

Catherine Hill Bay Progress Association And Dune Care Inc

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Director, Strategic Assessment
Department of Planning
GPO Box 39 SYDNEY NSW 2001.

Re: State Significant Site, Concept Plan and Project Applications for development proposals at Catherine Hill Bay 'Middle Camp' site - Applications MP 07_0095

This is an objection by the Catherine Hill Bay Progress Association and Dune Care Inc (Progress Association) on behalf of the Catherine Hill Bay (CHB) community.

The Progress Association objects to the development proposed by Coal & Allied (C & A) (proposal) at CHB 'Middle Camp' site under State Significant Site, Concept Plan and Project Applications - Applications MP 07_0095. The 300 dwellings greatly exceeds the quantum, location and qualitative aspects as expressed in the "core position" (refer Attachment 1) of this Association.

This objection is also based on the proposal's failure to adequately meet the Director General's Requirements in a number of respects. These include its lack of compliance with key documents including the NSW Coastal policy, SEPP71, NSW Coastal Design Guidelines, the guidelines set down by the Heritage Office for a potential state significant area and the relevant controls being LMCC LEP & LMCC DCP. Furthermore it fails to address the significant ecological, heritage, visual impact, traffic and other site specific constraints which limit development. The proposal does not fully address the objectives set down in its own document. For all these reasons (which are detailed below) the proposal fail to adequately address the requirements laid down by the Director General.

1. CREDENTIALS

As previously noted, the Progress Association has represented the interests of CHB since its formation in 1901, and has 146 members currently which are regularly surveyed. The

background and results of these surveys are included in a community profile (Attachment 2).

As previously noted, the Progress Association does not oppose development and was the first community group to support the nearby Stockland North Wallarah development proposal, and its associated environmental off-sets, after protracted consultation and negotiation. The Progress Association has always supported the development opportunities afforded by the LMCC planning instruments.

On September 24 2006 a community meeting of residents developed a "Core Position" or policy statement about current development proposals at CHB. This statement has remained the Progress Association's position for the past 18 months, and was endorsed with minor amendments at a Progress Association meeting on 16 February 2007, and again on 24 February 2008. The "Core Position" recognizes that the existing 7(1) and 7(4) zones of conservation (primary) and environmental (coastline) is supported and that development should not occur at the expense of the core character that underlies the heritage and environmental significance of the area.

2. BASIS OF OBJECTION.

In general terms the Progress Association's objection is based on the following major concerns

1. As previously noted the off-sets in the Concept Plan serve merely to secure the current status of the land that has emerged from almost 40 years of detailed study and public policy initiatives. The proposal provides no strategic justification in terms of how the proposal may or may not prejudice the agreed strategic outcome for public and conservation use.
2. There is no adequate scientific analysis of the condition of the offset lands nor a rigorous assessment of their environmental and social value and the impact of the proposed development.
3. The Progress Association core policy statements of 24.09.'06, 24.02.'07 and 24.02.'08 emphasise the importance of separating new development physically and visually from the setting of the CBH township. The 'township' comprises both Main Camp and Middle Camp. The application provides no justification for the location of new development along highly sensitive land that directly adjoins the heritage village.
4. As previously noted, the ability of the site to accommodate 300 dwellings needs to be justified by detailed study or assessment. While C & A have undertaken some constraints mapping this is inadequate. There are numerous deficiencies both in the level of ecological and heritage survey undertaken on the site and the interpretation of the survey results, as outlined below and in the attachments.
5. Much of the application is inadequate and misleading.
6. The application does not provide an appropriate basis for assessment of a rezoning for a strategically significant site which is otherwise comprehensively protected by a number of State Government planning policies and instruments.
7. The Concept Plan does not achieve the stated objectives provided in the documentation. The Concept Plan acknowledges the significance of each of the areas proposed for development but fails to respond appropriately in their proposal.

