

Agency /Author	Issues	C&A response
Lake Macquarie CC	<u>Planning Instruments</u>	IHAP has raised this issue with C&A and areas C and D have been deleted from the Concept Plan in recognition of the heritage significance of CHB.
	1. Seeking heritage listing	
	2. Inappropriate development of coastal land	Concept Plan is based on development of discreet hamlets to reflect urban form and character of CHB and Middle Camp and the desired future character principles for Coastal hamlets in the Coastal Design Guidelines for NSW.
	3. Urban expansion of CHB not part of Council's long term planning (LMCC 2020 Strategy) due to lack of existing facilities and services.	The Lower Hunter Regional Strategy (LHRS) identifies the site for proposed urban development and proposed conservation land dedications. The proposal is entirely consistent with the LHRS. The LHRS is the key statutory planning policy to guide the growth in the Lower Hunter for the next 25 years by identifying future development areas, principal land use types, settlement patterns and conservation outcomes.
	4. Social Infra-structure Study does not adequately address impacts on existing facilities and services	Impact was addressed and discussed with Council prior to lodgement. Under current guiding thresholds for provision of social infrastructure, all were addressed and were considered adequate by respective authorities or included for consideration in S94 or voluntary contributions.
	5. "Regional Significance" v. no affect on existing facilities & services is inconsistent	The regional significance of the total C&A project stems from the inclusion of all five estates in the LHRS, the conservation benefits to the Minister for the Environment, the economic benefits to the NSW Government, the proposed C&A investment in the project and the job opportunities created and the infrastructure to be provided. Those regional benefits relate to the total project and the relative impacts on facilities and services are determined separately for each estate and may or may not be regionally significant depending on the particular estate. The Social Impacts Assessment for the site concluded that there will be no significant effects of the additional population from the proposed development on existing services or social infrastructure. Impacts in relation to existing facilities and services were addressed and discussed with Council prior to lodgement. Under current guiding thresholds for provision of social infrastructure, all were addressed and were considered adequate by respective authorities or included for consideration in S94 or voluntary contributions.
	6. Proposed development is contrary to and/or does not comply with the objectives of the current zonings 7(1) and 7(4)	The proposal is consistent with the zone objectives in the following respects: <ul style="list-style-type: none"> ▪ The Concept Plan entails the dedication of the significant landholdings for public protection in perpetuity for conservation lands. These environmental gains are a once in a generation opportunity that will provide an enduring legacy for the community. ▪ Development footprints are situated away from coastal lands of CHB and Middle Camp as per the agreed development footprints of the MoU such there will be no impact to the amenity and integrity of the coastal area and access arrangements. Areas C&D have been deleted from the Concept Plan in recognition of the heritage significance of CHB. A coastal heritage path is proposed to provide walkways through CHB to key heritage and coastal areas.
	7. Employment Lands not seen as a benefit to CHB	Some employment in retail and educational areas will be generated by the development and C&A has agreed separately to contribute funding to a Department of State and Regional Development project to identify employment opportunities in the Swansea area. This forms part of the SoC and will be funded from C&A's \$5million allocation.
	8. Proposed "fragmented precincts" will impact on village amenity	The proposed pattern of development of distinct hamlets reflects the existing urban form and character of CHB and Middle Camp of 2 separate hamlets. This approach is also in keeping with the desired future character of Coastal Hamlets in the Coastal Design Guidelines for NSW.
	9. Uniformity of design contrasts too greatly with current nature of the built form. Building footprints significantly larger than established buildings. Height, bulk and scale proposed will dominate cottages.	This approach respects the existing heritage character of Middle Camp and is not trying to imitate or compete with the existing heritage character, but is sympathetic with the simple forms of existing houses. The existing houses in Middle Camp are essentially 2 room houses. They are of their time and use, and are smaller than today's expectations of a house.
	10. Use of screen planting to mitigate visual impacts. Reliance on landscape screening to mitigate visual impacts is inadequate: time to establish, bushfire protection issues, coastal salt winds prevent significant growth in height, long term maintenance cannot be guaranteed, subject to long term vandalism.	The visual impact of the proposed development has been a key consideration in the concept planning of the site. Areas A and B have been provided with screen planting to Flowers drive to mitigate visual impact. Areas C and D have been deleted from the Concept Plan. The deletion of these areas and proposed screening is considered to adequately deal with any visual impacts resulting from the proposed development.
	11. Two-storey dwellings not in keeping with existing scale of existing cottages	It is proposed to allow a maximum of 2 storeys in Areas A+B. . The principle of locating the 2 storeys is based on 2 factors:

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	<p>12. Conservation Management Plan for the CHB Heritage Conservation Area should be established by an independent consultant.</p> <p>13. Proposed development does not meet the aims and Strategic Directions of the 2020 Strategy (see 3 above)</p>	<p>- Solar access</p> <p>- 2 storeys located to the rear of lots in Area A along Flowers Drive to ensure that the predominant scale along Flowers Drive is single storey.</p> <p>It is important to note that there are existing examples of 2 storey additions to existing houses in both CHB and Middle Camp</p> <p>The NSW Heritage Office (now Heritage Branch) issued a letter (ref HRL46288 date c.15-8-2007) to Michael File (DoP) stating, amongst other things that a CMP should be prepared. ERM consulted with Jenny Climas (16-8-2007) and it was agreed that a CMP did not need to be prepared for Middle Camp as part of the HA (meeting record on file and provided to C&A).</p> <p>The preparation of a CMP for these areas is beyond the original scope of works under the HIA, as required by the DGEAR's. The scope of a CMP and its requirements need to be discussed with the DOP and CHB/MC residents. This sits outside the C&A Concept Plan for Middle Camp.</p> <p>C&A 's objectives are centred upon the environmental, social and economic sustainable development of Middle Camp, reflective of the core values and aims of the Lifestyle 2020 Strategy through:</p> <ul style="list-style-type: none"> - The establishment and realisation of the long sought-after conservation corridors between Watagans Range to Stockton Bight and the Wallarah Peninsula, as reflected in the "Green System Map"; - Contribution towards the social development of the CHB area by the provision of infrastructure to meet the needs of the current and future community; and - Contribution toward the economic development of the Lower Hunter Region through providing land for residential and employment development to meet the growth targets set out in the LHRS. - Fundamental considerations of the proposal that particularly accord with the strategic directions of the Lifestyle Strategy include: - The protection of the LMCC's biodiversity and maximising opportunities for environmental enhancement; - Facilitates the supply of adequate land and housing and associated infrastructure, services and facilities; - Provision of interconnected open space areas that include key environmental and heritage features; - Protection of the scenic amenity of CHB and to promote high quality urban design of future neighbourhoods; and - Provides land use and movement systems that respect the heritage and cultural integrity of the established CHB neighbourhood.
	<p>14. Proposed development does not comply with LMLEP2004 because it does not comply with LMCC's 2020 Strategy (see 13 above)</p> <p>15. EA does not assess the proposal against the current zone objectives or justify non-compliance (refer item 6 above)</p> <p>16. Impacts of provision of infra-structure services on existing native vegetation not addressed.</p> <p>17. Proposed Schedule 3 of SEPP (Major Projects) will cause S.149 Certificate and other administration issues. LMCC has until 2011 to produce a new principle LEP that complies with the Standard LEP format.</p> <p>Permissible uses within R1 General residential zones are inconsistent with the Concept Plan Guidelines and permit residential flat buildings of 3 storeys or more. Zoning provisions</p>	<p>As discussed under Point 13 above, the proposal meets the aims of the LMCC's 2020 Strategy.</p> <p>The proposal is consistent with the zone objectives in the following respects:</p> <p>a. The Concept Plan entails the dedication of the significant landholdings for public protection in perpetuity for conservation lands. These environmental gains are a once in a generation opportunity that will provide an enduring legacy for the community.</p> <p>b. Development footprints are situated away from coastal lands of CHB and Middle Camp as per the agreed development footprints of the MoU such there will be no impact to the amenity and integrity of the coastal area and access arrangements. A coastal heritage path is proposed to provide walkways through the CHB to key heritage and coastal areas.</p> <p>The proposed Concept Plan seeks to facilitate residential development that is not permissible and therefore a SSS listing is proposed under the Major Projects SEPP, which will rezone the site to R1 – General Residential and E1 – National Parks and Nature Reserve to provide the statutory mechanism for the Minister of Planning to approve the Concept Plan and future development.</p> <p>Where possible, new services to be located in existing and new roads to minimise impact on existing native vegetation.</p> <p>The proposed Concept Plan seeks to facilitate residential development that is not permissible and therefore a SSS listing is proposed under the Major Projects SEPP, which will rezone the site to R1 – General Residential and E1 – National Parks and Nature Reserve and will provide the statutory mechanism for the Minister of Planning to approve the Concept Plan for future development.</p> <p>The proposed zone permits a range of permissible uses for the site that are not envisaged in the Concept Plan. All future</p>

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	and development controls will not protect heritage values and be incompatible development. Query how 300 lots will be adhered to, given that the Schedule 3 does not include a minimum lot size.	development needs to be both permissible in the zone as well as consistent with the Concept Plan. The Concept Plan sets the maximum yield for the site and Urban Design Guidelines have been prepared for the site which provides guidelines for future dwelling design.
	<u>Ecology</u>	
	18. Proposal has failed to establish that the land is not core Koala habitat	Incorrect. The ecological assessment report has investigated the Koala habitat under the provisions of SEPP 44. Refer to section 5.4 of the Ecological Assessment Report by HSO submitted with the Concept Plan Submission for more information.
	19. Inconsistencies with Local Planning Policy	<p>The proposal meets the aims of the Lifestyle 2020 Strategy and the LEP through:</p> <ul style="list-style-type: none"> ▪ The establishment and realisation of the long sought-after conservation corridors between Watagans Range to Stockton Bight and the Wallarah Peninsula, as reflected in the “Green System Map”; ▪ Contribution towards the social development of the CHB area by the provision of social infrastructure to meet the needs of the current and future community; and ▪ Contribution toward the economic development of the Lower Hunter Region through providing land for residential and employment development to meet the growth targets set out in the LHRS. ▪ The protection of the City’s biodiversity and maximising opportunities for environmental enhancement; ▪ Some employment in retail and educational areas will be generated by the development and C&A has agreed separately to contribute funding to a Department of State and Regional Development project to identify employment opportunities in the Swansea area. This will form a SoC to be funded by the C&A \$5million Allocation. ▪ Development will be contained within discreet hamlets to reflect the compact nature of existing hamlets of CHB and Middle Camp. The Concept Plan was based upon the fundamental principles of maintaining the existing physical and natural environment, visual character and its ecological and heritage resources.
	20. Structure and lay-out concept plan inconsistent with LMCC policies re watercourses and dedication of public reserves Modification of watercourses in Area A and removal riparian vegetation which is EEC. Management issues of proposed narrow dedicated bushland reserves to be dedicated to Council, located between conservation area and proposed development. Some parts Areas A and D do not provide for a road between residential development and area to be conserved. Need physical barrier e.g. pathway to manage edge effects. Concerns with modification of footprints that impact on regionally significant vegetation communities in Areas A and B.	Ongoing management should be per Council/ NPWS best practice dependant on land ownership (refer to Offset and APZ Land Ownership maps). DECC comments, within the IHAP report, that the offset lands contain high biodiversity values and represent important conservation gains in the Wallarah Peninsula area. Whilst the development lands contain areas of high biodiversity value, these values are presented in the offset lands, other DECC reserves or the range of the species extends beyond the Wallarah Peninsula. DECC’s view that the total offset package, as set down in the various MOU’s, delivers a sound and suitable conservation outcome for the Wallarah Peninsula. This is seen in the context of ecological values of the offset lands.
	<u>Environment</u>	
	21. Development footprint should be reduced by removing area west of Lemon Tree Park and increase densities in Area B.	The development footprint has been reduced with the deletion of areas C and D and the development footprint of area B is considered appropriate
	22. Roads and/or infra-structure services in or crossing EECs should be avoided/minimised.	Where possible, crossing of EECs will be avoided or minimised.
	23. Stormwater management provisions to be located within the development area rather than downstream riparian areas. Demonstrate that the natural hydrological regime will be maintained to avoid impacts to EEC.	The management of hydrological regime can be achieved through design, which should occur after Concept Plan Approval. All WSUD strategies to be placed primarily in development and buffer areas where possible
	24. Boundary of Swamp Sclerophyll Forest adjacent to area D to be verified by a surveyor. Appears development encroaches onto this plus need vegetation buffer.	Area D has been deleted from the Concept Plan and this is reflected in the modified Concept Plan.
	25. Middle Camp Wetland to be recognised	The wetland was carefully considered in the design development. The gateway park adjacent to the wetland serves as a buffer. The main priority in the park design is the use of existing clearing and retention of existing vegetation. The proposed Coastal Heritage Path runs adjacent to the wetland. The path will allow users to experience and observe the

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		wetland while serving to contain access to the important habitat. The design of the path (touching the ground lightly) in combination with signage and environmental information will serve an educational purpose.
	26. Ecological Assessment inadequate – refer points on page 12 of submission Further assessment and mapping is required. Justification for the development on the basis of the conservation of 91.4% of the site is not agreed, as the site is already affected by conservation type zones. Recommend inclusion of ameliorative measures if Concept Plan is approved.	<ul style="list-style-type: none"> Targeted searches for <i>Cryptostylis hunteriana</i> completed. Orchids are cryptic and assessment was undertaken on assumed presence and it is recommended that an Orchid Management Plan be implemented as part of the Statement of Interim Management (SIMI) to be prepared as a Statement of Commitment. Standardised method of counting <i>T. juncea</i> conducted as per Payne, Stevenson & Wellington (2002) see Section 3.2.6 of the Ecological Assessment Report by RPS Harper Somers O'Sullivan, submitted in the Concept Plan Submission. Further assessment and findings are provided in the Addendum Ecological Assessment Report by RPS Harper Somers O'Sullivan appended to the PPR. DECC comments that there are no significant ecological issues within the CHB development and the integrity of wildlife corridors will not be comprised, given the conservation outcomes achieved. In addition, the offset lands contain high biodiversity values and represent important long term conservation gains in the Wallarah Peninsula area.
	<u>Maintenance/Bushfire</u>	
	27. Services should not be located under foot paving	There is a desire to maintain/plant trees and shrubs to soften the road easements and for sustainability reasons. There is a strong emphasis on retention of existing planting and long term viability of new street planting. Locating the services close to footpaths will contain the ground disturbance limiting damage to mature planting in the long run. If services are to be located outside foot paving, it will reduce/delete the use of trees and/or shrubs due to potential root damage.
	28. Swales and public reserves should not be included in APZs as it results in a maintenance liability issue for Council.	Noted. However it is not unusual for APZ's to be incorporated into other landscape treatments/ components. Suggested ongoing management should be per Council/ NPWS best practice dependant on land ownership (refer to Offset and APZ Land Ownership maps)
	29. Council to approve bio-swales maintenance requirements	A maintenance program will be developed as a SoC. Refer to the Water Quality and Management item within the SoC.
	30. APZs not within conservation or areas dedicated as public reserve Clearly indicate APZ widths relative to development sites and management/ownership of APZs. Road widths are less than APZ widths and therefore management responsibilities of APZs beyond perimeter roads require clarification.	Noted. However it is not unusual for APZ's to be incorporated into other landscape treatments/ components. Suggested ongoing management should be per Council/ NPWS best practice dependant on land ownership (refer to Offset and APZ Land Ownership maps). Details to be developed after Concept Approval as a SoC prior to construction on site. The SoC identifies the preparation of a Bushfire Management Plan with the Construction Certificate for each stage.
	<u>Stormwater Management</u>	
	31. Who provides the on-lot detention/filtration system	The end owner, which will/can be enforced through design guidelines and/or covenants
	32. More detail on Public Stormwater system/basins required	Details to be developed after Concept Approval as a SoC prior to construction on site. Refer to the Water Quality and Quantity Management item within the SoC.
	<u>Public Transport</u>	
	33. Will buses use Flowers drive or the by-pass road	Owing to the IHAP position that no development is to take place between Middle Camp and CHB townships, areas C and D and the by-pass road has been deleted and buses will continue to use Flowers Drive. Further discussion will be held with Route 99 bus operator after concept approval.
	34. Provide DDA complying bus stops and shelters and pedestrian refuges	Details to be developed after Concept Approval prior to Construction Certificate.
	35. Provide connecting foot paving between the two roads and from the bus stops to the connecting foot paving/footpath network	Details to be developed after Concept Approval prior to Construction Certificate.
	36. Provide contribution to provision of bus services (per page 63 of Traffic Impact Assessment)	The Ministry of Transport has been consulted on its requirements and C&A has agreed to enter into further discussions with MoT on specific requirements and will commit to a contribution as agreed.
	<u>Traffic/Road Works</u>	
	37. Engineering Works should be in accordance with Council's DCP1	Engineering design will generally be undertaken in accordance with DCP1 except where Concept Plan and future Project

