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<p>Details and justification of proposed works</p>	<p>Section 3.1 of Environmental Assessment Report (EAR) (pg 15) under the heading of Need for the Development, states <i>“the proposed development will help meet needs identified in Lower Hunter Regional Strategy (“LHRS”) being:</i></p> <ul style="list-style-type: none"> - <i>accommodation of additional population;</i> - <i>satisfaction of the demand for dwelling sites;</i> - <i>establishment of green corridors; and</i> - <i>establishment of conservation corridors and protection of biodiversity.”</i> <p>It is the Catherine Hill Bay Progress Association’s (CHBPA) understanding that significant urban expansion at Catherine Hill Bay has not formed part of Council’s long term planning, or the State Government’s settlement strategies, until the release of the Lower Hunter Regional Strategy (LHRS) in 2006. Catherine Hill Bay has not previously been identified as a suitable location for urban growth due to its isolated location, the lack of community facilities and infrastructure, and the potential impacts on heritage, scenic/landscape and biodiversity values and significance of the area.</p> <p>While the LHRS now identifies land at CHB as a <i>‘proposed urban area’</i>, this was not anticipated in the Draft Strategy and therefore not subject to community consultation.</p> <p>It is interesting to note the Environmental Assessment Report (EAR) explains the proposal will accommodate the additional population identified as a need in the LHRS. However the proposed 554 sites will comprise only 0.52% of dwellings said to be needed in the Hunter and only 0.4% of the combined total needed in the Hunter and Central Coast. The argument that the development of Catherine Hill Bay is essential for the success of the LHRS is not supported.</p> <p>No strategic justification of the proposed development is given in the EAR. No consideration or justification of impact on areas of high scenic, environmental and heritage value is given. The only justification provided in the EAR is a very narrow reliance on the LHRS. LMCC itself has stated in its submission opposing the Coal & Allied Southern Estates Middle Camp (MP10_0089) SSS Listing & Concept Plan:</p> <p><i>“The LHRS identifies a need for additional residential land in Lake Macquarie. This appears to have been interpreted by the proponent as a green light for ad hoc urban expansion. In reality the LHRS adopts a distinctly hierarchical approach to the location of urban growth. Lifestyle 2020 reflects this approach and provides additional guidance on the most appropriate locations within the LGA for expansion. As discussed above while the LHRS has identified this area for housing recent housing growth assessments completed as part of the Lifestyle 2020 review identify that this is not warranted and that there is currently a need for infill not greenfield sites within the city. Council reiterates the view that the provision of additional residential lots at Catherine Hill Bay (Middle Camp) are not required to meet the targets and objectives of the Lower Hunter Regional Strategy (LHRS). Housing growth is and should continue to be directed toward growth centres such as Glendale, Charlestown, and Morisset</i></p>

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	<p><i>that have existing infrastructure and services such that the city is developed in an environmentally, socially, and economically sustainable manner."</i></p> <p>Whilst the above response from LMCC is related to the Coal & Allied Concept Plan Application for Middle Camp the information is relevant to the subject site. Council has indicated that the level of proposed residential lot yield for CHB is not consistent with the vision of Lifestyle 2020. In addition little consideration has been given to the lack of service provision in CHB. There is no mention of child services, youth facilities or services for older people or people with special needs. Due to the isolated nature of CHB the proposal reinforces a reliance on private transport which is not consistent with reducing reliance on fossil fuels.</p> <p>An Ecological Assessment Report dated September 2010 has been prepared by RPS. This report is however largely based on previous reports undertaken over several years by Wildthing and EcoBiological, and provides a small overall summation of ecological findings to date. It is relevant to note that the majority of field surveys carried out on the entire site were done between 2003 and 2007. Furthermore in the RPS Report there appears little evidence of these surveys being undertaken on the developable portion of the site however rather within that area zoned Environmental.</p> <p>In relation to the <i>"establishment of green corridors"</i> there is no evidence on the plan of proposed subdivision prepared by ADW Johnson (Appendix H) of these green corridors being established. The Landscape Plan (Appendix L of the EAR) prepared by Context identifies <i>'green links'</i> throughout the site however these green links appear to be the proposed roads throughout the subdivision with planting either side of these sealed roads. Council's Asset Management Department have indicated in their referral response for this proposal that, <i>"Council's Asset Management department would prefer to see road reserves no wider than required to accommodate road carriageways, traffic clear zones, drainage and utilities infrastructure, street trees of appropriate species and pedestrian/cycle pathways. If the applicant needs to provide visual buffers, or vegetated areas for amenity reasons, these should be located outside of road reserves; potentially in another type of reserve."</i> (LMCC Tracking System Application No. MISC/86/2010)</p> <p>Furthermore areas identified as Precinct Parks on Figure 10 Landscape and open space concept plan in the CHB Draft DCP 2011 will also be utilised as pump stations and stormwater control ponds. These Precinct Parks provide a small portion of parkland with a large portion utilised for stormwater management. These stormwater management devices are misleadingly identified as Moonee Reserve and Heath Reserve on the Landscape Plan.</p> <p>The lots are spread to the east, south and west of the existing settlement. The development is not a logical extension of the established area and will affect its existing visual amenity. DCP No. 1 identifies CHB within 'Scenic Management Zone A'. This category is assigned to areas of the highest scenic quality which are of critical value to the scenic image of the City and most vulnerable to loss through development. Development in these areas should be designed to complement, maintain and enhance the scenic value of the area and its features. The CHBPA is of the opinion this latest proposal as</p>

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	<p>with previous proposals has not achieved this. In addition, no Visual Impact Assessment has been submitted as part of this Application and it can therefore be concluded that the proponent has not even taken into consideration the scenic value of CHB when designing the development. It is not enough for an area to be identified in the LHRS as a 'proposed urban area', however the proposal still needs to illustrate that it is appropriate to the area on all levels.</p> <p>In relation to the establishment of "<i>conservation corridors and protection of biodiversity</i>" there is no discussion of this in either the EAR or Ecological Assessment Report prepared by RPS September 2010. Neither the green corridors nor conservation corridors are shown on any maps accompanying the development application. The Ecological Assessment Report states "<i>The proposed development will require the removal of native vegetation and as such is considered to contribute to the Key Threatening Process 'Clearing of Native vegetation. ...More than half of the CHB development lands are vegetated and would be modified or removed as a result of the proposal.</i>" Little explanatory information is given in this regards.</p> <p>The CHBPA seeks clarification on the actual area of the land proposed to be developed. The previous Concept Plan approval was for 60ha. The Memorandum of Understanding (MOU) dated 16 October 2006 also indicated a developable area of 60 ha as do many of the sub consultant reports undertaken as part of this latest proposal. However pg 5 of the EAR, Executive summary states "<i>some 72 hectares of land around the Catherine Hill Bay Village is proposed for urban development.</i>" This is also the figure given by Bryan Rose in his letter dated 9th November 2010 to The Hon. Tony Kelly requesting the Ministers opinion under Clause 6 SEPP Major Development.</p>
<p>Alternatives considered</p>	<p>Section 3.2 of the EAR (pg 15) under the heading of Alternatives Considered, states:</p> <p><i>"The current proposal is a refinement of previous proposals consistent with zonings established by SEPP (Major Developments) in November 2010."</i></p> <p>The Alternatives Considered and listed in Section 3.2 of the EAR refer to previous applications which have since been withdrawn or refused by the Department of Planning and Land and Environment (L&E) Court and are therefore not considered valid alternatives for the site.</p> <p>The EAR (pg 15) identifies the proposal as a low density, low impact development. Given that the current population of CHB is 153, a proposal for close to 600 new lots with the potential to be re-subdivided in the future is not considered low density. Given the sensitive environmental context, LMCC had previously zoned the land for low density development at the rate one dwelling per 100ha. The suburban densities that are currently being proposed fail to take this context into account. Furthermore given the impact of associated urban activities and traffic on the environment, the proposal is not considered to be low impact on either the local residents nor the coastline and environment.</p>

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	<p>The previous proposal prepared by Conybeare and dated 2007 was for 600 residential lots and provided managed bush corridors and community parkland and open space. This proposal was developed in response to the IHAP design principles. While the CHBPA argued that the scheme was an inappropriate outcome, the key concerns were its size (600 dwellings), traffic impacts, development on the headland and proximity to Moonee Beach. The CHBPA acknowledged the quality of the urban design as a vast improvement on what had been previously proposed. This approval was refused in the L&E Court in relation to the MoU process and the judgement placed the existing R2 zoning in the CHB area under question. The area of residential zoning was considered excessive and the proposed level of building controls inadequate given the areas natural, social and cultural values.</p> <p>The proposal prior to this prepared in 2006 by EJE was for 600 residential lots and was properly refused by the Independent Hearing and Assessment Panel (IHAP) as an inadequate response to the site's characteristics. The expert Panel noted that the Middle Camp village and its setting represents "a precinct of exceptional aesthetic, landscape, social and cultural landscape heritage significance..."</p> <p>The current proposal before the DoP is for 554 residential lots with potential to re-subdivide in the future. The current scheme provides no managed bush corridors (description of proposed kerb-side tree planting as 'green links' is grossly misleading), no usable local parks for new community other than infiltration and detention basins (refer the <i>Detail Plans Sheets 2-5</i> contained in Stormwater Management & Concept Engineering Report), no pedestrian connectivity, very poor public access to coastline and beaches, and no response to the special environmental and heritage character of the area. It is apparent that the design principles articulated by the IHAP have been entirely ignored and very little consideration given to the areas natural, social and cultural values. In no way considered a refinement of the previous proposal. From a design and planning perspective, the current proposal is significantly worse than the scheme prepared in 2006 that was rejected by the IHAP and Minister.</p>
<p>Consideration of SEPP (Major Development) 2005 – Schedule 3 Part 14 (South Wallarah Peninsula site) with any variations to be justified</p>	<p>Section 6.1.1 of the EAR, titled SEPP Major Development, (pg 23) states:</p> <p><i>"The development footprint is established by the site zoning under this SEPP. There is no minimum lot for subdivision under SEPP Major Projects. Adequate controls over residential subdivision are specified in the Code SEPP."</i></p> <p>Limited information is provided in the EAR in relation to SEPP (Major Development) 2005 and the proposed developments compliance. The EAR does not address the zone objectives The Objectives of the R2 Low Density Residential are as follows:</p> <p><i>"(1) The objectives of Zone R2 Low Density Residential are as follows:</i></p>

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	<p>(a) to provide for the housing needs of the community within a low density residential environment,</p> <p>(b) to enable other land uses that provide facilities or services to meet the day to day needs of residents,</p> <p>(c) to encourage development that does not impact on the scenic, aesthetic and cultural heritage qualities of the built and natural environment on the Wallarah Peninsula,</p> <p>(d) to encourage development that responds and is sympathetic to the surrounding built and natural environmental setting,</p> <p>(e) to ensure that the nuisance generated by non-residential development, such as that related to operating hours, noise, loss of privacy, vehicular and pedestrian traffic or other factors, is controlled so as to preserve the quality of life for residents in the area.”</p> <p>The Progress Association is of the opinion that due to the intensity and design of the proposed development the objectives of the R2 zone have not been met. The Catherine Hill Bay village has a distinct cultural landscape/historic townscape/land and seascape setting, with a dramatic sense of arrival due to the isolation of the village from other urban development and bushland setting of the access roads leading to Catherine Hill Bay. The proposed development will increase the number of dwellings from 153 to a number potentially significantly higher than the proposed 554. The proposed development will impact on the historic village amenity and the Heritage Conservation Area.</p> <p>In response to the proponent’s inference on page 23 of the EAR that “adequate controls over residential subdivision are specified in the Code SEPP” the Progress Association is of the opinion the Complying Housing Code is inadequate as it fails to take into account the special environmental and heritage character of the area. If a site is considered significant enough to be listed as a State Significant Site then more stringent controls and assessment processes should apply other than the Codes SEPP. The Codes SEPP was developed to ‘fast track’ typical suburban project housing in metropolitan Sydney. It assumed that the characters of urban environments were largely homogenous. This is not the case in regional areas of environmental and heritage significance.</p> <p>It is relevant to note that there is no mention of the Code SEPP under Schedule 3, Part 14 of the Major Development SEPP unlike other Parts of Schedule 3 for example Part 10 Tomago Industrial Site Clause 15 Exempt and Complying Development. Therefore CHBPA is of the opinion that it was never intended to have the Codes SEPP apply to this site. Furthermore given Rosecorp initiated the listing of the site as a State Significant Site, then one would expect that they would want any future development on the site to achieve design excellence and to go through the development assessment process, not the 10 day complying development process.</p> <p>The Complying Housing Code does not consider the coastal, heritage and environmental significance of the area. The Development Control Plan that was required by the DG should have provided future character objectives for the site</p>

