

Catherine Hill Bay Progress Association And Dune Care Inc

PO Box 72 Swansea
Website: www.catherinehillbay.org.au

29 September 2007.today

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

Re: Significant Site and Concept Plan Proposal Catherine Hill Bay and Gwandalan.(Draft SEPP, State Significant Site and Applications MP06_0330, MP 07_0107, MP 07_0108, MP 07_0109, and MP 07_0110)

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

This objection relates to the proposal's failure to adequately meet the revised Director General's Requirements due to a number of specific shortcomings.

These include:

- Its lack of compliance with key documents being the NSW Coastal Policy, the guidelines set down by the Heritage Office for a potential state significant area and the relevant controls being LMC LEP & LMCDCP.
- It fails to address the significant constraints which limit development and were to be summarized in a McHarg study as requested by the IHAP.
- In addition the proposal does not fully address the objectives set down in its own document. The documents provided have not been comprehensively updated to reflect the revised scheme and as such are biased and incomplete. Making an assessment of the proposal on the basis of inadequate information would be premature.

For all these reasons which are detailed below the proposal fails to adequately address the requirements laid down by the Director General

Since the previous Rosecorp submission, a number of key events have occurred.

The IHAP raised numerous concerns with the proposal of 02 07 requiring a significant revision. While the IHAP report established that development could occur they also established strict parameters and recommended that a McHarg study be undertaken to clearly define the development constraints of the area and identify appropriate areas for development. The proposal does not appear to be informed by such a study and there is no substantiation that this study has been undertaken. Such a study is not included in the submission.

The consultant team has changed and a presentation to the community occurred on 13 04 07. Beyond that meeting no community consultation has occurred.

The proposed development by Coal & Allied, located to the north of the town has progressed. The Catherine Hill Bay community was involved in community workshops and a four day 'charette' planning process which identified appropriate areas for development based on a range of site constraints.

It is imperative that the 2 projects should now be seen in conjunction

1. Credentials.

As previously noted the Progress Association has represented the interests of Catherine Hill Bay 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 1).

As previously noted the Progress Association does not oppose development and was the first community group to support the nearby North Wallarah development proposal, currently developed by Stocklands. It played a key role in defining the associated environmental off-sets, after protracted consultation and negotiation.

On September 24 2006 a community meeting of residents developed a "Core Position" or policy statement about current development proposals at Catherine Hill Bay. This statement has remained the Association's position for the past 12 months, and was endorsed with minor amendments at an Association meeting on 16 February 2007. The "Core Position" recognizes that while the strengthening of the existing 7(4) zone of environmental coastline is supported by the proposed dedication of a National Park, development should not occur at the expense of the core character that underlies the significance of the area. The "Core Position" is Attachment 2.

2. Basis of Objection.

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

- The off-sets of 60 hectares of land development in areas of high visual and environmental impact are disproportionate to the perceived benefit. Restricting development away from these areas will not impact on the significant profitability of the development. Section 3.1, 6.7 & 6.8 of the current proposal continues to provide no strategic justification in terms of how the proposal may or may not prejudice the agreed strategic outcome for public and conservation use. No discussion of the advantages versus the disadvantages is provided. It is of interest that the proposal, despite its real and perceived environmental benefits is not supported by numerous environmental groups highlighting the tenuous nature of the proposal.
- There is no scientific analysis of the condition of the offset lands or an assessment of their environmental and social value and the consequential impact of the proposed development. This is considered critical in order to determine the most appropriate location for any new development.
- The Progress Associations' core position statement of 24 09 07 has continually emphasized the importance of separating new development physically and visually from the setting of the Catherine Hill Bay township which is critical to retaining its heritage setting and existing amenity. The submission provides no justification for the location of new development along highly sensitive cliffs which will be highly visible within the setting of the town. It is inconsistent with the NSW Coastal Policy due to its visibility and location within unstable geological formations.
- As previously noted the ability of the site to accommodate 600 dwellings needs to be justified by a detailed study or assessment. This is suggested by both the DG R and the recommendations of the IHAP which specifically mentioned that a McHarg study be undertaken. At the very least the constraint mapping provided by Coal&Allied for a similar yet significantly smaller development north of Catherine Hill Bay should be provided.
- The proposal while an improvement on the previous submission still fails to achieve the DG objectives. The implied improvement in the proposal is more related to the substandard nature of the 02 07 submission rather than the merits of the current proposal. Details in the Concept Plan seem to be inconsistent and retain the incorporation of earlier RoseCorp proposals which the developer seems unprepared to relinquish,
- This proposal will impact on the viability of the established commercial facilities in Catherine Hill Bay, which are actively supported by the community and seems an exaggerated response to the IHAP recommendation that a small extent of commercial could occur possibly associated with the jetty or an appropriate adaptive reuse of

the bin building. The commercial area proposed has no association with the jetty. The value of adaptive reuse of the remaining walls of the bin building is highly questionable