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		Application approvals require otherwise.
	38. Recommendations of the Regional Development Committee and the RTA should be met	C & A presented Pacific Highway upgrading options to the RTA and Council. The preferred option has been identified and discussed with RTA and is now being finalised following IHAP changes. This entails upgrading Pacific Highway intersections with Flowers Drive and Montefiore Road.
	39. Council encourages road link, including cycle paths, from CHB to Pacific Highway adjacent to Awabakal Road	A proposed new road through CHB conservation area connecting Awabakal Dr would have significant environmental impact
	40. Preliminary drawing lacks detail	This comment relates to the Project Application, which has been withdrawn.
	41. Sub-standard turning heads on proposed cul-de-sacs	This comment relates to the Project Application, which has been withdrawn.
	42. No road cross-sectional information provided	Figures B1.2.2 to B1.2.8 in Appendix B (Urban Design Guidelines) detailed cross section by road type and function.
	<u>Community Planning/Parks</u>	
	43. Concept Plan identifies 301 lots.	Following the deletion of areas C and D the yield has been reduced to 222 lots.
	44. S.94 standards of provision and contribution requirements	As per S.94 Plan, these were current at time of lodgement. Council has subsequently revised its S.94 schedule and added facilities it suggests are required. The relocation/development of a new Surf Club is not included in a S.94 Plan and the existing building appears quite serviceable for a surf club. C&A \$5 million allocation fund includes contribution to the funding of the CHB Surf Slub.
	45. Bushland parks used as APZs and ecology based reserves are incompatible.	Noted. However it is not unusual for APZ's to be incorporated into other landscape treatments/ components. Suggested ongoing management should be per Council/ NPWS best practice dependant on land ownership (refer to Offset and APZ Land Ownership maps). Details to be developed after Concept Approval as a SoC prior to construction on site. Refer to the Environmental Management item of the SoC.
	46. Council does not have the maintenance budget to maintain all the proposed parkland areas identified in the Concept plan. One large park with coastal views and beach access (min.5000sq.m.) is required.	This comment suggests that a large park is located in close proximity to the beach with no other parks provided for the local community. The emphasis of public space will be placed entirely on the coastal location of CHB. By doing this an important opportunity will be missed to create two parks that will include two important aspects of CHB – heritage and environment (eg the workshop and lemon tree).
	47. Plan required to identify those parcels of parkland to be managed by Council, Community Body and NSWG and indicate APZ locations in relation to the lands	Refer to attached Offset and APZ Land Ownership Maps included as Figure 3-2 of the RPS Harper Somers O'Sullivan Addendum Ecological Assessment Report submitted with the PPR. Note: There will be no 'Community Ownership' associated with any of the developments.
	48. Access road and turning circle to informal look-out at 73 Flowers Drive should be formalised and sealed and the land on which it is located to be retained either by NSWG or dedicated to Council.	This property is on land to be transferred to the Minister for the Environment under the MoU.
	49. Proposed population does not warrant more play grounds and Council prefers contributions towards new play equipment.	The concept plan has been developed with advice from Social Planners and provides for provision of new parks or contributions or works in kind and will be further discussed with Lake Macquarie City council
	50. Proposed Gateway Park unsuitable. Provision of half a playing field and associated amenities, parking facilities and sporting facilities contributions are required	The gateway park idea came from initial consultation with DoP and the CHB community. The Gateway park was not intended as a sporting field but a green space gateway to CHB to be used as picnic ground by visitors, to allow for occasional markets and generally providing visual amenity on entry.
	51. Council will not accept management responsibility for the swimming pool at CHB. Heritage items within open spaces should be in private ownership.	The pool is deleted and C&A will comply with LMCC policy on transfer of open space. The Owner is to prepare a Plan of Management (PoM) for lemon tree park, workshop park, gateway park, heritage workshop and heritage walk. The management will be carried out as per Council/NPWS best practice respective to the land ownership plan prepared by RPS Harpers Somers O'Sullivan Pty Ltd. The Owner's involvement with the Plan of Management will be limited to: <ul style="list-style-type: none"> Cost of preparing the PoM; The actions arising from the PoM for a specified period of the lesser of 5 years from the date the PoM takes effect or until all the lots are sold.
	52. Heritage walk should be a cycleway. Off-road cycle-ways are preferable to on-road cycle-	If cycling lanes are provided as part of the road reserves there are two viable options – dedicated on-road lanes or

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	ways.	combined footpath- cycling lanes, On-road cycling is viewed as more appropriate in encouraging cycling as alternative mode of transport, Recreational cyclists can use the heritage path.
	53. Heritage walk/ride through area D not desirable and should be redirected around area D	Area D has been deleted as reflected in the Preferred Project Report and modified Concept Plan. The heritage walk follows the alignment of the former railway as part of the heritage interpretation.
	54. "Heritage Walk" should become "Heritage Ride" and should be extended to the existing car park at 85 Flowers Drive. Land to be dedicated to NSWG after construction.	The Heritage Walk will extend from area B to the land being transferred to LMCC for beach access and car park. This will be funded from C&A's \$5 million allocation.
	55. Coastline walk north to link up with the coastal walk in North Wallarah lands should be provided and dedicated to the NSWG.	This is located on land to be transferred from C&A to the Minister for the Environment and would need DECC approval.
	56. Land within 38 Flowers Drive between the oval and the cemetery and the land between the oval and including the car park (approx. 12,600sq.m.) is to be dedicated to Council.	It is agreed that C&A transfers this land to LMCC upon concept plan approval
	57. Existing beach car park and access road to be enlarged, reconstructed and sealed, line marked and vehicle barrier fencing installed. Existing walking tracks from the car park to the beach to be formalised and fenced or rehabilitated.	As per item 56, C&A will transfer this land to LMCC upon concept plan approval
	58. Land within 68 Flowers Drive, across the road from Council's sealed car park, and immediately north of 70 Flowers Drive to be retained for beach users and dedicated to Council, not NSWG.	It is proposed that C&A transfers this land to the NSWG in accordance with the MoU.
	59. C&A to contribute towards new surf club and associated facilities	The C&A \$5million allocation fund provides for a contribution towards funding of the CHB Surf Club.
	60. Council wishes to be consulted on the expenditure of the proportion of \$5million that will be spent at CHB, with consideration for new surf club, coastal park, cycleway and walk.	C&A commits to discuss the final \$5 million allocation with the relevant Councils.
	61. Concept Plan to be amended in accordance with table on pages 22-41. Non compliance with the NSW Coastal Guidelines relating to pedestrian and vehicular access through foreshore reserves; building design in Area D; access to beach; timber boardwalks are inappropriate material. Public Domain Plan requires amendment and clarity on management of open spaces; provision of parking for cars and bicycles at the beach; management of heritage items and community facilities (Heritage Workshop); location of APZs; walking trails should not be provided in drainage lines; plant species selection.	Area C & D have been deleted as reflected in the modified Concept Plan and in the Preferred Project Report. With areas C and D deleted, no additional dedicated parking will be required. Internal roads will be designed to allow parking. The modified Concept Plan complies with the Coastal Design Guidelines for NSW for Coastal Hamlets. Management of open spaces, heritage items and community facilities (heritage workshop) will be per Council/NPWS best practice dependent on land ownership (refer to Offset and APZ Land Ownership Maps). It is not unusual for APZ's to be incorporated into other landscape treatments/ components. Suggested ongoing management should be per Council/ NPWS best practice dependant on land ownership (refer to Offset and APZ Land Ownership maps). A POM for community and recreational facilities and a SIMI which will include APZ management will be prepared as an SoC.
	62. Council does not support the Stage 1 subdivision application due to inconsistencies and lack of details provided in the engineering plans.	Area C is deleted from the Concept Plan The Stage 1 Project Application has been withdrawn.
	<u>Social Planning</u>	
	63. Dwelling to population ratio (1.89) lower than would be expected. Council envisages 2.5-3.0 more likely. Applicant to provide information on integration of future community.	The population ratio in the SIA report is based on ABS Census data and the continuing decline (CHB) household size over 3 Census periods. As such, it is consistent with a decline in household size across the general population. If these increased to 2.5persons per household (as indicated in the LMCC response) the total population would still not significantly affect provision beyond that already identified in the SIA. Integration of the future community could occur through processes such as environmental education or exploration of local history. C&A to consult with the community during development of each stage.
	64. Applicant to provide a communication/consultation strategy, endorsed by Council, 6 months prior to development	Community engagement would continue as a function of Coal & Allied community relations. Details to be developed after Concept Approval. This is already a SoC.
	65. Council recommend that the applicant contributes funds towards multi-purpose Community Facilities (or embellish existing facilities) rather than the proposed new facilities in Area B	C&A has committed to payment or in kind provision of identified S94 facilities
	66. Applicant to provide further information on measures re medical services	SoC identifies a regional contribution towards emergency services.
	67. Applicant to provide further information on measures re public transport services	Section 5.9 of Appendix G of Concept Plan Submission (Traffic report) outlined measures on public transport. Further discussion should be held with Route 99 operator on how existing route can be extended considering increased service frequency. SoC identifies a regional contribution towards upgrade route 99.

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	68. Applicant to provide further information on distribution/allocation/priorities/timing of \$5million fund	Refer to \$5million allocation fund submitted with the PPR.
	<u>Section 94 Contributions</u>	
	69. Either monetary contributions or Works in Kind are acceptable. Amendments to the current Contributions Plan may be required or, alternatively, a Voluntary Planning Agreement could be entered into	Refer to SoC. C&A to enter into a VPA with LMCC.
	<u>Heritage</u>	
	70. Documentation submitted by ERM fails to consider and address the CHBCA in terms of its significance and the potential impacts	<p>The project brief and DGEARs stated that the HIA was to cover the “Development Areas” or “The Site”. The Development Areas exclude the National Trust’s CHBCA – they are defined by the Lots and DPs as per the DGEARs. This does not discount the newly gazetted (March 2008) CHB conservation area under the LEP. The value of this conservation area should be included in any future heritage assessments of CHB/Middle Camp etc.</p> <p>C&A is in agreement with the IHAP position that no development be undertaken between Middle Camp and CHB and areas C&D are deleted. An addendum to the HIA has been prepared which addresses the gazettal of the Heritage Conservation Area of CHB under Lake Macquarie LEP 2004.</p>
	71. Council does not agree with HIA’s assessment.	It is noted that the NSW Heritage Office did not disagree with the HIA assessment.
	72. Council requires a detailed analysis of all heritage and landscape assets of the area	This is beyond the scope of the DGEARs.
	73. Council expects problems between the Part 3A and the LM LEP 2004 in relation to individual DA’s lodged for dwellings.	Council would be expected to process future DA’s in accordance with the principles set by the Minister
	74. Design guidelines need to be driven by and incorporate policies of a prior Conservation Management Plan for the CHBCA and should be compatible with Council’s LEP and DCP for the area.	The Concept Plan Approvals process prevails over Council’s LEP and DCP.
	75. Council requests amendments to the documents per the comments listed on pages 49-56 Building typology and footprints not appropriate for the settlement particularly townhouses, 2 storey elements and double garage elements. Road network will impact on integrity of the heritage of CHB. Lacking assessment on identified buildings and structures. Limited details on curtilages, workshop, visual impact and development within the vicinity of heritage items.	<p>The Urban Design Guidelines provide for appropriate design requirements for the public domain and individual lots.</p> <p>The proposed townhouses are considered to be an appropriate form of development in Areas A and B as they provide housing choice and a mix of dwelling types.</p> <p>The vegetation buffer to area A is effectively 23m wide. The vegetation buffer to Area B is 30m wide. These buffers are considered to be more than adequate to shield the proposed development Area A and B from Flowers Drive. The vegetation buffers meet APZ requirements.</p> <p>The MoU defined the extent of the development and the DGEARs defined the extent of the heritage assessment with regard to the boundaries, limits and requirements. The DGEARS for the heritage assessment did not include such items as comparison with potential RoseCorp development plans or the preparation of a CMP for CHB/Middle Camp.</p> <p>The HIA took a pragmatic heritage stance on individual heritage items and based its initial assessment on every prior heritage study which had included Middle Camp. These studies, including Suters, Architectural Projects and previous studies undertaken by ERM, inspected and assessed all heritage items/sites within Middle Camp prior to the C&A HIA prepared by ERM. At no point have the items within Sawmill Camp been assessed to have individual tangible heritage value. In preparing the HIA for C&A, ERM’s built heritage and heritage architect undertook a new study of each heritage building within Middle Camp, including discussions with each buildings owner/occupier when present. C&A’s HIA prepared by ERM is consistent with every heritage assessment undertaken prior to 2007, however it also includes several additional items which have not been previously recognised as heritage features under the LMCC LEP Schedule 4.</p> <p>The contributory nature of non-heritage buildings within Middle Camp was addressed in the HIA. It is noted that a mapping discrepancy had occurred in Figure 8.1 of the ERM report that was appended to the Environmental Assessment Report which identified a “potential heritage item” at the southern edge of Area B. It is confirmed by ERM that this is not a potential heritage item. The HIA and previous heritage assessment, have not found that the non-heritage buildings have any contributory value to Middle Camp.</p>

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		<p>A full archaeological assessment of Middle Camp was undertaken and all areas with archaeological potential have been zoned within the HIA,</p> <p>Consultation was undertaken with the NSW Heritage Office, Department of Planning, (now the Heritage Branch) as to the requirements for the current study. It was agreed that a CMP would not need to be prepared for the current heritage assessment. Discussions were held as to the status of the proposed SHR nomination for CHB. It was stated that no listing of CHB on the SHR was imminent.</p> <p>However, an addendum to the HIA is appended with the PPR to address the gazettal of the Heritage Conservation Area for Catherine Hill Bay under the Lake Macquarie LEP 2004.</p> <p>A Heritage Interpretation Strategy is proposed as a SoC. Heritage Interpretation such as the proposed heritage walk will be funded by the Coal and Allied \$5million Allocation.</p> <p>It is proposed to allow a maximum of 2 storeys in Areas A+B. .</p> <p>The principle of locating the 2 storeys is based on 2 factors:</p> <ul style="list-style-type: none"> - Solar access - 2 storeys located to the rear of lots in Area A along Flowers Drive to ensure that the predominant scale along Flowers Drive is single storey. <p>It is important to note that there are existing examples of 2 storey additions to existing houses in both CHB and Middle Camp</p> <p>The 9m height control is to accommodate a roof pitch and proportion similar to the existing roof form in Middle Camp.</p> <p>AJ+C have tested the 8m v's 9m building height and have concluded that the 9m building height allows new buildings to maintain the proportions and simple forms of the existing houses of Middle Camp. If the maximum building height is 8m it will result in a roof pitch of 15 degrees that is lower than the typical roof pitch in Middle Camp of about 23 degrees, The 9m height control also allows simple building and roof forms and that 8m will result in more complicated forms.</p> <p>Areas C and D and the bypass have been deleted in accordance with IHAPs recommendation to have no development between Middle Camp and Catherine Hill Bay townships. The site coverage proposed in Area D and bypass road is therefore no longer an issue. No other significant new roads will be constructed that will impact on the heritage significance of Middle Camp.</p>
	76. Council requests details on the integration of the Rose Group and C&A proposals	DGEAR's for heritage impacts did not require assessment of cumulative impacts although cumulative impacts have been addressed where pertinent as referred to in the Concept Plan application CI 6.6 and 6.16.
	<u>Contamination</u>	
	77. A preliminary site contamination assessment to be carried out in accordance with NSW DECC "Guidelines for Consultants Reporting on Contaminated Sites" and whether need phase 2 study and remediation work.	A Preliminary Contamination Assessment (PCA), including subsurface investigation has been carried out, as presented in Douglas Partners Report 39663C, November 2007. As indicated in the introduction of the report the PCA was carried out in general accordance with the NSW EPA "Guidelines for Consultants Reporting on Contaminated Sites" and SEPP 55 "Remediation of Land". Additional investigation was recommended for Areas A, B and D of the site and remediation has been recommended for Area B. In response to DoP requests, additional contamination assessment and remediation requirements submitted and appended to the PPR,. The SoC identifies further contamination assessment requirements to be undertaken. Area D is deleted from the Concept Plan.
	<u>Landscape and Urban Design</u>	