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	<p>together with detailed controls to deliver a quality design outcome that relates to the coastal bushland and heritage setting. This would have provided an appropriate degree of certainty. Should future applicants comply with the detailed controls then speedy merit approvals could follow.</p>
<p>Consideration of SEPP71 – Coastal Protection with any variations to be justified</p>	<p>Section 6.3 of the EAR, titled SEPP 71 Protection / Development in the Coastal Zone, (pg 25) states:</p> <p><i>“The considerations of SEPP 71 are very similar to the requirements of CI 19 Development in the Coastal Zone of the site EPI.”</i></p> <p>The aims of SEPP 71 are as follows:</p> <ul style="list-style-type: none"> <i>“a) to protect and manage the natural, cultural, recreational and economic attributes of the New South Wales coast, and</i> <i>(b) to protect and improve existing public access to and along coastal foreshores to the extent that this is compatible with the natural attributes of the coastal foreshore, and</i> <i>(c) to ensure that new opportunities for public access to and along coastal foreshores are identified and realised to the extent that this is compatible with the natural attributes of the coastal foreshore, and</i> <i>(d) to protect and preserve Aboriginal cultural heritage, and Aboriginal places, values, customs, beliefs and traditional knowledge, and</i> <i>(e) to ensure that the visual amenity of the coast is protected, and</i> <i>(f) to protect and preserve beach environments and beach amenity, and</i> <i>(g) to protect and preserve native coastal vegetation, and</i> <i>(h) to protect and preserve the marine environment of New South Wales, and</i> <i>(i) to protect and preserve rock platforms, and</i> <i>(j) to manage the coastal zone in accordance with the principles of ecologically sustainable development (within the meaning of section 6 (2) of the <u>Protection of the Environment Administration Act 1991</u>), and</i> <i>(k) to ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area, and</i> <i>(l) to encourage a strategic approach to coastal management.”</i>

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	<p>As with the previous proposals the applicant continues to propose residential development on visually prominent cliff top and land areas at Catherine Hill Bay and therefore continues to propose a development contradictory to the objectives of SEPP 71 and the NSW Government's Coastal Policy. The Progress Association is of the opinion that the proposal has negative impacts on the environmental values, the cultural heritage, the unique recreational opportunities provided by the coast and beach areas, and the tourism economy that relies upon visitation attracted due to the pristine and heritage attributes of Catherine Hill Bay. Previous Conservation Management Plans (Conservation Management Plan, Wallarah and Moonee Collieries by EJE, dated July 2005; Heritage Assessment Conservation Plan for Catherine Hill Bay by Architectural Projects Pty Ltd, dated 2000) have clearly detailed the importance of the headland to the cultural significance of Catherine Hill Bay.</p> <p>The development does not propose any extension or addition to the public transport system (bus service only) and is isolated from the established Centres of the LGA. Walking and cycling to facilities and services is limited and there is no proposal to improve linkages other than within the development footprint. The development footprint itself is scattered around the existing residential dwellings, which increases the impact on the environment and existing residents. Residents will remain dependent on cars for access to employment, services and facilities. Due to the isolated nature of CHB the proposal reinforces a reliance on private transport which is not consistent with reducing reliance on fossil fuels.</p> <p>No consideration has been given to Section 2.4 of DCP No. 1 - Catherine Hill Bay Heritage Conservation Area and the LMCC Heritage Guidelines. The height, scale, bulk and massing of any development has to be relative to the existing early cottages as seen from all significant views and be subservient rather than dominating. The site coverage proposed is in conflict with Council's DCP No. 1 which sets a 35% maximum site coverage for the standard housing lots within the Catherine Hill Bay Conservation Area. The lack of detail or thoroughness in terms of the development controls may result in an undesirable impact from new development on the cultural significance of Catherine Hill Bay village and setting.</p> <p>The Progress Association is of the opinion SEPP 71 objectives and NSW Coastal Policy 1997 is clearly still not being met.</p>
<p>Consideration of NSW Coastal Policy 1997 with any variations to be justified</p>	<p>Section 6.7 of the EAR, titled NSW Coastal Policy, (pg 30) states:</p> <p><i>"In the case of Catherine Hill Bay the old mining infrastructure sites represent an outstanding opportunity to establish new coastal development that gives effect to the Coastal Policy without the loss of natural values."</i></p> <p>The goals of the NSW Coastal Policy 1997 are to:</p> <ul style="list-style-type: none"> - Protect, rehabilitate and improve the natural environment of the coastal zone.

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	<ul style="list-style-type: none"> - Recognise and accommodate the natural processes of the coastal zone. - Protect and enhance the aesthetic qualities of the coastal zone. - Protect and conserve the cultural heritage of the coastal zone. <p>While the NSW Coastal Policy provides opportunity for environmentally sustainable development, it does so, on the basis that the above goals can be achieved. The proposed development as with previous proposals put forward by the proponent, fails to meet the abovementioned goals. In addition the NSW Coastal Design Guidelines states that development in coastal hamlets should maintain the visual dominance of natural vegetation and landform. This proposal does not enable these things to be maintained within Catherine Hill Bay.</p>
<p>Consideration of NSW Coastal Design Guidelines with any variations to be justified</p>	<p>Section 6.8 of the EAR, titled NSW Coastal Design Guidelines, (pg 31) states:</p> <p><i>“The Catherine Hill Bay area is unique and does not really fit into the Coastal Design Guidelines (“CDG”) hierarchy. This mining history of the locality is largely the reason for this. Almost all of the local buildings were established by the local mining interests. The area consists of the two hamlets of Catherine Hill Bay and Mine Camp village plus the extensive industrial/mining infrastructure. The remaining infrastructure includes the jetty, railway and stockpile areas established over the last 130 years.</i></p> <p>...</p> <p><i>The design principles contained in the CDG allow coastally sensitive development of high amenity. The principles have been applied as the results can be seen in the site zonings and the site DCP. At Catherine Hill Bay development that respects the coastal environment, establishes appropriate character and provides for clearly defined settlements is proposed.”</i></p> <p>It is interesting to note that the proponent acknowledges the uniqueness of the Catherine Hill Bay area however then proceeds to ignore any guidelines and policies put in place to protect the uniqueness of the area. As mentioned above, the NSW Coastal Design Guidelines states that development in coastal hamlets should maintain the visual dominance of natural vegetation and landform. This proposal does not enable these things to be maintained within Catherine Hill Bay.</p> <p>The Independent Hearing and Assessment Panels (IHAP) Interim Report to the Minister dated 13 April 2007 (based on the Concept Plan prepared by EJE Architects) states one of the panel’s main concerns in relation to the Concept Plan is, <i>“non compliance with Governments Coastal Policy and Design Guidelines and best practice coastal planning.”</i></p> <p>It is interesting to note that the proposed subdivision consists of a similar number of lots to that depicted in the EJE Concept Plan. Furthermore Section 6.7 NSW Coastal Policy and 6.8 NSW Coastal Design Guidelines of the 2010 EAR</p>

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	<p>(pgs 30 & 31) prepared by ADW Johnson (formerly Asquith & de Witt) reads virtually identical to that of the EAR prepared by Asquith & de Witt in August 2007 which accompanied the EJE Concept Plan.</p> <p>The Progress Association is of the opinion the proposal still fails to comply with the NSW Coastal Design Guidelines.</p>
<p>Consideration of IHAP's Interim Report with any variations to be justified</p>	<p>The Progress Association is of the opinion the EAR has not addressed IHAP's Interim and Final Reports for the previous concept plans. Instead, the proponent has provided vague unsubstantiated responses to the IHAP Key Planning Principles and final recommendations for the site. The Progress Association is of the opinion these matters have not been adequately addressed for the reasons detailed below:</p> <p>Key Planning Principles</p>
	<ol style="list-style-type: none"> 1. <i>Consistency with Coastal Policy and Coastal Design Guidelines</i> – Proponent claims YES they have complied (pg 33 of EAR) <p>As mentioned previously in this submission, the NSW Coastal Design Guidelines states that development in coastal hamlets should maintain the visual dominance of natural vegetation and landform. This proposal does not enable these things to be maintained within Catherine Hill Bay. The vegetated ridgelines are proposed to be cleared, there are no landscaped buffers or bushland corridors, and the subdivision layout fails to respond to the character of the landform. The proponent states that consistency is achieved <i>“through zoning footprint, development controls and subdivision layout”</i>. As detailed above the Progress Association is of the opinion the proposal still fails to comply with the NSW Coastal Design Guidelines.</p> <p>A zoning of <i>R2 Low Density Residential</i> does not automatically ensure compliance with the Coastal Policy and Coastal Design Guidelines. The draft DCP 2011 for the site advises the Exempt and Complying Development SEPP 2009 (Code SEPP) will be the primary source of development standards for residential development on the site. The draft DCP does not address subdivision nor does the Code SEPP automatically ensure compliance with the Coastal Policy and Coastal Design Guidelines, nor does the Code SEPP exclude compliance with these documents.</p> <p>In relation to coastal management whilst not a Policy document it is relevant to note that the EAR fails to address the Lake Macquarie Coastline Management Plan (CMP) which provides the basis for the minimum width of the previous 7(4) Environmental (Coastline) Zone. The SEPP has significantly reduced the width of environmental protection and replaced it with residential zoning. Council in their Strategic Planning Referral Response for the subject site states:</p>

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	<p><i>“The CMP found “the upper limit estimate for the beach component of the Coastal Impact Zone is 100 metres from the current back beach escarpment” and “the upper limit estimates for cliff recession is typically 10 metres back from the existing cliff face” but could be more in some areas. To establish the boundary of the previous Coastline Protection Zone, the CMP used the following criteria:</i></p> <p><i>“Landward limit of the Coastal Impact Zone plus a 30 metre ecological buffer and a 10 metre wide section for establishment of the coastal walk with additional allowance being made for areas overlying sea caves or potentially unstable coastline features such as steep slopes.”</i></p> <p><i>Proposed development, particularly in Stages 1 and 3, is inconsistent with the Coastline Management Plan and is considered highly inappropriate for the location. The application is not supported, however if the application is to be approved despite non-support, as a minimum it is requested that: Stage 3 be deleted, Stage 1 and 2 be significantly reduced and perimeter roads be located between the entire edge of the development (ie; it is currently lacking along stages 1, 3, 5, 6 and 7).”</i></p>
	<p>2. <i>Protect aesthetic and cultural heritage qualities of existing village – Proponent claims YES they have complied (pg 33 of EAR)</i></p> <p>The proponent advises that the <i>“development has been excluded from sensitive areas or is subject to appropriate controls.” (pg 33 of EAR)</i>. These <i>“appropriate”</i> controls are not stipulated in the EAR. The significance of Catherine Hill Bay has been acknowledged through its inclusion on the State Heritage Register and has been identified as a Heritage Conservation Area pursuant to LMLEP 2004 and LMCC DCP No. 1 Section 2.4.</p> <p>In addition IHAP state in their key planning principles <i>“any development within Catherine Hill Bay should not prejudice the scenic, aesthetic and cultural heritage qualities of the area. In this regard the panel considers that the aesthetic and cultural heritage qualities of the existing village and its landscape setting are of exceptional significance and should be protected.”</i> The development has not considered the aesthetic and cultural heritage qualities of Catherine Hill Bay. No Visual Impact Assessment has been undertaken. We assert that views from Munmorah State Recreation Area, Moonee Beach and the northern end of Catherine Hill Bay beach are all important and should be preserved as predominantly landscape. The Coastal Policy confirms that considerable attention should be given to visual impacts and the preservation of landscape headlands. It is interesting to note the draft DCP 2011 prepared by the proponent for the site states <i>“in order to differentiate between the existing villages and former mining cottages in the locality and the proposed new development, the built form controls prescribed for the Catherine Hill Bay Heritage Conservation Area by DCP 1 do not apply to the land subject to this DCP.”(page 9)</i>. This inappropriate as the proposed subdivision is neither adequately set back from the existing village nor are any controls proposed that would ensure development would be sympathetic to the heritage context.</p>

