SSD-27028161 Condition C35(a)

The proposed modification sought to increase the ground level RL height for Buildings A and B by 500mm is supported.

Council notes this modification is required to satisfy condition 35(a) of SSD-27028161 which requires the ground level entrance to be at or above the Probable Maximum Flood event plus 500mm freeboard (as predicted by year 2100).

3. Increase in the typical floor-to-floor heights of Buildings C, D, E and F to accommodate construction requirements and servicing

The proposed modification sought to increase the floor to ceiling heights for Buildings C, D, E and F can be supported to accommodate construction requirements and servicing subject to maintaining compliance with Clause 7.16(6) of the LMLEP 2014.

Clause 7.16(6) provides a maximum height of RL 34m across the site. This applies to the top ceiling heights and excludes the area identified as the architectural roof feature.

The applicant has justified the proposed modification by stating it is necessary to achieve compliance with the Apartment Design Guide (ADG) as required under *State Environmental Planning Policy (Housing) 2021*. Pursuant to the ADG, the minimum ceiling height for habitable rooms is 2.7 metres. The submitted long envelopment section (Koichi Takada, PP-0300, Rev B, dated 16/09/2024) demonstrates three metre floor to ceiling heights which is considered a good amenity outcome for the residential apartments. Notwithstanding, this same plan also demonstrates Building E results in a RL 34.4 at the top of apartment roof.

Council requests the Department to consider the following options:

- Request updated plans where Building E is revised to comprise reduced floor to ceiling heights (remaining compliant with the ADG) to ensure the top of ceiling height is at least RL 34m or less.
- Retain the current modified plans, and request a Clause 4.6 exceptions to development standard to address variation to the height. It is requested this occur with the concept modification as the concept plan approved by the Department will inform the building envelopes that must be complied with in the development application.

4. Increase in the floor-to-floor height of Building A to improve the amenity of the lobbies, function centre and wellness centre uses within this building

The proposed modification sought to increase the floor-to-floor height in Building A is supported subject to maintaining compliance with Clause 7.16(6) of the LMLEP 2014.

Clause 7.16(6) provides a maximum height of RL 34m across the site. The submitted long envelopment section (Koichi Takada, PP-0300, Rev B, dated 16/09/2024) demonstrates Building A results in a RL 34.1 at the top of hotel room roof.

Council requests the Department to consider the following options:

- Request updated plans where Building A is revised to comprise reduced floor to ceiling heights to ensure the top of ceiling height is at least RL 34m or less.
- Retain the current modified plans, and request a Clause 4.6 exceptions to development standard to address variation to the height. It is requested this occur with the concept modification as the concept plan approved by the Department will inform the building envelopes that must be complied with in the development application.

5. Changes to the Basement 01 outline

The proposed modification to the Basement 01 outline can be supported by Council if the applicant can demonstrate, through a Dewatering Environmental Plan, the modified basement will not impact adjoining sensitive environmental coastal areas or areas to be managed under a Vegetation Management Plan.

The modification to the basement levels to increase aisle widths and accommodate service and removal vehicles is considered a positive outcome.

6. Increase the area of Basement 02

The proposed modification to increase the area of Basement 02 can be supported by Council if the applicant can demonstrate, through a Dewatering Environmental Plan, the modified basement will not impact adjoining sensitive environmental coastal areas or areas to be managed under a Vegetation Management Plan.

It is noted the deep soil areas and car parking spaces, as originally approved, remain the same.

7. Slight changes to basement access ramp locations and gradients to accommodate flooding

The proposed modification to increase the basement access ramp (500mm) to achieve the PMF plus 500mm freeboard is supported by Council.

8. Relocation of the demarcation line established to define the planning boundary between the hotel and residential areas

The proposed modification to adjust the demarcation line between the hotel and residential buildings is supported by Council.

9. Partial closing in of rooftop voids

The proposed modification to partially close in the rooftop voids with louvres is supported by Council.