Agency /Author	Issues	C&A response
	78. Strong landscape master plan appropriate to scale of development but Urban Design Guidelines (UDG) do not provide sufficient level of detail re implementation.	Public domain works will be required to be implemented as per staging plans. Landscape plans will be required as part of the future Project Application for each stage.
	79. Urban design guidelines lack of detail and inconsistencies. Not clear how the UDG is included in development approval process because there is reference to more detailed design guidelines that are to be applied prior to construction of first dwelling on site.	The UDG will form part of the Concept Plan approval which future Project Applications will be required to comply with.
	80. Considerations to implementation of design guidelines and public domain works relative to staging.	An amended staging diagram will be prepared after the determination of the Concept Plan application, in which public domain works will be implemented as per the revised staging sequence.
	81. Management arrangements need to be identified and confirmation that public and community facilities are to be constructed as part of the initial subdivision works.	The intention would be for facilities works to be staged. Management issues would be addressed through S.94 and other contributions plans.
	82. Stage 1 subdivision project application does not include landscape plan.	Area C is deleted from the Concept Plan and the Stage 1 Project Application has been withdrawn.
	83. APZ management measures re fuel loads are not included in the UDG.	A bushfire management plan will be prepared with the CC for future stages. This will include location of temporary APZs.
	84. Clarify potential sharing of footpath and cycle ways. Heritage Path may require an interpretation / conservation plan prior to detailed design.	Section 5.10.4 of Appendix G of the Concept Plan Submission (Traffic report) outlined the provision of pedestrian and cyclist throughout the development area. Due to low volume of traffic on local roads, cyclist demand could be catered for on road.
	85. Street typologies require clarification relating to stormwater drainage; amendment relating to car parking, pathways and verges for planting.	Proposed road followed in principle the standard of Lake Macquarie Council and AMCORD's minimum standard. Variations are done mainly for slowing down the traffic and providing maximum space for tree retention, as well as supporting the neighbourhood character indicated in the guidelines. The street will give generous space for existing tree within swales, verges and in-between parking spaces. For detail refer to Catherine Hill Bay Road Type Variances from Lake Macquarie Standard Table. Storm water and other street services details will be provided after Concept plan approval process as part of future Project Applications, prior to CC.
	86. Parks require guiding principles to ensure future design development is appropriate to user needs e.g. principles relating to bushland, shelter, path linkages etc.	Landscape plans will be prepared with the CC for the relevant stage of each subdivision as identified in the SoC.
	87. Can Gateway Park be reduced and resources allocated to upgrading Middle Camp oval and recreational facilities?	The size of the Gate way park is largely guided by the existing clearing and DoP requirements during early discussions. Middle Camp oval is not included in the S94 plan, however C&A will dedicate 1.6ha of land (currently car park and road) to LMCC in lieu of monetary contribution..
	88. UDG needs to address competing objectives of bushfire management and coastal heath revegetation; paving treatments; details of furniture and fencing; tree species in swales and APZs;	Noted. Will occur at time of detailed design and staging plan release for future project applications.
	89. Not agreed with proposed corner setbacks at secondary frontages and require clarification on proposed setbacks on Area D and B.	Area D is deleted in from the Concept Plan as reflected in the modified Concept Plan and the Preferred Project Report. Further urban design guidelines will be developed with future Project Applications prior to CC.
	90. Requires more detailed private open space provisions.	The Urban Design Guidelines by AJ+C provide the design provisions for private open space and landscaping.. C&A is to dedicate 3 parks plus the land used for beach car park and access road to LMCC.
	91. UDG require inclusion of height, materials and planting treatments of retaining wall structures given cut and fill is required for several lots.	Cut and fill details not provided, DoP to advise if required.
	<u>Project Application for Stage 1 Subdivision</u>	
	92. Inconsistencies between subdivision engineering plans and treatments proposed in UBD relating to roadside swales and kerb treatments.	Project Application has been withdrawn.
	93. No details in UBD relating to bio retention basins and roadside batters. No landscape treatments indicated in Project Application documentation.	Project Application has been withdrawn.
Ref 2782 Catherine Hill Bay Progress	1. Inconsistency with NSW Coastal Design Guidelines.	The proposal is consistent with the NSW Coastal Design Guidelines as follows: <ul style="list-style-type: none"> ▪ The dedication of conservation lands to NSWG will enhance the natural setting of CHB in perpetuity; ▪ Areas A and B form discreet hamlet within an area confined to disturbed bushland and are well setback from the coastal foreshore; and will be designed with appropriate road layouts, dwelling forms and footprint definition measures.

Agency /Author	Issues	C&A response
Association & Dune Care Inc. Includes Attachments (not limited to):		<p>WSUD measures and respect to heritage considerations.</p> <ul style="list-style-type: none"> Areas C and D have been deleted which were closer to the coastline.
	2. Non-Compliance with Lake Macquarie City Council DCP in respect to preservation of the natural setting of the township and relationships between the town and its setting.	Concept Plan is based on development of discreet hamlets to reflect urban form and character of CHB and Middle Camp and the desired future character principles for Coastal hamlets in the Coastal Design Guidelines for NSW.
	3. Non-Compliance with Lake Macquarie's Scenic Guidelines relating to removal of vegetation adjacent to waterways - Area C and D; and impacts of two storey housing (Area A).	<p>Areas C and D have been deleted as reflected in the modified Concept Plan and in Preferred Project Report.</p> <p>It is proposed to allow a maximum of 2 storeys in Areas A+B. .</p> <p>The principle of locating the 2 storeys is based on 2 factors:</p> <ul style="list-style-type: none"> Solar access 2 storeys located to the rear of lots in Area A along Flowers Drive to ensure that the predominant scale along Flowers Drive is single storey. <p>It is important to note that there are existing examples of 2 storey additions to existing houses in both CHB and Middle Camp</p>
	4. Lower Hunter Regional Strategy: Proposed housing does not address the housing needs of the area and is incompatible with the community services, public transport and jobs available in CHB. Main and Middle Camp and their settings should be preserved for future generations.	<p>The Lower Hunter Regional Strategy (LHRS) identifies the site for proposed urban development and proposed conservation land dedications. The proposal is entirely consistent with the LHRS.</p> <p>The LHRS is the key statutory planning policy to guide the growth in the Lower Hunter for the next 25 years by identifying future development areas, principal land use types, settlement patterns and conservation outcomes.</p> <p>It is noted that collectively the 4 Coal and Allied sites in both the northern and southern lands proposed for residential development will provide approximately 5% of the growth in the Lower Hunter. Whilst geographically separate they do contribute to the overall growth of the Lower Hunter region. This is not considered to be inconsequential. Although, the new residential areas at CHB are not within an existing centre, it is an appropriate development in close proximity to an existing township.</p> <p>Some employment in retail and educational areas will be generated by the development and C&A has agreed separately to contribute funding to a Department of State and Regional Development project to identify employment opportunities in the Swansea area. This will be a SoC and funded from C&A's \$5million allocation.</p> <p>The Concept Plan is based on development of two discreet hamlets to reflect urban form and character of CHB and Middle Camp and the desired future character principles for Coastal hamlets in the Coastal Design Guidelines for NSW.</p>
	5. Draft Statement of Commitments is lacking in detail and commitment.	C&A confirms that the Statement of Commitments is very clear on what the company is prepared to commit to. Refer to the revised Statement of Commitments appended to the PPR.
	6. Developer Contributions - C & A provide no firm commitment to increased social infrastructure at Middle Camp	The SoC also commits to provision of infrastructure within the subdivisions and to contributions or in kind works under S94 which will include social infrastructure needs. C&A also commits to discuss the final \$5 million allocation with Lake Macquarie Council
	<u>Urban Design and Built Form</u>	
	7. Zoning inconsistencies and 'Short term holiday and tourist rental' should not be classed as exempt & complying development.	Short term holiday or tourist rental of dwelling houses is proposed to be exempt development as per general holiday letting occurrences.
	8. No effective control for future development and no certainty of predictability for future urban design	All future development must comply with Concept Plan Approval and SSS listing. The urban design guidelines submitted with the Concept Plan provides the built form controls.
	9. No detailed design guidelines provided and development should be subject to a Design Review Panel	<p>Urban design guidelines have been provided with the Concept Plan.</p> <p>The proposal has been subject to an Independent Hearing Assessment Panel as part of the Part 3A assessment process which has considered the design aspects of the proposal.</p>
	10. Areas C and D should be deleted – because the development does not consider critical visual impacts	Areas C and D have been deleted in the Catherine Hill Bay Concept Plan as reflected in the modified Concept Plan and Preferred Project Report.
	11. Very high site coverage in Areas A, B and C	More intense development is located in A+B and complies with DOP's density guidelines. Area C has since been deleted.
	12. Area B and D does not relate to the scale, bulk or form of existing structures	Housing types reflect house size of contemporary family lifestyle and current market demand. In order to relate with the existing houses of Middle Camp, house massing is broken down into pavilions with a predominant single storey presence

Agency /Author	Issues	C&A response
		to streets. Area D has since been deleted.
	13. Garages and fencing are inconsistent with the existing development	Appearance of the garages is minimised by putting 2m setback controls exceeding current best practice of 1 m. Structures such as pergolas, verandas, overhangs, will further reduce their visual impact. Catherine Bay is intended not to have any front fencing in order to relate better to existing Middle Camp houses.
	14. Vegetated buffers screening Area A and D are inadequate	Not agreed. Landscape buffer in Area A effectively 23m. Area D is deleted in the Catherine Hill Bay Concept Plan.
	15. Streets with kerbs and gutters lined with parking are inappropriate	Environmental considerations make the collection and treatment of water run off absolutely necessary. Where appropriate we have provided permeable kerb and swales in all other cases (steep slopes etc) kerb and gutter was the only option. The on road parking is provided between tree bays reducing impact. Proposed Street types A 1 to G (Figures B1.2.2 to B1.2.8) in Appendix B of Urban Design Guidelines outlined conceptual parking provision considering network functionality, accessibility. Details to be provided after Concept Plan Approval and prior to CC relating to future stages and Project Applications.
	<u>Coastal Foreshore and Built Form</u>	
	16. Intrusion into the sensitive coastal, bushland and heritage areas C & D.	Areas C and D are deleted from the Concept Plan.
	17. Existing pedestrian routes have been severed by the proposal	Formalised pedestrian routes have been developed that protect ecology, interpret heritage and satisfy CPTED requirements.
	18. Development of Area D should not proceed – inadequate riparian setbacks	Area D is deleted from the Catherine Hill Bay Concept Plan .
	<u>Flora and Fauna</u>	
	19. Impacts by increased resident population and associated domestic pets.	Suggested strategies to combat the potential impacts associated with pet ownership may include appropriate signage and educative programs (for example letter box drops and brochures to be included within the bill of sale for each property). Local Council strategies, policies and programs should be acknowledged in relation to this by current and future residents.
	20. Area C – native vegetation is of a high quality and should not be developed	Area C has been deleted from the Concept Plan.
	21. Further addressed in report by Travers Environmental	DECC comments, within the IHAP report, that the offset lands contain high biodiversity values and represent important conservation gains in the Wallarah Peninsula area. Whilst the development lands contain areas of high biodiversity value, these values are presented in the offset lands, other DECC reserves or the range of the species extends beyond the Wallarah Peninsula. DECC's view that the total offset package, as set down in the various MOU's, delivers a sound and defensible conservation outcome for the Wallarah Peninsula. This is seen in the context of ecological values of the offset lands.
	<u>Heritage</u>	
	22. Heritage assessment does not assess the CHB Conservation Area, listed heritage items or potential heritage items in conservation area.	The project brief and DGEARs stated that the HIA was to assess the "Development Areas" or "The Site". The Development Areas excluded the National Trust's CHBCA – and were defined by the Lots and DPs stated within the DGEARs. The HIA includes an assessment of all listed heritage items and potential heritage items that are located on land defined by the DoP's DGEARs. The addendum to the HIA appended to the PPR provides an assessment relative to the gazettal of the Heritage Conservation Area for CHB under Lake Macquarie LEP 2004.
	23. Assessment of aboriginal artefacts is limited	There are no known Aboriginal objects within the study area. One area with Aboriginal PAD has been defined. The DECC and all Aboriginal groups are satisfied with the Aboriginal heritage assessment.
	24. No assessment of other individual buildings and cemetery	All buildings and area within the development area have been assessed. The cemetery is not going to be impacted and was therefore not assessed.
	25. Reinstatement of the railway line should be mandatory (i.e. not a developer contribution)	The Heritage Walk will extend from area B to the land being transferred to LMCC for beach access and car park. This will be funded from C&A's \$5 million allocation.
	26. Utilities and Infrastructure - No provision for on site water collection, on site treatment of sewerage – i.e. measures to make Middle Camp self-sustaining.	On site treatment of sewage and its potential re-use-will require a non-standard (i.e. non Hunter Water) servicing arrangement. C&A will continue to investigate sustainable options and to negotiate solutions with the respective authorities.

Agency /Author	Issues	C&A response
	27. Cut and fill is not appropriate and buildings should not be elevated above natural ground level.	Cut & Fill will be kept to a minimum but unavoidable. Most of the existing buildings are elevated off ground through piers or semi basement spaces. Area B was an area that historically had benching for the railways. Council has controls for cut and fill and retaining walls. Benching has been historically used in CHB to accommodate the railway. Most of the existing houses are elevated off the ground on piers or sub-basements. The development will not exacerbate the existing flood risk, through management strategies associated with the stormwater management. The development is primarily located outside the 100-year flood extent
	Visual Impact	
	28. Assessment limited to visual impact from Flowers Drive and does not include impact on the setting of the heritage village.	Areas A and B have sufficient vegetated buffers that mitigate any potential visual impacts. Areas C and D have been deleted from the Concept Plan. No further visual assessment is considered necessary.
	29. Only one photo montage provided – it is not from a key viewing point	Areas A and B have sufficient vegetated buffers that mitigate any potential visual impacts. Areas C and D have been deleted from the Concept Plan. No further visual assessment is considered necessary
	30. The cross sections are misleading	Sections are related to areas C and D which have now been deleted from the Concept Plan.
	31. Significant impacts by Area C on Flowers Drive, memorial and bowling club	Area C is deleted from the Catherine Hill Bay Concept Plan.
	Attachment 3: Social Infrastructure & Developer Contributions Report (Kate Hodgkinson)	
	32. Proposed Section 94 contribution figures appear significantly low	Sec 94 contributions were revised by LMCC and have increased. Contributions are part of the ongoing negotiations.
	33. No details on subsidised bus services; facilities for aged persons; emergency response services; and foreshore/park embellishments plus associated parking	Refer to the commitments comprising payment of a monetary contribution, or dedication of land/carrying out of work for Regional Infrastructure; and the contributions or dedication of land items identified in the SoC. Community Infrastructure items are also identified in the \$5million allocation.
	34. No details on how C&A will support community development processes to assist new and existing communities	These would be in accordance with C&A policy as applied to existing communities adjacent to operational sites during development.
	35. Reliance on the Rose Group provision of health, retail and community centres. Will be too far from Middle Camp	Regional health provision is considered by Area Health to be adequate, with travel to health hubs for medical treatment. Private health facilities would be market driven. Community centre contributions are as per S.94 Plan.
	Attachment 4: Ecological and bushfire assessment review (Travers Environmental)	
	Ecological	
	36. The Ecological report does not provide sufficient ecological conclusions to determine if the proposal is suitable for the site, being a sensitive coastal location	DECC comments, within the IHAP report, that the offset lands contain high biodiversity values and represent important conservation gains in the Wallarah Peninsula area. Whilst the development lands contain areas of high biodiversity value, these values are presented in the offset lands, other DECC reserves or the range of the species extends beyond the Wallarah Peninsula. DECC's view that the total offset package, as set down in the various MoUs, delivers a sound and defensible conservation outcome for the Wallarah Peninsula. This is seen in the context of ecological values of the offset lands.
	37. Deficiencies in level of ecological surveys – inappropriate periods of survey lack of specific species flora and fauna surveys; and specific discussions on potential loss of habitat values	DECC comments, within the IHAP report, that the offset lands contain high biodiversity values and represent important conservation gains in the Wallarah Peninsula area. Whilst the development lands contain areas of high biodiversity value, these values are presented in the offset lands, other DECC reserves or the range of the species extends beyond the Wallarah Peninsula. DECC's view that the total offset package, as set down in the various MoUs, delivers a sound and defensible conservation outcome for the Wallarah Peninsula. This is seen in the context of ecological values of the offset lands. Additional assessment and findings are provided in the Addendum Ecological Assessment Report by RPS Harper Somers O'Sullivan appended to the PPR.
	38. No discussion on management of proposed conservation lands itself	A SIMI is to be prepared as a SoC.