- Some of the reports, as shall be discussed below, are inadequate or misleading and not based on the proposal currently under review. This does not provide an appropriate basis for assessment of a rezoning of a strategically significant site which is otherwise comprehensively protected by a number of State Government planning policies and instruments and reinforced by Local Government planning policies.
- The Concept Plan does not achieve the stated objectives provided in its own reports in terms of minimizing impact on the environmental and heritage areas.
- The increased traffic will devastate the amenity of the existing miners' cottages. An appropriate bypass road to the town has not been explored
- Why should a developer who purchased land with high conservation zoning for a little over 4 million dollars , be allowed to overturn 40 years of state planning policy so that he can make considerable profits while impacting on those residents who respected the heritage and environmental restrictions of this area .

3. Director General's Requirements – General Requirements.

Requirement:

2 (a). Strategic justification:

As previously noted no strategic justification is given other than a narrow reliance on the Lower Hunter Regional Strategy's broad objectives to provide for:

- population growth (even though the project's target market is for weekenders, tourism and short stay),
- to satisfy a regional need for dwelling sites (even though the proposal's 600 sites at CHB compromise only 0.52% of the dwellings said to be needed in the Hunter and only .4% of the combined total needed in the Hunter and Central Coast).

No justifications are given for the visual impact of coastal development on the setting of Catherine Hill Bay that will result from this new proposal and which is inconsistent with Coastal Policy and the Guidelines set down by the Heritage Office and the IHAP.

The report addressing a response to SEPP 71 fails to adequately examine and justify how visual amenity is protected from various viewpoints being the beaches Middle Camp, Moonee and Munmorah. The report fails to adequately justify in Section 1(e) that building bulk is appropriate. In particular the report fails to discuss views from offshore, along the cliff and in the vicinity of Wallarah house.

The report fails to justify, in section f (a), that alterations to the natural attributes are acceptable and that removal of significant natural vegetation is appropriate.

Appendix T, section f (g), response to SEPP 71 argues in section 3.1.2 that some elements will be visible and in section 4.1.2 that building on the headland is consistent with the form of cultural landscape. These self serving conclusions fail to address the historic bushland setting of the town which was impacted upon by inappropriate post WW11 mining activities on this site. The amplification of this impact by increased development cannot be justified by its current existence.

Section 6.2 effectively dismisses the NSW Coastal policy goals by asserting old mine sites can be redeveloped without impact. Rehabilitation of mine lands is critical to government legislation and was proposed for this site and is the preferred outcome.

Section 6.2 notes that development should be set back from the headland while the photo montages clearly show this not to be the case.

Section 7.1.5 notes that some small scale tourist facilities can occur without specifying the nature of their appearance and whether they are in addition to the maximum 600 houses set down in the MOU.

Attachment 3 is a revised 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, the heritage significance or the amenity of the community.

Attachment 4 is an extract of the undertaking to Government and the community by Coal & Allied, 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. This document sites an agreement between the company and the NSW State Government for this land to come into public ownership and form an extension to the Munmorah State Recreation Area. (p254). "When this occurs the land will revert to coastal open space in accordance with Government objectives" (p255) Development of the headland seems inconsistent with this history of dedication to public open space. No evidence has been provided that the consent occasioned by this undertaking has

lapsed. Presumably it is still in force on the land since the coal lease has not been formally surrendered.

Attachment 5 is an extract from the Mine Rehabilitation and Closure Plan for Wallarah and Moonee Mines And Catherine Hill Bay Coal Preparation Plant, which states that the land is being rehabilitated for conservation and recreational use, consistent with the agreed future use outlined above. This Plan is a statutory instrument, under which the Government holds a \$5million security deposit to ensure full compliance with the plan, which is due for completion in 2007. Section 4 Final Site Configuration notes the proposed configuration as predominantly native heathland and woodland. Mine Rehabilitation and Closure Plan notes that the reinstatement of the original gully landform could "lead to further instability in the cliff".