3. DIRECTOR GENERAL'S REQUIREMENTS – GENERAL REQUIREMENTS.

The proposal does not adequately address the Director General's Requirements as follows:

Strategic justification

The Strategic Justification for the proposal relies on the Memorandum of Understanding signed between the Minister and C & A Operations and the Lower Hunter Regional Strategy. Given that neither were open to public or professional scrutiny this is inadequate justification.

The development of new housing in CBA does not address the housing needs of the Hunter Region in a sustainable way. It is remote from services, jobs and will rely on private car ownership. The increase in population will not sustain viable public transport.

Further, justification relies on the transfer of environmental lands to public ownership. These environmentally sensitive lands are already protected under Lake Macquarie City Council's LEP 2004 without compromising the heritage values of Middle Camp village.

The strategic justification is therefore inadequate.

Alternatives considered

No alternatives were seriously considered that locate development beyond the curtilage of CHB as identified in the Progress Association's policy statement 24.09.'07. As the starting point, C&A took the quantum of 300 houses as the base case. The environmental and heritage constraints and their impact on the land's development capability were not examined. No studies examined the costs and benefits associated with developing fewer dwellings. While alternatives were posited during the charette, they were dismissed peremptorily by C&A on the grounds of commerciality without testing.

For example, in relation to Option 1, Clause 4.3 the Concept Plan claims that the option proposes "too much medium density type dwellings"...."in close proximity to Flowers Drive"... and "does not address traffic concerns of the community". It is also noted that "residential precincts are not within close proximity of amenities and community facilities"... "fragmentation of landscape to Colliery Road"... "reduced opportunities to provide for trees"... and "less energy efficient due to orientation".

Clearly if this had been seriously considered it would be apparent that contrary to arguments above:

- Medium density housing is the preferable choice for many purchasers, particularly as a weekender or low maintenance option. No market analyses were presented to substantiate C & A's position. Further, given that the land is residual to C & A's mining operations (acquired at zero cost) the commercial viability arguments put forward by C&A at the charette are fundamentally flawed.
- Option 1 is more remote from the heritage village sited along Flowers Drive than the scheme proposed in Concept Plan.

- Given that the dwelling yield is identical and the infrastructure costs are probably less due to compactness of development footprint, a bypass road could also be included to address traffic concerns of the community.
- There are few amenities or community facilities in the existing village. New recreational facilities proposed in Concept Plan are only located in Area B.
- There is no difference between landscape that could be retained in Option 1 and that proposed by application.
- Orientation of development in Area B is same as that proposed in Concept Plan Area C.

Participants at the C&A charette confirm that while the option was drawn, it was instantly dismissed by C&A without adequate discussion let alone testing. It is worthwhile noting that the Concept Plan as proposed differs little from the early sketches that C&A put forward as part of the MoU.

State Planning Environmental Policies & applicable planning instruments

SEPP71 requires that the natural, cultural, recreational and economic attributes of the NSW coast be protected. Native coastal vegetation, visual amenity and natural scenic quality is to be preserved.

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 Middle Camp. The development of Areas C&D are extensions of the heritage village and thereby impact on the visual quality of the setting of Middle Camp. The natural scenic qualities of the northern entry road are destroyed by development of Area A.

The proposal therefore does not meet the requirements of SEPP71.

The goals of the **NSW Coastal Policy 1997** are to:

- _ *Protect, rehabilitate and **improve the natural environment** of the coastal zone.*
- _ *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.*

While the NSW Coastal Policy provides opportunity for environmentally sustainable development, it does so on the basis that the above goals can also be achieved. As outlined below, the C&A application fails to meet the above requirements of the NSW Coastal Policy 1997 and therefore should not be approved.