Agency /Author	Issues	C&A response
	39. Inadequate methodology details provided	Noted. However per the DGEAR's all ecological works have been undertaken in accordance with the DECC Guidelines for Threatened Species Assessment.
	Bushfire	
	40. The bushfire report is inadequate and provides inconsistent information relating to APZs	The Bushfire Threat Assessment provided APZ's in accordance with Planning for Bushfire Protection (2006). Assessment was calculated using the RFS APZ calculator, which is a more performance based assessment, using slope and vegetation. APZ's determined were consistent throughout the report. Additional information and a response to the RFS is included in the Addendum Bushfire Threat Assessment appended to the PPR.
	41. No details on management of parks in Area B and associated management of tree canopy considerations	Noted. The Park in Area B will be separated from adjacent vegetation. The park's vegetation is therefore not considered as a bushfire threat as per Planning for Bushfire Protection 2006. Management of the park will be required, as for all public open space. Refer to the APZ and green land ownership maps.
	42. No reference to the adjoining conservation lands and bushfire protection measures e.g. fire trails	A bushfire management plan will be prepared with the CC for future stages.
	43. The fuel management plan appears to be a generalisation and does not specifically represent an approach to managing the sites particular landscape	The fuel management plan is a general overview for future landholders. The site's landscape is already assessed in the bushfire report and is taken into consideration for the Fuel Management Plan. Furthermore, specific management activities will be the responsibility of the end user, and will have to be undertaken in accordance with RFS policies and guidelines (assuming the minimum benchmark for these activities will be Planning for Bushfire Protection 2006). A detailed Bushfire Management Plan will be prepared for future stages.
	Attachment 5: Traffic Assessment review (Samsa Consulting)	
	44. Inadequate cumulative assessment relating to impacts of both C&A and Rose Group developments	Section 5.6.4 of Appendix G of the Environmental Assessment Report (Traffic report) explicitly assessed cumulative impact from both C & A and Rose Group sites. The addendum to the Traffic and Transport report by Hyder, appended to the PPR further addresses cumulative impact in respect to the reduced dwelling yield.
	45. Impacts by additional traffic that may be attracted to CHB from nearby areas not appropriately considered e.g. from Nords Wharf	Table 5.5 of Appendix G of the Environmental Assessment Report (Traffic report) indicates trip generation effects from nearby areas including Nords Wharf, Gwandalan.
	46. Road network and access points not fully resolved e.g. Pacific Highway access	C & A previously presented a number of options to the RTA and Council on how Pacific Highway could be upgraded. The preferred option has been identified and discussed with RTA and is now being finalised following IHAP changes. This entails upgrading Pacific Highway intersections with Flowers Drive and Montefiore Road.
	47. Impacts to local road network and amenity impacts to existing dwellings e.g. noise, safety, amenity	Noise impacts can be reduced where necessary, using various methods. Section 5.10.1 of Appendix G of the Environmental Assessment Report (Traffic report) describes impact of new traffic to existing dwelling from environmental capacity, safety and amenity perspectives. Also refer to the addendum to the Traffic and Transport report.
	48. Use of lower trip generation rates	We used trip generation rate as per RTA's trip generation guidelines. Section 5.1 of Appendix G of the Environmental Assessment Report (Traffic report) indicated maximum trip generation rate (0.85 vehicle trips for peak hour) was used in the analysis.
	49. Need clarification of proposed uses for Area D to accurate traffic impact assessment (e.g. is it for higher density)	Area D is deleted in the Catherine Hill Bay Concept Plan.
	50. Insufficient assessment of public parking for developments and beach areas	Proposed Street types A 1 to G (Figures B1.2.2 to B1.2.8) in Appendix B of Urban Design Guidelines outlined conceptual parking provision considering network functionality, accessibility. Details to be provided after concept plan approval and prior to CC of future Project Applications.
	51. Insufficient resolution of public transport services	Section 5.9 of Appendix G of the Environmental Assessment Report (Traffic report) outlined measures on public transport. Further discussion should be held with Route 99 operator on how existing route can be extended considering increased service frequency. The SoC identifies regional contributions towards upgrading route 99.
	Attachment 6, 7 & 8: Heritage Assessment reviews	
	By Architectural Projects	
	52. Provides no assessment of heritage significance of the CHB Conservation Area and other specific items e.g.: CHB School, cemetery, other numerous gazetted items, importance of site within its rural setting	The project brief and DGEARs stated that the HIA was to assess the "Development Areas" or "The Site". The Development Areas excluded the National Trust's CHBCA – and were defined by the Lots and DPs stated within the DGEARs. The HIA includes an assessment of all listed heritage items and potential heritage items that are located on land defined by the DoP's DGEARs. The addendum to the HIA submitted with PPR provides an assessment of the Heritage Conservation Area for gazettal under Lake Macquarie LEP 2004.
	53. Not enough visual montages e.g. from east of middle camp such as from cemetery and provided visual montage is inadequate	The development areas that would have had any potential visual impact have since been deleted from the original Concept Plan (i.e. areas C and D). No further visual impact assessment from the cemetery is considered necessary.

Agency /Author	Issues	C&A response
	54. Provides no basis for informing policies of where suitable development could occur	The Concept Plan is based on developable footprint areas that comprise the subject of an MoU between the NSW government and C&A. The developable areas are generally located on land previously disturbed by past activities. The HIA was not a CMP. However, the heritage assessment did lead to the reduction and movement of proposed housing to the west of Middle Camp. Notwithstanding, Areas C & D have been deleted in accordance with IHAP recommendations.
	55. No discussion on rarity of coastal heath and whether the mining tunnel networks have heritage value	This vegetation assemblage is common within coastal environs, however as noted in report section 4.1.3 it is regionally significant within the Lake Macquarie Local Government Area. It should be noted that per table 6-1 within the ecological report 82.44ha (100%) of this community will be conserved under the revised proposal.
	56. Non compliance with Heritage Impact Statement Guidelines by NSW Heritage Office for both European and Aboriginal heritage	The NSW Heritage Office does not issue guidelines for assessing Aboriginal Heritage. They come from the DECC. Neither DECC nor DoP Heritage Branch has stated that they disagree or that reports do not meet standards for assessment.
	57. No separate ERM report relating to Archaeology provided	Archaeology integrated in one heritage report – no requirement for a separate report.
	58. Excluded areas from assessment of significance	The project brief and DGEARs stated that the HIA was to assess the “Development Areas” or “The Site”. The areas to be assessed were defined by the DGEARs.
	Robert A. Moore	
	59. “orderly development” under LEP process is set aside by Part 3A provisions	The proposal is subject to NSW statutory planning provisions.
	60. Impacts on landscape setting of the town, precincts and streetscapes	The landscape treatment of each hamlet is designed to support existing habitats, using a plant palette specific to the locality. The different habitats were coastal, heath and riparian and are addressed in the plant selection. Development footprint is reduced by deletion of Areas C & D.
	61. Scale of development out of character with established housing	The approach respects the existing heritage character of Middle Camp and is not trying to imitate or compete with the existing heritage character, but is sympathetic with the simple forms of existing houses. The existing houses in Middle Camp are essentially 2 room houses. They are of their time and use, and are smaller than today's expectations of a house.
	62. Pressure to intensify redevelopment of residential sites in heritage precincts; and lead for more commercial development and associated traffic impacts	Owing to the IHAP position that no development is to take place between Middle Camp and CHB townships, areas C and D and the by-pass road are deleted. No commercial development is proposed.
	Suzanne Whyte	
	63. ERM report does not satisfactorily address DGEARS	The DoP provided a review of adequacy, which the reports met.
	64. Errors in report relating to historical population growth; the historical mining significance of Area D – Slack Alley and that development should not occur Area D	Area D is deleted in the Catherine Hill Bay Concept Plan.
	Attachment 9: Community Consultation – Comments tabled with C&A in relation to Workshops, Regional Forum and Charette	
	65. Dissatisfaction with the charette process and the inaccurate and misleading outcomes contained within the Southern Estate Charette Guide, August 2007	The charette was an inclusive consultation process with 58 participants. It addressed multiple objectives and issues related to the project and made a recommendation to Coal & Allied. An outputs document detailing the discussion and decisions achieved during the charette was produced.
	66. Resulting options disregarded community concerns	The charette process enabled a range of options to be tested and considered, including ideas put forward by community participants. Three options for Catherine Hill Bay were discussed in detail.
	Attachment 10: Illustrated Analysis of Proposed Development Impacts by Barry Laing	
	67. Provides general photomontages of visual impacts prepared by Barry Laing	The vegetation buffer to area A is 23m wide. The vegetation buffer to Area B is 30m wide. These buffers are considered to be more than adequate to shield the proposed development Area A and B from Flowers Drive. Areas C and D have been deleted from the Concept Plan and is reflected in the Preferred Project Report. No further visual impact assessment is considered necessary.
	68. Reliance on Part 3A provisions	The proposal seeks development assessment and determination via the statutory planning provisions of the EP&A Act 1979.
	69. No ecological and visual impact assessment relating to impacts by night lights	Night lighting is an issue of competing interests. From the charette process the community expressed a desire for reduced street lighting to see the stars and for the protection of wildlife. Police, from a safety issue, would like more street lighting. This needs further discussion with the relevant authorities at future Project Application stages. The ecological comments are noted, however anecdotal evidence suggests that nightlights actually improve foraging opportunities for microchiropteran bats. Given the extensive conservation offsets, it is considered that more than adequate

Agency /Author	Issues	C&A response
		foraging and roosting habitat for nocturnal species active within the locality will be provided and protected in perpetuity.
	70. No assessment on value of existing conservation lands and the impacts to change in shape of the national park, including reduction in corridor widths and continuity by development and roads	DECC comments, within the IHAP report, that the offset lands contain high biodiversity values and represent important conservation gains in the Wallarah Peninsula area. Whilst the development lands contain areas of high biodiversity value, these values are presented in the offset lands, other DECC reserves or the range of the species extends beyond the Wallarah Peninsula. DECC's view that the total offset package, as set down in the various MoUs, delivers a sound and defensible conservation outcome for the Wallarah Peninsula. This is seen in the context of ecological values of the offset lands.
	71. No assessment on impacts by pets and feral animals	SoC identifies the development of strategies to combat the potential impacts associated with pet ownership. This may include appropriate signage and educative programs (for example letter box drops and brochures to be included within the bill of sale for each property). Local Council strategies, policies and programs should be acknowledged in relation to this by current and future residents.
	72. Heritage Impact – inadequate heritage assessment and the overall change to the company town	The NSW Heritage Office did not disagree with the HIA assessment
	Attachment 11: Chronology of planning protection	
	73. Provides a commentary on the planning provisions for the Wallarah Peninsula	The proposal seeks development assessment and determination via the current statutory planning provisions.
No Ref	Development footprint	
Individual submission date stamped by DOP 31 Jan 08	1. Proposed 300 dwelling will create significant impacts. Development footprint extends beyond existing degraded areas. APZs and infrastructure not contained within non-generated mining footprint	Following the deletion of areas C and D, the total yield has been reduced.
	Ecological	
	2. Bypass will create new problems impacts to ecology and visual setting	Owing to the IHAP position that no development is to take place between Middle Camp and CHB townships, areas C and D and the by-pass road are deleted.
	3. Area C inappropriate and will require removal of good quality wallum heath	Area C has been deleted from the Concept Plan.
	Traffic	
	4. Cumulative increase in residential and through traffic together with Rose Group development and no resolution to the two Pacific Highway intersections to provide for safe efficient movement in/out of CHB.	The Traffic report submitted with the Environmental Assessment Report explicitly assessed cumulative impact from both C & A and Rose Group sites. Further assessment taking into account the reduced yield is contained within the addendum to Traffic & Transport Report, appended to the PPR. C & A previously presented a number of options to the RTA and Council on how Pacific Highway could be upgraded.
Ref 2021	1. No details on how adjacent conservation areas will be permanently protected from impact by residential development.	A SIMI is to be prepared as a SoC.
Newcastle Greens	2. CHB is constrained by heritage significance and associated heritage impacts including cumulative impacts with Rose Corp development; mine subsidence and limited public transport such that high car transport and impacts to traffic and greenhouse emissions.	Cumulative impacts and mine subsidence have been addressed. The challenge of accessible transport is noted in the SIA report
	3. Result in urban sprawl between regional centres and will not provide for job growth (only at construction stage). Development should be established around major centres and corridors.	Although the site is not located adjacent to a Major Centre it is an appropriate extension of existing township. Furthermore, the site is identified for urban development and Conservation in the LHRS. The proposed development and associated conservation offsets is entirely in accordance with state government policy There are opportunities for employment growth both during construction and through home-based employment.
	4. No commitments by Hunter Water, Telstra or Alinta. Infrastructure report identifies the requirement for developer-funded strategy studies, but these have not been carried out.	Hunter Water and Telstra have confirmed that the sites can be serviced. Servicing strategies will be developed after Concept Approval.
	5. Significant loss of biodiversity to the Wallarah Peninsula and destruction of natural buffer between urban centres and corridor bushland.	DECC comments, within the IHAP report, that the offset lands contain high biodiversity values and represent important conservation gains in the Wallarah Peninsula area. Whilst the development lands contain areas of high biodiversity value, these values are presented in the offset lands, other DECC reserves or the range of the species extends beyond the Wallarah Peninsula. DECC's view that the total offset package, as set down in the various MoUs, delivers a sound and defensible conservation outcome for the Wallarah Peninsula. This is seen in the context of ecological values of the offset lands.
	6. Impacts to habitat of endangered species	
	7. Geotechnical report only deals with Stage 1 – about one quarter of the total development.	The geotechnical report and preliminary contamination assessment (Douglas Partners Report 39662C) and mine subsidence assessment (Douglas Partners Report 39662D) address all parts of sites A to D.

Agency /Author	Issues	C&A response
	8. No infrastructure to support significant development and no employment or educational opportunities.	Infrastructure is identified according to S.94. NSW Department of Education and Training has indicated no anticipated change to current education planning arising from development. Employment will be generated during construction. There is also the opportunity for home based enterprises (as currently occurs throughout the region). C&A has agreed separately to contribute funding to a Department of State and Regional Development project to identify employment opportunities in the Swansea area through the \$5million allocation fund.
The Greens Date stamped 31 Jan 08	1. Impacts to surrounding State recreation area and flora and fauna from construction and development.	Standard best practice environment protection measures will be employed during construction. Generally the civil contractor will operate under an EMP or equivalent that will detail the mitigative measures required.
	2. C&A is not genuinely concerned with sustainability – sustainability strategies only to be promoted to lot purchasers.	C&A is concerned with sustainability as set out in CI 8 of the Concept plan and in the report from Ensign environmental consultants. If C&A manages the building of dwellings it will implement the sustainability provisions in the urban design guidelines. If it sells service allotments it will establish design controls and apply those controls through covenants on title. Sustainability will be promoted through the \$5million allocation fund. Also, Part 1 of the ESD report sets out the principles and goals that allow ESD to be designed, implemented in construction and in the operation of the project to achieve a world best practice project. The energy target in the ESD report is 60% reduction in energy use which is more than required by government.
	3. No commitments for community infrastructure.	These are consistent with S.94 Plan and guiding thresholds for service provision.
	4. Impacts to historic mining village.	There is no proposed development within the historic mining village. New development has been situated away from the original Middle Camp village. Owing to the IHAP position that no development is to take place between Middle Camp and CHB townships, areas C and D and the by-pass road are deleted.
	5. Part 3A process overrides planning.	The proposal is subject to the NSW statutory planning provisions.
Ref 2781 Individual submission	1. Strategic justification to the proposal is not supported.	The EA submitted with Concept Plan provided more than adequate strategic justification for the proposal. The site is one of the 4 C&A sites in the northern and southern lands proposed for residential development which will provide approximately 5% of the growth in the Lower Hunter. Whilst geographically separate they do contribute to the overall growth of the Lower Hunter region. This is not inconsequential. The proposed dedication of 856.7ha of C&A lands including 535.4ha, and 1.6ha to be transferred to LMCC of lands at Middle Camp comprises approximately 70% of the land needed to complete the South Wallarah peninsula conservation area. The development of the Middle Camp and consequential land dedication is an integral and highly important element of the LHRS.
	Deficiencies in the ecological assessment relating to:	
	2. Disturbed areas are undergoing regeneration	DECC comments, within the IHAP report, that the offset lands contain high biodiversity values and represent important conservation gains in the Wallarah Peninsula area. Whilst the development lands contain areas of high biodiversity value, these values are presented in the offset lands, other DECC reserves or the range of the species extends beyond the Wallarah Peninsula. DECC's view that the total offset package, as set down in the various MoUs, delivers a sound and defensible conservation outcome for the Wallarah Peninsula. This is seen in the context of ecological values of the offset lands. Domestic pets and their impacts on local biota is an issue that is deliberated on many developments that lay adjacent to native bushland. SoC identifies the development of strategies to combat the potential impacts associated with pet ownership may include appropriate signage and educative programs (for example letter box drops and brochures to be included within the bill of sale for each property). Local Council strategies, policies and programs should be acknowledged in relation to this by current and future residents.
	3. Impacts to remaining conservation lands and quality of land to be dedicated, reduction in corridors, no assessment on the resulting shape of conservation lands	
	4. Impacts to corridor conservation areas by the road, night lighting, weeds and pets	
	5. Relies on the presence of conservation lands rather than detailed assessment of impacts on the site itself	
	6. Not enough measures for protection relating to pets	
	Deficiencies in heritage:	
	7. Fails to discuss overall development impacts to the town's ribbon layout	There is no proposed development within the historic mining village. New development has been situated away from the original Middle Camp village. Owing to the IHAP position that no development is to take place between Middle Camp and CHB townships, areas C and D and the by-pass road have been deleted.
	8. Neglects the significant transformation of a historic company town.	The original configuration of CHB/Middle Camp has been altered significantly since the place was a company town, with substantial development of non-heritage houses located along and amongst the original mining cottages. The proposed development, and all the associated mitigation, represents the best opportunity for widespread public recognition and interpretation of the heritage values associated with CHB and Middle Camp.

