



INDEPENDENT HEARING AND ASSESSMENT PANEL CONCEPT PLAN FOR CATHERINE HILL BAY & GWANDALAN

INTERIM REPORT TO MINISTER

The Independent Hearing and Assessment Panel for Catherine Hill Bay and Gwandalan has prepared this interim report to inform the Minister on the current status of its assessment. The report has been prepared due to concerns with the current Concept Plan.

P R E L U D E

The Panel was constituted to advise the Minister on the Concept Plan on 11 November 2006. The terms of reference of the Panel are to:

1. *Consider and advise on the:*
 - (a) *following impacts of the project:*
 - *Heritage conservation;*
 - *Built form and urban design;*
 - *Visual impact;*
 - *Appropriateness of the proposed urban footprints;*
 - *Access to coastal and recreation areas;*
 - *Vehicle and Pedestrian circulation on site and in the locality*
 - (b) *relevant issue raised in submissions in regard to these impacts; and*
 - (c) *adequacy of the proponent's response to the issues raised in submissions, and*
2. *Identify and comment on any other related significant issues raised in submissions or during the panel hearings.*

The Panel notes that in 2006, prior to its constitution, in response to the Lower Hunter Regional Strategy and Draft Regional Conservation Plan, the Government entered into negotiations with major landholders to secure the dedication of lands in identified green corridors for conservation without the need for acquisition. These lands were to be dedicated by landholders as part of the National Park Estate (or as a conservation reserve) on the understanding that other land would be able to be developed. One such area is the Wallarah Peninsula.

In October 2006, a Memorandum of Understanding (MoU) was reached between the Minister for the Environment, the Minister for Planning and Coastal Hamlets Pty Ltd and Lakeside Living Pty Ltd (both Rosecorp companies) which provided for dedication of land within the Wallarah Peninsula for conservation, and development of other land within Catherine Hill Bay and Gwandalan.

Specifically the MoU referred to the conservation of 310ha of land at Catherine Hill Bay and the Wallarah Peninsula to be transferred to the National Parks Estate (or as a conservation reserve). The development potential identified in the MoU covered residential development of up to 60 hectares (to achieve 600 dwellings) at Catherine Hill Bay and residential development of 26 hectares (to achieve 312 dwellings) at Gwandalan.

The Panel acknowledges that the above MoU establishes the context for the current process. However, it further notes that it does not fetter the Minister's discretion in exercising his functions under the EP&A Act, nor does it bind the Panel in any way.

PROCESS TO DATE

Since its constitution, the Panel has held one meeting with the Stakeholder Reference Group and meetings with the Proponent including two on-site meetings. Individual panel members have undertaken further site visits to appreciate the context.

The meeting with the Stakeholder Reference Group included a briefing from both Lake Macquarie and Wyong Councils and community organisations outlining in detail their concerns regarding the Concept Plan. Officers of the Department of Planning have attended all meetings of the Panel with the various parties.

The Concept Plan has been on public exhibition (between 3 Jan and 2 March 2007) and referred to relevant government agencies. To date 2155 submissions (2142 objecting to the proposal) have been received from interested parties in addition to submissions from government agencies.

PANEL POSITION

Following its review of the Concept Plan, the Panel identified that the Plan in its submitted form was unacceptable. The Panel's major concerns related to:

- non-compliance with Government's Coastal Policy and Design Guidelines and best practice coastal planning;
- impacts on the scenic, aesthetic and cultural heritage qualities of the existing Catherine Hill Bay;
- lack of clear considered design approach which responds to the environmental attributes of the sites;
- failure of the development to provide for high quality access for the public to the beach front (Catherine Hill Bay) and lake front (Gwandalan) open space areas, coastal walks, cycle paths, etc.
- Incorporation of significant unsympathetic development on the headland, ridgelines etc;
- Inclusion of significant numbers of tourism beds in a highly visually prominent location on the ridgeline of Catherine Hill Bay; and
- Limited consideration of adaptive reuse potential for existing structures on site and in the vicinity (Bin Building and Jetty).

Notwithstanding the above concerns, the Panel considered that development potential did exist on the subject lands but that any such development should be consistent with "best practice" planning principles for development on coastal land and with specific principles established by the Panel. The Key Planning Principles are at Attachment 1.

The essence of these principles were communicated to the Proponent and its consultants (including consultants representing a new design team). At that meeting, the Proponent presented a preliminary sketch design approach for the Catherine Hill Bay component of the proposal. This revised approach sought to focus on:

- A classic McHarg landscape design analysis of the site;
- The development of a series of discreet hamlets (village clusters) set within a landscape setting (development not to be contiguous);
- Buildings designed to nestle into the landscape;
- Development focusing on the denuded parts of the site;

- Protecting and revegetating the ridgelines;
- Providing for green links between the hamlets/village clusters;
- Provision of open space areas including active open space in the forms of ovals and parks; and
- Development of a village centre in the location of the existing buildings on site.

