

Project Number: HN000326-C



STATEMENT OF HERITAGE IMPACT TRINITY POINT STATE

FINAL 30 / 3 / 2022

JOHNSON PROPERTY GROUP
81 Trinity Point Dr, Morisset Park, NSW 2264

HERITAGE NOW CONTACT
projects@heritagenow.com.au
(02) 8318 9770
www.heritagenow.com.au



Executive Summary

Heritage Now Pty Ltd has been engaged by Johnson Property Group to prepare a Statement of Heritage Impact for a mixed used development at Trinity Point in Morisset Park within the Lake Macquarie Local Government Area.

The site was the previously owned by the Gorricks and Bailey families in the early 20th Century and has associations with the life of J.A. Gorricks, a prominent local politician, and Member of Parliament in the late 19th Century as well as the life of A.E. (Bert) Bailey, a prominent figure of the theatre and film industries of the early 20th Century. The site was later sold to the Catholic Church as was the site of a rehabilitation centre for priests and later school for children with special needs known as St John of God.

The site was inspected by Tessa Boer-Mah and Crystal Phillips from Heritage Now on 22 November 2021.

The Project Area does not contain any listed heritage items, however the Trinity Point CHMP identifies items of cultural value in the Project Area. This includes historic plantings which will be part of the public open space area in the southern portion of the Project Area (and will be retained). The sundial and grotto are located in the Council Reserve and will be avoided by the development. However, there are risks of inadvertent impacts to these items due to their proximity to the development. This risk can be mitigated by implementing a heritage induction and fencing off the reserve at Bluff Point in the southern portion of the Project Area. There is also an area in the southern portion of the Project Area which requires archaeological monitoring and is to be undertaken prior to the commencement of construction.

The Proposal can proceed subject to the following recommendations:

Recommendation 1

All on-site personnel are to be made aware of their obligations under the *NSW Heritage Act 1977*, including the reporting of any historic, or suspected historic material. This may be implemented through an onsite induction or other suitable format.

Recommendation 2

The reserve area with the historic plantings and sundial are to be clearly marked as a no-go zone and fenced. Above ground fencing is to be used, however, fencing which penetrates the surface is to be used it needs to be placed a sufficient distance from the root zone of the trees to ensure they are not impacted by the works and engagement of an arborist may be needed to establish this boundary.

Recommendation 3

The southern portion of the Project Area is to be archaeologically monitored prior to construction. It is expected that if archaeological relics are identified they will be of local significance. Any relics identified are to be photographed, recorded and/or catalogued.

Recommendation 4

If historic archaeological deposit, or suspected historic archaeological deposit is identified during works in any part of the Project Area, then an unexpected finds protocol is to be implemented. Works are to stop in the vicinity of the archaeological deposit and an archaeologist engaged to undertake an assessment, identify its significance and implement the appropriate mitigation measures. If identified to be a 'relic' under the act it needs to be reported to Heritage NSW under s146 of the Heritage Act.

Compliance with SEARs and Submissions

Requirement	Addressed in report
SEARs, Section 18 - Assess impacts	Section 5
SEARs, Section 18- Statement of Heritage Impact and Archaeological Assessment	Section 5
Lake Macquarie Council – Consider if the proposal aligns with heritage interpretation strategy for the site	Section 5.4
Heritage NSW – Referral no state heritage	No state heritage anticipated and thus no referral is required

Acronyms, Terms and Definitions

Acronym	Definition
CHMP	Cultural Heritage Management Plan
DP	Deposited Plan
EP&A Act	Environmental Planning and Assessment Act
JPG	Johnson Property Group
LEP	Local Environmental Plan
LGA	Local Government Area
LMCC	Lake Macquarie City Council
NSW	New South Wales
OEH	Office of Environment and Heritage, NSW
SHR	State Heritage Register
SoHI	Statement of Heritage Impact

Version Control

Version	Date	Reviewed by	Revision Description
Draft	4/3/2021	Tessa Boer-Mah, Heritage Now Principal Heritage Consultant	Draft for Client
Final	30/3/2021	Tessa Boer-Mah, Heritage Now Principal Heritage Consultant	Final for Client

Contents

1	Introduction	1
1.1	Project Area	1
1.2	Project Proposal	1
1.3	Methodology.....	1
1.4	Authorship	2
2	Historic Context	3
2.1	Development of the Morisset Peninsula	3
2.2	History of the Project Area	4
2.3	Previous Historic Heritage Investigations, Assessments and Plans for the Project Area	5
3	Legislative Context and Heritage Listing	7
3.1	Legislative Context	7
3.2	Heritage Listings and other Relevant Instruments and Guidelines	8
3.2.1	Trinity Point Items of significance.....	9
3.2.2	Trinity Point Cultural Heritage Management Plans	10
3.3	Summary	11
4	Site Visit and Physical Assessment.....	12
4.1	Project Area – Trinity Point.....	12
4.2	Landscape	12
5	Assessment of Heritage Impact and Mitigation.....	13
5.1	The Proposal	13
5.2	Impact Assessment Built Heritage	14
5.2.1	Enhancement of Heritage Item/s.....	14
5.2.2	Detrimental Impact on Heritage Item/s.....	14
5.2.1	Statement of Heritage Impact	14
5.3	Impact Assessment Historic Archaeology.....	14
5.4	Heritage Interpretation.....	14
5.5	Mitigation Measures.....	15
5.5.1	Compliance with the CHMP and Mitigation	17
6	Conclusions and Recommendations	18
7	References	19
8	Plates.....	20