Agency /Author	Issues	C&A response
Ref 2767 Stockland	1. Strategic justification to the proposal is not supported.	Stockland is a major Australian residential property developer and the owner of a substantial area of residentially zoned land adjacent to the northern boundary of the C&A site at Catherine Hill Bay. The EA submitted with Concept Plan provided more than adequate strategic justification for the proposal. The site is one of the 4 C&A sites in the northern and southern lands proposed for residential development which will provide approximately 5% of the growth in the Lower Hunter. Whilst geographically separate they do contribute to the overall growth of the Lower Hunter region. This is not inconsequential. The proposed dedication of 856.7ha of C&A lands including 535.4 ha, and 1.6ha to be transferred to LMCC of lands at Middle Camp comprises approximately 70% of the land needed to complete the South Wallarah peninsula conservation area. The development of the Middle Camp and consequential land dedication is an integral and highly important element of the LHRS.
	2. Fails to meet and address provisions SEPP 71, NSW Coastal Policy and objectives 7(1) Conservation Primary zone. Not address specific parts of the Hunter REP.	The provisions of SEPP 71, NSW Coastal Policy and objectives of the 7(1) Conservation Primary zone are addressed in the EA. In respect to the Hunter REP, this considered in the EA, However, in regards to the specific items raised within the submission we note: <ul style="list-style-type: none"> The Lower Hunter Regional Strategy (LHRS) identifies the site for proposed urban development and proposed conservation land dedications. The proposal is entirely consistent with the LHRS. Detailed environmental studies were undertaken to determine the developable footprint areas for the MoU and further environmental studies to address the DGEARs. All potential adverse environmental impacts of the project can be suitably mitigated.
	3. Areas C&D will appear as extensions to the historic village rather than discrete hamlets and therefore affect heritage significance of the Conservation Area. Fails to meet objectives of heritage guidelines in DCP.	Owing to the IHAP position that no development is to take place between Middle Camp and CHB townships, areas C and D and the by-pass road are deleted.
	4. Fails to meet provisions of Scenic Quality Guidelines – inadequate setbacks from creek lines around Area A and D. Inadequate width of roadside planting in Area A. Areas C& D have detrimental visual impact from major view points.	Landscape buffer in Area A is 15m plus the landscape setback of 8m for the houses has a cumulative benefit of 23m. This buffer is considered to be more than adequate to shield the proposed development Area A from Flowers Drive. Areas C and D have been deleted from the Concept Plan.
	5. Development should not be located on the primary or secondary dune system. Area D should be deleted. This area functions as a stabilising buffer to the ocean.	Area D is deleted in the Catherine Hill Bay Concept Plan.
	6. Inclusion of the CHB in the Lower Hunter Regional Strategy as an urban area was not included in the draft strategy and therefore no community consultation was carried out.	This was a matter for the NSW Govt, consultation did occur and the final LHRS was determined by the Government. This is not a matter for C&A in regard to preparing a Concept Plan.
	7. CHB should be protected by LMCC planning process – that is applying the 7(1) Conservation (Primary) zone.	Concept plan is being considered under Part 3A & LMCC planning requirements have been taken into consideration.
	8. Draft Statement of Commitments lacking in detail and no development design controls.	A revised Statement of Commitments is appended to the PPR.
	9. No details on LMCC roles and responsibilities e.g. management of roads and reserves	Management of roads and reserves will be subject to LMCC best practice management.
	10. No commitment to foreshore coastal walk, increased social infrastructure, remediation of land prior to transfer to National Parks	Infrastructure is consistent with S.94 Plan at time of lodgement. Notwithstanding, the \$5million allocation fund and SoC identify contribution or dedication at land towards Heritage Walk and other community infrastructure.
	11. No clear details on extent of upgrading by proponent of roads and intersections with Pacific Highway	C & A previously presented a number of options to the RTA and Council on how Pacific Highway could be upgraded. The preferred option has been identified and discussed with RTA and is now being finalised following IHAP changes. Intersection upgrades are proposed to Flowers Drive and Montefiore Road.
	12. Justifications to the project re environmental, social and economic conclusions misleading and inaccurate.	The Concept Plan was developed in consultation with technical consultants to ensure that all potential adverse environmental impacts of the project can be suitably mitigated, resulting in net social, economic and environmental benefits.
	13. Social Infrastructure Study provides no firm commitment to increased social infrastructure. Site specific Section 94 Contributions Plan should be prepared for CHB.	Infrastructure is consistent with S.94 Plan and current thresholds for service provision.
	14. Existing public access to the beach is severely restricted by proposed development of Area D.	Area D is deleted in the Catherine Hill Bay Concept Plan.
	15. No enhancement of vehicular access or public parking proposed	Section 5.6.4 of Appendix G of the Environmental Assessment Report (Traffic report) explicitly assessed cumulative impact from both C & A and Rose Group sites. C & A previously presented a number of options to the RTA and Council on how Pacific Highway could be upgraded

Agency /Author	Issues	C&A response
	16. Existing travel speed issue along Pacific Highway and proposed left in and left out arrangement at intersection of Flowers Drive and Pacific Highway. Recommend grade intersection to be provided.	Section 5.6.4 of Appendix G of the Environmental Assessment Report (Traffic report) explicitly assessed cumulative impact from both C & A and Rose Group sites. C & A previously presented a number of options to the RTA and Council on how Pacific Highway could be upgraded.
	17. Social impact of left in and left out intersection at Flowers Drive not undertaken – intersection will further isolate residents of CHB from direct access to services at Swansea and impacts to bus route as north bound bus services would be required to double back along Montefiore Street	The social impact (benefit) may be measured in terms of public safety.
	18. Heritage impact statement fails to provide an appropriate level of assessment. Middle Camp includes many components that have been left out of heritage and Aboriginal studies.	The project brief and DGEARs stated that the HIA was to assess the “Development Areas” or “The Site”. The Development Areas excluded the National Trust’s CHBCA – and were defined by the Lots and DPs stated within the DGEARs. The HIA includes an assessment of all listed heritage items and potential heritage items that are located on land defined by the DoP’s DGEARs.
	19. Infrastructure report makes incorrect statement on upgrading of sewer infrastructure; requires more detail on water.	Hunter Water has provided all information regarding sewer infrastructure upgrades. Water and sewer servicing strategies will be developed after Concept Approval.
	20. Energy Savings Action Plan makes no commitment beyond current requirements for compliance with BASIX. Should be requirement for further initiatives.	Future dwellings are to comply with or exceed Basix targets.
	Visual impact assessment is inadequate, particularly :	
	21. Areas C & D will particularly impact on key heritage views	Area C & D are deleted in the Catherine Hill Bay Concept Plan.
	22. Two storey townhouses in Area A will be highly visible along the northern approach route	Landscape buffer in Area A is 15m plus the landscape setback of 8m for the houses has a cumulative benefit of 23m. Visual impact analysis in Appendix I of the Environmental Assessment Report showed that these houses will not be visible. Detailed landscape treatment of the vegetation buffer will be provided with future Project Application.
	23. Removal of native vegetation in Area A and D will result in long term visual impacts.	The vegetation buffer to area A is 23m wide and considered adequate. Area D has been deleted from the concept plan.
	24. Also, Area A and D will affect coastal amenity, cultural heritage, public access and environmental and ecological significance	Area D has been deleted. No items within Area A with cultural heritage significance will be impacted. Ecology is protected within the riparian zones. A Heritage Walk is proposed from area B to the land being transferred to LMCC for beach access and car park. This will be funded from C&A’s \$5 million allocation.
	25. Bushfire assessment does not make reference to adjoining conservation lands and complimentary bushfire management regimes. No information on management of public parks and tree canopies.	A SIMI is to be prepared as a SoC to identify management of the interface between the development areas and the conservation lands.
	26. No impacts to adjacent Wallarah National Park where the EA addresses “Impact on Crown Land” in the DGEARs.	A SIMI is to be prepared as a SoC. DECC comments, within the IHAP report, that the offset lands contain high biodiversity values and represent important conservation gains in the Wallarah Peninsula area. Whilst the development lands contain areas of high biodiversity value, these values are presented in the offset lands, other DECC reserves or the range of the species extends beyond the Wallarah Peninsula. DECC’s view that the total offset package, as set down in the various MoUs, delivers a sound and defensible conservation outcome for the Wallarah Peninsula. This is seen in the context of ecological values of the offset lands.
	27. Cut and fill benching is not appropriate for CHB - Details on extent of fill for areas and lots currently affected by 100 year and PMF flood water level not provided – such as impact on historic and visual character.	Benching has been historically used in CHB to accommodate the railway. Most of the existing houses are elevated off the ground on piers or sub-basements
	28. Roles and responsibilities for LMCC on maintenance of roads and reserves not provided.	Repeat of item 9 above. Management of roads and reserves will be subject to LMCC best practice management.
	29. No consultation with Stockland occurred as an adjoining land owner.	Key stakeholders and community members were involved in the southern estates charette process. Public notice was given to all local residents of community workshops and Stockland did not attend. Stockland’s Business Development Manager has been consulted on infra-structure issues.
	30. Proposed zoning R1 General Residential lacks certainty if the site is rezoned as proposed. Some permissible use under the Standard LEP template zone is not suitable.	The adoption of the R1 zone and the standard permissible uses in accordance with State Government standard template is considered to be the most appropriate way to deal with land use zoning for the site. Any future development on the site will need to be in accordance with the zoning and approved Concept Plan.

Agency /Author	Issues	C&A response
	31. Proposed tourist and visitor accommodation for Area D is inconsistent with Urban Design Guidelines. Also noted that short term holiday or tourist rental of dwelling houses is proposed to be exempt development	Area D has been deleted from the Concept Plan.
	32. Stage 1 project application seeks approval for Area C works in advance of up-grading access arrangements from the Pacific Highway.	Area C has been deleted from the Concept Plan and the project application for stage 1 works has been withdrawn.
	33. Cumulative impacts not adequately documented and should include impacts of increased human access and intervention. A Conservation and Land Use Management Plan should be developed.	A SIMI is to be prepared as a SoC.
	34. Pedestrian network should extend for the full length of the original railway track and extend to Mine Camp at Radar Hill. Then link into Coastal Walk provided at North Wallarah by Stockland, and enable connection from Caves Beach to Munmorah Recreation Area via the Rose Group site.	The pedestrian/cycle network has been located on the development land the subject of this concept plan. The balance of the suggested project is located on land to be transferred from C&A to the Minister for the Environment and would need DECC approval.
	35. Subdivision lot sizes do not meet minimum 100ha provision under the LEP. Land under 7(1) zone should not be rezoned to allow subdivision and increased densities.	The land is currently zoned 7(1) conservation zone under Lake Macquarie LEP 2004. The proposed Concept Plan seeks to facilitate residential development that is not permissible and therefore a SSS listing is proposed under the Major Projects SEPP, which will rezone the site to R1 – General Residential and E1-National Parks & Reserves, and provide the statutory mechanism for the Minister of Planning to approve the Concept Plan and future development. The proposal demonstrates the subdivision of land and increased densities for Middle Camp may be accommodated appropriately on the site.
	36. Locate development in areas disturbed by past activities	Concept Plan is based on developable footprint areas that comprise the subject of an MoU between the government and C&A. The developable areas are generally located on land previously disturbed by past activities.
	Attachment: Planning Workshop. Comments raised not included above:	
	37. Additional housing proposed for CHB could be accommodated elsewhere proposed for urban growth in the LHRS	Not relevant. The land is owned by C&A is in Middle Camp and is included in the LHRS.
	38. Green corridors can be achieved by combining current environmental protection zonings and land in public ownership without compromising CHB.	Although the land is currently zoned for conservation it is also currently in private ownership. Consequently there is no real guarantee that these lands can be protected in perpetuity and it is quite possible that the zoning and use of the land will be subject to change over time. If however these lands are dedicated to NSW Government they will be locked away permanently as conservation land and protected in perpetuity. There is obvious significant benefit to the community if these lands are in public ownership as opposed private ownership (as they are now).
	Attachment: Tropman & Tropman Architects. Comments raised not included above:	
	39. Heritage Impact Statement has limited information and evaluation and addresses only a selected section of Middle Camp. Requires assessment relative to the natural and urban setting of Middle Camp	The DGEARs stated that the HIA was to assess the “Development Areas” or “The Site” as defined by the Lots and DPs stated within the DGEARs. The HIA includes an assessment of all listed heritage items and potential heritage items that are located on land defined by the DoP’s DGEARs
	40. Fails to address impact of civil works, infrastructure and general construction works on heritage values	Owing to the IHAP position that no development is to take place between Middle Camp and CHB townships, areas C and D and the by-pass road are deleted. For the balance of the development area an HIA has been prepared. Where possible, infra-structure services will be located in road reserves
	41. Provide for rear access lanes for garages as opposed to garages being visible from streetscapes	Lanes take up space. Smaller narrower lots (terraces) would be the trade-off to having an urban structure with lanes within the developable areas – this would be too urban for Middle Camp
	42. The Aboriginal heritage assessment is deficient in respect to: the boundary of the study area bears little relationship to the context and potential impact of works on values of land adjacent to the study area line	The handover of all C&A land outside the development areas will result in the long term holistic conservation of identified and unidentified Aboriginal sites. The HIA found that the study areas did not contain any Aboriginal sites nor areas with Aboriginal heritage value. These studies were conducted in collaboration with all local Aboriginal stakeholders, who had every opportunity to input into the heritage assessment, during field survey and the design charette.
	Attachment: Architectus. Comments raised not included above:	
	43. Locate development outside the visual curtilage of a heritage village	The vegetation buffer to area A is 23m wide. The vegetation buffer to Area B is 30m wide. This buffer is considered to be more than adequate to shield the proposed development Area A and B from Flowers Drive. Areas C and D have been deleted as recommended by IHAP, .No further visual impact assessment is considered necessary