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	<p>For the proponent to suggest that “<i>development has been excluded from sensitive areas</i>” infers that the area surrounding the Cultural Precinct is irrelevant in terms of significance. Importantly, the State Heritage Listing acknowledges the significance of the setting of the Cultural Precinct and hence the CHBPA believes that this should also be taken into account.</p> <p>The Statement of Significance states:</p> <p><i>“The Catherine Hill Bay Cultural Precinct comprises picturesque and distinctive historic townscapes forming the oldest group of buildings in Lake Macquarie, set in land/seascapes of exceptional aesthetic and technical significance, both visually and as an archaeological resource for industrial heritage...”</i></p> <p><i>“The Precinct is set in a landscape, now largely dedicated as a National Park, which is distinctive both for its coastal topography which creates a natural visual catchment and for its evidence of coal mining dating from the 1890s.”</i></p> <p>It goes on to describe:</p> <p><i>“In the Cultural Precinct and its surroundings are the evident and easily accessible remnants of mining infrastructure from the 19th century to the present.”</i></p> <p><i>“From the south, at the corner of Clarke and Montefiore Streets, the dramatic landforms of the headland and beach dominate rows of small houses stepping down the hill. From the north, along Flowers Drive through Middle Camp, the jetty and headlands are visible. Against this striking backdrop, the character of the streets derives from the low-scale built form and highly consistent pattern of predominantly single storey weatherboard cottages. This reflects the historical association with the coal company.”</i></p> <p><i>“Although the varied and dramatic juxtaposition of broader sea-and landscapes, ranging from exposed ridges and cliff forms to sheltered sloping gullies, does not lie within the Cultural Precinct, this setting contributes powerfully to the sense of the built environment’s modest scale.”</i></p> <p>The subsection titled ‘History’ also reinforces the importance of the setting:</p> <p><i>“Catherine Hill Bay village is the oldest collection of buildings in Lake Macquarie, retaining distinctive historical townscapes and land/seascapes, with scale, fabric and interrelationship of the features largely retained and in good condition.”</i></p>

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	<p><i>"Today, the remaining miners and descendants of miners in the Catherine Hill Bay Cultural Precinct have been joined by relatively recent arrivals, attracted by the distinctive character of the built environment and the aesthetic appeal of its setting. That environment is a rare survivor among the state's former company towns, most of which are either abandoned (Joadja, Minmi) or changed beyond recognition."</i></p> <p>Numerous references continue through the section titled Assessment of Significance, as follows:</p> <p>Historical Significance <i>"This development is clearly evidenced by remnants of railways, the structures and extent in the immediate setting of untouched landscape typical of mining occupation of the foreshores."</i></p> <p>Aesthetic Significance <i>"The built form in Catherine Hill Bay Cultural Precinct's two villages is aesthetically significant at a state level as a highly intact late nineteenth century company town characterised by a varied range of finishes and scale typified by simple forms of predominately one storey height. The Precinct's setting exhibits visual significance owing to the diversity of landforms, vegetation communities and waterforms. The pervasive evidence of the Precinct's industrial history is technically and archaeologically significant."</i></p> <p>Research Potential <i>"The Precinct is an archaeological resource with potential to contribute to our understanding of the industrial heritage of Lake Macquarie and NSW. Lake Macquarie City Council's "Strategic Issues Study" on Wallarah South (1995) included a review of Aboriginal Archaeology which recommended that a field study should focus on the Middle Camp Gully. Further research and consultation are needed in order to formulate appropriate management strategies for the Aboriginal cultural heritage resource of the Precinct, its setting and the Wallarah Peninsula generally. The precinct also provides a rare living example of the scale, materials and spatial relations that typified Company Towns in NSW from the late nineteenth century onwards."</i></p> <p>Rarity <i>"The Catherine Hill Bay Cultural Precinct is rare in NSW as coal mining company town that has retained integrity of scale, shape and size with in situ comprehensive remnants and memorials of century-long mining activity in a natural coastal location. No other mining locality contains such an intact and compact representation of 19th and 20th century coal mining, rail and sea transportation in an isolated coastal environment which remains in much the same natural state as it was in the 1880s."</i></p> <p>Representativeness <i>"The Catherine Hill Bay Cultural Precinct is state significant as a documented and widely acknowledged intact</i></p>

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	<p>representative of the era of company towns in the development of Australia's resources. The integrity and intactness of the Precinct's built environment, industrial infrastructure landscape and seascape, from the 19th Century to the present, are largely due to underground mining by coal companies which owned freehold land, thus restraining surface development for more than a century."</p>
	<p>3. <i>Development precincts</i> - Proponent claims YES they have complied (pg 33 of EAR).</p> <p>The proponent states the <i>"identified Precincts are recognised by planning controls and subdivision layout particularly by way of heritage and height controls."</i> (page 33 of EAR). However, as stated above <i>"the built form controls prescribed for the Catherine Hill Bay Heritage Conservation Area by DCP 1 do not apply to the land subject to this DCP."</i> (page 9 of draft DCP). Section 14 (page 50) of the DCP, Site and built form and controls states that site specific built form controls proposed are to apply in areas of visual and heritage sensitivity. The reader is referred to Section 15 of the DCP for specific controls for the Washery Precinct only. Other built form controls are to come from the Code SEPP, which is quite inadequate given the environmental and heritage significance of the context.</p> <p>The proponent fails to acknowledge the entire unique setting of the Catherine Hill Bay Village. This setting is both cultural and historical. As discussed above, in the State Heritage Register Listing for the Catherine Hill Bay Cultural Precinct, there are repeated references to the Precinct's setting and therefore the Minister should take all of these into account when determining the Rose Group Development Application.</p>
	<p>4. <i>Visual catchment of existing village</i> – Proponent claims YES they have complied (page 33 of EAR)</p> <p>No Visual Impact Statement has been prepared for the subject site as part of this proposal. The EAR states that development has been excluded from the most sensitive areas and controls apply elsewhere. The EAR provides little information in regards to what controls apply however Section 7.3 Subdivision Design (pg 33) states that <i>"visual buffers have been achieved by providing for retention of significant trees in the washery and heritage precincts through creation of a Montefiore Street park way and generous streetscape plantings.... Significant Street retention in the washery precinct will provide for screening of new development."</i> It is not identified what significant trees will be retained, furthermore the EAR provides very little information addressing the visual catchment of the existing village. The current visual character of much of Catherine Hill Bay is entirely natural, in particular the landscape within the proposed Moonee Hamlets 1, 2 4 and 5. These proposed hamlets are within close proximity to the beach and will dominate the visual catchments of Moonee beach and Munmorah State Conservation Area.</p> <p>It is proposed that residential development be located in close proximity to the existing Bin Building. This will have a severe impact on views from the beaches and reserves to the north of the headland.</p>

DG's GENERAL REQUIREMENTS	Applicants Response and CHBPA Comments
	<p>It would appear very little has been proposed to ensure development does “not intrude into the visual catchment of the existing Catherine Hill Bay Village” as outlined in the IHAP Key planning Principles.</p> <p>Special design approaches should be taken for proposed development within the visual curtilage of the existing settlement. To mitigate visual impacts the proposal relies heavily on screen planting / landscaping. However, this is inadequate as:</p> <ul style="list-style-type: none"> • Considerable length of time will be needed to establish screen planting; • Bushfire asset protection requirements may limit effectiveness of screening; • Plantings requiring substantial height are unlikely to be successful in a highly exposed site where growth will be stunted by salt laden winds; • Long term maintenance to ensure their long-term viability cannot be assured; and • Subject to long-term vandalism to protect views from new development.
	<p>5. <i>Washery precinct residential development considerations</i> – Proponent claims YES that they comply (page 33 of EAR)</p> <p>The key planning principles of the Final IHAP report states that development should be designed having regard to a classic McHarg landscape design analysis of the site. The development should be low in scale and impact with significant tree retention, should not be located on headlands, should provide for public access to Moonee beach including the provision of discreet public parking areas, provide a public road adjacent to the beachfront reserve and other interfaces between the development and surrounding bushland. Identify individual lots, building footprints, heights etc provide for design detail and ensure proposed designs have regard to the sensitive coastal location.</p> <p>The scale of the proposed subdivision in comparison to the existing village of Catherine Hill Bay is considered anything but low in scale and impact. The EAR provides little detail on proposed tree retention nor does it provide detail on the provision of discreet public parking areas. The Landscape Plan depicts two small pockets of public parking throughout the entire development with only one of these being located in close proximity to Moonee Beach. The proposed pedestrian link to Moonee Beach appears to utilise the existing NPWS track and beach access. The provision of a public road adjacent to the beachfront reserve and other interfaces between the development and surrounding bushland seems to only run along a portion of the development. In order to control gradual privatisation by incremental ‘development creep’ into the bushland, CHBPA agree with the IHAP that a public road adjacent to the beachfront reserve and other interfaces between the development and surrounding bushland should be provided along the entire perimeter of any development.</p>

DG's GENERAL REQUIREMENTS	Applicants Response and CHBPA Comments
	<p>The IHAP was of the view that some form of development was possible but a clear understanding of the site constraints, using McHarg analyses, should inform the location and size of development. Neither the EAR nor accompanying plans provide evidence of consideration of a detailed McHarg analysis. Such an analysis should be based on ecological and environmental studies including detailed visual analysis to fully understand the context and constraints. As detailed previously no Visual Impact Assessment has even been undertaken as part of this EAR.</p> <p>Any new development as seen from all significant views, needs to be subservient and sit recessively in the landscape rather than dominating and overwhelming the existing development.</p>
	<p>6. <i>Separation of new development from the existing village</i> – proponent claims YES that they comply (page 33 of EAR)</p> <p>Expert urban designer, Michael Harrison, notes that <i>“Catherine Hill Bay Village is a highly intact group of buildings that form a very distinctive coastal mining town. Its urban design significance lies in its visually contained setting of open landscape and bushland and in the arrangement and remarkable consistency in form, age and materials of the buildings – small single storey gable roofed timber cottages with attached rear skillions and separate outbuildings. The cottages are generally set close to the street boundary and generally are without boundary fences or thick vegetation. Modern living generally demands a different built form, so it is essential that for a large scale increase in housing numbers that new development should generally be in a new village visually separate from the existing development.”</i></p> <p>The current proposal however is not separated from the existing village but rather encircles it. To argue that the ‘Village Park’ provides separation is contradictory and inappropriate since the park is an integral part at the core of the village itself.</p> <p>There is no landscaped buffer zone along Montefiore Street either east or west of Clarke Street and the new housing lots extend right up to the street itself. The previous Conybeare proposal located a landscaped park at the intersection of Clarke Street which provided some separation between the historic village and the proposed development. But even this has been deleted and there is no longer any ‘separation’. To propose that Montefiore Street itself provides separation is inadequate. Further exacerbating the problem, the Development Control Plan relies on controls from the Complying Codes and fails to provide adequate site responsive design controls. It is highly unlikely that sympathetic development will result.</p>
	<p>7. <i>Pedestrian and cycle paths connecting local development and beaches</i> – proponent claims YES that they comply (page 33 of EAR)</p> <p>The EAR states that a <i>“network of paths has been created allowing a range of options for connecting to the new precincts to beaches open space and the existing village.”</i> (page 33 of EAR).</p>