Tables

Table 1 Historic Heritage Investigations, and management documents for Trinity Point	5
Table 2 Heritage Listing Search Results for the Project Area	8
Table 3 Heritage Listings within or near the Project Area	8
Table 4 Compliance with the CHMP	17

Figures

Figure 1 Project Area.....	1
Figure 2 Detail of Parish of Morisset 1893.....	4
Figure 3 Heritage Items and Project Area.....	9
Figure 4 Map with Sundial, Grotto and Historic Plantings marked (southern portion of Project Area) (Source Insite)	10
Figure 5 Elevation provided by Koichi Takada Architects	13
Figure 6 Area to be subject to archaeological monitoring.....	15

Plates

Plate 1 Project Area, view to north.....	20
Plate 2 Location of former buildings from St John of God on the flat land in foreground, historic plantings in background, view to south.....	20
Plate 3 Historic plantings and sundial, view to west	21
Plate 4 Historic plantings and sundial, view to west	21
Plate 5 View from Bluff Point to south	22
Plate 6 View from Bluff Point to east.....	22
Plate 7 View to west, houses along Trinity Point Drive in background	23

1 Introduction

Heritage Now Pty Ltd has been engaged by Johnson Property Group (JPG) to prepare a Statement of Heritage Impact for a mixed used development at Trinity Point.

1.1 Project Area

The Project Area is located in Lot 888 DP1254004, Trinity Point in the suburb of Morisset Park on the south-western foreshore of Lake Macquarie. It is in the Lake Macquarie Local Government Area (LGA) (Figure 1).



Figure 1 Project Area

1.2 Project Proposal

The proposed development is for a mixed hotel, tourism, and residential development.

1.3 Methodology

This document has been prepared in accordance with the relevant Heritage NSW guidelines, including, but not limited to:

- Assessing Heritage Significance¹
- Statements of Heritage Impact²

This Statement of Heritage Impact includes:

- An overview of the heritage significance of features concerning the project proposal
- What impact the proposed works will have on that significance
- What measures have been proposed to mitigate negative impacts
- Why more sympathetic solutions are not viable

1.4 Authorship

This report has been produced by the Heritage Now team. Crystal Phillips (Heritage Consultant) wrote the report with input from Tessa Boer-Mah (Principal Heritage Consultant) and Joven Sanchez (Heritage Officer). Technical input and quality review has been provided by Tessa Boer-Mah.

¹ Heritage Office NSW [now Heritage NSW], *Assessing Heritage Significance* (Sydney, NSW: Office of Environment and Heritage, 2015).

² Heritage Office NSW [now Heritage NSW], *Statements of Heritage Impact* (Sydney, NSW: Heritage Office NSW, 2002).

2 Historic Context

This section provides the foundation for understanding the history of the region, as well as the Project Area.

2.1 Development of the Morisset Peninsula

The traditional custodians of the Morisset Area and Lake Macquarie are the Awabakal people. Archaeological evidence shows that Aboriginal people have lived in the region for thousands of years. Many of the Aboriginal people in the area were devastatingly affected and displaced with the arrival of colonisers in the area in the early 19th Century. There are descendants of these Awabakal people who continue to live in the area today. Lake Macquarie continues to be a culturally significant part of the landscape for Aboriginal people in the region.

Morisset derives its name from Major Morisset who was the Commandant of Newcastle from 1818-1823. In April 1823 he completed a journey from Newcastle to Sydney and camped overnight under a tree on the western side of Lake Macquarie near the town that now bears his name.³ The tree is marked as a historic tree.

The first land grants on the south western part of Lake Macquarie were centred around Cooranbong and Dora Creek. Most transportation at this time was via boats, and these locations provided access to the water and maritime transport.

Settlement at Morisset grew out of the Morisset train station, which was connected to the Great Northern Railway in 1887.⁴ This line provided a connection to the Hunter Valley in the north, and to Sydney in the south. Early industry in the region focused on timber getting and farming (Figure 2).⁵

In 1906 the Morisset peninsula was chosen as the site for a mental hospital for its remoteness as well as lakeside scenery.⁶ The historic buildings and farm are associated with early mental health practices. It was in the same year that the Lake Macquarie shire was formed. Although Lake Macquarie has changed over time from a shire, municipality, and a city, the local government area boundaries have remained unchanged.⁷

³ Lake Mac Libraries, "Morisset," Lake Macquarie History, accessed November 26, 2021, <https://history.lakemac.com.au/page-local-history.aspx?pid=1085&vid=20&tmpt=narrative&narid=62>.

⁴ "OPENING OF THE SYDNEY AND NEWCASTLE RAILWAY.," *Newcastle Morning Herald and Miners' Advocate*, August 16, 1887.

⁵ Suters Architects Snell, "City of Lake Macquarie Heritage Study : Volume 1," Heritage Study (Speers Point, NSW: Report to Lake Macquarie Council, 1993), 21–22, <http://heritagensw.intersearch.com.au/heritagenswjspui/handle/1/5468>.

⁶ Suters Architects Snell, 47.

⁷ Suters Architects Snell, 30.



Figure 2 Detail of Parish of Morisset 1893

2.2 History of the Project Area

The following historic context summary of the Project Area is taken from the previous archaeological assessment by Insite Heritage⁸.

