

Concept Approval

Section 75O of the *Environmental Planning and Assessment Act 1979*

DETERMINATION OF CATHERINE HILL BAY AND GWANDALAN

CONCEPT PLAN (MP 06_0330)

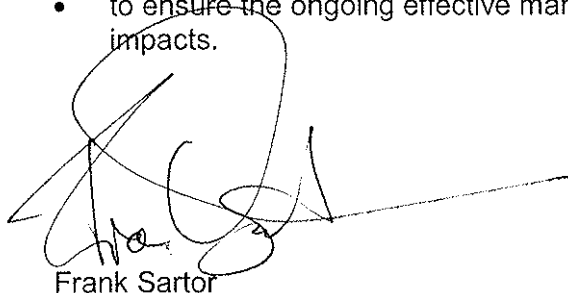
FILE NO. S06/00813

I, the Minister for Planning, under the *Environmental Planning & Assessment Act 1979* (the Act) determine:

- (i) pursuant to section 75O of the Act to grant concept plan approval for the proposal referred to in Schedule 1 and Part A of Schedule 2, subject to the modifications in Schedule 2;
- (ii) pursuant to section 75P(1)(a) of the Act, the further environmental assessment requirements for approval (as specified in Schedule 2, Part C) to carry out the development described in Part B of Schedule 1 of this approval under Part 3A of the Act;
- (iii) pursuant to section 75P(1)(c) of the Act, that the subdivision of the Gwandalan site (and associated works) as referred to in Schedule 1, Part A of this approval, requires no further environmental assessment (noting it is subject to a separate application MP 07_0107);
- (iv) pursuant to section 75P(1)(c) of the Act, that the subdivision of land (referred to in Schedule 1) that gives effect to the transfer of lands to a public authority or a Minister of the Crown requires no further environmental assessment and approve the development under section 75J of the Act (subject to the conditions set out in Schedule 3 of this approval); and
- (v) pursuant to section 75P(1)(b) of the Act, that all other development described in the Concept Plan are subject to Part 4 of the Act (excluding exempt and complying development) and are subject to further assessment requirements (as specified in Schedule 2, Part C) in accordance with clause 75P(2)(c) of the Act.

The reason for the modifications are:

- to prevent and/or minimise adverse environmental impacts;
- to ensure an acceptable built form and development outcome for the site; and
- to ensure the ongoing effective management of the development and associated impacts.



Frank Sartor
Minister for Planning

Sydney,

2nd Sept

2008

SCHEDULE 1

Part A

Application made by:	Rose Property Group Pty Ltd, which includes Lakeside Living Pty Ltd and Coastal Hamlets Pty Ltd
Application made to:	Minister for Planning
On land comprising:	<p>Catherine Hill Bay:</p> <p>Lot 5 in DP 774923, Lot 6 in DP 774923, Lot 7 in DP 774923, Part Lot 2031 in DP841175, Lot 2 in DP809795, Lot 201 in DP702669, Lot A in DP 384745, Lot B in DP 384745, Lot 3 in DP 129431 Lot 4 in DP 129431</p> <p>Residue of the original land grant being private land shown as roads in DP 163 (approximately 2.6 hectares).</p> <p>Public roads through Lot 2 in DP 809795 to be closed (approximately 4 hectares not currently in Coastal Hamlets ownership).</p> <p>Gwandalan:</p> <p>Part of Lot 3 in DP 588206</p>
For the carrying out of:	Development at Catherine Hill Bay and Gwandalan as described in Schedule 2, Part A of this approval.
Local Government Area:	Lake Macquarie Council and Wyong Shire Council
Capital Investment Value:	\$390 million
Part 3A project	On 25 June 2007, the Minister for Planning formed the opinion that the development on land at Catherine Hill Bay and Gwandalan for urban purposes is of State and regional environmental planning significance and declared that Part 3A of the <i>Environmental Planning and Assessment Act 1979</i> applies to the proposal.
Type of development:	Concept Plan
Determination:	Concept approval is granted subject to the modifications in the attached Schedule 2.
Date of commencement of approval:	This approval commences on the date of the Minister's approval.
Date approval is liable to lapse:	10 years from the date of determination unless specified action has been taken in accordance with Section 75Y of the Act.