2 (b) Alternatives considered:

No alternatives have been considered that locate development beyond the curtilage of Catherine Hill Bay as identified in the Progress Association Core Position 24 09 07 although this position is consistent with the coastal policy and heritage guidelines.

2 (c) Various components of the project:

There is no detailed explanation of the commercial use or proposed adaptive reuse of the bin building, or what will happen in the Wallarah House precinct. The document is equally silent on how any of this commercial area is supposed to sustain itself.

The document is silent with regard the payment for infrastructure provision (including Life Savers on Moonee Beach, which is part of the Munmorah State Conservation Area). Access to Moonee Beach across the NPWS dunes suggests an uncertain series of negotiations with that authority this would certainly be achieved by providing access within the developer's land area as suggested by the MOU. Developer in kind offsets are discussed but not detailed and the documents suggests that land dedication does not occur prior to transfer. This lack of certainty causes considerable concern

The proposed Fire Station at the intersection of Montefiore St and Pacific Highway has been removed but no alternate provided.

Given documented problems related to this developers history of development management it is imperative that these issues are locked down

3 (a) relevant State Environment Planning Policies:

The proposal fails to address these requirements by avoiding detail or providing outdated and biased supporting documents. The Director General notes that nothing can fetter the Minister's assessment. It is therefore critical that the minister's decision is based on correct information.

There is no detail on coastal management issues, no explanation as to how and why the headland can be developed within NSW Coastal Policy. No detail is provided on environmental safeguards on the site or adjoining conservation lands (as is the standard set by any other developer on the Wallarah Peninsula). The documents suggest that the land transfer will occur prior to the gazettal of the national park which is problematic.

This vagueness that surrounded the original non-statutory strategic plan and a non-binding agreement between the Minister and developer remains. It is not appropriate as a basis for the detailed proposal which may provide the last opportunity for community involvement.

In our submission the revised Concept Plan fails to meet the requirements of the Director General, and therefore should not be approved.

4. Statement of Commitments:

There are no detailed commitments on important public issues such as traffic management and safety, the timing and cost of infrastructure provision, mitigation of “adverse social impacts” contamination monitoring, access to Moonee and the Munmorah State Conservation Area, and numerous others; specifically there is no “clear identification of who is responsible for these measures”, as specifically required by the Director General.

The Concept Plan retains an approach which defers such commitments till another time, perhaps involving negotiations with agencies and authorities (such as local councils), but always after approval of the Concept Plan is granted. The Statement of State Significance makes clear the developer’s wish to have no further planning or other statutory controls whatsoever on the project after approval of this windy, open ended Concept Plan. This would be against the public interest, and that of the Government itself, in our submission.

5. Conclusion justifying the project:

The reports seek to justify a proposal for 600 houses and 1800 m2 of commercial rather than provide a clear presentation of the numerous constraints and as a consequence the level of development and appropriate location that will address those constraints. Most importantly the protection of the bushland setting of Catherine Hill Bay has been disregarded in the siting of residential on the headland and within sight of the village and the beach. Key historic views from the ridge on Flowers Drive will be irrevocably lost.

While the Catherine Hill Bay Progress Association core position (25/09/07) acknowledges that development could occur the 60 hectare site provides more than ample opportunity to achieve an adequate number of dwellings to provide an appropriate environmental offset without the proposed impact of the current scheme.

6. Development contributions:

Nowhere does the developer clearly identify its contributions or the public benefits provided and how much or when the developer might pay towards provision of these. It implies, however, that the proposed transfer of land for conservation purposes relieves it of ANY obligations. This is outrageous position and inconsistent with the more appropriate response of the Stockland Wallarah Peninsula development. This position should not be endorsed as it is not the the public or government interest

7. Certification that the report is not false or misleading:

This is included in the documentation available to the community. However, a review of the documents indicates a large degree of bias in the presentation of irrelevant and outdated reports. Many key issues lack resolution.

Key Assessment Requirements

Lower Hunter Regional Strategy.

The development areas at Catherine Hill Bay have been defined by a Memorandum of Understanding between the Minister and a developer. The MoU provides for 600 dwellings on 60 hectares without adequate justification. The proposal shows a total of 650 dwellings and 1800 m2 of commercial. A planning justification for 600 dwellings on the site is nowhere to be found.

Urban Design and Built Form

The Director General requires the developer to demonstrate that the type, bulk, scale, size and design quality controls respond “appropriately” to the location. The proposal relies on vague concepts without adequate supporting studies or data. which were requested by the IHAP to be completed. It provides no assurance of adequate future control

The new Concept Plan confirms that the existing character is comprised of single storey, modest cottages.