Agency /Author	Issues	C&A response
	44. Increase vegetated buffer zone along Flowers Drive for Area A from 15m to 30m. A more suitable area to the south of Area A could be developed	Buffer zone to area A is effectively 23m.
	45. Area C (will extend 300m up the hill which slopes upwards from Flowers Drive) and D will appear as an extension of the village rather than a discreet hamlet. Area D will be visible from Flowers Drive, existing dwellings and the Cemetery	Area C & D are deleted from the Catherine Hill Bay Concept Plan.
	46. Delete Precinct C and D and reduce Precinct A. Precinct B may be intensified and expanded slight	Areas C and D are deleted from the Catherine Hill Bay Concept Plan. The number of lots for areas A and B will be maintained per the concept plan. In this respect, the amended Concept Plan represents a reduction in the total yield.
	47. Inadequate site sensitivity analysis and visual impact assessment	<p>IHAP identified the area between the Middle Camp and Catherine Hill Bay villages as the “<i>Catherine Hill Bay Cultural Precinct</i>” and stated that there should be no significant new development in this area, such that it was recommended that development should not proceed in developable areas C and D. Subsequently, C&A has deleted areas C and D from the scheme.</p> <p>IHAP report further identified the potential for residential development in developable areas A and B and the potential for moderate expansion via a minor increase in development footprint and / or increased densities given that these areas are separate and screened from the existing village.</p> <p>ERM has undertaken a visual impact assessment of the revised scheme relative to the gazetted CHB Conservation Area where it is assessed that the proposal will pose minimal impact to the visual catchment of Middle Camp as it does not impact on the heritage values of the individual buildings and surrounding areas. The development is planned to respect the visual catchment of Middle Camp, achieved by creating visual buffers and complementary building forms. The retention of heath land will also provide additional buffering and screening between new and established areas. Refer to the Heritage Impact Assessment Addendum by ERM appended to the PPR for further detail.</p>
	48. Future design issues: Appropriate design of houses cannot be guaranteed; need detailed built for controls; site cover for Area D and A is excessive; fencing provisions inappropriate; conflict in storey height between Stage 1 Project Application and urban design guidelines; kerb and guttering inappropriate	Area C & D are deleted in the Catherine Hill Bay Concept Plan. Urban design guidelines submitted with the Concept Plan provide built form controls.
Ref 2216 Individual submission date stamped 29 Feb 08	1. Strategic justification for the project is inadequate.	The EA submitted with Concept Plan provided more than adequate strategic justification for the proposal. The site is one of the 4 C&A sites in the northern and southern lands proposed for residential development which will provide approximately 5% of the growth in the Lower Hunter. Whilst geographically separate they do contribute to the overall growth of the Lower Hunter region. This is not inconsequential. The proposed dedication of 856.7ha of C&A lands including 535.4ha and, 1.6ha land to be transferred to LMCC of lands at Middle Camp comprises approximately 70% of the land needed to complete the South Wallarah peninsula conservation area. The development of the Middle Camp and consequential land dedication is an integral element and highly important element of the LHRS.
	2. Non compliance with SEPP 71; NSW Coastal Policy; and the NSW Coastal Design Guidelines.	The Concept Plan was assessed to meet the provisions of SEPP 71, NSW Coastal Policy and NSW Coastal Design Guidelines. Concept Plan is based on development of discreet hamlets to ensure the objectives and principles of the above documents are met.
	3. Area C and D do not meet Hunter REP and Lake Macquarie Council - impacts on natural setting of the township and impacts on relationship between town and setting.	Areas C and D have been deleted from the Concept Plan.
	4. Non compliance with Council's Scenic Quality Guidelines in respect to setbacks from waterways and inadequate vegetation buffer along Flowers Drive.	The vegetation buffer to area A is 23m wide. The vegetation buffer to Area B is 30m wide. This buffer is considered to be more than adequate to shield the proposed development Area A and B from Flowers Drive. Areas C and D have been deleted. No further visual impact assessment is considered necessary.
	5. Non compliance Lake Macquarie LEP.	The land is currently zoned 7(1) conservation zone under Lake Macquarie LEP 2004. The proposed Concept Plan seeks to facilitate residential development that is not permissible and therefore a SSS listing is proposed under the Major Projects SEPP, which will rezone the site to R1 – General Residential and E1 – National Parks and Nature Reserves and will provide the statutory mechanism for the Minister of Planning to approve the Concept Plan and future development.

Agency /Author	Issues	C&A response
	6. Draft LHRS did not include CHB as proposed urban area.	Noted. However, the final LHRS is the key statutory planning policy to guide the growth in the Lower Hunter which identifies the site for proposed urban development and proposed conservation land dedications. The proposal is entirely consistent with the LHRS.
	7. R1 zoning proposed is inconsistent with the Concept Plan. Zone boundaries do not align with development footprints.	The zone boundaries do align and are consistent with the Concept Plan
	8. Exempt and complying development relating to holiday and tourism rental is inappropriate	Short term holiday and tourism rental is proposed to be exempt as per general holiday letting occurrences.
	9. Area C Project Application lacks information relating to design guidelines.	Area C has been deleted from the Concept Plan and Stage 1 Project Application has been withdrawn.
	10. Areas C and D are inappropriate and will impact on existing settings	Areas C & D are deleted in the Catherine Hill Bay Concept Plan.
	11. Overall project is too large and fails to provide McHarg analysis or justification.	<p>Areas C & D are deleted in the Catherine Hill Bay Concept Plan .</p> <p>The McHarg site analysis process can be summarised as follows: <i>"Every site must be viewed as a combination of distinct active systems or layers: hydrology, geology, ecology, topography, cultural heritage and social infrastructure.</i> <i>Each of these must be mapped and analysed first individually and then in overlap to identify the exact parts of a site suitable for development. Along with site selection this analysis should inform the decisions on development typology and structure. The McHarg approach ensures that all aspects of a site are recognised and addressed in planning for future development"</i>.</p> <p>In essence C&A have followed the McHarg principles throughout this entire process.</p>
	12. Inadequate visual impact analysis.	The vegetation buffer to area A is 23m wide. The vegetation buffer to Area B is 30m wide. This buffer is considered to be more than adequate to shield the proposed development of Area A and B from Flowers Drive. Areas C and D have been deleted and therefore no further visual impact assessment is considered necessary.
	13. Heritage impacts.	
	14. Inadequate ecological assessment.	DECC comments, within the IHAP report, that the offset lands contain high biodiversity values and represent important conservation gains in the Wallarah Peninsula area. Whilst the development lands contain areas of high biodiversity value, these values are presented in the offset lands, other DECC reserves or the range of the species extends beyond the Wallarah Peninsula. DECC's view that the total offset package, as set down in the various MoUs, delivers a sound and defensible conservation outcome for the Wallarah Peninsula. This is seen in the context of ecological values of the offset lands.
	15. Provide no effective control for future development and no certainty in delivery of urban design vision and quality outcomes.	The Concept Plan Principles for Catherine Hill Bay and Urban Design Guidelines for Catherine Hill Bay by AJ+C will provide design controls for future development and guide urban design delivery and outcomes.
	16. All development should be subject to an independent Design Review Panel	The proposal has been subject to an Independent Hearing Assessment Panel as part of the Part 3A assessment process which has considered the design aspects of the proposal.
	17. Inappropriate design provisions that are not reflective to established CHB village	The Concept Plan Principles for Catherine Hill Bay and Urban Design Guidelines for Catherine Hill Bay provide for an approach that respects the existing heritage character of Middle Camp and is not trying to imitate or compete with the existing heritage character, but is sympathetic with the simple forms of existing houses.
	18. Area A – inadequate buffer from rural road (Flowers Drive?)	Landscape buffers are adequate. Landscape buffer in Area A is 15m plus the landscape setback of 8m for the houses has a cumulative benefit of 23m.
	19. Area B – suburban layout and building character not reflective of previous industrial structures	Most traditional coastal hamlets and towns are laid out in a grid. The proposed building character of simple forms is respectful of both the existing houses and the existing workshop building. Area B has been historically the most developed area.
	20. Area C – visual impacts from Flowers Drive and public areas; impacts to bushland; and affectation by mining	Area C & D are deleted from the Catherine Hill Bay Concept Plan.
	21. Area D - should be deleted. Severe visual impacts. Inappropriate urban design outcome with rear of houses and fences fronting onto public spaces	Area C & D are deleted from the Catherine Hill Bay Concept Plan.
	22. Amenity impacts from traffic to established housing.	The addendum to the Traffic and Transport report identifies traffic impacts to amenity are within the RTA Environmental

Agency /Author	Issues	C&A response
		Capacity Performance Standards for Residential Streets. The scope of the development has been reduced by the deletion of areas C & D.
	23. Coastal walk should extend as part of the coastal walk from Wallarah National Park to Munmorah State Recreation Reserve.	The heritage walk had been located on the development land, the subject of this concept plan. This suggestion is located on land to be transferred from C&A to the Minister for the Environment and would need DECC approval.
	24. Cumulative impacts assessment is inadequate.	Cumulative impacts including consideration to Nords Wharf and Gwandalan proposals by C&A and the Rose Group development at CHB were examined in respect to traffic, impacts on Crown land, heritage and service infrastructure.
Kate Hodgkinson Presentation to IHAP	1. Development is too large and impacts to historic CHB in respect to heritage, pressure on existing infrastructure, traffic and safety	Areas C and D have been deleted from the proposal reducing the overall developable area and number of lots proposed. Concept Plan is based on development of discreet hamlets to reflect urban form and character of CHB and Middle Camp and the desired future character. Development is to be sited in a manner that will not impact on the integrity of heritage items. Infrastructure to meet the demands of the development will be provided whilst traffic impacts will be appropriately managed.
	2. CHB is not conveniently serviced and will require future residents to travel by car	Section 5.9 of Appendix G of the Environmental Assessment Report (Traffic report) outlined measures on public transport. Further discussion will be held with Route 99 operator. SoC identifies regional contributions towards the upgrade of service Route 99 will be made.
No reference Individual submission date stamped 29 Feb 08	1. Charette process was ineffective and misleading.	The charette was an inclusive consultation process with 58 participants. The process enabled issues to be tested against the findings of preliminary specialist studies with the knowledge held by the community representatives and local authorities attending
Ref 2781 Barry Laing	1. Strategic justification is deficient - Part 3A provisions override planning provisions. Arguments of environmental conservation are not supported due to the presence of existing conservation zonings over the land.	<p>The EA submitted with the Concept Plan provided a more than adequate strategic justification for the project. The site is one of the 4 C&A sites in the northern and southern lands proposed for residential development which will provide approximately 5% of the growth in the Lower Hunter. Whilst geographically separate they do contribute to the overall growth of the Lower Hunter region. This is not inconsequential.</p> <p>The proposed dedication of 856.7ha of C&A lands including 535.4ha and, 1.6ha to be transferred to LMCC of lands at Middle Camp comprises approximately 70% of the land needed to complete the South Wallarah peninsula conservation area. The development of the Middle Camp and consequential land dedication is an integral and highly important element of the LHRS.</p> <p>The project is assessed under the current NSW statutory planning provisions.</p> <p>Although, the land is currently zoned for conservation it is also currently in private ownership. Consequently there is no guarantee that these lands cannot be protected in accordance with NPWS best practice and it is quite possible that the zoning and use of the land will be subject to change over time. If however these lands are dedicated to NSW Government they will be locked away permanently and protected in perpetuity. This is significant gain to the community.</p> <p>It is noted that DECC comments that the offset lands contain high biodiversity values and represent important conservation gains in the Wallarah Peninsula area. Whilst the development lands contain areas of high biodiversity value, these values are presented in the offset lands, other DECC reserves or the range of the species extends beyond the Wallarah Peninsula. DECC's view that the total offset package, as set down in the various MoUs, delivers a sound and defensible conservation outcome for the Wallarah Peninsula. This is seen in the context of ecological values of the offset lands.</p>
	2 Environmental Assessment deficiencies. <ul style="list-style-type: none"> Documentation describes land as being areas of disturbed areas but these areas are being regenerated. Fails to discuss the quality of conservation lands and its resulting shaped of corridor widths for example after the development footprints and its proximity to urban areas. Will result in complete closing off of Wallarah NP corridor. Inadequate measures re domestic pets. 	<p>DECC comments, within the IHAP report, that the offset lands contain high biodiversity values and represent important conservation gains in the Wallarah Peninsula area. Whilst the development lands contain areas of high biodiversity value, these values are presented in the offset lands, other DECC reserves or the range of the species extends beyond the Wallarah Peninsula. DECC's view that the total offset package, as set down in the various MoUs, delivers a sound and defensible conservation outcome for the Wallarah Peninsula. This is seen in the context of ecological values of the offset lands.</p> <p>Domestic pets and their impacts on local biota is an issue that is deliberated on in many developments that lay adjacent to native bushland. SoC identifies development of strategies to combat the potential impacts associated with pet ownership which may include appropriate signage and educative programs (for example letter box drops and brochures to be included within the bill of sale for each property). Local Council strategies, policies and programs should be acknowledged in relation to this by current and future residents.</p>

Agency /Author	Issues	C&A response
	3 Heritage impact deficiencies: <ul style="list-style-type: none"> Impacts to historic layout of a mining town. Cumulative impacts with Rose Corp. 	IHAP has raised this issue with C&A and areas C and D have been deleted from the Concept Plan in recognition of the heritage significance of CHB
PF 1 Date stamped 16 Jan 08	1. Too large; ignores current zoning; inadequate details e.g. provision of infrastructure and long term protection of offset conservation areas, Geotech report does not cover whole development; cumulative impacts not adequately addressed – need to consider Rose Group and other C&A development; traffic issues and no improved access to CHB beach; consultation ineffective; visual impacts to heritage setting.	<p>Concept Plan is based on development of discreet hamlets to reflect urban form and character of CHB and Middle Camp. Areas C and D have been deleted.</p> <p>Conservation lands will be dedicated to NSW Government and a SIMI is to be prepared as a Statement of Commitment for the protection of ecological integrity of transferred conservation lands.</p> <p>Geotech report addresses all relevant areas of the site.</p> <p>Cumulative impacts including consideration to Nords Wharf and Gwandalan proposals by C&A and the Rose Group development at CHB were examined in respect to traffic, impacts on Crown land, heritage and service infrastructure.</p> <p>The land is currently zoned 7(1) conservation zone under Lake Macquarie LEP 2004. The proposed Concept Plan seeks to facilitate residential development that is not permissible and therefore a SSS listing is proposed under the Major Projects SEPP, which will rezone the site to R1 – General Residential and E1 – National Parks and Nature Reserves and will provide the statutory mechanism for the Minister of Planning to approve the Concept Plan and future development.</p> <p>Consultation process enabled input from a range of stakeholders including key government agencies, Aboriginal groups, community representatives and technical experts.</p> <p>DECC comments that the offset lands contain high biodiversity values and represent important conservation gains in the Wallarah Peninsula area. Whilst the development lands contain areas of high biodiversity value, these values are presented in the offset lands, other DECC reserves or the range of the species extends beyond the Wallarah Peninsula. DECC's view that the total offset package, as set down in the various MoUs, delivers a sound and defensible conservation outcome for the Wallarah Peninsula. This is seen in the context of ecological values of the offset lands.</p>
PF 2 Date stamped 14 Jan 08	1. Too large; ignores current zoning; cumulative impacts; traffic issues; consultation ineffective; visual impacts to heritage setting.	<p>Concept Plan is based on development of discreet hamlets to reflect urban form and character of CHB and Middle Camp. Areas C and D have been deleted</p> <p>Conservation lands will be dedicated to NSW Government and a SIMI is to be prepared as a Statement of Commitment for the protection of ecological integrity of transferred conservation lands.</p> <p>Cumulative impacts including consideration to Nords Wharf and Gwandalan proposals by C&A and the Rose Group development at CHB were examined in respect to traffic, impacts on Crown land, heritage and service infrastructure</p> <p>The land is currently zoned 7(1) conservation zone under Lake Macquarie LEP 2004. The proposed Concept Plan seeks to facilitate residential development that is not permissible and therefore a SSS listing is proposed under the Major Projects SEPP, which will rezone the site to R1 – General Residential and E1 – National Parks and Nature Reserves and will provide the statutory mechanism for the Minister of Planning to approve the Concept Plan and future development.</p> <p>Consultation process enabled input from a range of stakeholders including key government agencies, Aboriginal groups, community representatives and technical experts</p> <p>DECC comments that the offset lands contain high biodiversity values and represent important conservation gains in the Wallarah Peninsula area. Whilst the development lands contain areas of high biodiversity value, these values are presented in the offset lands, other DECC reserves or the range of the species extends beyond the Wallarah Peninsula. DECC's view that the total offset package, as set down in the various MoUs, delivers a sound and defensible conservation outcome for the Wallarah Peninsula. This is seen in the context of ecological values of the offset lands.</p>
PF 3	1. Consultation ineffective; traffic issues and no improved access to beach; visual impacts to heritage setting; ignores current zoning; buildings will be too large; Area C inappropriate as regenerated vegetation will be removed.	<p>Areas C and D have been deleted from the Concept Plan. No further visual assessment is considered necessary.</p> <p>Built form in Areas A and B will be limited to single and two storey forms and development footprints appropriate to the</p>