The historical phases of the site include:

- Pre-European
- Early Historical 1875-1908 (no occupations known)
- Gorrick family 1908-1913
- Bailey family 1913-1934
- Little Company of Mary 1934-1947
- Brothers of St. John 1947-2005

The site first appears in the historical record in 1875 as a grant of 40 acres to W.C. Browne of Sydney (Portion 38, Parish of Morisset, County of Northumberland).⁹ It was transferred to his wife, Jessie, in 1882 then sold in 1899 to C.H. Hillcoat, master mariner of Sydney.

Research has revealed no evidence of development prior to ownership by Hillcoat's sister, Cecelia, in 1908-13. Her husband, J.A. Gorrick, was a solicitor who set up practices in Maitland (1871) and Newcastle (1882) and won the state seat of Wollombi in 1882. According to anecdotal evidence the Gorricks erected a timber residence overlooking Lake Macquarie and named it 'Kendal' or 'Kendal Grange'.

⁸ Insite Heritage, "Trinity Point Marina Mixed Used Development Morisset Peninsula, NSW Archaeological Assessment," Archaeological Assessment (Wangi Wangi, NSW: Report to Johnson Property Group, 2008), 45.

⁹ *Parish of Morisset: County of Northumberland* (Sydney, NSW: Surveyor General of NSW, 1893).

In 1913 their son-in-law, A.E. (Bert) Bailey, purchased the property. Bailey was the star and co-director of the four On Our Selection films made 1932-40. The family resided at the property when not engaged in filmmaking and theatre productions.

After the death of his wife, Ivy, Bailey sold the property in 1934 to the Roman Catholic Church. Described at the time as a working rural property with weatherboard cottage and outbuildings, it was purchased for the Sisters of the Little Company of Mary to establish St Joseph's Convalescent Home for priests. By 1935 the site housed an administration block, bedroom block, chapel, boiler room, farmer's cottage, staff quarters, garages, farm sheds and a well. A cemetery established in 1940 closed with a ninth burial in 1964.

In 1947 the Hospitallers of St. John of God took over and established a rehabilitation centre for boys with special needs. Structures erected during this phase included a training centre (1965), an education block (1979), group houses (1987), a chapel (early 1980s?) and a recreation/sports centre (1990-91). Due to financial difficulties the facility closed soon after, with the property operating through the 1990s as a centre for weddings, receptions, conventions and holidays. Historical research did not reveal when the original house was demolished.

2.3 Previous Historic Heritage Investigations, Assessments and Plans for the Project Area

The Trinity Point development has been ongoing since the early 2000s by Johnson Property Group. The name Trinity Point is symbolic of the religious orders previously associated with the place. A series of investigations and management documents for Trinity point have been produced (Table 1).

Table 1 Historic Heritage Investigations, and management documents for Trinity Point

Timeline	Document
2007 October	Historic monitoring – St John of God School - Insite
2007 December	Aboriginal and Historical Archaeological Assessment Marina only
2008 October	Aboriginal and Historical Archaeological Assessment all of Trinity Point #1947
2015 May	Cultural Heritage Management Plan - Insite
2015 May	Heritage Interpretation Policy – Terras and Insite Endorsed by Council 18/6/2015
2015 July	Archival Recording - Insite
2015 December	Heritage Interpretation Plan – Insite + Terras Endorsed by OEH 4/2/2016 Endorsed by Heritage Division 18/2/2016
2016 March	SoHI for historical monitoring

Archaeological monitoring of St John of God site took place in 2006 under NSW Heritage Office Permit (2005/S140/005) and was reported on in 2007. The monitoring took place during the demolition of the existing buildings and covered Lot 38 DP1076099 (previously DP755242). The purpose of the archaeological monitoring was to investigate the Bailey residence (occupied from 1913 to 1934).

Remains of the house were limited to the bases of brick piers, ghost of piers and cuts for piers. All bricks were an earlier form of dry press and the mineral lime mortar weak and sandy.¹⁰ These remnants likely date to the Gorrick/Bailey period. Service pipes and garden features were also identified. A total of 26 artefacts were identified, the majority of which were unstratified.¹¹

As a result of the archaeological works a Section 140 was recommended for the removal of the archaeology as a monitoring program during earthworks to confirm: the former house garden layout, monitoring the western portion of the house for potential cesspit(s) and refuse pits, as well as monitoring for potential outbuildings associated with the Gorrick/Bailey period which may include a farmer's cottage, staff quarters, garages, farm sheds and potential associated cesspits relating to the period occupied by the Little Company of Mary¹².

The need for monitoring was also stated in the next two subsequent archaeological assessments in 2007¹³ and 2008¹⁴. However, monitoring in the 2008 assessment was to occur under the Cultural Heritage Management Plan due to the project being assessed as a Part 3A.

In 2015 Insite Heritage Pty Ltd completed a Cultural Heritage Management Plan (CHMP) with strategies for the Aboriginal and non-Aboriginal heritage of Trinity Point.