The Panel saw the preliminary work as a significant improvement to the current proposal, particularly south of the ridgeline (Montifiore Street) and the two disturbed areas to the north of Montifiore Street, west of the existing village.

The Proponent undertook further conceptual design work for the land north of Montifiore Street (the “Village Centre Hamlet”) due to concerns relating to the scale of development, impact on significant views, impact on conservation values of the existing village, etc. A further site meeting occurred on 29 March 2007. The Panel still maintains concerns with the schematic revised approach north of Montifiore Street relating to:

- Inclusion of attached dwellings in this highly visible area;
- Scale and visual impact of the proposed development;
- Visual impact of 2 storey buildings in this location;
- Proposed extension to existing Catherine Hill Bay village;
- Lack of provision of public access to the coastline in the form of a coastal walk connecting Catherine Hill Bay beach to the north and Moonee Beach to the south;
- Lack of a clear access strategy including provision of pedestrian, cycle and vehicular access; and
- Extensive use of landscaping to screen development.

In summary, the Panel has significant concern with the current concept plan. These concerns warrant formalisation prior to submission of any new plans as well as in the transparency of the Panel’s work.

In terms of Gwandalan, there is inadequate justification for the inclusion of “Stage 2” given its lack of detail in the concept plan submitted. For “Stage 1”, concern is held regarding the proposed subdivision pattern in terms of environmental impact, resulting urban environment and access to the waterfront. These issues may be addressed by redesign.

In Gwandalan, the Panel noted the large number of submissions concerned with the density and timing of release of new housing lots with subsequent impact on demand/prices of current lots/houses for sale. However, the Panel also noted the land is identified for urban development in the Wyong Council’s Residential Strategy (at the same density as proposed), albeit for release in approximately 4 years.

In terms of Catherine Hill Bay, there are 3 distinct components: the area north of the ridgeline (comprising areas within and outside the existing village’s visual catchment), the area south of the ridgeline near Moonee Beach and the area north of the ridgeline and west of the existing village.

The proposed development in the Concept Plan at Catherine Hill Bay intrudes too closely to the existing village. While some development around despoiled area north of the ridgeline may be appropriate, south of the ridgeline development should be broken into hamlets within a landscaped setting. The areas west of the existing village need to be sensitively designed into the landscape and address technical issues relating to emergency access and bushfire issues.

Overall there are significant concerns with the proposal and the submitted Plan, and its lack of consistency with the NSW Government's Coastal Policy (1997) and Coastal Design Guidelines (2003). Concern is also held regarding the location and nature of the proposed village centre and the proposed tourist uses.

Finally, while outside the current proposal and formal terms of reference, the Panel sees opportunity and benefit in the Government investigating potential reuse of the jetty.

The Panel's concerns are such that it could not support the current proposal. Any revised scheme which addresses the Panel's concerns and planning principles is likely to be significantly different from the current proposal, such that re-exhibition would be warranted. In such an event, it would be appropriate to hold the public hearings to the Panel after such re-exhibition.

CURRENT STATUS

A response to submissions and preferred project report has not been lodged, although the Proponent has engaged a new design team and undertake preliminary schematic work on a revised scheme. The Panel has expressed concerns about the current proposal to the Proponent and issues that should be addressed in any revision.

RECOMMENDATION

It is recommended that the Minister:

1. Note the Panel's interim report and attached planning principles.
2. Await the Proponent's response to submissions and preferred project report (which should also address the Panel's interim report), while noting discussion between the Proponent and Panel will be necessary.
3. Note that any future revised development proposal is likely to be a significant variation to the submitted Concept Plan and would therefore be likely to require re-exhibition / notification, which is the Panel's recommendation. Panel hearings should occur after the submission of the Proponent's preferred project report and any required re-exhibition.