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		<p>CHB area. Protection of conservation lands in perpetuity will provide for permanent preservation of ecologically enriched lands.</p> <p>Consultation process enabled input from a range of stakeholders including key government agencies, Aboriginal groups, community representatives and technical experts</p> <p>Traffic impacts assessed to be satisfactory; cycle ways are proposed to beach.</p> <p>The land is currently zoned 7(1) conservation zone under Lake Macquarie LEP 2004. The proposed Concept Plan seeks to facilitate residential development that is not permissible and therefore a SSS listing is proposed under the Major Projects SEPP, which will rezone the site to R1 – General Residential and E1 National Parks and Nature Reserves and will provide the statutory mechanism for the Minister of Planning to approve the Concept Plan and future development.</p>
PF 7 Date stamped 31 Jan 08	1. Impact to heritage values.	Appropriate siting of development ensures the integrity of CHB's heritage significance is preserved.
PF 23 Date stamped 5 Feb 08 PF 36	1. Amenity impacts from increased traffic and request a park at north end of the township.	This request conflicts with LMCC position.
	2. Too large; impacts to heritage value and flora and fauna.	<p>Concept Plan is based on development of discreet hamlets to reflect urban form and character of CHB and Middle Camp. Areas C and D have been deleted from the proposed Concept Plan. This significantly reduces the development footprint.</p> <p>Protection of conservation lands in perpetuity will provide for permanent preservation of ecologically enriched lands.</p> <p>Appropriate siting of development ensures the integrity of CHB's heritage significance is preserved,</p> <p>DECC comments that the offset lands contain high biodiversity values and represent important conservation gains in the Wallarah Peninsula area. Whilst the development lands contain areas of high biodiversity value, these values are presented in the offset lands, other DECC reserves or the range of the species extends beyond the Wallarah Peninsula. DECC's view that the total offset package, as set down in the various MoUs, delivers a sound and defensible conservation outcome for the Wallarah Peninsula. This is seen in the context of ecological values of the offset lands.</p>
	3. Need to provide physical and visual separation between proposed development and existing development	Concept Plan is based on development of discreet hamlets physically separated from the existing township and visually separated with the assistance of landscaped buffer areas. Areas C & D have been deleted following IHAP recommendations.
	4. The provision of offset conservation areas does not justify development on sensitive environmental and visual lands	<p>The MoU was negotiated between private landowners and the NSWG.</p> <p>DECC comments, within the IHAP report, that the offset lands contain high biodiversity values and represent important conservation gains in the Wallarah Peninsula area. Whilst the development lands contain areas of high biodiversity value, these values are presented in the offset lands, other DECC reserves or the range of the species extends beyond the Wallarah Peninsula. DECC's view that the total offset package, as set down in the various MoUs, delivers a sound and defensible conservation outcome for the Wallarah Peninsula. This is seen in the context of ecological values of the offset lands.</p>
NSW Department of Primary Industries, dated 31-Jan-08	1. CHB is within PEL 446 held by Macquarie Energy Pty Ltd. Active exploration for coal seam methane, conventional petroleum and carbon storage will commence in the near future. Prospectivity for coal seam methane is considered high. The proponent should notify the holder of the PEL of the proposed development.	Noted.
	2. Areas identified for environmental protection must allow access for exploration and possible future development (e.g. State Conservation Area)	This is an issue for the NSWG to resolve.
NSW Department of Water & Energy, dated 8-Feb-08	1. EA has not addressed the NSW State Groundwater Policies, in particular Principles 1, 4 and 5.	The steepness of the catchment together with the clay over rock soil landscape limits the groundwater recharge. Surface runoff is the primary recharge complement to EEC's and this is being managed through the principals of water sensitive urban design and management of surface water quality and quantity.

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		Combined with the EEC retention it is considered that no GDEs will be significantly impacted by the proposal and the development approach is consistent with the aims and intent of government policy. Additional information by Douglas Partners is appended to the PPR.
	2. Buffer Zones proposed to protect EECs that are groundwater dependent (GDEs) are not considered adequate. A minimum of 100m width is recommended.	Noted – however at the Part 3A level this piece of legislation is not triggered. Adequate setbacks have been proposed that cater for the proposed hydrological / drainage requirements while making due consideration to the existing ecological character. Additional information by Douglas Partners is appended to the PPR.
	3. DWE does not support the clearing of groundwater dependent EECs (clearing for development is listed as a Key Threatening Process under the Threatened Species Conservation Act 1979)	Noted. The clearing of vegetation as a Key threatening process has been addressed within EA. The impact to EEC's has been assessed.
	4. Effect of clearing and increase in impervious surfaces on groundwater levels, quality and flow to the GDEs has not been assessed	The steepness of the catchment together with the clay over rock soil landscape limits the groundwater recharge. Surface runoff is the primary recharge complement to EEC's and this is being managed through the principals of water sensitive urban design and management of surface water quality and quantity. Combined with the EEC retention it is considered that no GDEs will be significantly impacted by the proposal and the development approach is consistent with the aims and intent of government policy. Refer to Douglas Partners report on GDEs appended to the PPR.
	5. Depths of proposed bio-retention basins are not specified	Details to be developed after Concept Approval and prior to CC associated with a future Project Application.
	6. DWE's Guidelines for Controlled Activities – Riparian Corridors (Feb-08) recommends minimum Core Riparian Zones (CRZ) widths, varying from 10 to 40m on both sides of watercourse, depending on watercourse being of 1 st , 2 nd or 3 rd order.	Noted – however at the Part 3A level this piece of legislation is not triggered. Adequate setbacks have been proposed that cater for the proposed hydrological / drainage requirements while making due consideration to the existing ecological character.
	7. An additional vegetated buffer of 10m should be provided on both sides of the watercourse, measured from the outer edge of the CRZ.	Noted – however at the Part 3A level this piece of legislation is not triggered. Adequate setbacks have been proposed that cater for the proposed hydrological / drainage requirements while making due consideration to the existing ecological character.
NSW Heritage Council, dated 15-Feb-08	1. The development area has been nominated for consideration by the Heritage Council for listing on the NSW State Heritage Register (SHR). The SHR listing has not been finalised, the area has been identified to be potentially of state heritage significance and is recognised to be of local heritage significance.	IHAP has raised this issue with C&A and areas C and D have been deleted from the Concept Plan in recognition of the heritage significance of CHB.
	2. The entry into Middle Camp along Flowers Drive is an important vista and any new points of access should be limited to avoid having a detrimental visual impact.	Landscape buffer in Area A is 15m plus the landscape setback of 8m for the houses has a cumulative benefit of 23m. The vegetation buffer to Area B is minimum 30m wide. This buffer is considered to be more than adequate to shield the proposed development Area A and B from Flowers Drive.
	3. Development footprint of Area A should be set back and screened from the street by an appropriate landscape buffer e.g. 10-15m.	It does have a 15m landscape buffer. Landscape buffer in Area A is 15m plus the landscape setback of 8m for the houses has a cumulative benefit of 23m.
	4. Proponent to be mindful of the potential archaeology of Area A	Noted. Heritage Impact Assessment completed by C&A and included in the EA.
	5. Care needs to be taken in relation to the planning and development of the gateway park between areas A and B and the junction of the new bypass road and Flowers drive to ensure that the road works and any signage do not detract from the scenic approach into Middle Camp.	Owing to the IHAP position that no development is to take place between Middle Camp and CHB townships, areas C and D and the by-pass road have been deleted The proposed Gateway Park has been sited to strengthen cultural importance of Middle Camp and maintain open foreground to middle ground along Flowers Drive.
	6. Any new development should be consistent with LMCC DCP Plan no. 1 and the Coastal Design Guidelines for NSW (section 1.6 New Coastal Settlements: Villages and Hamlets)	The Concept Plan complies with the Coastal Design Guidelines for NSW for Coastal Hamlets. The Concept Plan and Urban Design Guidelines by AJ+C will form the key design controls.
	7. A visual impact assessment should be done for each of the development areas and from a number of specified vantage points throughout Middle Camp village. It is recommended that the Conservation Management Plan for the site include a visual impact assessment, including photo montages. Views and vistas to and from: Flowers Drive, Middle Camp Conservation Area, Anglican Church and the Cemetery.	Areas C and D have been deleted to meet the recommendations of IHAP and therefore no further visual impact assessment is considered necessary. Proposed vegetation buffers are considered to be more than adequate to shield the proposed development Area A and B from Flowers Drive.
	8. Refer to proposed "Conditions" 1-6 incl.	Disagree with Condition 1. A CMP will be prepared after Concept Plan approval. A CMP and its implications for all local residents needs to be discussed at length with the Heritage Council and local residents prior to a CMP for all of CHB been prepared. The preparation of a CMP for these areas is beyond the original scope, as required by the DGEAR's and outside the C&A Concept Plan for Middle Camp.

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		<p>Agree with Conditions 2, 5 and 6 in principle.</p> <p>The proposal satisfies Condition 3 as the concept plan design has already incorporated all elements of Coastal Design Guidelines, as explained in the Concept Plan report <i>Table 3 Summary of Desired Future Character Guidelines</i>. Agree with Condition 4, some have already been included in the Design Guidelines by AJ+C. Council's DCP provides further design guidelines.</p>
Hunter Regional Development Committee, dated 3-Mar-08	1. Pacific Highway/Flowers Drive intersection to be left in/left out only with a seagull on the western side and a U-turn facility provided at Nords Wharf. Alternatively, a 4-way signalised intersection with Awabakal Road to be considered.	Preliminary concept plans for the Pacific Highway intersections have been discussed with the RTA, including left in/left out only at Flowers Drive and a partial signalised intersection with Montefiori. C&A does not support a 4-way intersection at Awabakal Road due to the ecological impact east of the Pacific Highway.
	2. Committee supports the deviation around Flowers Drive. A roundabout should be provided on the proposed by-pass road at both intersections with Flowers Drive.	Owing to the IHAP position that no development is to take place between Middle Camp and CHB townships, areas C and D and the by-pass road are deleted.
	3. Committee has concern about the narrow carriageway width through the subdivision. They should be to Council requirements.	Generally, all carriageway widths comply with Council requirements.
	4. Foot/cycle paths should be provided to/from the beach and should connect to the four subdivisions. Hamlet C should connect to the coastal path.	Owing to the IHAP position that no development is to take place between Middle Camp and CHB townships, areas C and D and the by-pass road are deleted. Coastal heritage path will provide access from Areas A & B to the land. C&A proposes to transfers the land to LMCC, which currently provides access to the beach.
	5. Bus stops/shelters should be provided with footpaths connecting to the bus stops to bus company requirements. A school bus connection to Nords Wharf should be provided. Bus services should be subsidised by the developer.	Agreed in principle. Figure 5.9 of Appendix G of the Concept Plan Submission (Traffic report) shows conceptual bus routes, possible bus stops. Further discussion will be held with Route 99 bus operator. SoC identifies a contribution will be made towards upgrading route 99.
	6. Details of service vehicles and service vehicle access should be provided	These details relate to the Project Application stage. Project Application has been withdrawn.
Hunter Water Corporation, dated 10-Mar-08	1. A developer funded servicing strategy will be required to determine the preferred servicing arrangements and should investigate the option to service the development from the proposed reservoir to be constructed in conjunction with the Wallarah Peninsula development to the north.	Noted, these comments are consistent with the C&A Infrastructure Report prepared by Cardno
	2. Significant augmentations to Hunter Water's sewerage network are required to enable servicing of the area. Upgrade works to Swansea 3A WWPS are scheduled for completion by 2013 and it is expected that the upgraded system will have sufficient capacity to cater for the proposed development.	Noted, these comments are consistent with the C&A Infrastructure Report prepared by Cardno
	3. A developer funded wastewater servicing strategy will be required to determine the preferred servicing arrangements for the development site. However, the development may be serviced from some of the system augmentations proposed by the Wallarah Peninsula development.	Noted, these comments are consistent with the C&A Infrastructure Report prepared by Cardno
	4. Developer needs to make a Section 50 "Notice of Requirements" application for assessment by Hunter Water which should be prior to the issue of a Construction Certificate	A Certificate under Section 50 from Hunter Water has been obtained and is appended to the PPR.
Ministry of Transport, undated	1. The interrelationship between the C&A sites in this locality, from a transport point of view, is implicit and requires a consistent and co-ordinated strategy to fund appropriate local and regional transport services and infrastructure.	Comment noted. Details to be developed after Concept Approval
	2. The Ministry requests that a voluntary planning agreement covering the proposal include a subsidy towards bus services of Approx. \$2million (in total) paid on a per allotment basis prior to the release of subdivision certificates. Dates for commencement of new services need to be agreed. An agreed package of specific travel demand management measures to achieve longer term mode shift to public transport.	The SoC identifies that a regional contribution towards public transport upgrades will be made.
	3. It is assumed that the provision of local bus stop infrastructure will be provided either directly by the proponent or via S.94 contributions.	That is correct
	4. The Ministry advises that without contributions to local and regional bus infrastructure, any future increase in the level of service to this locality would be minimal.	Comment noted
	5. Traffic studies by PB should address: the objectives and requirements of draft SEPP 66,	Appendix G of the Concept Plan Submission (Traffic report) has been prepared to respond key objectives and

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	the justification of a maximum mode shift to public transport together with walking and cycling over time (any initiatives should be included in the Statement of commitment), the integration of development with existing local and regional bike networks and the availability of local employment to future residents and the likely impacts for trip distribution.	requirements outlined in Draft SEPP66. Sections 5.9 to 5.11 identified improved public transport, pedestrian, cyclist measures that could increase current public transport mode share.
	6. The urban design approach largely ignores the question of CHB as a place comprised of two separate areas with proposed further fragmented pockets of development. The interrelationships between these areas and how they will function as a place requires further consideration and planning.	The proposed pattern of development of distinct hamlets reflects the existing urban form and character of CHB and Middle Camp of 2 separate hamlets. This approach is also in keeping with the desired future character of Coastal Hamlets in the Coastal Design Guidelines for NSW.
	7. The proposed bypass provides an opportunity to pedestrianise Flowers Drive and create the opportunity for intensification of main street uses over time. The local area traffic management devices require further consideration and should detail pedestrian and cycle infrastructure.	Owing to the IHAP position that no development is to take place between Middle Camp and CHB townships, areas C and D and the by-pass road are deleted Details for LATM measures in conjunction with pedestrian/cyclist to be developed after Concept Approval and prior to the CC associated with a future Project Application.
	8. The proposed bypass and the public dedication of Montefiore Street provides an opportunity for creation of a tourist drive with resulting potential for increased containment of local trips by virtue of improved local employment opportunities	Owing to the IHAP position that no development is to take place between Middle Camp and CHB townships, areas C and D and the by-pass road are deleted. The dedication of Montefiore Street is an issue for Rose Group to resolve.
	9. Pedestrian and cycle access between proposed development Area B and Flowers Drive should be direct and connect to proposed bus stops. Details of proposed crossing points for pedestrians and cyclists in Flowers Drive and the proposed bypass is requested.	Owing to the IHAP position that no development is to take place between Middle Camp and CHB townships, areas C and D and the by-pass road are deleted. Details of proposed crossing points, bus stops etc. will be provided after Concept Plan Approval and prior to CC associated with future Project Applications.
	10. The Ministry does not support the proposed extension of bus services through Area B because it will lengthen journey times and is not an effective allocation of resources	Noted. For area B, proposed extension of bus service was an option.
	11. The complete picture of future development within CHB should be consistently reflected in mapping.	Comment noted.
Mine Subsidence Board, dated 15-Feb-08	1. The Board would not support surface development where there is a risk of pothole subsidence unless the risk is eliminated by action such as grouting of workings	Subject to Concept Plan Approval, it is proposed to grout existing shallow workings.
	2. MSB approval is required for surface development	Comment noted.
	3. Shafts and entries need to be identified and sealed off as required by the Dept. of Primary Resources – Mineral Resources. Structures should not be built over these locations	Noted. Refer to the Preliminary Contamination, Mine Subsidence and Geotechnical Assessment Report by Douglas Partners submitted with the Concept Plan submission. Appendix H.
	4. Applicant to develop and maintain a long term management plan to deal with the risks associated with the developments of potholes.	Noted. Refer to the Preliminary Contamination, Mine Subsidence and Geotechnical Assessment Report by Douglas Partners submitted with the Concept Plan submission. Appendix H.
Rural Fire Service, dated 8-Feb-08	1. Land between existing village of Middle Camp and proposed by-pass road to be managed as an APZ	Owing to the IHAP position that no development is to take place between Middle Camp and CHB townships, areas C and D and the by-pass road <u>are</u> deleted. It is proposed that C&A transfers this land to the NSWG in accordance with the MoU
	2. Suitable APZs/easement in the form of a fire trail shall be provided and constructed along the western boundary of the existing southern village of CHB prior to dedicating the land to the NPWS	A Bushfire Management Plan will be prepared with the CC for each stage.
	3. APZ on corner lots may not be sufficient where the elevation faces the bush fire hazard	Amended APZ provisions have been undertaken and are detailed in the Bushfire Threat Addendum Report by RPS Harper Somers O'Sullivan appended to the PPR.
	4. Undeveloped stages must not pose a bush fire threat to the developed areas by the appropriate temporary APZs being created	This will be subject to detailed design and release of final staging plan. A Bushfire Management Plan will be prepared with the CC for each stage and will include location of temporary APZs and fire trails.
	5. The part of a Lot which is not developed will be required to be managed as an APZ	Noted. Refer to Offset and APZ Land Ownership maps for ongoing management responsibility.
	6. Lots assessed to be within the “flame zone” are unacceptable and an increase in the APZ is required	Amended APZ provisions have been undertaken and are detailed in the Bushfire Threat Addendum Report by RPS Harper Somers O'Sullivan appended to the PPR.
	7. Sawmill Camp – the eastern most Lots at the end of the cul-de-sacs may not have sufficient area for the required APZ	Amended APZ provisions have been undertaken and are detailed in the Bushfire Threat Addendum Report by RPS Harper Somers O'Sullivan appended to the PPR.
	8. Colliery Hamlet – Lots fronting the southern perimeter road do not have the required APZ. Based on 10-15 degree down-slope and a “forest” vegetation classification, a 50m APZ is required.	Amended APZ provisions have been undertaken and are detailed in the Bushfire Threat Addendum Report by RPS Harper Somers O'Sullivan appended to the PPR.
	9. South East Hamlet – Northern and north-east lots may not be viable given the required APZ setback from the rear boundary out of the flame zone and the proposed building	Area D has been deleted, therefore no longer relevant