In accordance with the Cultural Heritage Management Plan, an archival recording of the existing of the Project Area was completed in 2015.¹⁵

The Heritage Interpretation Plan incorporated the four periods outlined in the archaeological assessment: Early Historical (1875-1908), Bailey Family 1913-1934, Little Company of Mary 1934-1947 and the Brothers of St John 1947-2005. In addition, it also considered information about Badens Bay being used as a temporary mooring facility for Catalina aircraft during WWII. The historic plantings are to be a feature of the public open space southern portion of the Project Area. The historic history of the Project Area will be subject to a timeline and displays throughout the Project Area as well as plaque elements in open space. The bluff sundial viewing location will incorporate views, repair and incorporation of the historic stone wall and high quality viewing panels.¹⁶

In 2016 a Statement of Heritage Impact for monitoring in the southern portion of the Project Area was prepared. On the basis of the Statement of Heritage Impact, a section 139 (DOC16/192679) was issued on 9 May 2016 for monitoring during construction.

¹⁰ Insite Heritage, "Trinity Point Marina Mixed Used Development Morisset Peninsula, NSW Archaeological Assessment," 136.

¹¹ Insite Heritage, 145.

¹² Insite Heritage, "Archaeological Investigation of Former St John of God Site Morisset Park" (Report to Johnson Property Group, 2007), 48.

¹³ Insite Heritage, "Trinity Point Marina Morisset Peninsula, NSW Archaeological Assessment" (Report to Johnson Property Group, 2007).

¹⁴ Insite Heritage, "Trinity Point Marina Mixed Used Development Morisset Peninsula, NSW Archaeological Assessment."

¹⁵ Insite Heritage, "Archival Photographic Recording Trinity Point Marina & Mixed Use Development" (Wangi Wangi, NSW: Report to Johnson Property Group, 2015).

¹⁶ Terras and Insite Heritage, "Heritage Interpretation Plan: Trinity Point Marina and Mixed Use Development," 2015.

3 Legislative Context and Heritage Listing

This section provides a brief overview of the relevant legislation and heritage listings pertaining to the Project Area. The legislative overview is provided solely as contextual information for the proponent and does not constitute legal advice.

3.1 Legislative Context

Non-Indigenous heritage in NSW is protected under the *Heritage Act 1977* (the Heritage Act) and the *Environmental Planning & Assessment Act 1979* (the EP&A Act). The State Heritage Register is maintained under Part 3A of the Heritage Act and comprises a list of places and objects of state significance to the people of NSW. Heritage items may be valued by particular groups in the community, such as Aboriginal communities, religious groups, or people with a common ethnic background. Local heritage items are registered by local councils in accordance with the EP&A Act and listed in Local Environmental Plans (LEPs), as well as on the State Heritage Inventory.

Archaeological material is protected under the relics provision of the Heritage Act 1977, it includes any deposit, artefact, or material evidence that:

- a. *Related to the settlement of the area that comprises New South Wales, not being of Aboriginal settlement, and*
- b. *Is of State or local significance*

Items that do not meet these criteria are known as ‘moveable objects’ or ‘works’. Moveable objects are defined simply as items that are not relics; works can refer to past evidence of infrastructure that is buried and therefore archaeological in nature. Examples of works may include but are not limited to former road surfaces or infrastructure associated with rail or trams. Exposure of such items does not trigger the reporting obligations under the relics provisions of the Heritage Act (Division 9).

Section 57 and Section 60 of the Heritage Act state that exemptions or permits may be required when undertaking works or excavating within the curtilage of a State Heritage Register item and applies to places, buildings, works, relics, moveable objects, precincts, or land within the Proposal. Where works are minor in nature and will have minimal impact on the heritage significance of a place, a Section 57 exemption may be granted (exemptions were recently updated in December 2020).

If works are not exempt under Section 57, a permit under Section 60 would be required to carry out activities to an item listed on the State Heritage Register. This includes built and ground disturbance in areas that is likely to contain archaeological material.

Section 139 and 140 of the Heritage Act state that an excavation permit is required in certain circumstances, including where there is reasonable cause to suspect that a relic (not listed on an Interim Heritage Order or the State Heritage Register) may be discovered, exposed, moved or damaged, or where a relic has already been discovered or exposed. The Heritage Council may issue exceptions to this section where an archaeological assessment approved by the Heritage Council has indicated that there is little potential for relics to occur.

3.2 Heritage Listings and other Relevant Instruments and Guidelines

Items of world heritage are listed on the World Heritage List and is administered by the United Nations Educational, Scientific and Cultural Organisation. Items of national significance are listed on the National Heritage List and is administered by the Australian Heritage Council under the *Australian Heritage Council Act 2003* and in accordance with the *Environmental Protection and Biodiversity Conservation Act 1999*.

The State Heritage Register contains items of state heritage significance and is administered by the NSW Heritage Council under the *NSW Heritage Act 1977*.

Items of local significance are protected under Local Environmental Plans (LEPs), in this case the Lake Macquarie LEP 2014.

All heritage registers/listings were searched, and results summarised in Table 2.

There are no heritage listings for the project area. The nearest item of local and state significance is located 2.5 km west of the study area.

