

Director Regional Assessments

Department of Planning and Environment

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15/12/2022

Dear Sir

RE OBJECTION TO SSD-27028161

I STRONGLY OBJECT to this SSD Concept Plan (SSD) for Trinity Point as submitted by Johnson Property Group (JPG)

In summary my objections are:

1. The height of the proposed buildings creating negative visual impact.
2. Density and negative effects on safety, security and social impact for residents of Morisset Park and Trinity Point.
3. Setting a precedent for foreshore developments elsewhere on Lake Macquarie.
4. The staging of the development Area 2 - Residential units only, as Stage 1.
Area 1 – 2 hotel buildings as Stage 2. HOW can this proceed when a new Development Application was approved in February 2022 for 5 years for continued operation of the 8@Trinity restaurant – a different purpose.
5. Traffic, safety and public infrastructure. Traffic will increase and the roads are poor. Safety -NO escape plan should disaster occur - **1 road in and out of the Peninsula**. Upgrade is required to sewerage and drainage for the area – who pays?
6. No advantage to the community from this application.

Objection 1 – Height and Negative Visual impact

6 Buildings 42mts in height right across the foreshore of Trinity Point will, by the developers own report, the Environmental Impact Statement (EIS) Page 92, have significant visual impact on the immediate community and site occupiers. It will also have significant visual impact from the water and areas of occupation on the southern and eastern sides of the lake. The EIS sets out water view loss from short, medium and long distance views and all will be adversely impacted by the height of the buildings.

The SSD and EIS are based on ARTISTS IMPRESSIONS which naturally are designed to depict best possible outcomes. The view from the water in the EIS application Figure 27 Page 83 shows the building heights in relation to the Watagan Mountains. The mountains are blocked out by the buildings. The assertion in the application that the Watagan Mountains “will help to absorb the built form when viewed from the lake” is nonsense and certainly nothing “will help to absorb the built form” when viewed from the land.

The Lake Macquarie City Council (LMCC) proposal for the amendment to the LMLEP2014 P24 Section 9 acknowledges that the scale of the proposal would significantly affect the character of the site and be a major introduction to the landscape resulting in loss of visual connectivity from the existing residential development.

The application is for **6 buildings 5 times higher than anything else** in the area. The buildings **will** be imposing and have very significant negative visual impact and also over shadowing - anyway you want to SPIN it. This is a **totally wrong and unacceptable** impost in this beautiful and tranquil location of Morisset Park.

All previous Concept Plans have been approved based on **ARTISTS IMPRESSIONS** and what has eventuated bears no resemblance to those approved concept plans. Why should the community or the Approving Authorities believe there is any credibility to this proposal that the finished product will look anything like these drawings.

It will be too late, once approved, to regret the destruction of the lake foreshore and beautiful amenity forever. **THERE IS NO ADVANTAGE TO THE COMMUNITY** (or anybody but the developer) **TO INCREASE THE BUILDING HEIGHTS AND DENSITY OF THE DEVELOPMENT.**

With regard to credibility of the application, the restoration of the Sea Baths, Aboriginal heritage and Aboriginal significant items and public use facilities near the sea baths have been a feature of every Concept Plan and many Development Applications and shown as an in-kind mitigation of the Developer Contribution to the LMCC yet nothing has been done. Here they are again highlighted as Developer Contribution to this application. Why, if the applications had credibility, are these not completed and in public use. The areas in question are not affected by previous or proposed development and should have been completed.

Objection 2 – Density and negative effect on safety and security of Morisset Park and Trinity Point Residents – Social Impact

EIS Page 119 states the increase in population of Morisset Park will be **44%** based on the 2016 population yet states that there is sufficient capacity within a 1km to 5km radius of the site to support the social infrastructure needs of the additional population. This is completely incorrect. Medical practitioners in the area are experiencing chronic shortage of doctors and generally not accepting new patients whilst existing patients wait days for appointments. There is no hospital and very limited shopping facilities, limited recreational facilities and no entertainment venues.