DG's GENERAL REQUIREMENTS	Applicants Response and CHBPA Comments
	<p>Nowhere in the body of the EAR is this addressed. The Transport Report prepared by Harlow dated 16 November 2010 state <i>"the low traffic volumes in the area would provide good amenity for cyclists on all roads within the Catherine Hill Bay area. Figure 9 shows the proposed pedestrian links and cycle ways...Footpaths are proposed on at least one side of the street on all roads within the subdivision, with the exception of the access places, which have very small numbers of dwellings on one side of the road only. Pedestrian and vehicles can satisfactorily share the road space on these roads."</i></p> <p>Figure 9 referred to above shows a cycleway from the Pacific Highway to the west ceasing at the end of Montefiore Street. This proposed cycleway certainly does not run along the coastline nor does it connect the existing Catherine Hill Bay Village, Middle Camp to the north and Moonee Beach to the south as required in the key planning principles.</p> <p>The proposal does not demonstrate good walkability. The street pattern is not permeable and pedestrian access to Moonee Beach is unsatisfactory. It is indirect and poor in terms of its character, being along suburban streets. As the subdivision layout is contorted and pedestrian connectivity is poor, Crime Prevention Through Environmental Design (CPTED) is highly compromised.</p> <p>The detail found on the <i>Overall Plan</i> and other drawings within the Stormwater Management & Concept Engineering Report show that the paths are disconnected and indirect. Particular concern is raised in relation to the 'Coastal Walk' which is documented on sheets 13 and 14. It is shown to be discontinuous and provides no access for the disabled.</p>
	<p>8. <i>Development of the Moonee precinct to provide for emergency access and access to Moonee Beach is a sensitive landscape setting and with minimal visual impact on the aesthetic values of the area – proponent claims YES that they comply (page 33 of EAR).</i></p> <p>The Progress Association is of the opinion that no consideration has been given to the future access to Moonee Beach which is within a sensitive landscape setting. No consideration has been given to technical requirements such as emergency access and bushfire hazard which are to be sensitively set within the landscape and have minimal visual impact on the aesthetic values of the area.</p> <p>As detailed throughout this submission the Progress Association is of the opinion no consideration has been given to the visual or aesthetic values of the area.</p>
	<p>9. <i>Commercial development to be provided for convenience needs only and be located so as to be convenient but not intrusive (in particular not to be located on the ridge) – Proponent acknowledges Potential non compliance (page 34 of EAR)</i></p>

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DG's GENERAL REQUIREMENTS	Applicants Response and CHBPA Comments
	<p>The proposed commercial area is located along the ridge. This entails clearing for building and carparking. It contravenes the recommendation of the IHAP who said that ridgelines should be retained as vegetated areas in order to retain appropriate treed character. While this area may require some revegetation to achieve the goal, it is important to the heritage setting of the village.</p> <p>An additional concern is that the retail area backs onto the important common landscaped space between Clarke and Hale Streets. Generally, this is the space that retailers use for loading/unloading goods and storing rubbish and it is generally unsightly. There is insufficient detail provided to understand how this will be addressed.</p>
	<p>10. <i>New hotel and tourism accommodation discouraged</i> – YES (page 34 of EAR)</p> <p>Page 34 of the EAR states the R2 zone applying to the site does not allow these types of development.</p>
	<p>11. <i>Inappropriate location of RFS headquarters at area entry / gateway</i> – YES (page 34 of EAR)</p> <p>No RFS facility is proposed.</p> <p>This is contrary to previous commitments. In addition John Travers of Travers Bushfire and Ecology has undertaken a review of the Bushfire Hazard Report prepared by Barry Eadie Consulting Pty Ltd and the bushfire risk posed by the proposed residential subdivision. This review can be found in Attachment 1.</p> <p>The review states:</p> <p><i>“The report does not deal with the existing volunteer nature of the local bushfire brigades or the fact that the nearest permanent NSW Fire Brigade station is located 18km away at Toukley. The Swansea station of the NSW Fire Brigades is the nearest NSW Fire Brigade station but is not permanently manned. The Catherine Hill Bay and the Nords Wharf stations are manned by community volunteers. There is a new station located within the Murrays beach development which is manned by community volunteers from Nords Wharf Brigade. The Bushfire study must provide an assessment of the need for additional fire protection equipment (tankers) and / or additions to the existing infrastructure (buildings and fire fighters).”</i></p>
	<p>12. <i>Consider interpretive, adaptive reuse of bin building and ensure public safety</i> – YES (page 34 of EAR)</p> <p>Page 34 of the EAR states the “building has been made safe” and that “no”.</p> <p>The Progress Association believes that the Bin Building be filled, capped and made safe as a public lookout.</p>

DG's GENERAL REQUIREMENTS	Applicants Response and CHBPA Comments
	<p>13. <i>Development in the Washery precinct to be detached single storey residential of low scale, set back from the escarpment and not protrude above the ridgeline – proponent claims YES that they comply (page 34 of EAR)</i></p> <p>Whilst the draft DCP 2011 for the site stipulates a single storey 5m height limit is to be applied to the site, Section 14.1.2 Building heights generally also states <i>“loft spaces will not be included as a storey where they do not significantly alter the roof design or building bulk.” (page 52).</i></p> <p>Therefore this could effectively enable 2 storey developments within the Washery precinct. Furthermore based on the proposed plan of subdivision prepared by ADW Johnson, it is apparent that a number of proposed lots within the Washery Precinct are of sufficient area to enable the re-subdivision of these lots in the future.</p>
	<p>The IHAP RECOMMENDATIONS require the following:</p> <p>1. Redesign of Hamlet 1</p> <ul style="list-style-type: none"> - <i>Coastal walk</i> - <i>25m setback from cliff edge</i> - <i>15m setback for dwellings adjoining the coastal walk</i> - <i>Washery precinct single storey only</i> - <i>Washery precinct height limit 5m in visually sensitive zone</i> - <i>Washery precinct – dwelling 40% site cover max and 50% landscape area in visually sensitive zone (page 34 of EAR)</i> <p>The EAR states that an area has been reserved for a coastal walk on the cliff top and zoned accordingly. Drawing Numbers 1012, 1013 and 1013 of the Engineering Plans prepared by ADW Johnson in Appendix N of the EAR depict the coastal walk however very little detail is provided in regards to this, particularly in relation to access to the beach. It would appear steps are proposed down to the beach however there is no detail in regards to how this will work. In response to the 15m setback for dwellings adjoining the coastal walk the EAR states that this <i>“will be achieved through a combination of Code SEPP controls and DCP controls.” (page 34).</i></p> <p>However the draft DCP states the Washery Precinct is the most sensitive development location for development because of heritage and visual considerations. As previously stated, the Progress Association is of the opinion the Code SEPP fails</p>

DG's GENERAL REQUIREMENTS	Applicants Response and CHBPA Comments
	<p>to take into account the special environmental and heritage character of the area. Furthermore if a site is considered significant enough to be listed as a State Significant Site then more stringent controls and assessment process should apply other than the Codes SEPP. In relation to the single storey recommendation, as previously stated the draft DCP states, <i>“loft spaces will not be included as a storey where they do not significantly alter the roof design or building bulk.”</i> (page 52 Draft DCP). Therefore this could effectively enable 2 storey developments within the Washery precinct.</p>
	<p>2. Public Access <i>Public access to Moonee Beach through a perimeter road with provision for on street parking – proponent claims YES that they comply</i> (page 35 of EAR).</p> <p>The Progress Association is of the opinion the sufficient access and on street parking in addition to the provision of public parking has not been provided. Little detail is provided in the EAR, Landscape Plan or Traffic Report in relation to these matters. A small pocket of public parking is identified on the landscape plan however no detail is provided in relation to numbers. Public access to Moonee Beach is by way of the existing NPWS track and beach access. No consideration has been given to the impact on the residents of the proposed new dwellings of beach goers parking on a public street. As detailed in the Traffic Assessment Advice prepared by SAMSA Consulting (Attachment 2), <i>“the extent and impact of public parking for the proposed developments and the beach areas has not been fully addressed.”</i></p>
	<p>3. Retail and Commercial floor space Maximum of 750sqm of retail commercial floorspace – YES (page 35 of EAR)</p>
	<p>4. Landscaping in Hamlets 2 – 5</p> <p>This recommendation has not been addressed in the EAR by the proponent</p>
	<p>5. Bin building <i>Bin building stabilised and made safe as a public lookout – proponent claims YES that they comply</i> (page 35 of EAR)</p> <p>The EAR states the <i>“building has been made safe”</i> and that <i>“no approval for reuse is sought as part of this approval.”</i> The application does nevertheless indicate that a DA for residential apartments within the Bin Building will be lodged at a future date.</p> <p>It is the opinion of the Progress Association that the Bin Building should be filled, capped and made safe as a public lookout. Re-use as apartments is entirely inappropriate due to the unavoidable intrusion this would have when viewed</p>

DG's GENERAL REQUIREMENTS	Applicants Response and CHBPA Comments
	<p>from the beach and elsewhere, particularly from light spill in the evening.</p>
	<p>6. Hamlets 6 and 7 <i>Redesign of Possum Gully precinct for increased compliance with Planning for Bushfire Protection – proponent claims YES that they comply (page 35of EAR)</i></p> <p>The IHAP recommendation requires Hamlets 6 and 7 be redesigned in accordance with <i>Planning for Bushfire Protection 2006 (NSW Rural Fire Service)</i>. Page 35 of the EAR states that <i>“two road links to Montefiore St have been provided. Perimeter roads have been provided the majority of the site.”</i> It is evident from the proposed plan of subdivision that little has occurred in Hamlets 6 and 7 in this regard.</p> <p>No perimeter roads have been provided throughout this area. Section 7.8 Bushfire Risk Assessment (page 41 of the EAR) states <i>“while the preferred bushfire risk management outcome is a subdivision perimeter road, such roads can be inconsistent with biodiversity conservation objectives. To accommodate both biodiversity and bushfire planning outcomes the subdivision has been designed to minimise the effect of perimeter roads.”</i> Neither the Bushfire Hazard Assessment prepared by Barry Eadie dated September 2010 nor Section 7.8 of the EAR has addressed this Recommendation.</p> <p>The CHBPA believe that the attempt by the proponent to justify the lack of perimeter roads and proper Asset Protection Zones (APZs) in terms of biodiversity conservation is irresponsible and misleading. It is clear from experience elsewhere that reliance on private owners to maintain APZs on their own land is ineffective, particularly where many landowners may be absent for significant periods of time. This places the entire village at unnecessary risk.</p> <p>A Review of Bushfire Risk has been undertaken by Travers Bushfire and Ecology on behalf of the CHB Progress Association (Attachment 1). This Review undertaken by John Travers (Managing Director) has identified a number of areas where the Bushfire Hazard Assessment Report prepared by Barry Eadie <u>does not comply</u> with Planning for Bushfire Protection 2006. The review identified a number of inadequacies in relation to the provision of adequate asset protection zones (APZ's), access standards, water supply, emergency management arrangements and landscaping. These inadequacies are listed in the review now provided in Attachment 1.</p> <p>The Review of Bushfire Risk states:</p> <p><i>“The proposed road layout for the subdivision does not meet all the acceptable solutions for public roads. For example: The subdivision does not provide perimeter roads on all boundaries. For example, perimeter roads are not provided to the east of Stages 1 & 3, west of Stages 6 & 7 or north of Stages 6 & 7.</i></p>