Gabrielle Kibble
Chair

Signed on behalf of the Catherine Hill Bay and Gwandalan IHAP Panel
13 April 2007

KEY PLANNING PRINCIPLES**CATHERINE HILL BAY**

1. Any development should comply with the principles and intent contained in the NSW Government's Coastal Policy (1997) and the Coastal Design Guidelines for NSW (2003) particularly section 1.6 New Coastal Settlements: Villages and Hamlets.
2. 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.
3. The Panel considers that the area covered by the Concept Plan at Catherine Hill Bay falls into three distinct precincts:
 - (i) Precinct 1 - the area north of the ridgeline including:
 - a) the existing established village and surrounding visual catchment; and
 - b) areas outside the existing village's visual catchment, including denuded areas and uses/structures associated with former mining activities.
 - (ii) Precinct 2 - the area south of the ridgeline in the vicinity of Moonee Beach; and
 - (iii) Precinct 3 - the two areas to the north of Montifiore Street and west of the existing village.
4. Development should not intrude into the visual catchment of the existing Catherine Hill Bay village.
5. There is potential for residential development within Precinct 2 but any such development should be designed having regard to a classic McHarg landscape design analysis of the site and should include the following considerations:
 - (i) the environmental attributes of the area and sensitive view sheds including views from the beach and Montifiore Street; and
 - (ii) the surrounding context including bushland and the conservation area.In particular the development design should:
 - (iii) be low in scale and impact and be nestled within a landscaped setting with significant tree retention;
 - (iv) be sensitively sited and not located on headlands, ridgelines or dunes;
 - (v) be sufficiently setback from the Moonee Beach to provide visual separation from the beach;
 - (vi) provide for public access to Moonee Beach including the provision of discreet public parking areas in locations adjacent to walking paths which provide access to the beach;
 - (vii) provide a public road adjacent to the beachfront reserve and other interfaces between the development and the surrounding bushland; and
 - (viii) identify individual lots, building footprints, maximum building heights etc. to ensure an appropriate character(s) for any development and provide for a design detail and approval process for all dwellings to ensure the proposed designs have regard to the sensitive coastal location.

6. New development to the north of the ridgeline, where appropriate, should be separated from the existing Catherine Hill Bay Village and shall not be contiguous so as to preserve the integrity and setting of the existing village.
7. The development should incorporate provision for pedestrian and cycle paths along the coastline connecting the development with Catherine Hill Bay, Middle Camp to the north and Moonee beach to the south.
8. No objection is raised to the development of Precinct 3 subject to development satisfying technical requirements in relation to matters such as emergency access and bushfire hazard, sensitively set within the landscape and have minimal visual impact on the aesthetic values of the area.
9. Commercial development within the area should provide only for the daily convenience needs of the community and should be located so as to be convenient but not obtrusive or impact on the scenic or heritage qualities of the area (in particular not be located on the ridge). The Panel is also of the view that convenience shopping facilities (general store or the like) in the locality should be spread between Middle Camp, the existing village of Catherine Hill Bay (either in close proximity to the beach or adjacent to the existing Hotel) and the proposed development precinct to the south of the ridgeline. Any such development should not impact on the viability of existing commercial developments in the locality.
10. Substantial reservations are held regarding the provision of new hotel and/or tourist accommodation within the area and it is preferable that tourist accommodation be limited to holiday rentals of the existing and proposed dwellings.
11. The proposed location of the new Rural Fire Service Headquarters and Emergency Response Centre is unacceptable and should be reconsidered, as it is an inappropriate gateway/entry to the area.
12. Further consideration should be given to the adaptive reuse of the "Bin Building" and in particular opportunities should be explored to interpret the building while at the same time ensuring the safety of the public.
13. Development within the area identified by the Proponent as the "Village Centre Hamlet", with the exception of the local neighbourhood shops, shall be detached, single storey residential development that is low in scale and set within the landscape. Further it shall be set back from edge of the escarpment and not protrude above the ridgeline.

G W A N D A L A N

14. The Panel considers that the Gwandalan proposal should be refined so that:
 - (i) It proposes a subdivision (and rezoning) of the whole site including areas currently identified as Stages 1 and 2; or
 - (ii) It proposes a subdivision (and rezoning) of the area referred to as Stage 1 **only** with the area currently referred to as Stage 2 not being subject to the application and therefore not rezoned.

It is considered that this is appropriate as the Panel currently has no information on the timing or layout of any future development on the Stage 2 part of the site and is therefore not able to assess the merits of rezoning the land at this point in time.

15. The proposed Stage 1 subdivision should be redesigned in accordance with current best practice urban design principles to take account of the site's environmental and ecological attributes including (but not limited to):
- (i) existing watercourses and drainage;
 - (ii) integration with surrounding areas;
 - (iii) location and retention of significant trees,
 - (iv) occurrence of any endangered species;
 - (v) proper road design and layout; and
 - (vi) the provision of public access to the waterfront.

OTHER RELATED MATTERS

16. While not part of the current concept plan or site, the Panel is strongly of the view that the Jetty has the potential to reinforce the cultural heritage significance of Catherine Hill Bay and attempts should be made to ensure that it is retained. It is the Panel's view that any development should canvass options for the potential reuse of the sheds on the Jetty for some form of adaptive reuse (eg. backpacker's accommodation or the like).