



**Office of the Director General**

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Mr Bryan Rose  
Managing Director  
Rosegroup Pty Ltd  
51 Riley St  
Woolloomooloo NSW 2011

Our ref: Y07/1866  
File Ref: S06/00813

Dear Mr Rose,

**Subject: Catherine Hill Bay and Gwandalan – Director General's Requirements**

I refer to your letter and preliminary documentation dated 14 June 2007 requesting the Ministers authorisation to submit a revised concept plan and four individual project applications and the issuing of Director Generals Requirements (DGRs) pursuant to Part 3A project in the *State Environmental Planning Policy (Major Projects) 2005* (Major Projects SEPP) for land at Catherine Hill Bay and Gwandalan.

I can advise that the Minister for Planning made a declaration on 25 June 2007 that the revised concept plan and 4 project applications are subject to Part 3A of the EP&A Act. A notice of the Minister's declaration was published in the Government Gazette on 6 July 2007.

I have attached a copy of the DGRs for the concept plan and four individual project applications. These requirements have been prepared in consultation with the relevant Government authorities, and are based on the information you provided. Please note that under Section 75F(3) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), I may alter these requirements at any time.

As you are aware, the Australian Department of Environment and Water Resources (DEWR) has advised that the proposed development at Catherine Hill Bay and Gwandalan is a controlled action under the Commonwealth *Environment Protection Biodiversity Conservation Act 1999* (EPBC Act). As part of the recent bilateral agreement between the NSW Government and the Australian Government, the Department of Planning sought input from DEWR to the preparation of the DGRs under Part 3A of the EP&A Act. DEWR's comments have been included in the attached DGRs.

Once you lodge the EA for the Concept Plan and four individual project applications they will be the subject of individual tests of adequacy to determine whether the DGRs have been adequately addressed. I may choose to consult with the relevant authorities to determine if they adequately addresses the DGRs. If I consider the EAs to be inadequate, you will be required to revise them prior to public exhibition.

Once the test of adequacy has been undertaken, you will be advised on the consultation and public exhibition arrangements that will apply, including the number of copies (hard copy and CD-ROM) of the EA that will be required for exhibition purposes.

The DGRs will be placed on the Department's website along with other relevant information which becomes available during the assessment of the project. It would be appreciated if all documents submitted are in a suitable format for the web (such as, PDF) and preferably less than 2Mb but no more than 5Mb. Could you please make arrangements for an electronic version of the individual EAs for the project to be hosted on a suitable website and confirm the proposed URL at your earliest convenience.

Finally, please note that the DGRs require a report from a quantity surveyor identifying the capital investment value for the concept plan and the four individual project applications. This report is to be provided at the time of lodgement so that the fees applicable to the applications (see Division 1A, Part 15 of the *Environmental Planning and Assessment Regulation 2000*) can be determined prior to public exhibition of your documentation. At this time, you should provide your completed application form.

Should you have any enquiries, please contact Stephanie Ballango, Team Leader – Strategic Assessments or Antony Pedroza, Senior Planner – Strategic Assessment on 9228 6545.