DG's GENERAL REQUIREMENTS	Applicants Response and CHBPA Comments
	<p><i>This lack of perimeter protection not only reduces the separation provided between the vegetation and the urban interface, placing residents at an increased risk, but also limits the accessibility of fire fighters to the bushfire front. This affects approximately 90 lots which provide direct frontage to this bushfire prone vegetation.</i></p> <p><i>A fundamental tenant of PBP 2006 is the need for perimeter road access. The bushfire report does not provide reasons for this omission and why the subdivision design should deviate from PBP 2006.</i></p> <p><i>In essence this design places all fuel management within the individual allotments and does not allow effective management of the hazardous fuels. Without this each individual allotment can-not work to protect their neighbor and or vice versa.</i></p> <p><i>The Environmental Assessment Report (ADW Johnson) suggests that the provision of a perimeter road would compromise the ecological integrity of the site whilst the bushfire report states that a perimeter road would increase accessibility of the public to the conservation reserve. However, it is not explained within either report why the provision of a perimeter road would be inconsistent with biodiversity conservation objectives.</i></p> <p><i>The perimeter road requirements of PBP 2006 can be a fire trail or in some cases a pedestrian pathway. In this instance the residential dwellings are not community title and as a result they are directly affected by unmanaged lands and therefore no dispensation of a perimeter road should be considered. The RFS must be requested to comment in this matter and the Department of Planning should seek the full involvement of the RFS on this important issue and resolve the subdivision design and fuel management.</i></p> <ul style="list-style-type: none"> <i>• The only perimeter road provided runs parallel to the southern boundary of Stages 2, 4 & 5 and has a length of approximately 1 km. Planning for Bushfire Protection states, within their acceptable solutions for public roads, that 'the perimeter road is linked to the internal road system at an interval of no greater than 500 metres in urban areas'. The reason for this is to provide residents and fire fighters with an alternate egress away from the direct threat of bushfire and to ensure the safety of fire fighters and residents. This 1 km long perimeter road will compromise both the safety of residents and fire fighters. It is also not reasonable to assume that this landscape will be an urban area. The subdivision will be urban but within a much greater 'unmanaged landscape'. This requires considerable expertise and input into effective fire management planning. This has not been undertaken satisfactorily on this project.</i> <i>• There are no APZs located on either side of the main access road (Montefiore Street). This road is</i>

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	<p><i>approximately 1 km long and provides the shortest route to the Pacific Highway whilst traversing through extensive bushland vegetation. This access requires re-planning so that this road is safe in the event of a fire and evacuation can occur without difficulty. The ongoing maintenance of an APZ along the road would also need to be considered e.g slashing or permanently removing fuels.</i></p> <p><i>The only alternative to this main access is to the north of the site via a 3.5 km road through Catherine Hill Bay which also traverses extensive bushland vegetation. The number of potential residents (within the 556 lots) would put further strain on these existing access roads during emergency events.</i></p> <ul style="list-style-type: none"> <i>The above deficiencies in terms of access requirements will put major strain on any required evacuation measures. As there is no evacuation plan submitted with the application these matters cannot be considered. In view of the length of roads and the proposal not to provide perimeter roads which act as the default APZ then evacuation planning must be undertaken prior to any approval."</i>
	<p>7. Project Applications <i>Deferred consideration of project application – NA (page 35 of EAR)</i></p> <p>The Panel recommended that the Minister defer consideration of the submitted project application for Hamlets 1 and 2 until such time as they have been resubmitted in a form consistent with an amended Concept Plan which addresses the above recommendations. Page 35 of the EAR states that <i>"this applied to applications that have since been withdrawn."</i></p> <p>Whilst the Progress Association acknowledges this recommendation applied to previous applications that have been withdrawn, it is relevant to note that the 6 recommendations above also apply to applications that have been withdrawn however the EAR has <i>attempted</i> to address these. Furthermore it is relevant to note the DGEAR's require the IHAP Interim and Final Reports for the previous Concept Plans be considered. In addition it is evident that whilst this recommendation refers to a previous application since withdrawn, this project application is for a development covering the same area subject to the previous concept plans. The Progress Association is therefore of the opinion that the Minister defer consideration of the submitted project application for Hamlets 1 and 2 until such time as they have been resubmitted in a form consistent with an amended Concept Plan which addresses the above recommendations.</p>
<p>Consideration of IHAP's Final Report with any variations to be justified</p>	<p>Refer to above.</p>
<p>Draft Statement of Commitments</p>	<p>Appendix A of the EAR outlines the Proponents Draft Statement of Commitments.</p>

DG's GENERAL REQUIREMENTS	Applicants Response and CHBPA Comments
	<p>B3 Bushfire Management. The APZ requirements are not incorporated into the draft DCP landscape treatments, ie, what measures will be taken to incorporate reduced fuel loads within bushland reserves, how will swales in APZ's be planted to conform to fuel load requirements etc. Inadequate detail is provided to demonstrate feasibility. The proposed plan of subdivision should have the bush fire APZ's overlain to ensure adequate building areas are available to the lots.</p> <p>B4 Land Contamination Investigation. This should be undertaken prior to the determination of this development application.</p> <p>B6 Community Consultation. "A detailed programme for future community consultation will be formalised by the proponent and agreed by the department, within three months after the determination date of the project Application to the satisfaction of the department". This is unacceptable and amounts to the community being told by the proponent when and how instead of 'if'. This is not consultation.</p> <p>B8 Traffic Management. "Intersection of Hale St and Flowers Drive to be re-designed to create an entry statement". As this is in the middle of the State Heritage Listed Township, the proponent obviously has no understanding of how to respect and maintain heritage values. An 'entry statement' would be entirely foreign and totally at odds with the character and culture of the village.</p> <p>B9 Community and Other Facilities. There is no mention of child services, youth facilities or services for older people or people with special needs.</p> <p>Each park needs a strong set of design principles to ensure future design development is appropriate to user needs and the original design intent. Such principles should relate to:</p> <ul style="list-style-type: none"> • Strategies for the retention of existing vegetation within these parks; • Purposes of each park and the required functions; • Requirements for linkages to the broader development access and movement network; • Requirements for shade and shelter to pathways and seating areas; • Requirements for acceptable use of materials i.e., in what circumstances are gravel paths acceptable, where is hard paving required. <p>B11 Council Dedications and Titling Arrangements. The proponent on page 4 of the Statement of Commitments advises a number of things will be dedicated to Council including but not limited to:</p> <ul style="list-style-type: none"> • All other roads within the development; and • Precinct Parks as shown on the plans.

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	<p>Council has advised in their Asset Management referral response for this proposal, <i>“Staff in Council’s Community Planning section have advised they will not accept the proposed open space areas between Stages 6 and 7, nor those to the north of Stage 1, since use of these areas for recreation is likely to be curtailed by their use for stormwater management. Presumably, parts of these areas will still be required for stormwater management. Land parcels to be transferred to Council’s care and control for stormwater management should not exceed the size required manage stormwater in accordance with current industry and Council standards. Additional surrounding areas would unnecessarily burden Council with future maintenance costs.</i></p> <p>...</p> <p><i>Montefiore Street, and any other existing private road that would be dedicated to Council as a result of this development, should be reconstructed such that their pavements and geometry meet Council’s current requirements for new roads.” (LMCC Tracking System Application No. MISC/86/2010)</i></p>
<p>Detailed conclusion justifying the project, addressing environmental impacts, mitigation measures, cumulative impacts, site suitability, public interest</p>	<p>Section 8 Conclusion and project justification of the EAR (page 50) states:</p> <p><i>“The proposed subdivision development is consistent with Lower Hunter Regional Strategy. The proposal addresses the considerable and urgent need for additional dwellings in the region. The associated environmental offsets assist in the establishment of important green corridors and enhancing the regions strong environmental and biodiversity assets.”</i></p> <p>The EAR concludes that <i>“the proposal addresses the considerable and urgent need for additional dwellings in the region.”</i> Among other things the proponent claims that the proposed development will provide public access to Moonee Beach and the headland; will be visually separated from the existing village of Catherine Hill Bay and has been designed to function as a traditional coastal village. Walking and cycling will be encouraged by the provision of a network of footpaths and tracks connecting local open space and the subdivision and retail centre. (page 50 of EAR).</p> <p>As detailed throughout this submission, the Progress Association is of the opinion that the EAR fails to provide adequate justification for the proposed development. The 2010 EAR is reliant on a number of studies used previously for this site in various failed proposals. The proposed plan of subdivision prepared by ADW Johnson varies little to those previous Concepts which have since been withdrawn or refused. Therefore it becomes evident the proponent fails to adequately meet the recommendations of the IHAP report and the revised DGEAR’s.</p> <p>No strategic justification of the proposed development is given in the EAR. No consideration or justification of impact on areas of high scenic, environmental and heritage value is given. The only justification provided in the EAR is a very narrow reliance on the LHRS. The argument that the development of Catherine Hill Bay is essential for the success of the LHRS is not supported.</p>

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DG's GENERAL REQUIREMENTS	Applicants Response and CHBPA Comments
	<p>Little evidence is provided within the EAR or accompanying reports to back up general statements. As with previous proposals, there is a lack of compliance with key documents including the NSW Coastal Policy and Design Guidelines. No consideration has been given to the cumulative impact of the development on the existing village of CHB and the surrounding areas. No Social Impact Assessment or Visual Impact Assessment has been undertaken as part of this proposal. No Community Consultation has taken place as part of the proposal. The CHBPA is of the opinion the public interest has not been taken into consideration nor has adequate information been provided in relation to economic matters and employment opportunities.</p> <p>As with the previous proposals the Progress Association is of the opinion the application provides no sound justification for the development, nor does it take into consideration the visual catchment and environmental and cultural values of the Catherine Hill Bay area.</p>
DG's KEY ASSESSMENT REQUIREMENTS	
<p>Development Control Plan to provide specific controls for the land which include:</p> <ul style="list-style-type: none"> • Staging plan • Transport movement strategy for cars, public transport, pedestrians and cyclists • Landscape strategy for riparian areas, remnant vegetation, visually sensitive locations • Active and passive recreational areas • Water management • Hazards amelioration • Detailed urban design controls • Measures to control commercial and retail uses <p>Traffic management and parking</p>	<p>A Draft Catherine Hill Bay DCP 2011 (draft DCP) has been prepared for the site. Section 1.7 page 5 of the Draft DCP states:</p> <p><i>'the content of the plan is prescribed by SEPP Major Development, Schedule 3, Part 14, Clause 29.'</i></p> <p>Whilst the Draft DCP has attempted to address <u>some</u> of these points, the Progress Association is of the opinion the lack of detail and thoroughness in terms of development controls will result in an undesirable impact from new development on the cultural, visual and environmental significance of Catherine Hill Bay village and setting.</p> <p>Furthermore, Section 2 (page 8) of the Draft DCP states <i>"it is intended that SEPP (Exempt and Complying Development Codes) 2009 (Code SEPP) be the primary source of development standards for residential development on the site."</i></p> <p>As previously discussed, the Progress Association is of the opinion that the Code SEPP is inadequate as it does not provide consideration of the coastal, heritage and environmental significance of the area. If a site is considered significant enough to be listed as a State Significant Site than more stringent controls and assessment processes should apply, other than the Codes SEPP. It is relevant to note that there is no mention of the Codes SEPP under Schedule 3, Part 14 of the Major Development SEPP unlike other Parts of Schedule 3 for example Part 10 Tomago Industrial Site Clause 15 Exempt and Complying Development. Therefore it can be argued that it was never intended to have the Code SEPP apply to the site.</p> <p>The Codes SEPP was developed to 'fast track' typical suburban project housing in metropolitan Sydney. It assumed that</p>

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	<p>the characters of urban environments were largely homogenous. This is not the case in regional areas of environmental and heritage significance.</p> <p>The draft DCP states that <i>“in order to differentiate between the existing villages and former mining cottages in the locality and the proposed new development, the built form controls prescribed for the Catherine Hill Bay Conservation Area by DCP 1 does not apply to the land subject to this DCP.”</i> (page 9). This is an extremely simplistic and weak response that ignores the significance of the heritage village. New development need not mimic the old miners cottages, but all new development should be carefully considered and should be sympathetic in its scale and character.</p> <p>Section 6 Heritage of the Draft DCP (page 16) states, <i>“screening and separation of development in the central precinct from the existing village is desirable.”</i></p> <p>As discussed previously, the State Heritage Listing refers to the “setting” of the “Catherine Hill Bay Cultural Precinct”. This refers to land both within and adjoining the Cultural Precinct. These references within the State Heritage Register Listing clearly indicate that the Minister should take the environmental character and heritage context into account when determining the Rose Group Development Application. The intent of the Draft DCP and the EAR to “differentiate” between the existing village and proposed development is to disregard any Heritage Controls presently applying to the area (including the Lake Macquarie Heritage Guidelines) and the fact that lands adjoining the development site are listed on the State Heritage Register.</p> <p>The draft DCP as with the EAR makes broad statements with no evidence of how certain things will be achieved. For example Section 3 Site Analysis (page 10) states:</p> <p><i>“Generally the R2 and zoned areas are free of topographic and drainage constraints. Regrading of the former mine areas will remove areas of steeper slope which are mostly remnants of the former mining and related activities.”</i></p> <p>Section 4 Site Planning objectives (page 12) states:</p> <p><i>“The overall site planning objectives are to protect existing values while allowing sensitive development of the site.</i></p> <p>Specific consideration for all new development are:</p> <ul style="list-style-type: none"> • <i>Protection of coastal and conservation values</i> • <i>Protection of heritage values</i> • <i>Minimising the visual effect of new development as seen from beach and village areas</i> • <i>Ensuring drainage does not affect wetland areas to the south</i>