EIS Page 106 - Noise and traffic will increase as a result of residential and commercial activity and will negatively impact the community's sense of place. EIS Page 106 states the significant negative visual impact of the development on the population by restricting views of the lake will potentially impact the community's sense of place.

Objection 3 - Setting a precedent for foreshore developments elsewhere on Lake Macquarie

Approval of this application will set a precedent for future foreshore development applications on Lake Macquarie and subsequent similar developments will destroy the amenity of the Lake forever.

Objection 4 - The staging of the development

The EIS Page xi states "the hotel component of the proposed development triggers State Significant Development under Section 13(2)(b) of Schedule 1 of State Environmental Planning Policy 2021 given that it is located within a sensitive coastal location, and the CIV for this component exceeds

the \$10 million CIV threshold. Given that the residential component of the proposal is **integrated** with the tourist component, the Act provides that it is also deemed to be of state significance."

The staging provides for Area 2 RESIDENTIAL to be completed as Stage 1. There is **no integration** of the tourist and residential components other than stating some carparking spaces under Building C - a residential building - are for the hotel. As there will be no hotel and the car parks currently used for the restaurant will be lost in the residential construction, these car parks will have to be used for the temporary restaurant parking which will be in operation till 2027 – **no hotel**.

It is understood that the DA recently approved for extension of the restaurant until 2027 precludes the construction of Area 1 – Stage 2 until after 2027. The EIS Page 32 Section 4.3.12 states the tourist component cannot be financially feasible on its own. EIS also states the sale of the residential development will potentially provide the financial capacity to construct the tourist component. EIS further states that statutory and enforceable conditions of consent could be imposed to secure the timely delivery of the tourist and other components to secure the **legal validity** of the approval. **Who will follow this through the judicial system if necessary to compensate the community?** EIS goes on to say JPG are strongly focused on building on the success of the restaurant and marina. **No mention of the hotel.**

Clearly there is NO INTEGRATION of the residential and hotel Stages. The developer has made many statements on Local television and in the Newcastle Herald "I'm not a HOTEL builder, I do not want a HOTEL, I am a RESIDENTIAL developer." The staging provides him with an OUT from building the hotels at all.

Objection 5 – Traffic and Local Roads

Local roads are in an atrocious state with many large pot holes that have been patched several times at tax payer expense by LMCC and which are continuing to occur, in part, because of the trucks and construction worker traffic already attending the site for residential home construction. This will only get worse when more vehicles use these roads.

Council assessment P 29 LEP rates Morisset Park Road / Fishery Point Road as 1 star. The report states road widening and sealed shoulders would improve safety and increase their star rating. A condition of the SSD should require Developer Contribution to pay for the local road upgrade.

Hunter Water has advised, as noted LMCC P29 there is currently insufficient capacity within the existing local sewer network. A condition of the SSD should require the Developer Contribution to this upgrade. Tax payers should not foot the bill.

There is one road into and out of the Peninsula – Morisset Park Road connecting with Fishery Point Road. Should a disaster occur such as bad accident or bush fire there is no escape route and the additional density of the development will significantly add to an already concerning issue.

Objection 6 – No advantage to the community from this proposal

There is no advantage but much disadvantage to the community from this proposal. The construction of the residential component first provides no community advantage. There is no guarantee the tourist component, which may provide some community benefit – the hotel – will ever be build.

In Summary- THE SSD should be REJECTED

There is little in the proposal to support or benefit the community.

The restaurant has DA approval for a further 5 years till 2027 precluding the tourism hotel from being constructed and given the developers many statements that he does not want a hotel – “he is a residential developer” – the hotel will likely never be build. If any benefit was to flow to the community from the development, it would be from the tourist component.

Do the disadvantages to the community outweigh any perceived benefits? – **YES – REJECTED**