The proposed development is discussed as having no visual impact on Catherine Hill Bay when the montages provided by the developer clearly indicate this is not the case. The CMP is equally inconsistent with regards Appendix B cl 156 which suggests B&B are allowed in the commercial and Bin building without approval. The further impacts of this development in terms of bulk, reflectivity and night lighting could occur without the benefit of an approval process.

The developer's proposal for the project to be declared exempt and complying on the basis of the Concept Plan is dangerous and places the heritage values of the village and landscape at further risk than the scheme that currently proposed.

Our submission is that this part of the Director General's Requirements is not satisfactorily met by the Concept Plan and that future development should not be allowable.

Visual Impact.

The proposal's Visual Impact Report I contains detailed analysis of the visual impact of the subject development which confirm concerns raised in this submission. Certain key areas are not analyzed.

As we understand the accepted methodology for key viewing points needs to be identified and then the visual impacts analyzed, for all views. 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 Concept proposal considers mainly views within its own village proposal or looking out of the proposed development. Coastal Policy confirms that considerable attention should be given to visual impacts and the preservation of landscaped headlands.

No cross sections are provided to confirm the extent of visibility. The montage is inconsistent with the colours noted in the accompanying report in particular the use of white. No consistency with LMCC visual manual guidelines is provided. Appendix D, visual assessment figure 8.1 2 3 shows clearly the visibility of the proposed houses from the beach. Fig 9 has no accompanying photo of the proposal will be highly visible. No view rear of Wallarah house is provided. Page 18 view will be enhanced by new village green and trees. This fails to recognize value of existing character

Section 6.2.4. notes that the Bin building & dwellings will be partially visible as will be houses which are proposed to be 1 storey & recessive. Hamlet I generally outside visual catchment. At present the key historic view of

Catherine Hill Bay from the ridge of Flowers Drive contains an existing Bin building which is well camouflaged due to its dark colour. The proposed changes will increase the extent and dominance of the structure and increase the level of Reflective glazing and nightlighting.. Suggestions that this development will be screened by trees fail to acknowledge that most owners of developments with water views remove the trees. The Mine rehab proposed options that reduced the impact of the structure that was unfortunately sited on the headland. This is the preferred option.

The Concept Plan says it complies with Lake Macquarie City Council's Scenic Quality Guidelines, but clearly it does not. Detailed visual analysis confirms these concerns. The cliff top development is inconsistent with Section 5.13 which notes a required set back and limited development above ridge

Heritage

Catherine Hill Bay is acknowledged by the proposal's Heritage Impact Statement as having high natural and cultural heritage significance yet it does not discuss how the proposed zonings would impact on these heritage values, nor how to mitigate such impacts and how that impacts on the potential State significant area.

Attachment 7 includes the Association's nomination of Catherine Hill Bay and Moonee for State Heritage Listing June 2005. and Correspondence confirming its potential State Significance by the NSW Heritage Office. The proposal is not consistent with the policy of the cmp in particular:

Page 35 of the report which notes provide consistent size height & materials

Page 39 of the report which notes in regard fig 3.9.11.13.14.that the view remains unchanged when the montages clearly show that not to be correct
No discussion of internal views

Page 60 of the report which notes the transformation of the bin to platform

Page 70 of the report which notes the predominant 1 storey character in the CA. The proposal includes 2 and 3 storey development proposals.

The design controls indicate stone white colour not the natural hues of the montage.

Page 15 note garages under 1 storey houses which creates 2 storey structures.

It is problematic that the various documents do not define 1 storey in a consistent manner.

Adaptive reuse

The IHAP recommended that the adaptive reuse of the Bin building and jetty for commercial uses be explored. The Bin building was previously proposed for demolition and remediation as one option under the Mine Rehabilitation Plan. However the proposal locates commercial use in a highly visible location and proposes the adaptive reuse of the Bin building for apartments, without demonstrating engineering feasibility and stability in the long term. This is without taking into account its impact from a

reflectivity and night lighting perspective... The proposed development of houses and shops on the headland contravenes the NSW Coastal Policy and is inconsistent with guidelines established by the Heritage Office in February 2007 and reinforced in the IHAP's recommendations.

Ongoing Management

The Rose group of Companies has a history of dispute, including the management of Community facilities and the conduct of executive meetings. Disputes in Special and General Meetings and misrepresentations about Community facilities have also arisen and are ongoing. We were told at a meeting with Bryan Rose that the Community facilities in the new development would be open to the entire town. Verbal assurances are merely that and we are concerned that any new development does not inject exclusivities and disputes into this present small community. How the facilities of the oval, swimming pool, community hall will be managed in the future should be clarified.