Yours sincerely

Sam Haddad  
**Director General**

cc. Matthew Crozier  
Crozier CGS Pty Ltd

# Director-General's Requirements

## Section 75F of the Environmental Planning and Assessment Act 1979

<b>Project</b>	<p><b>Concept approval</b></p> <p>A residential subdivision of the Gwandalan portion of the site and the following for the Catherine Hill Bay portion of the site:</p> <p>An extension of the existing village and restoration of heritage buildings;</p> <p>A new coastal village of up to 600 dwellings;</p> <p>Conservation and public areas comprising approximately 85% of the site;</p> <p>Commercial/retail component; and</p> <p>Associated infrastructure.</p> <p><b>4 Project applications</b></p> <p>Site preparation works and subdivision at Gwandalan;</p> <p>Site preparation works across the entire Catherine Hill Bay / Moonee site along with subdivision of the site into "super lots";</p> <p>Subdivision and construction of the Village Centre Precinct; and</p> <p>Subdivision and construction of Hamlet 3.</p>
<b>Location</b>	<p><b>Catherine Hill Bay</b></p> <p>(Lots 5, 6 and 7 in DP 774923, Part Lot 2031 in DP841175, Lot 2 in DP8049795, Lot 201 in DP702669, Lot A in DP 384745, Lot B in DP 384745, Lot 2 in DP 809795, Lots 3 and 4 in DP 129431)</p> <p><b>Gwandalan</b></p> <p>(Lot 3 in DP 588206).</p>
<b>Proponent</b>	Lakeside Living Pty Ltd and Coastal Hamlets Pty Ltd
<b>Date issued</b>	1 August 2007
<b>Expiry date</b>	1 August 2009
<b>General requirements</b> (to be addressed by concept plan and each project application individually)	<p>Each Environmental Assessment (EA) must include</p> <ol style="list-style-type: none"> <li>(1) an executive summary;</li> <li>(2) a detailed description of the project including the: <ol style="list-style-type: none"> <li>(a) strategic justification for the project;</li> <li>(b) alternatives considered; and</li> <li>(c) various components and stages of the project;</li> </ol> </li> <li>(3) a statement that the proposal is being assessed under the Bilateral Agreement, which requires the NSW Government to undertake assessment of the proposal which will address matters of national environmental significance;</li> <li>(4) a consideration of the following with any variations to be justified: <ol style="list-style-type: none"> <li>(a) all relevant State Environmental Planning Policies (with particular regard to Major Projects SEPP, SEPP 55, SEPP 71 and <i>State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007</i>,</li> <li>(b) applicable planning instruments,</li> <li>(c) relevant legislation and policies, including the <i>NSW Coastal Policy 1997</i>, Lower Hunter Regional Strategy, and the draft Central Coast Regional Strategy,</li> <li>(d) Commonwealth <i>Environment Protection and Biodiversity Conservation Act 1999</i></li> </ol> </li> <li>(5) a consideration of the proposal and cumulative impacts in relation to the development of other future urban land identified in the Lower Hunter Regional Strategy;</li> </ol>

	<p>(6) a draft Statement of Commitments, outlining commitments to the project's management, provision / contribution towards infrastructure, mitigation and monitoring measures with a clear identification of who is responsible for these measures;</p> <p>(7) a conclusion justifying the project, taking into consideration the environmental and construction impacts of the proposal, mitigation measures to address these impacts, the cumulative impacts of the proposal, the suitability of the site, and whether or not the project is in the public interest;</p> <p>(8) following consultation with relevant agencies, Councils and other proponents who are proposing development in the vicinity of the site:</p> <p>(a) identify the development contributions or works in kind applicable to the site or within the LGA including regional and local infrastructure, public transport, social infrastructure and community facilities (including open space); and</p> <p>(b) identify any public benefits to be provided by the development and their consistency with any current development contribution plans;</p> <p>(9) A signed statement from the author of the EA certifying that the information contained in the report is neither false nor misleading; and</p> <p>(10) A report from a quantity surveyor identifying the capital investment value for the concept plan and the four individual project applications.</p>
<p><b>Key Issues</b> (to be addressed by concept plan and each project application individually)</p>	<p>Each EA must address the following key issues:</p> <p><b>Independent Panel of Experts</b> Demonstrate that the proposal is consistent with the Interim Report to Minister from the Independent Panel of Experts constituted to assess the proposed development. In the event that there are inconsistencies between the proposal and the recommendations of the Panel's Report, justification for the departure must be provided as well as evidence demonstrating how a better outcome will be achieved.</p> <p><b>EPBC Act – Controlled action</b></p> <p>(1) Impacts on species listed under Section 18 and 18A of the <i>Environment Protection and Biodiversity Conservation Act 1999</i>;</p> <p>(2) Impacts on other threatened species, populations or ecological communities, critical habitat (including riparian habitat) and native vegetation generally;</p> <p>(3) Impacts on migratory species listed under the <i>Environment Protection and Biodiversity Conservation Act 1999</i>;</p> <p>(4) Impacts on RAMSAR Wetlands;</p> <p>(5) Any relevant State and Commonwealth Government Technical and policy guidelines, including the NSW Department of Planning's <i>Commonwealth Environmental Protection and Biodiversity Conservation Act 1999: Guide to implementation in NSW</i> (May 2007);</p> <p>(6) Proposed offset measures to avoid or mitigate impacts on matters of national environmental significance; and</p> <p>(7) Matters outlined in Schedule 4 of the <i>Environment Protection and Biodiversity Conservation Regulation 2000</i>.</p> <p><b>Heritage</b> Provide a heritage impact statement in accordance with current NSW Heritage Office guidelines and DECC's <i>Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation</i> that details the heritage significance of the area and any impacts the development may</p>

