

Summary of revision to draft conditions

2014HCC028

DA/1503/2014 – Trinity Point Marina

Condition 2 – Approved Documentation

At (b), after 'Environmental Impact Statement, Volumes 1 and 2 including all appendices', add '(other than where superceded by other approved documents and plans in this consent)'.

At (b), delete "Additional Information letter including attachment A, B, C and D dated 1 April 2015" – repetition.

Condition 10(b) – Retention of Tress and Native Vegetation

Delete – not relevant.

Condition 11 – Native Vegetation Act

Delete – not relevant.

Condition 17 – Car Parking Allocation of Spaces

Delete and replace with:

'A total of 52 car parking spaces shall be constructed on the site in accordance with the minimum requirements of the Australian Standard AS/NZS 2890.1 as current at the time of construction, and maintained on the land in accordance with the approved plans.

The spaces shall be allocated in the following proportions:

Car park	47
Marina lounge car park	5, including 2 disabled parking spaces

Note: This development requires the provision of a minimum of 31 car parking spaces. The additional approved car parking spaces may be made available for future uses on the site.

The car parking spaces shall be identified on-site by line marking.

The 28 spaces required for marina users shall not be marked, signposted or otherwise identified as being 'staff only'.

The required disabled car parking spaces shall be clearly marked and signposted for the sole use by disabled persons in accordance with AS2890.6.

All car parking spaces, line marking and signage shall be completed prior to the issue of an Interim or Final Occupation Certificate, whichever occurs first.'

Condition 18 – Bicycle Parking Spaces

Relocate parking to be consistent with approved plans.

Condition 43 – Cultural Heritage Management Plan and Heritage Interpretation Policy

Delete 'for the overall site', and replace with 'where applicable to this development stage'.

Condition 44 – Aboriginal Heritage Impact Permits (AHIPs)

Delete 'issue of the first Construction Certificate' and replace with 'commencement of any works'.

Condition 45 – Interpretation Policy / Interpretation Devices

Delete and replace with:

'The installation of heritage interpretation devices in locations as shown on Terras Landscape Plan 10367-5-DA Plan 08 shall occur on completion of all required salvage operations over Lot 31 consistent with Concept Approval 06_0309 and the approved Heritage Interpretation Policy. Prior to installation, detailed drawings or devices and content shall be lodged with and approved by Lake Macquarie City Council.'

Condition 47 – Cultural Heritage Protection Measures

Delete - not relevant.

Condition 48 – Vegetation Management

Delete and replace with:

'Aquatic Ecology

Aquatic Ecology Monitoring Plan

Aquatic Ecology construction and post construction monitoring details shall form part of a revised Construction Environmental Management Plan that includes the proposed Seagrass Bed Integrity Monitoring and Wrack Movement Monitoring (as recommended by Marine Pollution Research within the Aquatic Ecology Investigation Report).

Such Construction Environmental Management Plan conforming to the above shall be lodged with and approved by Lake Macquarie City Council prior to the issue of the first Construction Certificate.

Seagrass Impact

The applicant shall consult with Department of Primary Industries (Fisheries) to confirm that approval under the Fisheries Management Act 1994 is not required for the development to proceed, with particular regard to loss of seagrass.'

Condition 50 – Foreshore and Public Domain Works

At point 7 after 'Landscape Architect', add 'unless otherwise agreed to in writing.'

Condition 51 – Stormwater Treatment and Sea Level Rise

Delete – not relevant.