PART B

DEVELOPMENT SUBJECT TO FURTHER ASSESSMENT UNDER PART 3A OF THE ACT

Project	Project No	Description
Civil and Community Works Package	MP07_0108	Civil works, 'super lot' subdivision and construction of community infrastructure
Hamlet 2	MP07_0110	Subdivision of Hamlet 2 and construction of residential development
Hamlet 1		Subdivision and construction of Hamlet 1

PART C

NOTES RELATING TO THE DETERMINATION OF MP No. 06_0330

Consistency with Concept Plan – Part 4 Approvals

Pursuant to section 75P(2)(a) of the Act, any consent granted for the project or that stage of the project under Part 4 of the Act is to be generally consistent with the terms of the approval of the concept plan.

Responsibility for other consents / agreements

The Proponent is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

PART D — DEFINITIONS

In this approval:

Act means the *Environmental Planning and Assessment Act 1979*.

Accredited certifier, in relation to matters of a particular kind, means a person who is the holder of a certificate of accreditation under the *Building Professionals Act 2005* in relation to those matters.

APZ means Asset Protection Zone

Concept Plan means the project and the accompanying plans and documentation described in Part A, Schedule 1 as modified by Schedule 2.

Dedication lands mean the lands identified to be transferred to the Department of Environment and Climate Change in accordance with Schedule 2 of the Memorandum of Understanding.

Department means the Department of Planning or its successors.

IHAP means Independent Hearing and Assessment Panel constituted by the Minister to consider and advise on the concept plan and project applications.

Director-General means the Director-General of the Department

GFA means the gross floor area and has the same meaning as contained within the *Standard Instrument (Local Environmental Plan) Order 2006*.

HRDC means the Hunter Regional Development Committee.

Lake Macquarie Council means Lake Macquarie City Council.

Minister means the Minister administering the Act.

Project means development that is declared under Section 75B of the Act to be a project to which Part 3A of the Act applies.

Proponents means the person(s) identified in Part A of Schedule 1 proposing the carry out of development comprising all or any part of the project, and includes persons certified by the Minister to be the Proponent(s).

Regulations means the *Environmental Planning and Assessment Regulations 2000* (as amended).

RTA means the NSW Roads and Traffic Authority.

Subject Site has the same meaning as the land identified in Part A of this schedule to which the Concept Plan applies.

Wyong Council means Wyong Shire Council

SCHEDULE 2

TERMS OF APPROVAL AND CONCEPT PLAN MODIFICATIONS

PART A – TERMS OF APPROVAL

A1. Development Description

Concept approval is granted only to the carrying out of the development solely within the concept plan area as described in the document titled **Catherine Hill Bay and Gwandalan Concept Plan**, prepared by Conybeare Morrison International + Context Landscape Design and dated February 2008, including:

- (1) dedication lands of approximately 310 hectares of land for conservation purposes;
- (2) a residential development at Catherine Hill Bay comprising of:
 - (a) a staged residential development with a maximum of 600 dwellings over seven distinct hamlets including;
 - Hamlet 1 – a maximum of 69 dwellings;
 - Hamlet 2 – a maximum of 108 dwellings;
 - Hamlet 3 – a maximum of 83 dwellings;
 - Hamlet 4 – a maximum of 144 dwellings;
 - Hamlet 5 – a maximum of 77 dwellings;
 - Hamlet 6 – a maximum of 71 dwellings;
 - Hamlet 7 – a maximum of 48 dwellings.
 - (b) dedication of Montefiore Parkway as a local public road;
 - (c) a minimum 25 metre wide coastal reserve and public walkway from Middle Camp Beach to the Headland;
 - (d) built form design principles for Hamlet 1 (excluding the Bin Building) that establish maximum building heights and soft landscaping controls;
 - (e) a maximum of 750m² GFA in Hamlet 1 for retail uses;
 - (f) provision of community facilities including a village green, Bin Building viewing platform, playing field, tennis courts, community building, swimming pool, village park, coastal walkway and hamlet commons, pedestrian and cycleway network;
 - (g) landscaping; and
 - (h) services and infrastructure.
- (3) a residential development at Gwandalan, comprising of:
 - (a) a subdivision of the 26 ha site into 188 lots in a torrens title scheme to create 187 new lots and a residue lot for the existing foreshore dwelling;
 - (b) two areas of open space with a total area of approximately 19,300m²;
 - (c) an internal road layout including a bus loop;
 - (d) three access points to Kanangra Drive;
 - (e) landscape concept for the two open space areas, and streets (including

- the "Green Link"); and
- (f) service infrastructure.

A2. Development in Accordance with Plans and Documentation

- (1) The Proponent shall carry out the concept plan and all related projects generally in accordance with the:
- (a) *Catherine Hill Bay and Gwandalan Concept Plan – Prepared for Preferred Project Report*, prepared by Conybeare Morrison International + Context Landscape Design on behalf of Rose Property Group Pty Ltd and dated February 2008;
 - (b) *Catherine Hill Bay and Gwandalan Preferred Project Report for Concept Plan (MP06_0330)* compiled by Rose Property Group in conjunction with Coastal Hamlets Pty Ltd and Lakeside Living Pty Ltd and dated 6 December 2007, with the exception of Appendix B (*Catherine Hill Bay and Gwandalan Preferred Project Report for Concept Plan (MP06_0330)* dated December 2007);
 - (c) *Statement of Commitments* (dated 1 September 2008) and as amended by correspondence titled *Additional Statement of Commitments relating to protection of Tetraheca juncea (Black Eyed Susan)* and dated 27 May 2008) and as amended by the modifications of the Concept Plan approval identified in Part B and C of Schedule 2;
 - (d) The conditions of this approval.
- (2) In the event of any inconsistencies:
- (a) in respect to the conditions of this approval and any document listed from condition A2(1)(a) to – condition A2(1) (c) inclusive, the conditions of this approval shall prevail to the extent of the inconsistency; and
 - (b) in respect to any document listed from condition A2(1)(a) to – condition A2(1) (c) inclusive, the most recent document shall prevail to the extent of the inconsistency.

A3. Lapsing of Approval

Approval of the Catherine Hill Bay and Gwandalan Concept Plan shall lapse 10 years after the determination date in Part A of Schedule 1 unless an application is submitted to carry out a project or development for which concept approval has been given.

PART B – MODIFICATIONS TO CONCEPT PLAN

B1. Development Footprint – Catherine Hill Bay

- (1) The concept plan shall be modified so that all infrastructure and other provisions to support the urban development is retained within the urban footprint, including stormwater management infrastructure, utilities, bushfire asset protection zones and fencing. This condition does not apply to utilities from outside the site that must be located to minimise any impact on environmental sensitive lands while meeting safety requirements.
- (2) Approval is specifically not provided for the series of walking tracks located outside the development footprint and residential development of the Bin Building. Walking tracks are to be endorsed by the NSW Department of Environment and Climate Change.

B2. Maximum Gross Floor Area:

The concept plan shall be modified to delete the 'maximum residential floor area' nominated for Hamlets 1 – 7 in Catherine Hill Bay.

