

31 January 2011

Director  
Strategic Assessments  
Department of Planning  
GPO Box 39  
SYDNEY NSW 2001

Dear Director

Subject: **Application No. MP 10\_0204, Project Application for residential subdivision at Catherine Hill Bay**

We refer to the abovementioned development application for residential subdivision lodged with the Department of Planning by Coastal Hamlets Pty Ltd and exhibited for public comment between 15 December 2010 and 7 February 2011.

Representatives of the Catherine Hill Bay Progress Association (CHBPA) have reviewed the exhibited documentation and provided submission comments on behalf of the Progress Association in the attached Submission. The CHBPA objects to the above application on the grounds outlined in the submission table and attachments. The concerns expressed are the collective views of the Progress Association.

It is the Progress Associations 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.

While the LHRS now identifies land at CHB as a *'proposed urban area'*, this was not anticipated in the Draft Strategy and therefore not subject to community consultation.

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 need in the Hunter and Central Coast.

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.

The Progress Association seeks clarification on the actual area of the land proposed to be development. 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 *"some 72 hectares of land around the Catherine Hill Bay Village is proposed for urban development."* This is also the figure given by Bryan Rose in his letter dated 9<sup>th</sup> November 2010 to The Hon. Tony Kelly requesting the Ministers opinion under Clause 6 SEPP Major Development.

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 attached Submission identifies a number of inadequacies in the various reports included in the EAR. The proposed plan of subdivision prepared by ADW Johnson is even less appropriate to this sensitive coastal environment than both of the 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.

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.

It is relevant to note that 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.

The proposal prior to this prepared in 2006 by EJE was for 600 residential lots and was properly refused by the 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..."

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 *Detail Plans Sheets 2-5* 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 has 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.

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. In this proposal there is no recognition that Catherine Hill Bay is now a State Heritage Listed Township; only the second town in NSW to be given this recognition. Any development in the vicinity of a heritage item must be in sympathy with and not detract from the heritage values of that item. This proposal severely undermines the heritage significance of Catherine Hill Bay

The CHBPA request that if this proposal is to be pursued than the Minister appoint the same Independent Hearing and Assessment Panel for the assessment of the application.

In summary it is requested that the Minister for Planning recognise the scenic, aesthetic and cultural qualities of the area as identified by IHAP in their Key Planning Principles, "*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."* Furthermore we request that the Minister acknowledge the numerous inadequacies of the EAR and that this proposal is no way a refinement of the previous proposal. On this basis, we request that the proposal be refused in its current state.

Yours Sincerely

Sue Whyte  
President Catherine Hill Bay Progress Association

## **Attachments**

### **Submission Table**

**Attachment 1: Review of bushfire Risk prepared by Travers Bushfire and Ecology**

**Attachment 2: Traffic Assessment Advice prepared by SAMSA Consulting**

**Attachment 3: Traffic Review prepared by Ian and Margaret Richmond**

**Attachment 4: Evaluation of Geotechnical Reports prepared by Dr William Laing of Laing Exploration Pty Ltd**

**Attachment 5: Comments on Water and Waste Water Servicing Strategy**

**Attachment 6: Ecological Assessment Report**