Table 2 Heritage Listing Search Results for the Project Area

Listing	Result
World Heritage	0
National Heritage	0
State Heritage	0
Local Heritage	0

Table 3 Heritage Listings within or near the Project Area

Listing Type	Item	Significance	Item no.	Spatial Relation to Project Area
LEP	Morisset Hospital Precinct	State	118	2.5 km west of Project Area
SHR	Morisset Hospital Precinct	State	5000867	2.5 km west of Project Area

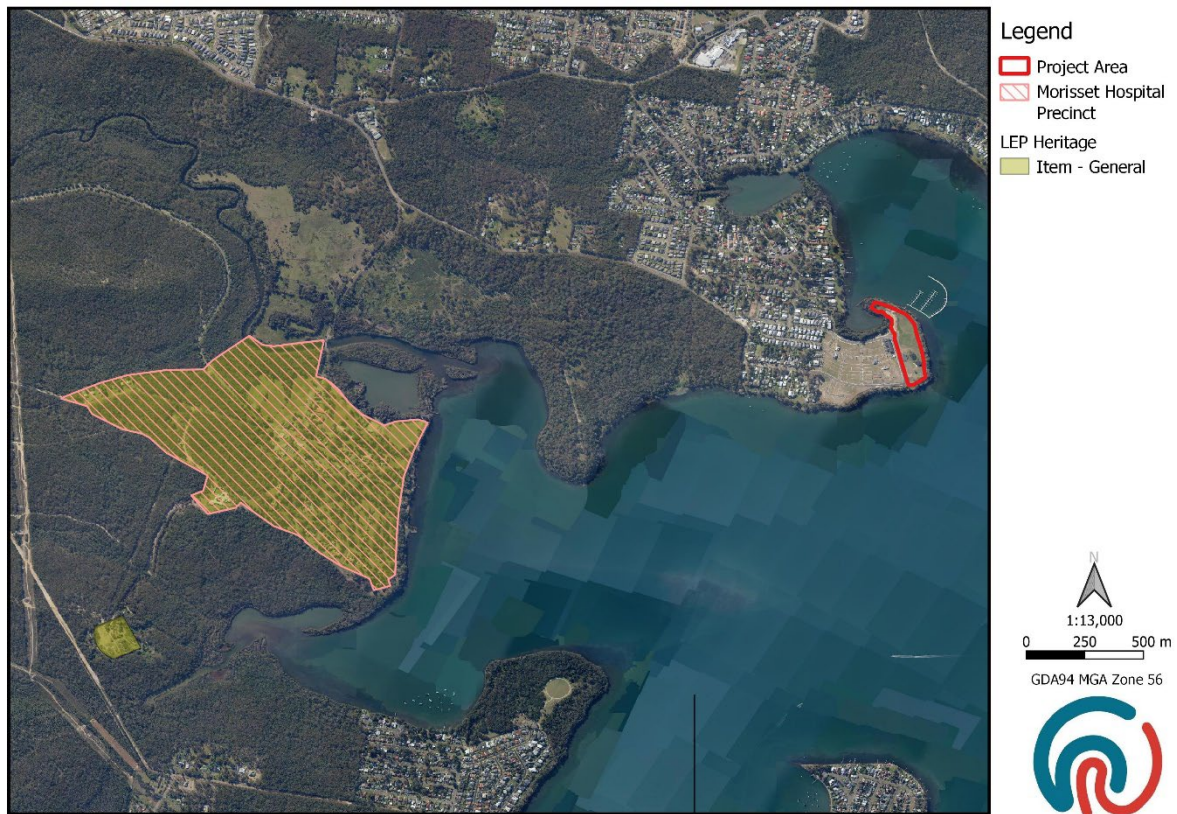


Figure 3 Heritage Items and Project Area

3.2.1 Trinity Point Items of significance

The following items were identified as having cultural heritage value in the Trinity Point Cultural Heritage Management Plan (CHMP):

1. The sundial associated with the Bailey occupation period. Located on the top of the Bluff within Council land.
2. The Grotto associated with the Little Sisters of Mary period (although may predate this period). Located on the lower face of the Bluff within Council land.
3. Historic plantings that comprise Norfolk Island Pines, palms and fig trees located at the southern end of Lot 31 and 32 DP 1117408.¹⁷

These items referenced in the CHMP are mapped in Figure 4.

¹⁷ Insite Heritage, "Trinity Point Marina Mixed Used Development Cultural Heritage Management Plan," Archaeological Assessment (Wangi Wangi, NSW: Report to Johnson Property Group, 2015), 30.