B3. Hamlet 1, Catherine Hill Bay

The concept plan shall be modified with respect to Hamlet 1 to address the following requirements and objectives:

- (a) commercial and residential (detached dwellings) only of not more than 1 storey in height (with an additional upper level permitted within the pitched roof form) with a maximum ridge height of 5m above existing ground level or finished ground level (whichever is lower) within the area identified as "Visual Sensitivity Area from Village" on Figure 3.5.9 of the concept plan (February 2008);
- (b) commercial and residential (detached dwellings) only of not more than 1 storey in height with a maximum ridge height of 7.5 m above existing ground level or finished ground level (whichever is lower) within the area identified as "Area of Low Sensitivity" on Figure 3.5.9 of the concept plan (February 2008);
- (c) low scale development to be designed to blend into the landscape with a maximum building footprint of 40% of the site area and a minimum of 50% soft landscaped areas shown as "Visual Sensitivity Area from Village" and a maximum building footprint of 50% of the site area and a minimum of 40% soft landscaped areas shown as "Area of Low Sensitivity" area identified on Figure 3.5.9 of the concept plan (February 2008); and
- (e) dwellings that adjoin the Coastal Walk (as identified in B3(1)(a) and (b) above) are to be setback from the allotment boundary that adjoins the Coastal Walk by a minimum distance of 15 metres to provide adequate visual separation between the public domain and private dwellings. Landscaping and ancillary structures (e.g. sheds) may be located within this setback, with any structures being no higher than 1.8 metres above ground.

B4. Hamlets 2 to 5, Catherine Hill Bay

The concept plan shall be modified so that a perimeter road is provided around Hamlets 2 to 5 (generally in the location shown), with the following design requirements;

- (a) a road reserve that satisfies relevant Australian standards and provides a two-way carriageway (sufficient to accommodate servicing vehicles), three metre wide parallel parking on the southern edge, and a verge to allow pedestrian movement. The verge shall be located adjacent to the residential development and the parking lane adjacent to the conservation lands;
- (b) the parking lane is to have a permeable finish;
- (c) the parking spaces are to be interspersed among landscape bays. The landscape bays in the parking lane shall not exceed 20% of the road length and shall be spaced every four car parking bays;
- (d) the planting of the landscaped bays shall be native plants and comply with the requirements of the NSW Rural Fire Service *Planning for Bushfire Protection Guidelines 2006*; and
- (e) internal planning within Hamlets 2 to 5 allow for adequate deep soil planting to ensure that proposed trees will have adequate space to establish and grow to their full potential height.

B5. Hamlets 6 and 7, Catherine Hill Bay – Bushfire

- (1) The concept plan shall be modified with respect to Hamlets 6 and 7 to address the following requirements and objectives:
 - (a) provision and design of a perimeter road or pathway to address *Planning for Bushfire Protection 2006*; and
 - (b) provision of two access roads to address *Planning for Bushfire Protection 2006*.

This may be achieved by either a connection of the two Hamlets by a road (providing no significant vegetation or habitat is removed) or by separate new connections to Montefiore Parkway to each Hamlet.

B6. Hamlet 6, Catherine Hill Bay – Development in Proximity to the Leafless Tongue Orchid (*Cryptostylis hunteriana*)

- (1) The concept plan shall be modified with respect to Hamlet 6 so that:
 - (a) adequate separation is provided between development and the habitat of the Leafless Tongue Orchid (*Cryptostylis hunteriana*); and
 - (b) development at Hamlet 6, including structures, buildings, infrastructure and bushfire protection measures, does not occur within 50 metres of the Narrabeen Doyalson Coastal Woodland (habitat to the *Cryptostylis hunteriana* species) unless measures are agreed to by NSW Department of Environment and Climate Change and the Commonwealth Department of Environment, Water, Heritage and the Arts to manage any reduction in the 50 metre setback.