Sustainability.

The Director General requires the developer to demonstrate commitment to ESD principles. In response, the proposal states baldly that the proposed "offset" of 310ha of land given to the State and undefined "managed measures" are a "disproportionally positive" response to the effect of development at Catherine Hill Bay. But there is nothing in the proposal to say what the ecological benefits of that remaining land are. The major biodiversity report in the proposal is based on just three days study. The proposal does not attempt to show whether there is a net benefit from the off-sets and how different development options would affect this.

It seems strange that in today's environment where water shortages are of great concern that a State Government would endorse the change of a unique village that relies solely on tank water and looks after its own sewage. This will happen if the development goes ahead. Surely any new development should be along the best practice sustainability criteria that informs the new eco village at Currumbin in Queensland for example.

Traffic

There has not been a cumulative impact assessment of both the Rose Group and Coal&Allied developments which is a critical first step in a comprehensive transport assessment of the Catherine Hill Bay area. Nor has an assessment been undertaken to examine to how this relates to additional traffic that may be attracted to CHB from new housing developments at Gwandalan, Nords Wharf and Murrays Beach and

Warnervale . Catherine Hill Bay is the closest patrolled beach to these areas and will therefore attract significant patronage.

The necessity of a road network that effectively bypasses the existing Middle Camp and CHB village areas has not been considered.

The treatment for access into the CHB area has not yet been resolved or agreed with the RTA

The emphasis has been on access to the Pacific highway at the expense of the local street network within Catherine Hill Bay. There has been little consideration that quiet village areas in Catherine Hill Bay and Middle Camp with normally very low traffic volumes would have equally low environmental capacity expectations.

The guideline rate from the RTA's "*Guide to Traffic Generating Developments*" of 0.85 vehicle trips per dwelling for 'dwelling houses' has not been used in the calculations, rather the lower figure of 0.65 and is justified because "the absence of major shops or similar facilities in the area would encourage residents to be more efficient in the travel habits" This is a subjective justification is inconsistent with current usage.

That such a large development could be put forward for approval without comprehensively addressing the traffic impacts on existing residents clearly is not an adequate way to meet the Director General's Requirements.

The impact from the proposed 92 public parking spaces proposed in Hamlet 1 & on street parking spaces proposed in Hamlet 1 & 2 and the remaining hamlets is not discussed

There is no certainty with regard to the provision of an access road to Moonee Beach. The proposal to locate it on NPW land rather than within the 60 hectare area allocated for development and infrastructure is unacceptable.

The issue of beach parking and access at both ends of the beach has not been addressed.

Suggested public transport (bus) services are inconsistent with advice from Government authorities.

There has been no discussion of the impact or amelioration for the existing houses which line Clarke St, Lindsley St Flowers Drive and Northwood Road. Heritage considerations restrict the upgrade of these roads.

The proposed addition of 900 houses of considerably larger footprint than existing housing will generate profits far in excess of any required offset. Yet no provision seems to have occurred for an adequate mitigation of the traffic resulting from those 900 houses.

Bushfires

There appears to be no Bushfire Management Plan for Catherine Hill Bay in the Concept documents, and the documentation is completely non-specific about who has on-going management responsibility for the Asset Protection Zones in and around the proposed development. The developer's preference seems to be to transfer these responsibilities to

State or local government; this should be clarified as part of the assessment process, in the public interest.
No alternative facility for the RFS is proposed.

Impact on Threatened Species.

Appendix H p54 specifically notes that as no development is designed there will be a need to do redo surveys at a later date.

This proposed development will have enormous impacts on the environment. The proposed “bushland corridors” for faunal migration are poorly designed, of insufficient width and are not viable. The asset protection zones around the development to mitigate bushfires appear to be these bush corridors.