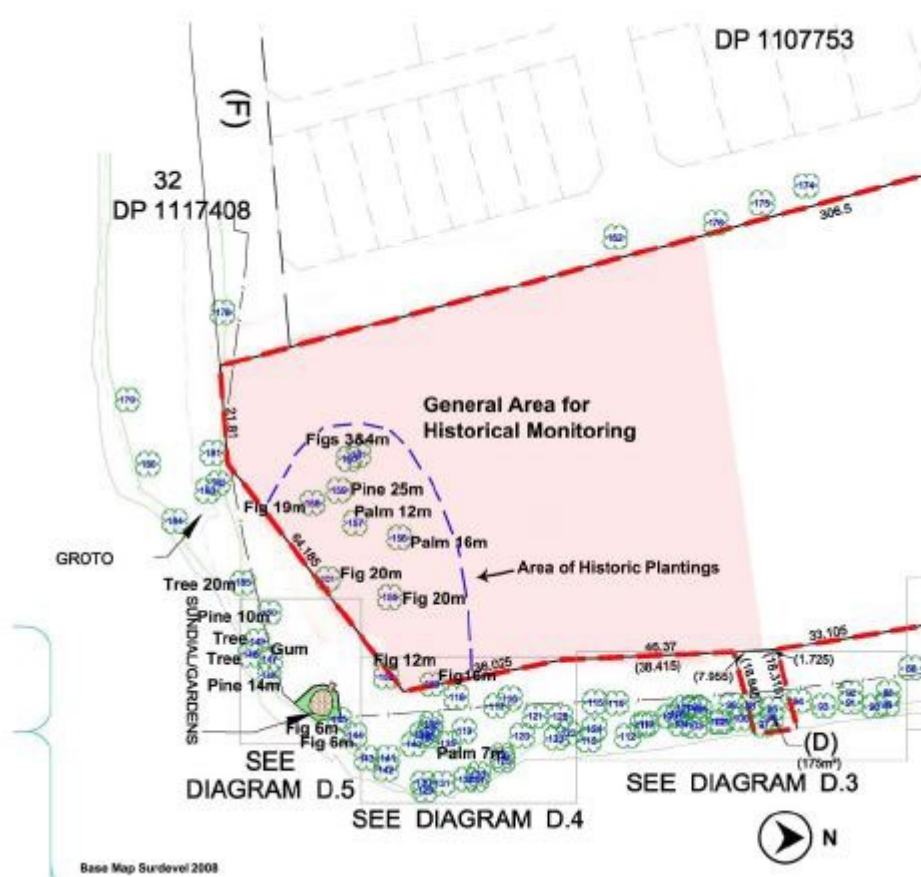


Figure 4 Map with Sundial, Grotto and Historic Plantings marked (southern portion of Project Area) (Source Insite ¹⁸)

3.2.2 Trinity Point Cultural Heritage Management Plans

The CHMP requires to:

1. Retain and conserve significant built heritage items, being the sundial and the grotto located in the adjoining Lake Macquarie City Council (LMCC) foreshore lands (Figure 4).
2. These built heritage items to be retained are to be adequately protected during the works from potential damage. Protection systems must ensure that historic fabric is not damaged or removed.
3. Retain cultural landscape plantings including figs, palms and a Norfolk Island Pine located near Bluff Point.
4. An archival photographic record of the remaining historic areas of the site, including items located in the Council reserve, in accordance with the NSW Heritage Council Guidelines for Photographic Archival recording in a Digital Capture Format prior to the commencement of any work on that part of the site. The recording shall be referenced to a survey plan identifying the locations of all the images. A copy of the recording shall be lodged with the OEH Heritage Branch Heritage Library and the local studies Collection of the Lake Macquarie City Library (note this has since been completed)¹⁹

¹⁸ Insite Heritage, "Trinity Point Marina and Mixed Use Development: Statement of Heritage Impact: Application for a Section 139(4) Excavation Exception" (Report to Johnson Property Group, 2016).

¹⁹ This has been completed in 2015 by Insite Heritage - see: Insite Heritage, "Archival Photographic Recording Trinity Point Marina & Mixed Use Development."

5. Historical archaeological monitoring of particular earthworks to occur in the southern part of the site in the general area of the former Bailey residence. Relevant permits to allow for monitoring will be required to be sought from the Heritage Branch of OEH prior to commencement of construction works within this area. Monitoring works will be undertaken by a suitably qualified archaeologist in accordance with Heritage Branch guidelines. A monitoring report will be compiled and provided to JPG, OEH Heritage Branch Heritage Library and the local studies Collection of the Lake Macquarie City Library on completion of monitoring works.

3.3 Summary

The Project Area does not contain any listed heritage items, however, there is unlisted heritage to be managed as part of the development. The CHMP identified the sundial, grotto, and historic plantings as items of cultural heritage value to be protected, as well as identifying the need for monitoring.

4 Site Visit and Physical Assessment

The site was inspected by Tessa Boer-Mah and Crystal Phillips from Heritage Now on 22 November 2021.

4.1 Project Area – Trinity Point

The Project Area is mostly cleared (Plate 1), with the former buildings related to St John of God having been previously removed (Plate 2).

The land gradually slopes up to Bluff Point in the south. This area contains the historic plantings and sundial identified in the CHMP as having cultural value (Plate 3, Plate 4).

4.2 Landscape

The Project Area is positioned on the western foreshore of Lake Macquarie with prominent views to the lake. The elevated land at Bluff Point provides expansive views, including of Vales Point to the south (Plate 5) and Brightwaters to the north and east (Plate 6).

West of the Project Area is the Trinity Point Housing Development. Presently, there are a few houses that can be seen to the west, but this number will increase as the subdivision develops (Plate 7).

5 Assessment of Heritage Impact and Mitigation

This section provides an overview of significance, impact assessment and mitigation. The impact assessment has included the consideration of enhancement and detrimental impact to heritage item/s, as well as alternatives according to Heritage NSW's guideline *Statements of Heritage Impact*.

5.1 The Proposal

The proposed development is for a mixed hotel, tourism, and residential development (Figure 5).

The development will require the installation of below and above ground services including water and sewer, telecommunications, and electricity. It will also require the formation of roads and access ways to the buildings as well as the construction of the buildings themselves.

The design includes a hotel and public amenities, such as restaurants, pools and function centre. A public walkway surrounding the site and connecting courtyards. The rest of the buildings are for residential apartments with common amenities. The Project Proposal design is biophilic and features green roofs.