NSW Coastal Design Guidelines require that:

- *There are clear boundaries between urban areas and surrounding environment.*
- *The surrounding ecological systems are intact and large areas of indigenous vegetation and mature trees visually dominate the settlement's scenery.*
- *Indigenous vegetation separates development from nearby settlements.*
- *Waterways are protected*
- *Vegetation and landform visually dominate development and buildings.*

- *Private and public properties are set well back from the edge of the coast, lakes and other waterways.*
- *Pedestrian pathways to the beach and foreshore reserves, lakes and other waterways are informal.*

The proposal fails to meet these guidelines. Development Areas C&D are contiguous with the existing heritage village. Ecological systems of Area C have been destroyed. Development of Area D will negatively impact on the significant wetland in that area and inadequate riparian setbacks are provided to the creeks. Buildings, not vegetation and landform, will visually dominate and destroy the setting of the existing village. Private properties are proposed to be located on the secondary dune and close to riparian zones. The existing informal pedestrian pathways across the grassy commons are cut off by the subdivision of Area D and inadequate consideration has been given to future pedestrian access routes.

The proposal fails to comply with the NSW Coastal Design Guidelines.

The area is also listed in the **Hunter REP (Heritage) 1989** and was consequently listed in **Lake Macquarie City Council's LEP 2004** as a Heritage Conservation Area and many of the individual items were also heritage listed. **Lake Macquarie City Council's DCP** provides controls tailored specifically to the local conditions. These controls were developed over many years after detailed consideration and consultation with the community and the NSW Department of Planning.

Lake Macquarie City Council's DCP requires that any development “**preserve the outstanding natural setting of the township and maintain established relationships between the town and its setting**”. Development proposed in Areas C&D is contiguous with the existing township and clearly contravenes this requirement.

Lake Macquarie City Council's Scenic Quality Guidelines 2004 requires that “vegetation removal within 40 metres of a waterway or natural gully line is restricted. Roadside trees and other roadside vegetation is retained to maintain the rural character of roadway setting.” The proposal involves only a 20 metre setback of private land from the creeks that run through Area C and around Area D. In Area A, two storey housing is proposed in close proximity to the rural entry road. Due to the inadequate width of vegetated buffer the meandering rural character of Flowers Drive will be destroyed.

The proposal does not comply with any of the requirements outlined in the above local environmental planning instruments.

Cumulative impacts in relation to LHRS

The housing in the proposal does not address the wider housing needs of the region. This quantum of houses could readily be provided elsewhere within the Hunter region where the level of community services and public transport is adequate and jobs are available to meet the needs of incoming residents. An historic and environmental gem like Catherine Hill Bay, both Main Camp and Middle Camp and their settings, should be preserved as they are for the benefit of the Region and future generations.

Draft Statement of Commitments

The Draft Statement of Commitments lacks detail.

Mention is made of Detailed Development Design Controls to be provided in the future. No such controls are provided for review. They are not even provided with Project Plan application. No information is provided in relation to when and by whom the detailed design guidelines will be prepared, whether they will be publicly exhibited, by whom they will be reviewed and by whom and how they would be implemented.

There is no decision or information as to how existing roads and intersections with the Pacific Highway are to be upgraded to ensure safe access.

No firm commitment has been made in relation to provision of social infrastructure. No additional public facilities are identified for Middle Camp. No commitment regarding public access to the swimming pool and park proposed for Area B is given.

No provision is made for a Coastal Walk. This has been a long standing policy of Council and has been implemented in other neighbouring developments to ultimately connect Wallarah National Park to the Munmorah State Recreation Area.

There is no detail on coastal management issues.

No reference is made to a *Land Use Management and Conservation Plan* nor to the associated on-going monitoring and annual reporting of the *State of the Environment*, as was required as a condition of consent for the North Wallarah development.

Conclusion justifying the project

While Section 8 of the Concept Plan attempts to justify the proposal on the grounds of environmental, social, economic and public benefit, these arguments are flawed. Their claims that the development meets regional housing needs is refuted due to lack of services, jobs and infrastructure and that 300 dwellings could easily be accommodated elsewhere. It is claimed that the development will create hundreds of jobs but these are unsustainable and only short term during the construction period. In order to meet State Policies in relation to urban centres and the integration of land use and transport, the proposal should not be accepted for nor implemented at Catherine Hill Bay.