Condition 53 – Environmental Performance Monitoring and Reporting

Delete and replace with:

'To ensure satisfactory environmental performance of the marina the applicant shall prepare and submit to Lake Macquarie City Council an environmental monitoring report for the first 5 years from commencement of operation, including:

- Water quality monitoring for years 1 and 2 using the methodology and monitoring locations consistent with those described in section 2.3 of Appendix W of the Environmental Impact Statement Trinity Point Marina 2014, and for comparison with baseline data, including a minimum of 10 samples taken over each 12 month period including wet weather sampling when possible;
- Water quality monitoring for years 3, 4 and 5 using the methodology and monitoring locations consistent with those described in section 2.3 of Appendix W of the Environmental Impact Statement Trinity Point Marina 2014, and for comparison with baseline data, including a minimum of 4 samples taken over each 12 month period including wet weather sampling when possible;
- Sediment sampling and analysis using the methodology and monitoring locations consistent with those described in section 2.4 of Appendix W of the Environmental Impact Statement Trinity Point Marina 2014, and for comparison with baseline data;
- Aquatic ecological surveys for seagrass and saltmarsh using the methodology and monitoring locations consistent with those described in section 2.5 of Appendix H and section 3.6.1 of Appendix K of the Environmental Impact Statement Trinity Point Marina 2014, and for comparison with baseline data;
- Survey of the foreshore to measure foreshore erosion from around the southern corner of the site to the inside of the unnamed inlet using methodology consistent with those described in section 2.6 of Appendix H of the Environmental Impact Statement Trinity Point Marina 2014, and for comparison with baseline data.

Environmental monitoring report shall include an assessment which compares results to the approved Verification of Baseline Data report (RHDHV July 2014, Appendix H to EIS) and addendum 'Baseline Water Quality Monitoring Results - Trinity Point Marina Stage 1 2015' including analysis of observed changes.'

Condition 54 – Concept Approval MP06_0309 MOD 2

Delete dot point 2 – not relevant.

Additional Condition 52 - Contribution to Provision of Public Amenities and Services (Sec. 94)

- (a) In accordance with the provisions of Section 94 of the Environmental Planning and Assessment Act 1979 and the Lake Macquarie City Council Development Contributions Plan 2012 - Morisset Contributions Catchment, the monetary contributions in the attached Contributions Schedule must be paid to Council for the purposes identified in that Schedule.
- (b) From the date this determination is made until payment, the amounts of the contributions payable under the preceding clause will be indexed and adjusted at the close of business on:
- 14 August,
 - 14 November,
 - 14 February, and
 - 14 May;
- in each year in accordance with indexation provisions within the Contributions Plan. The first date for indexation will occur on the first abovementioned date after the Notice of Determination becomes effective.
- (c) The contributions payable will be the amounts last indexed and adjusted in accordance with Clause (b) above. However, if no amount has been indexed and adjusted because the first date for indexation and adjustment has not arrived, the contributions payable shall be those in clause (a) above.
- (d) The contributions shall be paid to Council as follows:
- Development Applications involving subdivision – prior to the release of the Subdivision Certificate;
 - Development Applications involving building work – prior to the release of the first Construction Certificate;
 - Development Applications involving both subdivision and building work – prior to the release of the Subdivision Certificate or first Construction Certificate, whichever occurs first;
 - Development Applications where no Construction Certificate or Subdivision Certificate is required – prior to the commencement of any construction work or prior to any occupation, whichever occurs first;
 - Complying Development Certificates - prior to any work authorised by the application or certificate commencing.

It is the professional responsibility of the Principle Certifying Authority to ensure that the monetary contributions have been paid to Council in accordance with the above provisions.

Please note that payments made by cheque or electronic transfer - the release of any documentation will be subject to the clearing of those funds.

Indexation details are available from Council's Community Planning Department.

A copy of the Lake Macquarie City Council Development Contributions Plan 2012 - Morisset Contributions Catchment may be viewed on Council's website, or a copy is available for inspection at the Council's Administrative Building during Council's ordinary office hours at 126-138 Main Road, Speers Point, NSW.

CONTRIBUTION FEE SCHEDULE

DESCRIPTION	FEE AMOUNT
Local Roads - Capital - R004 & R005	\$34,087.20
Local Public Transport Facilities	\$164.30
Plan Preparation & Administration	\$423.95
	TOTAL \$34,675.45