B7. Road Layouts and Intersections, Catherine Hill Bay

- (1) The design of the internal roads and intersections shall be modified after further negotiations between the HRDC, Lake Macquarie Council, the Proponent and the Department, and to the Director General's satisfaction to address:
 - (a) delivery/removal vehicle or waste collection vehicle access in accordance with the relevant Australian Standards;
 - (b) car courts to allow for one-way traffic flows to provide for delivery/removal vehicle or waste collection vehicle access without the need for any reversing manoeuvres;
 - (c) re-design of the Surf Club car parking area and vehicle access from Flowers Drive to accommodate the road closure; and
 - (d) traffic control measures in order to redirect the 'through-traffic' along Hale Street, but allow visitor/resident access to Lindsley/Clarke Street.
- (2) The concept plan shall be modified so that Montefiore Parkway between the Pacific Hwy and Hale Street is to be upgraded to:
 - (a) provide a 21m wide road reserve
 - (b) meet Austroads Standards for the expected level of traffic and the recommended speed limit of the relevant roads authority;
 - (c) provide two x 5.5 metre wide travelling lanes;
 - (d) provide 2.0 metre wide sealed and marked shoulders / cycle ways, in both directions; and
 - (e) the vertical alignment of the road will need to satisfy safety and sight distance requirements.

B8. Gwandalan

The concept plan shall be modified as it applies to the Gwandalan site to undertake the following:

- (a) provision of an Asset Protection Zone, that is designed in accordance with the *Planning for Bushfire Guidelines 2006* and that encompasses a publicly accessible pathway that is 6 metres wide or a perimeter road, between the urban development and Point Wolstoncroft State Conservation Area on lots 97 to 106 for the full length of these lots. Any movement of the perimeter road shall address the sightline requirements and retention of significant vegetation; and
- (b) the widening of the Road No.1 carriageway to 13 metres for the length of Gwandalan Public School and the provision of a bus lay-over as a drop-off and pick-up point for students.

Note: A consolidated plan that addresses the above modifications is to be provided to the Department within one month of this approval.

PART C – FURTHER ASSESSMENT REQUIREMENTS

Pursuant with sections 75P(1)(a) and 75P(2)(c) of the Act, the following requirements listed in Part C shall apply to all future applications relating to this concept plan, including Part 3A and Part 4 applications.

CATHERINE HILL BAY

C1. Mine Closure

Future applications shall be accompanied by a report prepared by an experienced and suitably qualified professional that demonstrates that the necessary mine closure activities have been addressed and the site can be suitably rehabilitated to a level that is safe for its intended end use.

C2. Contributions and Dedication of Open space, etc

- (1) As part of the project application for Hamlet 1, the Proponent is to submit a Staging Plan for the Director-General's approval that details the schedule for delivering (and dedicating, where relevant) the following contributions:
 - (a) coastal walk and village park;
 - (b) other community facilities and common areas at Catherine Hill Bay;
 - (c) provision of road and other service infrastructure (internal and external works associated with the concept plan at Catherine Hill Bay);
 - (d) the community facilities fund (established through a trust fund or any other appropriate mechanism), which is to provide funding towards community infrastructure projects within the Catherine Hill Bay and Middle Camp area;
 - (e) contributions towards the Catherine Hill Bay Surf Life Saving Club;
 - (f) section 94 management plan contribution; and
 - (g) regional contributions.
- (2) The Community Infrastructure Fund (CIF) referred in condition C2(1) shall be managed by equal representation of the Proponent, Lake Macquarie Council and representative(s) from the local community. The CIF is to be financed by a contribution from the Proponent of \$1,600 per lot and is to be paid in totality upon the issue of the Occupation Certificate for the 300th lot at the Catherine Hill Bay site, unless otherwise agreed by the Director-General. The CIF management group shall decide (on the majority vote) on the nature of the project(s) to be funded in the local area, the timing for the delivery of the project(s), and the means through which the project(s) are to be delivered.
- (3) As part of the project application for Hamlet 1, the Proponent is to demonstrate that:
 - (a) an agreement has been reached between the Proponent and the relevant public authority for the dedication of the Coastal Walkway, Middle Camp Beach (areas south of existing surf club) and the Headland Reserve;
 - (b) an agreement has been reached with the Council for the dedication of items specified in Statement of Commitment B17, and that the items to be dedicated are to be constructed in accordance with Council specifications.