The applicant has presented plans to Council's Design Review Panel (DRP) which demonstrated the full closure of the rooftop void with louvres; Council's DRP was not supportive of the full closure and recommended partial closure to a height necessary to obscure the plant and servicing. The plans provided in the modification reflect the comments of Council's DRP. The partial closure maintains consistency with C5(f) of the development consent.

10. Relocation of additional back of house spaces to Basement 1

The proposed modification to include back of house uses within Basement 1 is supported by Council.

The back of house uses shall be nominated on future development application plans, detailing the use of each room.

11. Updates to the gross floor area and floor space ratio

The proposed modification to the gross floor area and floor space ratio (FSR) results in a variation to Clause 7.16(5) of the LMLEP 2014. Clause 7.15(5) requires the FSR of all buildings on the site to not exceed 1.17:1. The proposed modification results in an FSR of 1.24:1, which presents a 6% variation.

It is recommended the Department requests a Clause 4.6 exceptions to development standard to assess the variation sought to the FSR. It is requested this occur with the concept modification as the concept plan approved by the Department will inform the building envelopes that must be complied with in the development application.

12. Relocation of the wellness centre to Level 1 Building A

The proposed modification to relocate the wellness centre to the first floor of Building A is supported by Council.

13. Relocation of the function centre to ground floor Building A

The proposed modification to relocate the function centre to the ground floor of Building A is supported by Council.

14. Relocation of both restaurants to Building B

The proposed modification to relocate both restaurants to the ground floor of Building B is supported by Council.

15. Modification to residential Balcony Planters (Buildings C-F)

The removal of the balcony planters on Buildings C, D, E and F is considered to fundamentally change the design outcome as originally assessed and supported at that time. Justification for the design and scale of the buildings as approved under the concept relied heavily on the green roof combined with green balconies to harmonise with the natural site character and reduce the visual impact of the development.

Although the planters to the most prominent facades of Buildings A and B are to be maintained, the loss of the planters to the remaining buildings would increase the visual impact from all aspects including adjoining residences, internal views, and from the lake.

Council's view is the submitted visual impact assessment does not satisfactorily address the visual impact of the proposed modified development.

This design change has been considered by Council's DRP. The DRP have noted that the loss of residential balcony planters is a significant departure from the Concept Approval. The DRP must consider the proposed development's consistency with the Concept Approval and Design Excellence Strategy and as such, this element needs to be considered and adopted at the concept level.

It is requested that consideration of the proposed removal of this important landscaping element occur with the concept modification as the concept plan approved by the Department will inform the building landscaping that must be complied with in the development application.

Note these comments apply to all balcony plantings for Buildings C, D, E and F including those on balconies between the buildings, as well as those to balconies on the building ribbons.

Council requests the Department have regards to the following matters when considering this aspect of the modification:

- To consider the impact of the proposed modified development, it is recommended the Department request a revised visual impact assessment that includes visual

perspective image comparisons and assessment from both pedestrian level and from Lake Macquarie.

- To consider the impact of the proposal to the original design intent, it is recommended the Department request a comment from both the original Architect and Landscape Architect to determine how the removal of the balcony planters alter the original design intent of the green roof with green balconies harmonising with the natural site character.
- Options to mitigate and address the impact of the proposed removal of balcony plantings include:
 - re-instate all balcony plantings for Buildings C, D, E and F
 - re-instate balcony planters selectively where publicly visible
 - provide a new solution based upon any comments received from the original Architect and Landscape Architect

16. Modification to project staging

The proposed modification to the project staging is supported by Council, noting the tourist and visitor accommodation will occur within stage 1a which is consistent with Clause 7.16(2) and (3).

Staging at the development application stage will need to consider the appropriate allocation of car parking to meet the demands generated by the development to be delivered under stage 1a and 1b.

Council welcomes further engagement on this matter.

Should you require further information, please contact the undersigned on 4921 0140 or by e-mail on nsellen@lakemac.nsw.gov.au.

Yours faithfully



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Development Assessment and Certification