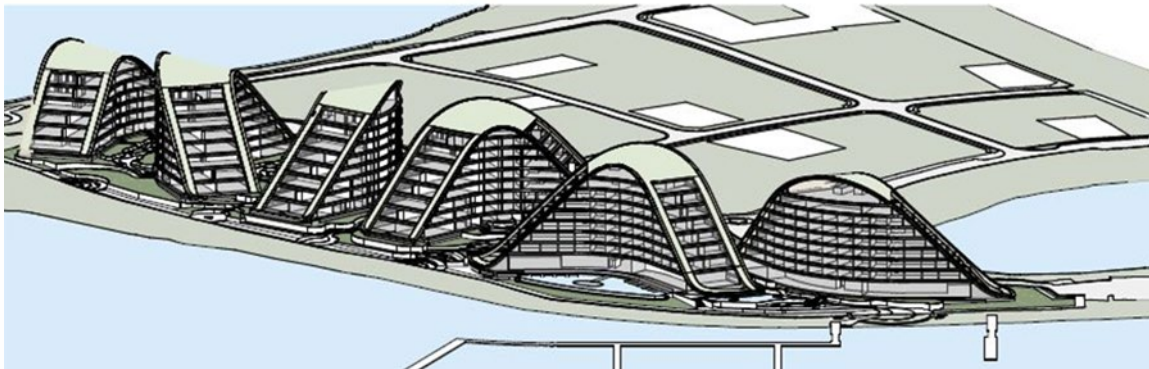


Figure 5 Elevation provided by Koichi Takada Architects

5.2 Impact Assessment Built Heritage

5.2.1 Enhancement of Heritage Item/s

The following aspects of the proposal respect or enhance the heritage significance of the item or conservation area for the following reasons.

The biophilic nature complements the historic plantings and reserve area that the historic plantings are a part of. The development will provide historic heritage interpretation as outlined in the Cultural Heritage Management Plan²⁰ and the Heritage Interpretation Plan,²¹ which will also be updated as part of the ongoing works.

5.2.2 Detrimental Impact on Heritage Item/s

The following aspects of the proposal could detrimentally impact on heritage significance.

There will be some visual impacts to the Project Area and views to the lake, however the most significant vistas from the elevated land at Bluff Point will be retained as this area has been set aside as a reserve with the cultural heritage items, including the historic plantings and sundial.

5.2.1 Statement of Heritage Impact

There are no listed heritage items in the Project Area, however, there are landscape and built elements of heritage significance. This includes the Norfolk Island pines and sundial is associated with the Bailey occupation period. These will be incorporated into the public space. Interpretation of all four phases of the site history: Early Historical (1875-1908), Bailey Family 1913-1934, Little Company of Mary 1934-1947 and the Brothers of St John 1947-2005 are represented in the design. The existing landscape and built heritage will be conserved and contextualised within the wider history of the site as part of the interpretation strategy.

5.3 Impact Assessment Historic Archaeology

A previous Statement of Heritage Impact identified the need for archaeological monitoring in the southern portion of the Project Area (Figure 6). This monitoring was intended to be undertaken prior to the construction program (under a Section 139(4)). The current Proposal will impact also impact this area and thus needs to be mitigated.

5.4 Heritage Interpretation

A heritage interpretation strategy has been prepared for the Project.²² The historic heritage themes and phases have been identified will be interpreted by use of enhancement of existing landscape and built elements as well as interpretative signage.²³ The historic plantings are to be a feature of the public open space southern portion of the Project Area²⁴. The historic history of the Project Area will be subject to a timeline and displays throughout the Project Area as well as plaque elements in

²⁰ Insite Heritage, "Trinity Point Marina Mixed Used Development Cultural Heritage Management Plan."

²¹ Terras, "Heritage Interpretation Plan: Trinity Point Marina and Mixed Use Development," 2022.

²² Terras.

²³ Terras, 11–12.

²⁴ Terras, 20.

open space. The bluff sundial viewing location will incorporate views, repair and incorporation of the historic stone wall and high-quality viewing panels.²⁵ The current Proposal aligns with the heritage interpretation strategy, it includes the enhancement and interpretation of the existing landscape and built elements as well as providing interpretation.



Figure 6 Area to be subject to archaeological monitoring

5.5 Mitigation Measures

All on-site personnel are to be made aware of their obligations under the *NSW Heritage Act 1977*, including the reporting of any historic, or suspected historic material. This may be implemented through an onsite induction or other suitable format.

The reserve area with the historic plantings and sundial are to be clearly marked as a no-go zone and fenced with sufficient distance to the tree to ensure that no harm is caused to the tree by the fencing. The fencing will be placed beyond the dripline to prevent potential root damage or as identified by a suitably qualified person. The physical condition of the historic trees should be monitored during construction by an appropriately qualified person.

Archaeological monitoring of the southern portion of the Project Area (Figure 6) is to be undertaken prior to the commencement of construction. In the previous assessments this monitoring was to be undertaken in accordance with a under a Section 139(4) exception, however, as this project is now being assessed as a State Significant Development. This monitoring can be done as part of the

²⁵ Terras, 26–28.

conditions of consent and does not need a separate Section 139(4) exception from the Heritage Council of NSW.

An unexpected finds protocol is to be implemented whereby if there is a requirement to stop work should a historic archaeological deposit, or suspected historic archaeological deposit is identified during works in any part of the Project Area. Works are to stop in the vicinity of the archaeological deposit and an archaeologist engaged to undertake an assessment, identify its significance and implement the appropriate mitigation measures. If identified to be a 'relic' under the act it needs to be reported to Heritage NSW under s146 of the Heritage Act.