have upon this significance. The significance is to include an assessment of natural areas, places of Aboriginal, historic or archaeological significance and consider the impact on existing settlements and the iconic elements, such as the Coal Loader Jetty.

#### **Flora and Fauna impact**

Address the impact of the development on threatened species and their habitats having regard to the Threatened Species Assessment Guidelines and recommend offset measures to avoid or mitigate impacts on threatened species and their habitat.

#### **Utilities and Infrastructure**

- (1) Prepare a utility and infrastructure servicing report and plan for the Site that includes (but is not limited to):
  - (a) identifying and assessing the capacity of existing utility and infrastructure servicing the site,
  - (b) identifying that adequate water supply is available for bushfire suppression operations,
  - (c) identifying all necessary augmentation works to service the site and whether these works can sustain this and other development foreshadowed for the Wallarah Peninsula shown in the Lower Hunter Regional Strategy, and
  - (d) demonstrate compliance with the requirements of any public authorities in regard to the connection to, relocation and/or adjustment of services affected by the development proposal.
- (2) Provide appropriate detailed information on the drainage, sewerage and stormwater management measures to be incorporated on Site, including (but not limited to):
  - (a) sustainable water measures (such as on site stormwater detention, water sensitive urban design measures, and water recycling);
  - (b) sediment and erosion control measures; and
  - (c) the quality and quantity impacts on surface water, groundwater, the sea or any nearby beach, or an estuary, a coastal lake, a coastal creek or other similar body of water, or a rock platform.

#### **Mining Activities**

- (1) Assess the potential for the proposed development and associated conservation offsets to:
  - (a) restrict access to and future mining of remnant coal resources at Catherine Hill Bay and particularly below the Gwandalan site; and
  - (b) restrict access for existing petroleum exploration on Petroleum Exploration Licence (PEL) Nos. 5 and 446 and any future exploration; and
  - (c) adversely affect or delay the progress of Lakecoal's Mine Closure Plan for Consolidated Coal Lease (CCL) 706 lodged with Department of Primary Industries.
- (2) Assess the impact of the proposed development on options to retain or demolish and/or on-going maintenance of the coal loading jetty, located on Mining Purpose Lease (MPL) 211.
- (3) Provide a risk analysis examining the impacts of the former mining use of the site, and in the vicinity of the site, has on future development.

#### **Contamination and Geotechnical**

- (1) Identify and address contamination and geotechnical issues

associated with the works proposed by the project applications. All relevant legislation and guidelines related to contamination and geotechnical issues are to be addressed.

- (2) Provide a geotechnical report that includes details on the classification of soil type generally found within the subject site and demonstrate how the proposal complies with all relevant Australian Standards, including AS2870 (Residential Slabs and Footings).

#### **Urban design and built form**

- (1) Provide plans and documentation for the project applications that is of a quality suitable to assess the building typology (including the quantum of floor space). Plans and documentation should be equivalent to the standard ordinarily required for lodgement under Part 4.
- (2) Address Crime Prevention Through Environmental Design principles with consideration given to the relationship to surrounding areas; pedestrian and bicycle movement to, within and through the site; key connections to the existing village and coast.

#### **Ecologically Sustainable Development**

Demonstrate how the development will commit to ESD principles in design, construction and ongoing operation phases.

#### **Energy Savings Action Plan**

- (1) Demonstrate that the development is capable of achieving the requirements of BASIX and what (if any) commitments will be made on other environmental rating tools such as Greenstar and the Australian Building Rating Scheme.
- (2) Prepare an Energy Savings Action Plan in accordance with the requirements of the DWE and the *Guidelines for Energy Savings Action Plans*, DEUS 2005.