There are a large number of environmental impacts that have not been properly addressed in the project application including:

- The impact of domestic pets. The Rose development identifies families and young children as a target market in its vision statement and drawings. Therefore there is likely to be a huge number of pets concentrated in a small area adjacent to conservation areas and wildlife corridors. The Australian Nature Conservation Agency estimates that the average domestic cat kills about 25 native animals a year.
- The statement that “Development is predominantly in areas previously despoiled by mining activity” ignores that this land is due to be rehabilitated as part of the terms of the mining contract to become natural coast bushland. The loss of this potential bushland is significant and unjustified.
- The entirety of this land was due to be protected because of being in a Coastal Acquisition Zone.
- The proposal does not show whether there is a net benefit from the project and wouldn’t meet the “maintain and improve sustainability” criteria of the Department of Planning.
- The Concept proposal illustrates a known area of *Tetratheca juncea* being removed with the development of hamlets four and five. The assessment makes no attempt to detail other rare flora (including Themeda Grassland, an endangered ecological community, which is likely to exist on the headland proposed for development).
- The adequacy of the proposed buffer between the development and Munmorah State Conservation Area and its SEPP 14 wetlands is not established.
- The environmental impacts of any proposed bushfire hazard management are not addressed.
- There is sparse detail about stormwater management to determine whether there will be significant impacts on wetlands at the southern end of the development.
- There is a lack of scientific analysis of the effect of night light on the conservation area’s fauna and flora even though the concept plan’s visual impact assessment makes clear how exposed these areas will be to the development

Coastal Foreshore and Public Access

The Director General requires the developer to outline measures to protect existing public access to the foreshore and provide new opportunities for public access. The proposal has no specific provision for access to Moonee Beach and continues to promote uncertainty. Intensive development is proposed to the cliff-edge on the headland, which will restrict public access. There is no discussion of additional facilities at Catherine Hill Bay Beach. The proposal is not consistent with the Lake Macquarie Coastline Management Plan, and some parts of the proposal appear to be in the Coastal Hazard Zone.

Provision of a road on NPW land is not acceptable

The NPWS Plan of Management for Munmorah State Conservation Area (2005) prefers pedestrian access only to the SCA from the north, but the Concept proposal does not discuss the inter-face between the development and park area on its southern boundary.

Utilities

The Catherine Hill Bay community has a clear preference for tank water and septic system over town water and a community sewerage system. A community survey conducted in January 2007 indicated that only 11% of respondents thought that town water would improve their life style, with 14% in favour of mains sewer. But 85% said they were not prepared to pay for sewer and 90% said "No" to paying for town water.

There is no information in the proposal about providing gas, waste disposal or recycling facilities. The proposal is not specific nor does it provide any evidence of purported "in-principle agreements" with service agencies.

Social Infrastructure

The Key Insights report of 11 06 has not been revised.

The weakness of this section of the proposal is that it contains no commitments to anything other than providing an unspecified community facility amid commercial space somewhere in the development. The proposal gives no firm basis or undertaking on which the Director General can reasonably assess a proposal for re-zoning and the knock-on effects on Council budgets and service provision, State Government infrastructure provision, and community amenity. Economic matters and employment opportunities are not addressed; neither are the recreational needs of the prospective population.

Impacts on Water Quality and Drainage

Assessing these issues requires considerable technical expertise, and it is of concern to the community that some major issues on storm water management have been put off until the detailed design stage. Yet this development is adjacent to a State Conservation Area and SEPP 14 Wetland, It feeds drainage creeks whose content ends up at the beach and is in an area of significant depth and variety in biodiversity and State ecological significance. Given that the Concept proposal rarely goes close to meeting the Director General's Requirements, we urge great precautionary prudence in accepting at face value the developer's assurances in this section of the Concept proposal.

Bulk Earthworks

The Rose Group's selection of sites maximizes their access to views and the proposed earthworks will greatly reshape the landscape, both of which could have serious impacts on the conservation values and bushland setting on the town. The impact on the conservation areas during construction of Hamlets 1 and 2 is not addressed in the flood mitigation report, even though a massive 750,000 cubic metres of earth will be moved over 9 months.

Contamination

There is unquantified risk associated with the proposed change of land use from a predominantly heavy industrial exposure to a more sensitive residential scenario.

There is no relevant detail on contamination or mitigation. The contamination report was prepared for the mine rehabilitation of the site for passive (recreation and conservation) uses, not residential occupation. This is a serious omission for a proposed high quality residential market.

Sampling densities were not in accordance with the NSW EPA Sampling Design Guidelines 1995 and testing was insufficient to characterize potential contaminants.

The ERC report 23/5/05 is not current and does not address the current proposed development within 10metre of the cliff edge over former mining areas. The RCA report 0604 Section 4.1.8 specifically requires. A 10metre setback.

SUMMARY

Instead of achieving less than the 600 houses agreed in the MoU this proposal attempts to increase the capacity by the inclusion of 1800m² of commercial space which was previously proposed and rejected by the IHAP in place of a far smaller commercial area .