5.5.1 Compliance with the CHMP and Mitigation

The items of cultural value identified in the CHMP including the sundial and historic planting will be retained and not be impacted by the proposal

Table 4 Compliance with the CHMP

CHMP	Mitigation
Retain and conserve significant built heritage items	The sundial will not be impacted and will remain in its present position
Built heritage items to be retained are to be adequately protected during the works from potential damage. Protection systems must ensure that historic fabric is not damaged or removed.	Inadvertent impact to heritage items will be mitigated through a heritage induction and fencing of Project Area prior to and during construction.
Retain cultural landscape plantings including figs, palms and a Norfolk Island Pine located near Bluff Point.	The historic plantings will be retained, mitigation measures will be put in place to ensure they are not inadvertently impacted (heritage induction and fencing).
Archival recording	Completed 2015 ²⁶
Historic Archaeological Monitoring to be undertaken for southern portion of Project Area	This needs to be done prior to commencement of construction in this portion of the Project Area

²⁶ Insite Heritage, "Archival Photographic Recording Trinity Point Marina & Mixed Use Development."

6 Conclusions and Recommendations

The Project Area does not contain any listed heritage items, however the Trinity Point CHMP identifies items of cultural value in the Project Area. This includes historic plantings which will be part of the public open space area in the southern portion of the Project Area (and will be retained). The sundial and grotto are located in the Council Reserve and will be avoided by the development. However, there are risks of inadvertent impacts to these items due to their proximity to the development. This risk can be mitigated by implementing a heritage induction and fencing off the reserve at Bluff Point in the southern portion of the Project Area. There is also an area in the southern portion of the Project Area which requires archaeological monitoring and is to be undertaken prior to the commencement of construction. An unexpected finds protocol is also to be implemented.

The Proposal can proceed subject to the following recommendations:

Recommendation 1

All on-site personnel are to be made aware of their obligations under the *NSW Heritage Act 1977*, including the reporting of any historic, or suspected historic material. This may be implemented through an onsite induction or other suitable format.

Recommendation 2

The reserve area with the historic plantings and sundial are to be clearly marked as a no-go zone and fenced. Above ground fencing is to be used, however, fencing which penetrates the surface is to be used it needs to be placed a sufficient distance from the root zone of the trees to ensure they are not impacted by the works and engagement of an arborist may be needed to establish this boundary.

Recommendation 3

The southern portion of the Project Area is to be archaeologically monitored prior to construction. It is expected that if archaeological relics are identified they will be of local significance. Any relics identified are to be photographed, recorded and/or catalogued.

Recommendation 4

If historic archaeological deposit, or suspected historic archaeological deposit is identified during works in any part of the Project Area (not previously investigated), then an unexpected finds protocol is to be implemented. Works are to stop in the vicinity of the archaeological deposit and an archaeologist engaged to undertake an assessment, identify its significance and implement the appropriate mitigation measures. If identified to be a 'relic' under the act it needs to be reported to Heritage NSW under s146 of the Heritage Act.

7 References

- Heritage Office NSW [now Heritage NSW]. *Assessing Heritage Significance*. Sydney, NSW: Office of Environment and Heritage, 2015.
- . *Statements of Heritage Impact*. Sydney, NSW: Heritage Office NSW, 2002.
- Insite Heritage. “Archaeological Investigation of Former St John of God Site Morisset Park.” Report to Johnson Property Group, 2007.
- . “Archival Photographic Recording Trinity Point Marina & Mixed Use Development.” Wangi Wangi, NSW: Report to Johnson Property Group, 2015.
- . “Trinity Point Marina and Mixed Use Development: Statement of Heritage Impact: Application for a Section 139(4) Excavation Exception.” Report to Johnson Property Group, 2016.
- . “Trinity Point Marina Mixed Used Development Cultural Heritage Management Plan.” Archaeological Assessment. Wangi Wangi, NSW: Report to Johnson Property Group, 2015.
- . “Trinity Point Marina Mixed Used Development Morisset Peninsula, NSW Archaeological Assessment.” Archaeological Assessment. Wangi Wangi, NSW: Report to Johnson Property Group, 2008.
- . “Trinity Point Marina Morisset Peninsula, NSW Archaeological Assessment.” Report to Johnson Property Group, 2007.
- Lake Mac Libraries. “Morisset.” Lake Macquarie History. Accessed November 26, 2021.
<https://history.lakemac.com.au/page-local-history.aspx?pid=1085&vid=20&tmpt=narrative&narid=62>.
- Newcastle Morning Herald and Miners’ Advocate. “OPENING OF THE SYDNEY AND NEWCASTLE RAILWAY.” August 16, 1887.
- “Parish of Morisset: County of Northumberland.” Sydney, NSW: Surveyor General of NSW, 1893.
- Suters Architects Snell. “City of Lake Macquarie Heritage Study : Volume 1.” Heritage Study. Speers Point, NSW: Report to Lake Macquarie Council, 1993.
<http://heritagenw.intersearch.com.au/heritagenwjsui/handle/1/5468>.
- Terras. “Heritage Interpretation Plan: Trinity Point Marina and Mixed Use Development,” 2022.
- Terras and Insite Heritage. “Heritage Interpretation Plan: Trinity Point Marina and Mixed Use Development,” 2015.

8 Plates



Plate 1 Project Area, view to north



Plate 2 Location of former buildings from St John of God on the flat land in foreground, historic plantings in background, view to south



Plate 3 Historic plantings and sundial, view to west



Plate 4 Historic plantings and sundial, view to west



Plate 5 View from Bluff Point to south



Plate 6 View from Bluff Point to east



Plate 7 View to west, houses along Trinity Point Drive in background