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	<ul style="list-style-type: none"> • <i>Minimising edge effects on adjoining conservation lands</i> • <i>Providing high amenity living and standards of urban design</i> • <i>Roads to LMCC standards</i> • <i>Walkable subdivision with specific provision for managed coastal and beach access</i> • <i>Reliance on Code SEPP standards and this DCP for control of built form</i> • <i>Consistency with the landscape planning objectives for the area.”</i> <p>There is little evidence in any of the development application documentation of how the abovementioned planning objectives will be achieved. Information in this submission identifies the numerous inadequacies of the EAR on which much of the Draft DCP is based. The Draft DCP and the EAR rely on vague concepts without adequate supporting studies or data. It provides no assurance of adequate future control of development within the area. The Progress Association is therefore of the opinion that the Draft DCP does not meet the objectives of Clause 29 of SEPP Major Development, Schedule 3, Part 14.</p> <p>The lack of suitable planning control means that development appropriate for the visually sensitive coastal location is unlikely to be realised. It is highly inappropriate and unworkable for development to be designated exempt or complying as is proposed. A design principle such as: “differentiate the new development from the existing villages by having different built forms...” is not only arguable but raises serious questions that the DCP fails to answer, such as: how different? what alternative forms? are they likely to be compatible? are there no limitations? A landscape design principle such as “...provide a high standard of design for private gardens...” is also lacking in substance. The DCP is too vague in many areas to appropriately guide future character and inform the design of future buildings, landscape and civil works. It is important that the DCP articulates the desired future character for development in a clear and readily implemented form. It also needs to describe how this can be achieved through built elements to ensure that outcomes are compatible with the historic built form character of the existing Village. The DCP should be specific to the location and should address:</p> <ul style="list-style-type: none"> desired future character (copious illustrations should be provided to assist interpretation) streetscape and CPTED considerations building layout and orientation house siting and coverage heights

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	<p>outbuildings</p> <p>fencing/landscape provisions</p> <p>tree retention/removal</p> <p>privacy/building separation</p> <p>solar access natural ventilation</p> <p>external building materials/colours/reflectivity</p> <p>verandahs/porches/decks</p> <p>articulation of facades</p> <p>roofs</p> <p>ceiling heights</p> <p>insect/security screens</p> <p>external lighting</p> <p>external facilities</p> <p>parking/driveways</p> <p>home based business</p> <p>construction details and methods</p> <p>construction management</p> <p>energy, water and waste management</p>
<p>Subdivision: lot sizes, dimensions, easements, staging, infrastructure incl. roads, drainage, open space, pedestrian and bicycle</p>	<p>Section 7.2 Subdivision page 37 of the EAR states:</p> <p><i>“The proposed subdivision is for a total of 554 lots to be developed over 7 stages as detailed in the DCP.</i></p> <p><i>The layout reflects site sensitivities including Code SEPP lot size requirements, existing road networks, linked and accessible subdivision, infrastructure needs and achievement of the highest density consistent with amenity.”</i></p> <p>The Proposed Plan of Subdivision (Appendix H) prepared by ADW Johnson fails to provide any detail on lot dimensions</p>

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	<p>and required easements. The Plan notes that proposed easements for services and drainage are not shown and will be subject to final design. No detailed design of infrastructure including roads, drainage, open space, pedestrian and bicycle infrastructure is provided on the proposed plan of subdivision. As detailed in the Traffic Assessment Advice prepared by SAMSA Consulting (Attachment 2),</p> <p><i>“The assessment does not provide any evidence of suitable traffic management measures to protect the existing local street network</i></p> <p>...</p> <p><i>Flowers Drive is likely to experience a significant increase in traffic flows and it is not clear whether current road conditions on Flowers Drive (eg. pavement, road width, traffic controls) would be satisfactory.</i></p> <p>...</p> <p><i>It is noted that pedestrians currently walk along the Flowers Drive carriageway. Due to topographic site conditions and heritage attributes, the introduction of footpaths along Flowers Drive would be problematic, if at all possible. Through the introduction of traffic calming devices or other means, the speed limit for traffic along Flowers Drive should be significantly reduced to create a ‘shared zone’ to ensure provide pedestrian and cyclist safety.”</i></p>
<p>Subdivision Design Requirements:</p> <ul style="list-style-type: none"> • Public access to headland and coast • Landscaped visual buffers • Low scale and impact, landscaped setting with significant tree retention, new planting, deep soil zones and bush corridors • Interface with SCA and other bushland <p>Access and public car parking, incl. access to Moonee Beach</p>	<p>Management and Mitigation in Section 7.3 Subdivision Design page 37 of the EAR states:</p> <p><i>“Development in accordance with the subdivision and landscape plans and the application of proposed planning controls to future development of subdivision lots.”</i></p> <p>As detailed throughout this submission the proposed subdivision layout provides limited public access to the headland and coast, inadequate visual buffers, limited public parking and little information of proposed landscaping. The EAR as with the Draft DCP makes broad sweeping comments which rely on vague concepts without adequate supporting studies or data. These vague concepts appear to be what the proposed lot layout has been based on.</p> <p>There appears very little change to this Proposed layout from that of previous concepts which were rejected.</p> <p>The detail provided in the documentation (<i>Stormwater Management & Concept Engineering Report</i>) shows that the access paths are indirect and the ‘Coastal Walk’ (sheets 13 and 14) appears to be discontinuous and provides no access for the disabled.</p> <p>In relation to the proposed subdivision design and the incorporation of APZ’s and landscaping, as detailed in the Bushfire Review prepared by Travers (Attachment 1), the development adjoins large areas of unmanaged native vegetation. The bushfire assessment for the project is not required (under Section 3A Major Projects) to be formally referred to the NSW Rural Fire Service for the provision of a bushfire safety authority. However, a Section 3A assessment does require that the</p>

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	<p>RFS be consulted and that any development comply with Planning for Bushfire Protection, 2006 (PBP 2006).</p> <p>In relation to access and public parking, as detailed in the Traffic Assessment Advice prepared by SAMSA Consulting (Attachment 1),</p> <p><i>“The issue of beach parking and access at both ends of the beach have not been suitably addressed. There has been no resolution of parking space numbers and the potential effects that this additional public parking may have on traffic generation to/from beach areas and through the existing villages of CHB and Middle Camp. The effects due to the increased demand from a larger residential population and visitors to the area are considered to be significant....”</i></p>
<p>Transport and Accessibility:</p> <ul style="list-style-type: none"> • Traffic routes and intersections • Anticipated traffic generated • Cumulative traffic and transport impacts • Infrastructure upgrades required to maintain existing levels of service • Potential expansion of bus services • Public car parking location, numbers & design • Pedestrian and cycle access and circulation 	<p>Section 7.4 of the EAR (page 38) states:</p> <p><i>“Extensive traffic assessment has been carried out by Halcrow. Previous assessments have established that traffic increase arising from development will require mitigation measures. Consultation with the RTA and Councils has explored local issues.”</i></p> <p>As detailed in correspondence from Ian and Margaret Richmond (Attachment 3) the traffic and transport information as presented in the application appears to be much the same as the previous reports with little or no updating to previous reports and surveys.</p> <p>The traffic studies do not take into account the potential development at Middle Camp that is the subject of a Development Application prepared by Coal and Allied. There has been no consideration given to the cumulative impact of future traffic that will be attached to CHB from the nearby developments in surrounding areas such as Nords Wharf, Gwandalan, Murrays Beach, Munmorah and Warnervale.</p> <p>The surveys are based on traffic flows that might be experienced for normal suburban locations for a suburb the size of Catherine Hill Bay. The studies have not taken into account the fact that CHB is a beach area with the beach being the only patrolled surf beach in the area, therefore attracting a lot of outside traffic particularly on weekends. Table 2.2 of the Halcrow Report showing peak weekday traffic flows is not a true indication of the amount of traffic within the area as this is normally at its highest around 7am each day and is highest at weekends. The information provided is misleading in regards to current traffic movements within CHB.</p> <p>The Subdivision Plan proposed provision of vehicular access to Moonee Beach throughout the Munmorah State Conservation Area, on land that it does not own. This does not form part of the application, rather it is noted that construction on this access is subject to agreement with the landowner. The application makes no mention of how the demand for increased parking will be provided and managed. The scheme as proposed fails to provide appropriate public access along the coastal foreshore.</p>

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	<p>The Proponent mentions consultation with the RTA and Councils however shows no evidence of this within the application documentation.</p> <p>In addition to the above a Traffic Assessment Review has been prepared by SAMSA Consulting on behalf of the CHB Progress Association. The assessment found a number of traffic related issues which are described in the Review and can be found in detail in Attachment 1. These issues include but are not limited to the following:</p> <p>“Local Road Network</p> <p><i>Given the size of the proposed Rose Group and Coal & Allied developments and the associated traffic impacts either of them would cause, the developments should not proceed without suitable traffic mitigation measures.</i></p> <p><i>As a minimum, the future road network needs to protect the existing local villages. A potential impact mitigation measure would be to provide a road network that is independent of the existing Middle Camp and Main Camp areas. This would allow Flowers Drive to serve as an alternative local road route only. However, great care would need to be taken when designing such a network to avoid any environmental impacts (refer to Environmental and Heritage Reports).</i></p> <p><i>Access to the beach has also not been adequately addressed in a manner that mitigates negative impacts on Flowers Drive and Northwood Road. Access to Moonie Beach is poor with only one road access to the track and no parking.</i></p> <p>Local Environmental Road Capacity</p> <p><i>Both the Hyder (for the Coal & Allied development) and Halcrow (for the Rose development) reports have focussed on higher level access to Pacific Highway from the CHB area, and not on the lower level access (local street network) within CHB itself. It is considered the local street network would have significant impacts from the proposed developments, particularly with respect to exceeding local road environmental capacity.</i></p> <p>...</p> <p>Traffic Generation</p> <p><i>There is significant inconsistency between the Hyder and Halcrow reports with respect to future traffic flows when both developments are operational. This would result in inconsistent and/or incorrect impact assessment results – refer to Table 4.1 in the Halcrow report and Figure 3.3 in the Hyder report. This highlights the need for a consolidated report for the whole area identifying all possible cumulative traffic generation.</i></p> <p>...</p>

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	<p>Pacific Highway Access</p> <p><i>Development should not be considered until road network and associated traffic management issues have been resolved. This includes the timing of Pacific Highway intersection upgrades and when they would occur with respect to the staging of proposed development in the area.</i></p> <p>Public Transport</p> <p><i>There is insufficient resolution of public transport (bus) services that are proposed to cater for the new developments, with only basic detail on the permeability and circulation of public transport (buses), particularly for the Coal & Allied Middle Camp development."</i></p>
<p>Management and maintenance of open space, recreation areas, community facilities, riparian corridors, conservation lands</p>	<p>Section 7.5 Management and Maintenance Arrangement, page 39 of the EAR states:</p> <p><i>"All open space areas within the proposed subdivision are proposed to be dedicated to LMCC to provide for ongoing public management. Open space areas will be embellished in accordance with the engineering and landscape plans prior to dedication. The open space areas will include stormwater treatment sites and the central village park."</i></p> <p>The Proponent proposes to dedicate all open space to LMCC for ongoing management including the stormwater treatment sites. Council has advised in their Asset Management referral response, <i>"Staff in Council's Community Planning section have advised they will not accept the proposed open space areas between Stages 6 and 7, nor those to the north of Stage 1, since use of these areas for recreation is likely to be curtailed by their use for stormwater management. Presumably, parts of these areas will still be required for stormwater management. Land parcels to be transferred to Council's care and control for stormwater management should not exceed the size required manage stormwater in accordance with current industry and Council standards. Additional surrounding areas would unnecessarily burden Council with future maintenance costs"</i> (LMCC Tracking System Application No. MISC/86/2010)</p> <p>The EAR has not addressed the management and maintenance of riparian corridors or conservation lands in accordance with the DGEAR's.</p>
<p>Heritage:</p> <ul style="list-style-type: none"> • Impacts on State Heritage conservation Area, incl. visual impacts • Aboriginal cultural heritage and impacts 	<p>Section 7.6 Heritage, page 39 of the EAR states:</p> <p><i>"A Heritage Impact Assessment (HIS) has been prepared by Giles Tribe. The HIS assesses the impacts if the proposed subdivision and future development of the lots. The HIS finds the proposal is consistent with protection of heritage generally and the specific heritage items in the locality."</i></p>