#### **Traffic and Transport**

Prepare a Traffic Study in accordance with RTA's *Guide Traffic Generating Developments* that includes (but is not limited to) the following:

- (a) Identify all relevant vehicular traffic routes and intersection for access and egress;
- (b) Current traffic counts for all of the above traffic routes and intersections;
- (c) The anticipated vehicular traffic generated from the proposed lots;
- (d) Consideration of the traffic impact on the existing intersections and the capacity of the Pacific Highway to safely and efficiently cater for the additional vehicular traffic generated;
- (e) An analysis of the cumulative traffic and transport impacts of this development on the existing township and taking into consideration other proposed developments; and
- (f) Traffic analysis, using SIDRA or similar traffic model, for the relevant intersections including:
  - (i) Current and traffic growth projects for the life of the project;
  - (ii) 95<sup>th</sup> percentile back of queue lengths; and
  - (iii) Delays and level of service on all legs.

#### **Bushfire**

- (1) Demonstrate compliance with the current version of *Planning for Bush*

	<p><i>Fire Protection</i> and AS3959 (Building in Bush Fire Prone Areas). The EA is to identify the ongoing management arrangements of any proposed APZ.</p> <p>(2) Identify future management regimes for any areas of hazard remaining within the subject area. This should focus on the level of hazard posed to future development by the land or adjacent land and how the hazard may change as a result of development.</p> <p><b>Impacts on Crown land</b></p> <p>Identify potential direct and indirect impacts arising from the development on the adjacent Munmorah State Conservation Area and Point Wollstonecraft State Recreation Area.</p> <p><b>Site preparation works</b></p> <p>Provide a report that includes (but is not limited to):</p> <ul style="list-style-type: none"> <li>(a) a detailed survey showing existing and proposed levels and quantities of fill necessary for site preparation works;</li> <li>(b) details on the source of fill including types of materials and their source; and</li> <li>(c) details of the quantity and quality of any excess material and arrangements for its disposal.</li> </ul> <p><b>Subdivision</b></p> <ul style="list-style-type: none"> <li>(1) Provide proposed plans of subdivision that identify all covenants, easements and notations proposed for each land title and, if relevant, how the subdivision is to be staged.</li> <li>(2) Provide detail on the management arrangements for all land to be subdivided, including (but not limited to) titling arrangements; land ownership (particularly future public land); and all proposed covenants and restrictions, including those relating to access.</li> <li>(3) Outline the long-term management and maintenance of any areas of open space or conservation (including off-set areas) or both, including the ownership and control, management and maintenance of funding public access revegetation and rehabilitation works and bushfire management.</li> </ul> <p><b>Previous Submissions</b></p> <p>The EA is to respond to the issues raised in submissions received by the Department following the public exhibition of the Concept Plan between 3 January 2007 and 2 March 2007.</p>
<p><b>Consultation</b></p>	<p>During the preparation of the EA, you should undertake an appropriate and justified level of consultation with any relevant parties, having regard to previous consultation with the Independent Panel of Experts and the Community Reference Group. Any such consultation prior to exhibition should be documented in the EA. In particular, consultation should be considered with:</p> <p>(1) <i>Agencies and other authorities:</i></p> <ul style="list-style-type: none"> <li>(a) Commonwealth Department of Environment and Water Resources;</li> <li>(b) Lake Macquarie Council;</li> <li>(c) Wyong Shire Council;</li> <li>(d) Hunter Water;</li> <li>(e) Gosford/Wyong Council's Water Authority;</li> <li>(f) Local Aboriginal Land Council;</li> </ul>

	<ul style="list-style-type: none"> <li>(g) Catchment Management Authority - Hunter – Central Rivers;</li> <li>(h) NSW Department of Water and Energy;</li> <li>(i) NSW Department of Primary Industries;</li> <li>(j) NSW Department of Environment and Climate Change;</li> <li>(k) Heritage Office, Department of Planning;</li> <li>(l) NSW Roads and Traffic Authority;</li> <li>(m) NSW Emergency Service agencies, namely NSW Police Department, the Ambulance Service of NSW, the State Emergency Service, NSW Rural Fire Service, and NSW Fire Brigades; and</li> <li>(n) All utility providers.</li> </ul>
<b>Deemed Refusal Period</b>	120 days