C3. Public Access

Future project or development applications are to demonstrate that adequate arrangements are in place for the provision of public (pedestrian and vehicular) access (including the proposed legal mechanism) for the following:

- (a) all roads within Hamlets 2 to 5;
- (b) Hale Street and all of Montefiore Parkway;
- (c) the parklands and common areas; and
- (d) the coastal walkway.

C4. Pacific Highway / Montefiore Parkway Intersection

Prior to the lodgement of a project application for Hamlet 1, the Proponent is to demonstrate to the Director-General that an agreement has been reached with the NSW Roads and Traffic Authority with respect to the upgrade of the Pacific Highway and Montefiore Parkway. This agreement may consist of works-in-kind or monetary contributions. Any dispute between the Proponent and the RTA is to be mediated by the written determination of the Director-General.

Any such upgrade shall be completed prior to the issue of any occupation certificate for dwellings located with the Catherine Hill Bay site.

C5. Heritage – European

- (1) The project application for Hamlet 1 shall be accompanied by a Conservation Management Plan for the Wallarah House Heritage Precinct. The Conservation Management Plan shall provide for:
 - (a) no additional dwellings or development within the precinct (other than that described in C5(1)(b) and excluding any ancillary facilities within the curtilage of not more than 1.8 metres in height); and
 - (b) that Wallarah House is retained and that any adaptive re-use of Wallarah House is designed with consideration to heritage values and its setting.

The Conservation Management Plan shall be submitted to the NSW Heritage Council for comment before being submitted to the Department.

- (2) In conjunction with the Conservation Management Plan, an interpretation strategy is provided that includes the former Moonee Colliery site, Wallarah House, the Jetty Masters Cottage, the Bin Building, Colliery Railway, Coal loader jetty and any other relevant heritage items that are to be retained. The interpretation strategy is to be prepared in consultation with the NSW Heritage Office.
- (3) The project application for Hamlet 1 shall detail the outcomes of the Proponent's investigation, in consultation with the Department of Lands and Coal and Allied, into the use of the Colliery Railway line for the development of a rail trail, in consultation with the Department of Lands and Coal and Allied.

C6. Heritage – Aboriginal

- (1) The project application plan for Hamlet 1 shall include an Aboriginal Heritage Management Plan that applies to the Catherine Hill Bay (urban land). The Plan shall be prepared generally in accordance with the *Conservation Management Documents Guidelines on Conservation Management Plans and Other Management Documents* published by the NSW Heritage Council. All future project and development applications shall incorporate the relevant provisions of this management plan.
- (2) The Aboriginal Heritage Management Plan is to apply to the areas on which the development is to be carried out and address the following (where relevant):

- (a) the ongoing protection of Aboriginal heritage items known to occur in the surrounding area, such as the midden/artefact and red ochre sites that have been identified along T2, during the construction and operational phases of the development;
 - (b) specific measures to be applied to works undertaken in close proximity to identified Aboriginal heritage items to protect and avoid impacts on these items. This shall include a component within the site induction program for construction works and an auditing program to ensure that there is no impact on heritage items;
 - (c) procedures that would be followed should any previously unidentified heritage item be discovered during construction works at the site;
 - (d) ongoing consultation with relevant Aboriginal Stakeholders in all aspects of this proposal;
 - (e) procedures for all information from any documentation, surveys and oral histories 'sites of physical/spiritual cultural importance and those that represent the dreaming through stories that have been passed on about these sites' to be deemed culturally significant sites of great importance and to be set aside and preserved for the relevant Aboriginal Stakeholders;
 - (f) if agreed to by the relevant Aboriginal Stakeholders and DECC, the inclusion of an interpretive station or theme into the development that details the history of the traditional owners/inhabitants of the land so as to give recognition to the Aboriginal Traditional owners of the area. The design and location of any station/theme shall be undertaken in consultation with the relevant Aboriginal Stakeholders.
- (3) Future development and project applications that provide pedestrian access to areas adjoining the urban development are to be accompanied by an Aboriginal Heritage Assessment. This assessment is to address the impacts of the development and the proximity of the paths and access tracks and/or ease of access to sites containing known aboriginal archaeology and mitigation measures to protect the archaeological sites.