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	<p><i>"An Aboriginal Assessment was prepared by ERM 2007 in accordance with DECC Guidelines. Based on the 2007 assessment, an Aboriginal Cultural Heritage management Plan has been prepared by Insite Heritage."</i></p> <p>As stated throughout this submission, the EAR and HIS fail to address the potential impact of the proposed development on the adjoining State heritage conservation area.</p> <p>The application fails to acknowledge that with the "Catherine Hill Bay Cultural precinct" the term "setting" used on the listing document appears to refer to land both within and adjoining the precinct. On the State Heritage Register Listing for the Catherine Hill Bay Cultural Precinct, there are repeated references to the precinct's setting and Minister Kelly should take all of these into account when determining the Rose group Development Application.</p> <p>The impact of the proposed scale of development is beyond any existing policies, ie. Council's DEP No. 1 and associated Heritage Guidelines are written in relation to infill development, alterations and additions, and not large scale subdivisions at the edge. Therefore a thorough detailed analysis of all the heritage and landscape assets on the area is required.</p>
<p>Biodiversity:</p> <ul style="list-style-type: none"> • Impact on existing threatened and endangered native flora and fauna species • Impact on habitat of Leafless Tongue Orchid • Approval requirements under EPBC Act 1999 	<p>The Management and mitigation measures detailed in Section 7.7 Biodiversity of the EAR (page 40) are as follows:</p> <p><i>"Implementation of EPBC approval conditions.</i></p> <p><i>Implementation of RPS 2010 Management Recommendations."</i></p> <p>The report prepared by RPS (Appendix D) whilst identifying the existing threatened and endangered native flora and fauna species, populations, ecological communities and their habitats provides little information in regards to the mitigation of the impacts. The application relies largely on the proposed offset of land which has been transferred to the State and other (undefined) management measures to address ecological issues.</p> <p>RPS state <i>"It is considered that the information presented within this document, and in particular the proposal that includes the proposed offset areas for the site, is likely to result in maintained biodiversity values within the region and improved long-term conservation of these values."</i></p> <p>This statement is vague with no actual evidence of how this will be achieved.</p> <p><i>"The EPBC approval required as a condition that a management plan be implemented for the Cryptostylis hunteriana individuals that were identified in Hamlet 6 of the CHB Development Lands. This management plan is to be implemented for the protection of the species prior to any works commencing and prior to the removal of these species located in Hamlet 6." (RPS Ecological Assessment)</i></p> <p>The DGEAR's require that the impact of the proposed development be considered particularly on the habitat of Leafless Tongue Orchid (<i>Cryptostylis hunteriana</i>) as well as addressing any approval requirements issued for the site under the</p>

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	<p>EPBC Act 1999. Whilst the approval requirements issued for the site under the EPBC Act are included in Appendix A of the Ecological Assessment Report it would appear neither the EAR nor the Ecological Assessment address these approval requirements.</p> <p>As with previous proposals, there is no description of what the ecological benefits of the offset lands actually are, nor is there adequate information provided as to how the impacts of the development will be addressed. For these reasons the Progress Association is of the opinion, based on the information or lack of information provided, that it is not possible to assess the value of the Ecological Assessment Report or any recommendations put forward by the proponent.</p>
<p>Bushfire: Assessment under PBP2006, location and maintenance of APZs</p>	<p>Section 7.8 Bushfire of the EAR (page 41) states:</p> <p><i>“There is conflict with the preferred outcomes of Planning for bushfire protection 2006 and the biodiversity conservation requirements outlined above. While the preferred bushfire risk management outcome is a subdivision perimeter road, such roads can be inconsistent with biodiversity conservation objectives.”</i></p> <p>As detailed previously in this submission, a Review of Bushfire Risk has been undertaken by Travers Bushfire and Ecology on behalf of the CHB Progress Association (Attachment 1). This Review undertaken by John Travers (Managing Director) has identified a number of areas where the Bushfire Hazard Assessment Report prepared by Barry Eadie <u>does not comply</u> with Planning for Bushfire Protection 2006. The review identified a number of inadequacies in relation to the provision of adequate asset protection zones (APZ's), access standards, water supply, emergency management arrangements and landscaping. These inadequacies are listed in the review now provided in Attachment 1.</p> <p>The Review of Bushfire Risk states:</p> <p><i>“The report does not provide any mapping, sketches or diagrams to validate the locations of vegetation formations. The report does not attempt to accurately classify the vegetation to the south of Stages 2, 4 & 5. The report states that ‘due to uncertainty it has been classified as Tall Heath consistent with the surrounding vegetation’. An accurate classification of this large parcel of vegetation is needed to determine the appropriate width of the APZ to ensure the safety of residents and their homes. It is not acceptable to determine asset protection zones based on any level of uncertainty.</i></p> <p>...</p> <p><i>The bushfire report does not include an environmental assessment, Aboriginal heritage assessment or identify endangered species in the area as normally required in subdivision referral to the RFS. Further assessment needs to be undertaken to determine the effect that the APZs will have on any</i></p>

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	<p><i>environmental / ecological constraints e.g. the identified Tetratheca juncea on site.</i></p> <p><i>The bushfire report does not provide comprehensive land management advice or suggested use of specialist bushfire expertise such that one could manage the landscape after development consent has been issued. Indeed it does not provide advice to the client on where information can be found on the standards required for the management of an APZ. Should this development be approved the consent authority would be without the knowledge of a Fuel management plan being prepared.”</i></p>
<p>Geotechnical and Mine subsidence: Risk factors and mitigation measures</p>	<p>Section 7.9 of the EAR, titled Geotechnical and Mine Subsidence, (page 41) states:</p> <p><i>“Geotechnical assessments of the site, see Appendix M, have not identifies any significant problems but have made a number of recommendations for soil and fill management. The Geotechnical report examined slope stability, soil erosion, foundations, mine subsidence, earth works, pavements, chemical analysis and services. A number of constraints were identified for the site.”</i></p> <p>Mine Subsidence (page 42) <i>“There has been coal mining under parts of the site.</i></p> <p><i>A number of studies have been carried out by RCA including the old mine workings and under the washery site. No problems for construction were identified.</i></p> <p><i>There are workings under the Moonee site and the mine entry and drift were located on and under the land.</i></p> <p><i>The Mine Subsidence Board has previously given its approval to development for both coal washery and Moonee colliery sites.”</i></p> <p>Dr William Laing of Laing Explorations Pty Ltd has undertaken an evaluation of the Geotechnical Reports prepared for Rosecorp (Coastal Hamlets Pty Ltd) by Geotech Solutions December 2010. This evaluation has been assisted and endorsed by Damien Hawcroft a Mining Engineer and can be found in Attachment 4. A summary of the evaluation is now provided below:</p> <p><i>“The geotechnical Reports commissioned by Coastal Hamlets Pty Ltd in 2010 to support the development proposal for in excess of 550 buildings (546 homes plus a number of commercial buildings) in the Catherine Hill Bay area, with respect to this proposal are significantly deficient in their brief, and significantly deficient in their discharge of this limited brief.</i></p>

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	<p><i>The brief to sample ground conditions at individual sites, and the sampling itself, in the development area appear to be thorough, and at each sample site provides valuable information for any future engineering. It is in other more global and critical areas of geotechnical assessment that major deficiencies are embedded.</i></p> <p><i>Some of the deficiencies are recognised in the Reports, and require further geotechnical assessment before the development proposal can be regarded as geotechnically satisfactory. These comprise in particular the recognised need for complex and potentially (prohibitively) expensive foundation work, and work to manage 8 problematic site conditions. Each of these may be accommodated commercially as individual issues, but their occurrence as a complex suite of problematic conditions renders their successful management somewhat in doubt.</i></p> <p><i>Other deficiencies are not recognised, and these are major. They comprise:</i></p> <ol style="list-style-type: none"> <i>1. The absence of information on the distribution of all spatial geotechnical parameters.</i> <i>2. The lack of acknowledgement of major workings at shallow depth beneath a substantial proportion of the development (Hamlets 2 and 4-7), and the consequent absence of analysis of the potential ground subsidence due to these workings.</i> <i>3. The absence of analysis of prospective catastrophic cliff failure in Hamlet 3.</i> <i>4. The Reports recommend, on the extensive disturbed areas of the proposed development, geotechnical investigation of every building site. Should the Rosecorp development be to the land preparation stage only, the geotechnical investigation would become the responsibility of each land purchaser, which would number hundreds of individuals. This would create a major regulatory and financial burden on the State and on the home owners, creating, in common parlance, a "minefield".</i> <p><i>Implications for the Rosecorp proposal</i></p> <p><i>These major issues are each potentially fatal to the Rosecorp development.</i></p> <p><i>Furthermore, in their lack of recognition of these core geotechnical elements, the geotechnical Reports lack technical credibility with regard to the proposed development. This leads one to assume that other elements of geotechnical assessment, not necessarily yet identified, may be also missing from the geotechnical assessment."</i></p> <p><i>In relation to the requirement of the Proponent to identify and assess the presence of potential and actual acid sulphate soils the Progress Association is of the opinion the information provided is unsatisfactory. The Supplementary Geotechnical investigation prepared by Geotech Solutions states "Although sulphate and chloride testing has not been undertaken at this stage, based on previous experience and the result of pH testing, it would be expected that testing</i></p>

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	<p><i>would likely indicate minor aggressivity issues and buried structures.”</i></p> <p>Given these studies are yet to be undertaken, the progress Association is of the opinion that the DGEAR's in relation to acid sulphate, is yet to be met.</p>
<p>Ecologically Sustainable Development: ESD in design/construction, water re-use, minimisation of waste, energy use and car dependency</p>	<p>Section 7.10 of the EAR, titled <i>Ecologically Sustainable Development</i> (ESD), page 42, states:</p> <p><i>“The proposal is subject to a rigorous and public environmental assessment which ensures that issues and risks to the environment are appreciated and understood. Consultation with the community and public authorities has commenced and will continue as part of the assessment process.</i></p> <p><i>The subdivision proposal has been prepared in keeping with the principles and practice of ecologically sustainable development.”</i></p> <p>The Proponent throughout the project application states <i>“the dedication of the Environmental Offset Land has provided for significant protection of biodiversity and ecological integrity.”</i> However little consideration is given to the area to be developed. Nor is there any consideration given to the environmental impacts which may arise once the proposal is developed. The impact of the potential 600 dwellings proposed to be developed in an area which intrude into the sensitive coastal, bushland and heritage areas of Catherine Hill Bay.</p> <p>The proponent speaks about consultation occurring with the community. The CHBPA is not aware of any such consultation. On 20th August 2010, a CRG meeting with the Department of Planning was held to inform the attendees about the South Wallarah Peninsula SEPP and the proposal to list Catherine Hill Bay on the State Heritage Register. Rose group was belatedly put on the agenda. A single photograph of Catherine Hill Bay was displayed (no subdivision plan map). Bob Rose informed those attending that he wanted 600 houses and no perimeter road. There was no consultation with the Progress Association representatives and no opportunity to raise concerns other than to dispute whether the cliff was part of the headland.</p> <p>Under the heading of management and mitigation for ESD the proponent states <i>“no specific sustainability actions are required in addition to those inherent in application of policy, e.g. the NSW Coastal Policy, approval processes and identified management actions.”</i> (page 43 of EAR).</p> <p>The Progress Association is of the opinion, as stated throughout this submission, that the identified management actions put forward by the proponent in various areas are inadequate and is of the opinion these management actions cannot be relied upon and as such the proposed subdivision does not meet the principles of ecologically sustainable development.</p>