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	setback from the road.	
	10. Public road access shall comply with section 4.1.3 (1) of Planning for Bush Fire Protection 2006. All perimeter roads shall be two way with a minimum sealed carriageway of 8metres	Noted. However the nature of the CHB village is such that 2 points of ingress / egress exist to the village. These roads are sealed, two-wheel drive allowing all weather access. Furthermore, there is an abundance of refuge space within the existing village and beach areas for the public in the case of a fire event.
	11. Flowers Drive from the Pacific Highway to the village is to be upgraded to comply with section 4.1.3(1) of Planning for Bush Fire Protection 2006	C&A traffic reports indicate that Flowers Drive has sufficient capacity to cope with the additional traffic generated by the proposed C&A and Rose Group developments. Compliance with Bush Fire Protection issues is a matter for the owner of the road.
	12. Locations of fire hydrants are to be delineated by blue pavement markers offset 150mm from the centre of the road. The direction of offset shall indicate on which side of the road the hydrant is located.	Agreed in principle. Details to be developed after Concept Approval in future Project Applications.
	13. Fire trails must be provided within the areas to be dedicated as part of the overall bush fire protection plan. Fire trails shall comply with section 4.1.3(3) of Planning for Bush Fire Protection 2006.	There is a Bushfire Management Plan in place and any additional fire trail needs arising from the development will be provided in accordance with that plan.
	14. Water, electricity and gas are to comply with section 4.1.3 of Planning for Bush Fire Protection 2006.	Agreed in principle. Details to be developed after Concept Approval in future Project Applications.
	15. Lots assessed to be within the "flame zone" are unacceptable and an increase in APZ is required	There will be no lots entirely within the flame zone. Amended APZ provisions have been undertaken and are detailed in the Bushfire Threat Addendum Report by RPS Harper Somers O'Sullivan appended to the PPR.
	16. The roofing of houses shall be gutterless or have leafless guttering and valleys are to be screened to prevent build-up of flammable material. Any flammable materials used shall have a flammability index no greater than 5.	Noted. This detail is relevant to future Project Applications.
	17. The sub-floor areas shall be enclosed with non-combustible material to prevent the entry of embers.	Noted. This detail is relevant to future Project Applications.
	18. Landscaping is to comply with the principles of appendix 5 of Planning for Bush Fire Protection 2006.	<p>The principles of landscape design outlined by Planning for Bush Fire Protection (Appendix 5) are addressed as follows:</p> <p>Landscape design (vegetation selection and placement) - the actual species will be determined largely by the individual site conditions and species that are appropriate for each micro-climate (as reflected in the plant selection lists for each site). The arrangement of the species is the more important consideration. In areas where there is existing vegetation, it is proposed to thin the understory and retain tall trees (preferably those with smooth bark). Any new planting is to be clumped so that there is not a continuous canopy overhead, nor a thick understory that results from the addition of plants. Trees will be in small groups, with gaps between each group. Areas under trees will be kept fairly clear of understory shrubs. Groups of shrubs would be separated slightly from the groups of trees.</p> <p>Vegetation maintenance (APZ management) An APZ management strategy will be put in place to comply with the requirements of the Rural Fire Brigade (RFB) as part of Bushfire Management Plan that will be prepared with the CC for each stage.</p> <p>Maintenance of private landscaping Private landscaping management strategy will be put in place to comply with the requirements of the Rural Fire Brigade (RFB) as part of the Bushfire Management Plan.</p>
	19. Restrict planting in the immediate vicinity of the building which may over time come in contact with the building	Private landscape management can form part of the Bushfire Management Plan that will be prepared with the CC for each stage.
	20. Maximum tree cover should be less than 30% and maximum shrub cover less than 20%	
	21. Vegetation should not provide a continuous canopy to the building	
	22. Suitable impervious areas being provided immediately surrounding the buildings, such as courtyards, paths and driveways	
	23. Combustible materials such as woodchips/mulch should not be used	
Ambulance Service of NSW Email to Michael File dated 1 Feb 08.	1. Levy contributions could be allocated to emergency service agencies for the provision of land for the placement of an ambulance station to service the Swansea-CHB and Gwandalan Areas.	C&A have offered to enter into a VPA with NSWG to make regional contributions in accordance with the DoP Planning Circular, dated November 2007.
	2. Previous MP for Swansea was seeking the allocation of a parcel of land on or near the Murray's beach development. Is there any information on this initiative?	Not known to C&A
	3. A suitable allocation of land (0.3ha) for a multi-agency facility may be an option.	C&A have offered to enter into a VPA with NSWG to make regional contributions in accordance with the DoP Planning Circular, dated November 2007.

Agency /Author	Issues	C&A response
Hunter New England NSW Health, dated 4 March 08	1. The inclusion of WSUD is supported and must be implemented in accordance with the relevant guidelines and required approvals, to ensure that risk to health and the environment are avoided.	All stormwater management is based on WSUD according to industry accepted guidelines and Council DCPs
	2. It is strongly urged tat the development activities comply with the relevant guidelines for air quality and noise. The proponent should consult with DECC and processes should be in place so that the community can seek remedial action from the proponent in a timely fashion should air quality and noise generation become problematic.	The Concept Plan has been reduced by deletion of Areas C & D. Traffic impacts have been addressed to meet Environmental Capacity standards by RTA for residential streets.
	3. Appropriate site investigation and remediation are encouraged. The proponent should refer to DECC on this matter	Comment noted and contamination report prepared for development sites. Refer to additional information and assessment by Douglas Partners appended to the PPR.
	4. Consider improving connectivity to surrounding areas, in particular bus service frequency	Section 5.9 of Appendix G of Concept Plan Submission (Traffic report) outlined measures on public transport. SoC identifies contribution towards upgrading service of route 99.
	5. Consider access to affordable/healthy food choices within villages.	Not relevant to Concept Plan or Project Application.
	6. It is recommended that location of public transport stops be placed within a comfortable walking distance for most people between 400 to 500 metres	Noted. Figure 5.9 of Appendix G of Concept Plan Submission (Traffic report) showed conceptual bus stop locations and 400m walk catchments.
	7. Comprehensive consideration of the provisions of SEPP 66 is encouraged, particularly increased access to public transport, walking and cycling and encouraging people to undertake fewer and shorter trips and reduce car dependency. The development could more fully demonstrate this compliance by including an integrated transport plan with as little reliance as possible on private cars	Appendix G of Concept Plan Submission (Traffic report) has been prepared to respond key objectives and requirements outlined in Draft SEPP66. Sections 5.9 to 5.11 identified improved public transport, pedestrian, cyclist measures that could increase current public transport mode share.
	8. Given Rose Group's proposed developments in the surrounding areas, consideration needs to be given to additional or new bus routes and the provision of safe networks of connected pathways to bus stops and an increase in frequency of current services	Section 5.9 of Appendix G of the Concept Plan Submission (Traffic report) outlined measures on public transport. Further discussion should be held with Route 99 operator on how existing route can be extended considering increased service frequency.
	9. With regard to pedestrian and bicycle movement, more detail is required on how walking trails will be managed, particularly in terms of addressing the varied needs of people of all ages and access for people with a disability or pushing prams.	Subject to discussion with DECC post approval
	10. The C&A and Rose Group developments need to be considered together when assessing the needs for the area.	This has been done and is a requirement of the DGEAR's
	11. Landscape on Flowers Drive that will screen development from the road users and existing residents of Middle Camp creates a form of exclusion for existing residents of Middle Camp.	Landscape buffer is an outcome of the charette process combined with the best urban design outcome for Middle Camp
	12. There is insufficient information to adequately assess pedestrian/cycle ways and open space	Subject to further discussion with DECC post approval
	13. Developer needs to ensure that continued opportunities for community participation in the planning process is facilitated.	Community engagement would continue as a function of Coal and Allied community relations. Details to be developed after Concept Approval as a SoC.
	14. A copy of the "Building Liveable Communities in the Lower Hunter Region" should be obtained and reviewed.	Noted and agreed
National Trust, dated 29-Feb-08	1. Residential developments of 900 homes over the present small-scale, distinct settlements of 110 homes would destroy the context and historical values of this unique place	CNA is not proposing to build 900 homes and there will be no impact or proposed development within the CHB village. Most of the proposed homes are located within areas that are separated completely from the existing Middle Camp area. Areas C & D have been deleted following IHAP recommendations. Development, although adding to the size of settlement around the Middle Camp Village, represents a significant opportunity for heritage conservation through appropriate new landscape setting and interpretation of the existing heritage items.
	2. The development lands are in areas of ecological sensitivity, a diversity of important microhabitats and with endangered species and communities. The remainder of the land that is being gifted is less diverse and would require perpetual ongoing maintenance for bushfire hazard reduction to protect the new development	This statement is incorrect. The majority of lands scheduled for development within the CHB locality have been previously cleared and/or degraded through mining related activities. The offset lands are rich in ecological character for both flora and fauna, and the detailed ecological investigations undertaken clearly show this to be the case. Furthermore, Area C & D will not be developed due to IHAP review outcomes and recommendations.
	3. It is extraordinary in planning terms to have a site rated 89 out of 92 suitable sites for residential development in the Lower Hunter region upgraded to SSS status	Irrespective on any previous planning studies for the site, the LHRS identifies the site for proposed urban development and proposed conservation land dedications. The proposed development has been assessed against this instrument as it has statutory weight. The proposal is entirely consistent with the LHRS. The site itself is considered to be of regional and state significance primarily because:

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		<ul style="list-style-type: none"> of its inclusion in the LHRS and Draft Lower Hunter Regional Conservation Plan 2006 for urban development and conservation; and C&A are dedicating 856.7ha of C&A lands (and 1.6ha to be transferred to LMCC) of their southern land for conservation (94.1% of the CHB site), with the balance of the land to be zoned for residential development. This once in a lifetime environmental gain is enough to classify the site as regionally significant (irrespective of the state govt objective to cater for the predicted population growth for the Region over the next 25 years). Overall, the 4 Coal and Allied sites in the northern and southern lands proposed for residential development will provide 5% of the growth in the Lower Hunter. Whilst geographically separate they do contribute to the overall growth of the Lower Hunter region. This is not inconsequential.
	4. The proposed development will involve the clearance of bushland which contains the rare native herb Tj	A significant majority of the large population will be retained and protected in perpetuity. An addendum to the Ecological Assessment Report is appended to the PPR and provides further review of impacts to <i>Tetradlea juncea</i> , given the removal of developable Areas C & D.
	5. The trust does not accept the argument that is being put forward as justification for the development that some land is being handed over to the State Government	Noted.
	6. The national Trust urges that this development proposal be rejected and that a conservation area zoning be reinstated at CHB.	<p>DECC comments, within the IHAP report, that the offset lands contain high biodiversity values and represent important conservation gains in the Wallarah Peninsula area. Whilst the development lands contain areas of high biodiversity value, these values are presented in the offset lands, other DECC reserves or the range of the species extends beyond the Wallarah Peninsula. DECC's view that the total offset package, as set down in the MoU, delivers a sound and defensible conservation outcome for the Wallarah Peninsula. This is seen in the context of ecological values of the offset lands.</p> <p>Owing to the IHAP position that no development is to take place between Middle Camp and CHB townships, areas C and D and the by-pass road are deleted.</p>
DECC	Additions to Draft Statement of Commitments to include:	
	1. Offset Lands for Conservation – site audit prior to transfer of lands; remediation and rehabilitation of contaminated lands; development of interim land management agreement	The conservation lands are to be dedicated to the NSW Government as per the current condition.
	2. Aboriginal Cultural Heritage – Preparation Aboriginal Cultural Heritage Management Plan	An Aboriginal CHMP will be prepared prior to any works on site commencing as per the SoC.
	3. Floodplain management - preparation of Floodplain Risk Management Plan.	The flood risk associated with the development will be managed according to the NSW Floodplain Development Manual merit approach.
	Other issues	
	4. Modification of lands to be transferred to DECC. Some land surrounding townships of Middle Camp and CHB proposed for transfer are unsuitable as Reserve land because of configuration, limited ecological value, ability to manage and maintain land in perpetuity for conservation	Conservation lands are to be dedicated in the current condition. An Audit Report for each estate will be included in the Deed between NSWG and C&A..
	5. Further detail re resolution of outstanding issues threatened species (vegetation mapping).	Under the current proposal, the assessment has considered the potential ecological impacts and per DECC comments within the IHAP report, coupled with the MoU (signed by the NSW Planning, Environment and Lands Ministers) found the habitat loss in relation to the wider conservation gain to be acceptable. Further ecological studies and assessment have been undertaken by RPS Harper Somers O'Sullivan. The Addendum Ecological Assessment Report is appended to the PPR.
	6. Impacts to restricted and cryptic orchids within Wallarah Peninsula	<p>It is noted that several cryptic and undescribed orchids have potential habitat within the proposed development estate. However, the precautionary principle has been applied in relation to ecological considerations within the development estate, specifically where an individual species, population or community was not recorded, but potential habitat was considered present, 'assumed presence' was made and assessment conducted henceforth with due reference made to habitat potential.</p> <p>Further assessment in respect to orchid species is contained in the Addendum Ecological Assessment Report appended to the PPR.</p> <p>As part of ongoing management within the development estate an orchid management plan may be considered for conservation lands. This would be funded by the \$5 million C&A allocation.</p>
	7. Vegetation mapping discrepancies for EECs need to be resolved including: EEC – Low Woodland with Heath land at Norah Head	This point is noted, however, floristic analyses of this community by Bell could not delineate this community from surrounding vegetation and LHCCREMS describes this community to be a form of Coastal Clay Heath. Further research is required to accurately describe this vegetation community. However, whilst it is a possibility that some portions of this

Agency /Author	Issues	C&A response
		vegetation community may be removed as part of the development proposal it should be noted that per table 6-1 within the ecological report 82.44ha (100%) of coastal clay heath will be conserved under the revised proposal. Refer to the Addendum Ecological Assessment Report appended to the PPR for further detail.
	Narrabeen Wallarah Sheltered Grassy Forest – Regionally significant	Agreed as this community is restricted to the Wallarah Peninsula, at the junction of Permian and Triassic geologies (Bell, 2008). With 98% of this vegetation community to be reserved within the conservation lands at CHB it is unlikely that the proposed development will have a significant impact upon this vegetation community. Refer to the Addendum Ecological Assessment Report appended to the PPR for further detail.
	<p>9. <i>Rutidosia heterogama</i></p> <p>Potential habitat within DA area.</p>	It was recognised that potential habitat for this species is present within the development estate, and irrespective of the intensive flora surveys conducted, assessment was undertaken based on assumed presence. Furthermore, large areas of suitable habitat are present within the offset lands. Refer to the Addendum Ecological Assessment Report appended to the PPR for further detail.
	8. For <i>Pultenaea maritima</i> potential presence not adequately addressed	The development areas has been extensively surveyed, and this species was not detected. Some suspect species were found on the headland in the conservation lands and were confirmed to be <i>Pultenaea villosa</i> by Royal Botanical Gardens Sydney. It is considered that this species is more likely to occur on the headland within the conservation lands. Refer to the Addendum Ecological Assessment Report appended to the PPR for further detail.
Dept of Education and Training	1. No objection in principle but notes that there is likely to be some impact from the development that will generate some additional demand for government educational facilities.	DET previously indicated that demand could be accommodated at primary and secondary schools in the region and that this was preferable to building new schools.
Date stamped 11 April 08	2. Proposal likely to generate small numbers of government school students likely to be accommodated at government primary and secondary schools in Swansea. Swansea public school of 1.28ha is restricted and, subject to increased enrolment demand eventuating, it would be desirable to explore opportunities to expand its site size.	DET previously indicated that demand could be accommodated at primary and secondary schools in the region and that this was preferable to building new schools.