The C & A refer to improved access to historic precincts and foreshore, however its proposal damages these very attributes. Additionally, C & A argues protection of coastal foreshore, visual aesthetics of the site, endangered ecological communities and threatened species, and preservation of historic mining remnants. The entire site, the visual aesthetics, the heritage attributes, flora and fauna are already protected due to the current LMCC zonings.

C & A fails to justify its proposal.

Development contributions

C & A provide no firm commitment to increased social infrastructure at Middle Camp. No site specific services or facilities have been identified. Refer Attachment 3 – Report by Ms Kate Hodgkinson

4. DIRECTOR GENERAL'S REQUIREMENTS – KEY ASSESSMENT REQUIREMENTS.

Urban Design and Built Form

Generally:

The R1 zoning proposed in the State Significant Site Listing application permits uses that are inconsistent with the Concept Plan. The zone boundaries do not align with development footprints, suggesting future applications may be lodged to expand the footprints beyond those currently contained in the Concept Plan and raising concerns regarding the ownership and maintenance of the proposed 'Bushland reserves'.

In such a sensitive location, it is entirely inappropriate that '*short term holiday and tourist rental*' could be dealt with as exempt & complying development, as proposed in the State Significant Site Listing application.

The application provides no effective control for future development and provides no certainty or predictability regarding the delivery of an urban design vision or quality outcomes.

No detailed design guidelines are provided for review. While these are referred to, with the intention of providing them at a later date, they are not even provided with Project Plan application. No information is provided as to who will prepare the detailed design guidelines, whether they will be publicly exhibited, by whom they will be reviewed and by whom and how they will be implemented.

For development in sensitive locations such as Catherine Hill Bay, it is common practice that all development be subject to review and endorsement by an independent Design Review Panel (as per Prince Henry site, Little Bay).

The proposal intrudes into sensitive, coastal bushland and heritage areas. No development should occur in locations that are contiguous with existing village – delete Areas C&D. The proposed development does not take account of critical visual impacts.

The existing characteristics of Middle Camp village are misunderstood and misapplied. In Areas A, B and C the proposal has very high site coverage. The existing cottages have small footprint (physically and ecologically) and large landscaped areas. The Concept Plan proposes that garages line most streets, quite out of character with the existing built form where lots are either rear loaded or garaging is at the rear of the lot. It is proposed that 1.8m high fencing be permitted. The existing characteristic is either no fencing, open fencing or 900mm high open picket.

Vegetated buffers are proposed to screen Area A from the entry road and Area D from the cemetery. These are inadequate. The narrow width of buffer at Area A and the impact of salt-laden air on growth rates mean that the scale/density of built form beyond will always be clearly visible. The scenic character of Flowers Drive, the meandering entry road, will be destroyed.

Many of the streets proposed in the Concept Plan are proposed to incorporate kerbs and gutters lined with parking. This is inappropriate. A sensitive design would have differentiated between the historic Flowers Drive, where its more formal (with kerb and guttering) and lined by the heritage cottages, and the character of a meandering by-pass road that is informal and more rural in character. Flowers Drive has this character between Main Camp and Middle Camp.

It needs to be emphasised that Catherine Hill Bay is the earliest company coal-mining town in NSW and it is largely intact. The extent of development in the proposal is excessive and is not supported. The quantum, urban design and architectural character proposed will negatively impact both local tourism and historic values.

Other comments related to individual development areas:

Area A

Severe visual impacts result from the inadequacy of buffer between the rural road and development. The character of the rural entry road will be destroyed. The proposal does not comply with LMCC Scenic Protection Guidelines 2004.