C7. Pedestrian Access to Moonee Beach

The project application for Hamlet 1 shall detail what arrangements have been made with DECC for the location and upgrades of the walking trails between the development footprint and Moonee Beach to manage the impacts associated with increased visitor usage.

C8. Coastal Walkway

- (1) The project application for Hamlet 1 shall include detailed design plans for the coastal walkway. The plans for the coastal walkway are to be prepared in consultation with the future land owner and accompanied by an assessment of the stability of the cliff edge to determine if there are any areas where a setback greater than 25 metres from the cliff edge is required in order to ensure a safe walkway.
- (2) The plans identified in C8(1) are to address the following requirements:
 - (a) a location and design that will minimise erosion and damage to coastal vegetation, including the consideration of raised, elevated steps;
 - (b) a design and location that is safe for public accessibility; and

- (c) the ongoing maintenance requirements and responsibilities, noting exposed environment.

C9. Bin Building

Future applications for the adaptive re-use of the Bin Building must:

- (a) include public use (e.g. viewing platform) on the roof, with ancillary structures for shading or to enhance enjoyment of the rooftop (eg a kiosk/cafe);
- (b) be accompanied by a building assessment and supported geotechnical studies to verify that the structure is stable, safe and suitable for its intended use;
- (c) be limited to a height and scale no greater than previously existed on the site when used as part of the Colliery other than provided for in (a) above; and
- (d) not include reflective glass, undue lighting or an expansion in the size of the building.

C10. Hamlet 1

The future project application for Hamlet 1 shall:

- (a) provide an appropriate footprint for each dwelling that
 - (i) minimises the visibility of the dwelling when viewed from Catherine Hill Bay Village and Middle Camp Beach; and
 - (ii) retains and preserves existing significant trees on site;
- (b) provide a minimum two resident car spaces (off-street) are located within the lot for each dwelling;
- (c) provide an adequate vegetated buffer between Hamlet 1 and Wallarah House to screen the development from the Catherine Hill Bay Village; and
- (d) provide an adequate vegetation to screen the car park (located on the corner of Montefiore Parkway and Clarke Street) from the Catherine Hill Bay Village and from the approach to Catherine Hill Bay along Montefiore Parkway.

C11. Hamlets 2 to 5

The Project Application for Hamlet 2 and future applications for dwellings / development within Hamlets 3 to 5 shall:

- (a) demonstrate that adequate car parking is provided for public visitors accessing Moonee Beach;
- (b) be designed to ensure visual impacts from Moonee Beach and Munmorah State Conservation Area is minimised;
- (c) be designed so that development within Hamlets 2 to 5 are of low scale, have a maximum building height of two storeys and be nestled within a bushland setting;
- (d) provide a minimum two resident car spaces (off-street) are located within the lot for each dwelling (but not including visitor spaces);
- (e) provide a minimum 15 metre vegetated buffer between Montefiore Parkway and residential development to visually screen the development and protect the scenic approach along Montefiore Parkway in to Catherine Hill Bay;

- (f) identify that adequate deep soil areas are provided to ensure trees will have adequate space to establish and grow to their full potential height to ensure that development is nestled within a bushland setting;
- (g) provide details for the staging of development within Hamlets 2 to 5 first and demonstrate that the perimeter road (see Part B of this approval) will be provided with two access points to Montefiore Parkway and adequate car parking to service public use of Moonee Beach with the first stage of the development and for all subsequent stages of development;
- (h) be accompanied by a stormwater management plan that demonstrates that adequate measures are in place to minimise water quality and quantity impacts on the SEPP 14 wetland, the Intermittent Closing and Opening Lake and Lagoon (ICOLL) and creek to the south of Hamlets 2 to 5; and
- (i) provide details for the water capture and reuse scheme that demonstrates the following:
 - i) measures to reduce demand on potable water supply;
 - ii) management and maintenance arrangements; and
 - iii) measures to ensure that downstream hydrological functions and biodiversity values including groundwater and groundwater dependent ecosystems are protected.