DG's GENERAL REQUIREMENTS	Applicants Response and CHBPA Comments
<p>Drainage and Stormwater</p>	<p>Section 7.11 of the EAR, titled <i>Drainage and Stormwater management</i>, (page 43) states:</p> <p><i>“An updated system providing for treatment and release of stormwater is proposed. In particular the system provides protection for down stream water courses, water bodies and wetlands in the locality. The requirements of Lake Macquarie Council and the RPBC approval have been incorporated into the design.”</i></p> <p>In regards to the proposed stormwater detention facilities, Council's Asset Management Department have indicated in their referral response for this proposal that:</p> <p><i>“The proposal indicates that on site detention storage capacity for less than a 1:100 ARI design storm event for Zones 2 and 3. It is unclear, from the information provided, what the design storm events are for detention storages proposed for Zones 1, 2, and 3. The approval authority should require that the proponent clearly states what rainfall events can be contained in detention storages for each stormwater discharge zone. Furthermore, the approval authority should require, as a minimum, that stormwater detention facilities with a 1:100 year ARI design storm event are provided for the whole development, and that these facilities are located inside the development footprint.”</i></p>
<p>Contamination: Evidence that site will be made suitable for proposed use</p>	<p>Section 7.12 of the EAR, <i>Contamination</i>, (page 44) states:</p> <p><i>“Phase 1 and 2 site assessments have been carried out by HLA Envirosiences as part of the Mine Closure process. Most contamination and hazardous material problems have been addressed as part of the Mine Closure.</i></p> <ul style="list-style-type: none"> • <i>Additional assessment will be carried out as necessary if concrete slabs are removed;</i> • <i>Remediation Action Plans will be prepared as and if required; and</i> <p><i>Site audits will be carried out as necessary to certify the suitability for the proposed uses.”</i></p> <p>Appendix M of the EAR being SEPP 55 Advice prepared by Mr Ross McFarland of AECOM states:</p> <p><i>“Due to the nature and extent of impacted materials identified at the Site, a remedial action plan (RAP) would be appropriate to address these identified impacts.</i></p> <p><i>Due to the nature of the Site and its remediation, and consistent with SEPP 55, it may be appropriate to appoint an independent government accredited Site Auditor to review the proposed works and, at the completion of remediation, provide a site audit statement (SAS) and a site audit report (SAR, confirming the suitability of the Site for its intended purposes.”</i></p> <p>The Progress Association request that the abovementioned recommendations be undertaken prior to the determination of</p>

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DG's GENERAL REQUIREMENTS	Applicants Response and CHBPA Comments
	this application.
<p>Construction impacts: access, noise, vibration, dust, erosion and water quality managed in relation to existing and future residents</p>	<p>Section 7.13 of the EAR, Construction Impacts (page 45) states:</p> <p><i>“A Construction Environmental Management Plan will be prepared for the subdivision works. The subdivision has been designed to avoid works on the perimeter thereby protecting adjoining conservation lands and values. Likely construction impacts include clearing of vegetation, ground surface disturbance, dust, noise and traffic, and interruption of access to Moonee beach and the Conservation Area. The subdivision has been designed for a zero cut and fill balance to avoid importation and export of fill.”</i></p> <p>The DGEAR's require the proponent to <i>“outline how construction impacts, including (but not limited to) access, noise, vibration, dust, erosion, and water quality will be managed in relation to the amenity of existing and future residents.”</i></p> <p>It is the Progress Association's understanding that the abovementioned requirement is to be undertaken as part of this Environmental Assessment and not at a later stage. This has not been done.</p> <p>The PA is of the opinion the EAR does not satisfactorily address construction impacts, in that it does not indicate that the Construction Environmental Management Plan (CEMP) for subdivision works will address, or try to minimise, detrimental impacts on the environment and existing development. The approval authority should ensure any consent for the proposal stipulating the CEMP, must provide detail on works ad maintenance schedules to be implemented within the subdivision. The plan must incorporate the recommendations from the various reports provided in the assessment process and any other conditions imposed on the development by other authorities or outlined in other approvals relating to the development.</p> <p>The CEMP should provide a framework for managing and mitigating any environmental impacts associated with the proposed development.</p>
<p>Utilities and services servicing strategy</p>	<p>Section 7.14 of the EAR Utilities and Services, (page 46) states:</p> <p><i>“Linkage of the proposed subdivision to water and sewer services provided by Hunter Water Corporation. Sufficient capacity to connect existing village areas into the networks if required. Carefully managed and treated stormwater discharges.”</i></p> <p>The Progress Association has had an engineer review the Water and Sewer Servicing Strategy prepared by ADW Johnson</p>

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	<p>(Appendix I of the EAR). Comments in response to this water and sewer strategy can be found in Attachment 5 and are summarised below.</p> <p><i>“This servicing strategy does not take into account the potential environmental impacts of a very long sewer rising (pressure) main and the building of a raw sewage pipeline in such a vulnerable location.</i></p> <p><i>Even though DECC has allowed a gravity main through National Park to link areas 6 & 7 to the proposed pumping station “DECC have indicated that they are not prepared to entertain installing mains within existing National Park”(p39) Is this because when a pipeline is damaged, pathogens result and creeks would become contaminated?</i></p> <p><i>Wastewater/ sewerage infrastructure will instead be located adjacent to Flowers Drive with 2 pumping stations. One pump station will be just north of the creek near the car park at Catherine Hill Bay. The sewage will then be pumped along Flowers Drive, crossing a SEPP 14 wetland area north of Middle Camp and then to the Middle Camp transfer station.</i></p> <p><i>There is no mention of the damaging environmental impacts that would result if a DN200 pipe broke or leaked so close to the beach. Raw sewage would discharge into the sea or into a SEPP 14 wetland system if this pipe were damaged. Sewer systems leak, manholes leak when they are first laid unless a polyethylene system is used.</i></p> <p><i>It is a major concern that such a long pipeline so close to the sea and important wetlands; will be subject to future rising sea levels, predicted surging tides and an increased frequency of storms.”</i></p> <p>Other than the sewer and water strategy prepared by ADW Johnson no other information has been provided. The DGR's require the preparation of a utility and infrastructure servicing strategy providing evidence that the development can be adequately serviced in terms of water, sewerage, stormwater, gas (if appropriate), electricity and telecommunications services and outline staging for delivery.</p> <p>Other than the EAR stating in Section 7.14 Utilities and Services, <i>“ongoing consultations with energy providers have indicated that necessary network augmentations are underway.”</i> No additional information, infrastructure strategy or evidence of this has been provided as part of this application.</p>
<p>Mining Activities and leases over site</p>	<p>Section 7.15 of the EAR <i>Mining Activities</i> (page 46) states:</p> <p><i>“No ongoing management requirements, other than allowing access for exploration have been identified.”</i></p>
<p>Interface issues: SCA, National</p>	<p>Section 7.16 of the EAR, <i>Interface Issues</i>, (page 47) states:</p>

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<p>Parks, Nature Reserves, other land zoned E1</p>	<p><i>“There has been ongoing consultation with DECCW and NPWS to ensure that interface issues including adjoining lots, assess, infrastructure and service are consistent with the management objectives for the Munmorah State Conservation Area and the Guidelines for Development Adjoining DECC Land...”</i></p> <p>Management and Mitigation</p> <ul style="list-style-type: none"> • <i>Ongoing consultation over management requirements;</i> • <i>Education of residents; and</i> <p><i>implementation of EPBC approval requirements including preparation of a management and monitoring plan.”</i></p> <p>Apart from the proponent advising that there has been ongoing consultation with DECCW and NPWS there is no evidence of this contained within the EAR nor is there any information provided on the outcome of this ongoing consultation. The Progress Association is of the opinion that little has been done as part of this application to address the interface issues and edge effects on adjoining lands. Given that the proposal adjoins a State Conservation Area, is in close proximity to a SEPP 14 Wetland as well as adjoining land zoned E1 National Parks and Nature Reserves and E2 Environmental Conservation more detailed information is required from the proponent to show that interface issues have been addressed.</p>
<p>Developer Contributions:</p> <ul style="list-style-type: none"> • Identify and address additional demand created by the development on existing public facilities and infrastructure • Detail the likely scope of any planning agreement and/or developer contributions between the proponent, Council and State agencies. 	<p>Section 7.17 of the EAR, Developer Contributions, (page 47) states:</p> <p><i>“It is proposed to address the demands on services and facilities by:</i></p> <ul style="list-style-type: none"> • <i>payment of state government contributions;</i> • <i>payment of local government contributions consistent with LMCC s 94 contributions plans;</i> • <i>provision of works and works in kind as required by conditions of approval; and works supplied as part of the subdivision construction.”</i> <p>It is inappropriate that the proponent is proposed to be excluded from the recently announced State Infrastructure Contributions (SIC) scheme. The SIC Fact Sheet dated January 2011, states that the SIC is intended to fund regional infrastructure associated with “education, health and emergency services”. While the proponent’s Statement of Commitments (B9) covers some of the needs that arise in the immediate vicinity due to the development (such as upgrades to roads, sewer, etc) this is a normal cost of development and should not exempt the proponent from meeting his obligations in the broader context. It is remarkable that the reason quoted for exempting developers at Catherine Hill Bay is that the site “is isolated and will not substantially benefit from the proposed infrastructure”. CHBPA agree that the site is</p>

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	<p>isolated, so much so that the Department of Planning earlier reported that it is unsuited for development. Now that this advice has been overlooked, can it really be assumed that new residents will not require access to hospitals, schools, community facilities, fire services, police etc.</p>
DG's CONSULTATION REQUIREMENTS	
<p>Consult with ... adjoining landowners and the local community, provide written evidence, indicate issues raised and how they have been addressed</p>	<p>Section 7.18 of the EAR, Consultation, (page 48) states:</p> <p><i>"There has been extensive prior consultation over development of the site. The formal consultation was at the level of master planning issues for the site but the detail of development impacts on the site and surrounding land was also covered in some depth."</i></p> <p>The proponent did not initiate any consultation with the local community. The first opportunity to see and comment upon the current proposal was when it was publicly exhibited by the Department of Planning in December 2010.</p> <p>Nevertheless, acting on advice from the Department of Planning the Catherine Hill Bay Progress Association wrote to Bryan Rose (Rose group) requesting a meeting to discuss proposed future development . Our letter of 7th June was ignored. A second letter was sent by registered mail in July requesting a meeting and stating that community representatives had already met with Coal & Allied .Bryan Rose responded and a date for a meeting was set for the 19th July. At the last moment Rose cancelled and another time was set. In the meeting Bryan Rose told the CHBPA representatives that he would be willing to reduce development from 600 houses to 500.</p> <p>However in a CRG meeting with the Department of Planning held later on 20th August 2010, Bob Rose informed those attending that he wanted 600 houses and no perimeter road. There was no consultation with the Progress Association representatives and no opportunity to raise concerns other than to dispute whether the cliff was part of the headland.</p> <p>This CRG meeting had been set up by the Department of Planning to inform the attendees about the South Wallarah Peninsula SEPP and the proposal to list Catherine Hill Bay on the State Heritage Register. Rose group was belatedly put on the agenda. A single photograph of Catherine Hill Bay was displayed (no subdivision plan map) by Rose group so there was no idea as to what Rose group was proposing other than 600 houses, no perimeter road, and building on the headland.</p> <p>On the 24th January the Department of Planning contacted the Community Reference Group inviting them to a meeting on the 31st Jan to present the development applications and to enable the group to articulate any concerns and comments. The meeting upon request was put to 4th February to allow invitees more time to organise their attendance. The feedback from this meeting will leave people very little time to work through into their submissions and we ask that late submissions be accepted.</p>