Aerial photo of existing Area A



Proposed development (as per C&A survey)

Area B

The Progress Association's policy statement has always accepted some development at the end of Colliery Road, Area B. However, the proposal adopts a very suburban layout and character and does not respond to either the scale, bulk or form of previous industrial structures. It is inappropriate and a lost opportunity for a distinctive, locally responsive outcome.

Area C

The scale and layout of the proposal will have severe visual impacts from Flowers Drive and the public areas around the Memorial and Bowling Club. As shown by C & A's survey drawing below, the development area is contiguous with heritage village.

In a letter to the National Trust dated 30 Jan 2007, Minister Sartor noted "the high ecological significance of Catherine Hill Bay was one of the reasons why the limited amount of development has been restricted to areas with no vegetation or areas despoiled as a result of coal mining activity." In Area C, the native vegetation has regrown over a period of more than 50 years. It is of high quality and if the above principle noted by Minister Sartor is applied, Area C should not be developed.



Aerial photo of existing Area C



Proposed development (as per C&A survey)

Area D

The proposal in Area D will have severe visual impacts on the setting of Middle Camp from Flowers Drive, the grassed commons and the historic cemetery.

The area of the subdivision and footprint of houses are out of context with the existing character which comprises small cottages in an open landscape. The proposed dwelling footprints are 400sqm+ and ancillary buildings 72sqm while existing cottages are less than 80sqm.

Existing informal pedestrian access ways to the beach are cut off by the proposal. No analysis of future pedestrian routes is provided.

It is proposed that fencing & backs of houses front historically important public spaces. This is an inappropriate urban design response.

The significant wetland located in Area D will be detrimentally impacted by the proposal. Inadequate riparian setbacks are provided to the creeks
The area is contiguous with the heritage village and destroys its landscaped setting.
Area D should not be developed.



Aerial photo of existing Area D



Proposed development (as per C&A survey)

Coastal Foreshore and Built Form

The proposal involves a significant intrusion into the sensitive coastal, bushland and heritage areas C & D and has detrimental impacts on the character of beach access, the setting of the village and the tranquil setting of the cemetery. Further, no development should occur in locations such as Area D that are within the secondary dunal system.

The proposal does not provide for a continuous accessway along the coastal foreshore. This has been a long standing policy of Council and has been implemented in other neighbouring developments so that ultimately, the Wallarah National Park can be connected to the Munmorah State Recreation Area.

Existing informal pedestrian routes have been severed by the proposal. No detail is provided in relation to proposed pedestrian access ways to beach or elsewhere.

Development of Area D should not proceed .

Flora and Fauna impact

A review of the ecological assessment contained within the current application has been undertaken on behalf of the Progress Association by Mr John Travers of Travers Environmental. Mr Travers is very highly regarded as an expert, with over 25 years experience with the NSW National Parks and Wildlife Service, the Department of Bush Fire Services and in private practice. He has an intimate knowledge of the local and regional landscape.

He found that *“There are a number of deficiencies both in the level of ecological survey undertaken on the site and the interpretation of the survey results”*

General flora and fauna surveys were undertaken only in winter. Only targeted surveys for threatened species occurred between August and October 2007

“The application does not provide sufficient ecological conclusions to determine if this development is suitable for this sensitive coastal landscape”

John Travers, Travers Environmental, 2007

Refer to Attachment 4 – Report by Travers Environmental

Traffic and Transport

A review of the traffic and transport report contained within the current application has been undertaken on behalf of the Progress Association by Mr Alan Samsa of Samsa Consulting, Traffic Planning and Traffic Engineering. He notes that:

- there has been inadequate cumulative impact assessment
- the road networks and access points have not yet been fully resolved
- there has been a focus on the higher level road network at the expense of the local road network
- the lower trip generation rates adopted need to be substantiated
- beach parking and access has not been fully addressed
- insufficient resolution of public transport, and
- due to narrow street frontage setbacks in the existing village, increased traffic is likely to significant detrimental impacts on road safety, amenity and noise.

Refer to Attachment 5 – Report by Samsa Consulting, Transport Planning & Traffic Engineering

Heritage

Under the DG’s requirements, a heritage assessment of the impact of the proposed development is required.

However, the report provided by C&A is lacking in that it does not assess the following:

- The CHB Conservation Area
- Listed Heritage Items in CHB Conservation Area
- Potential Heritage Items in CHB Conservation Area (as noted in Heritage Inventory 1992).

The C&A consultant’s assessment of aboriginal artefacts is limited:

- Significance of aboriginal occupation has been dismissed due to land fill.
- The existing sites and terrain patterns clearly indicate the potential finds which should be more thoroughly investigated.

The consultant report only assesses a limited number of Heritage Items. CHB Conservation Area is not considered a study area. 26 Flowers Drive which includes 26a Flowers Drive the school, is not assessed. The impact of development behind cottages in Flowers Drive is not assessed. The impact of development behind the cemetery is not assessed.

The proposal therefore does not comply with the requirements of the Heritage Impact Statement in accordance with NSW Heritage Office guidelines nor does it meet the criteria established in the Director General Guidelines. The assessment provided by C&A does not even meet the criteria established by ERM as set out in their report objectives.

The reinstatement of railway line as a pathway is proposed as a potential developer contribution. As is normal practice in other heritage developments, reinstatement of such should be mandatory.

An analysis of the Heritage Impact Assessment by ERM for Coal and Allied has been undertaken by heritage expert, Ms Jennifer Hill of Architectural Projects. This provides further detail on these matters. Refer to Attachment 6.

An independent expert review of the heritage report provided by C&A has been undertaken on behalf of the Progress Association by Mr Robert A Moore, Architect and Conservation Consultant. Refer to Attachment 7.

The documentation submitted by C&A is inadequate and misleading in a number of important areas. For evidence of further inaccuracies and omissions refer also to Attachment 8 – Report on Development Area D ‘Slack Alley’, by historian Ms Suzanne Whyte.

Utilities and Infrastructure

During the charette, Coal and Allied undertook to seriously examine the opportunity for any development at Middle Camp to be genuinely self-sustaining in terms of utilities and infrastructure. This was to include on-site water collection, on-site treatment of sewage, etc.. A commercially developed village which is off-the-grid and leading the way in sustainability is the Ecovillage at Currumbin in Southeast Queensland.

The Infrastructure Reports submitted by C&A appear to have disregarded their previous undertaking.

Energy Savings Action Plan

The Energy Savings Action Plan makes no commitment beyond the existing requirement for house builders to comply with BASIX. The ESD report notes that “the developer is not undertaking these strategies”.

C&A make no commitment to ESD beyond the construction of the subdivision. There is no commitment even to on-going monitoring and reporting.

While the ESD Report and the Savings Action Plans are verbose, they are superficial and do not represent a genuine attempt to map out strategies and actions to actually achieve commitment to and implementation of sustainable development.

Visual Impact

The Visual Impact analysis provided by C&A is cursory and superficial. The consultant report confirms that a visual impact will occur and the visual impact is clearly illustrated in the image provided in the Heritage Report by ERM.

The visual impact analysis is incomplete as it assumes only one significant vantage point from Flowers Drive. Visual impacts on the setting of the heritage village (as a result of the contiguity of development areas C&D with the village) are not examined. The only photo montage provided is not from a key viewing point. The cross sections provided are misleading. Given the environmental sensitivity of the site and the heritage significance of the village and its setting, this level of analysis is grossly inadequate. The conclusions that are drawn in the Concept Plan are incorrect and misleading.



1. Scenic rural entry road adjacent Area A will be destroyed by proposed development



2. View of Area C from Flowers Drive. Bushland backdrop will be destroyed.



3. Historic open landscape setting of Middle Camp village Area D will be destroyed.

Bushfire

A review of the bush fire report provided by C&A has been undertaken on behalf of the Progress Association by Mr John Travers of Travers Environmental. Mr Travers' expertise has been developed over 25 years with the NSW National Parks and Wildlife Service, the Department of Bush Fire Services and in private practice. He has an intimate knowledge of the local and regional landscape. Refer again to Attachment 4 - John Travers Report.

Impact on Crown Land

The impacts of increased population at Catherine Hill Bay (both as proposed by C&A and Rose Group) will directly impact Crown Land held in the Munmorah State Conservation Area and the Wallarah National Park. Human visitation and intervention will place more pressure on the flora and fauna of the parks. As has happened elsewhere, cats and other domestic pets introduced by incoming residents are likely to become feral and threaten native fauna.

Planning Agreements

Refer again to Attachment 3 – Report by Ms Kate Hodgkinson

Site Preparation works

The application notes the need for cut and fill and benching. It does not detail in relation to proposed levels, sources and quantities. It also notes that the average gradient in Area C is between 8 and 18%. "site regrading will occur both within the site boundaries and external to the development area where 1:4 batters will be used to match existing levels. Retaining walls and/or site benching may be required." In environmentally sensitive areas such as Middle Camp, cut and fill and benching is not appropriate. Buildings should be elevated above natural ground to minimize excavation and disturbance to the environment, and to respond to the existing character of the village.

There is no relevant detail on contamination or mitigation measures.

Subdivision

The zoning boundaries do not align with development footprint or subdivision of lots. In relation to Area C in particular, there is no information regarding ownership and management of the bushland reserves. The boundaries of private lot intrude into setbacks normally required as riparian zones adjacent creeks.

Consultation

Consultation with the community was inadequate and ineffective. Notice of meetings was only given at the last minute and distribution of 'fliers' was ad hoc with most community members not being informed of meeting arrangements. The processes of community consultation undertaken were managed by C & A in such a way as to prevent meaningful discussion and to restrict contributions and comment. Responses to issues raised by the community in workshops were inappropriately manipulated and incorrectly reported.

Only two representatives of the CHB were invited to attend the 'charette' and it was only on the insistence of the Progress Association that C&A begrudgingly accepted

attendance of a third representative. Table 1 of the Coal and Allied "Lower Hunter Lands" Report dated 30 August 2007 lists all of the attendees of the **Regional Forum**. It should be noted that attendance was by invitation only and that representatives of the CHB community were only 3 of the 91 attendees. At the charette, C & A had 38 staff and consultants in attendance but again only 3 representatives from CHB community.

Refer to Attachment 9 - Comments regarding C&A workshop, Regional Forum and charette process.

Other issues and attachments

Attachment 10 provides graphic illustration of the impacts of the proposed development on Middle Camp, its ecology, its environment and its setting. It provides an aerial photo montage and an analysis of 'zones of impact'.

Attachment 11 is a chronology of the strengthening case over almost 40 years for protection of the area around Catherine Hill Bay, known as the Wallarah Peninsula. This includes detailed environmental and planning studies, planning policies and instruments and initiatives by large land owners in the area to respond positively to this gathering consensus (which gained bi-partisan support from every State Government since the 1970s). While the formalization of the area to National Park has benefits this should not be at the expense of the visual setting.

Attachment 12 is an extract of the undertaking to Government and the community by C & A, the then land owner and coal miner, that once mining ceased, as it did in 2002, the land would be rehabilitated for use as public open space. While this undertaking relates to land around Main Camp, similar verbal undertakings that the land would be remediated and returned as open space were given to the community and miners resident in Middle Camp. The proposal is entirely inconsistent with this commitment.

As outlined in our submission above and as detailed in the attachments, the Progress Association confirm that the proposal and associated plans fail to meet the requirements of the Director General, and should not be approved.