C12. Hamlets 6 and 7

- (1) Future applications for development within Hamlets 6 and 7 shall:
 - (a) provide a minimum 15 metre vegetated buffer between Montefiore Parkway and residential development to visually screen the development and protect the scenic approach along Montefiore Parkway in to Catherine Hill Bay; and
 - (b) be designed to ensure visual impact from Montefiore Parkway and Catherine Hill Bay Village is minimised;
 - (c) be designed to address the following urban design and built form principles:
 - i) development is to be sensitively set within the landscape and have minimal visual impact on the aesthetic values of the area; and
 - ii) development is to be of a type and intensity which is sympathetic to the heritage values and character of the Catherine Hill Bay Precinct.
 - iii) provision of a minimum two resident car spaces (off-street) are located within the lot for each dwelling, not including visitor spaces.

Bushfire Management

- (2) Future applications for development within Hamlet 6 and 7 are to be accompanied by a detailed Bushfire Management Plan that demonstrates that the subject development (at all stages) complies with the *Planning for Bushfire Guidelines 2006* and details arrangements for the following:
 - (a) the road network, lot layout and road density are appropriate for evacuation purposes;
 - (b) ensure that property access roads (other than Montefiore Parkway) allow for the safe access, egress and defensible space for emergency services;

- (c) establish the composition of the APZs, including the inner and outer protection zones, especially in relation to the proposed building footprints;
- (d) detail the responsibility of ongoing maintenance requirements within the APZ to ensure compliance with required standards (for example the canopy spacing requirements); and
- (e) ensure that all APZs are located within the development footprint and outside the land zoned E1 - National Parks and Nature Reserves.

***Cryptostylis hunteriana* Management Plan**

- (3) A management plan is to be provided with future applications for development within Hamlets 6 and 7 that demonstrates nutrient and sediment control measures are to be put in place to avoid any runoff from Hamlets having an adverse impact on the *Cryptostylis hunteriana* species.

C13. Environmental Management Plan

- (1) As part of the project application for Hamlet 1, the Proponent shall include an *Environmental Management Plan* that provides details for the implementation of the recommendations of the Harper Somers O'Sullivan Report (2007) for the entire Catherine Hill Bay site.
- (2) The Environmental Management Plan is to address the following;
 - (a) Mapping of the Littoral Rainforest to determine the exact extent of the community;
 - (b) Protection and minimisation of disturbance to the white bellied sea eagle nest occurring in the offset lands in consultation with DECC;
 - (c) Minimising the amount of clearing in areas defined as native vegetation communities, especially areas containing vegetation consistent with EECs;
 - (d) The preparation of a *Tetratheca juncea* management plan to ensure the long term conservation and survival;
 - (e) Retention of mature or hollow bearing trees wherever possible;
 - (f) Species selection for future landscape works and seed stock for revegetation to be limited to locally occurring native species;
 - (e) Protection of drainage lines during construction and nutrient and sediment control management.

C14. Contamination

- (1) Future development or project applications shall be accompanied by an asbestos management plan that addresses the possibility of uncovering hidden or undetected asbestos during future site earthworks, and details how any asbestos would be handled and disposed of.
- (2) Future development or project applications shall be supported by a Remedial Action Plan prepared by a recognised and suitably qualified professional that identifies and details the methodology and work to be undertaken to ensure that the land can be made suitable for the intended purpose.

The Remedial Action Plan must be accompanied by a statement from a site auditor accredited by the Department of Environment and Climate Change to issue site audit statements.

- (3) Future development or project applications in which remediation work is required to make the site suitable for the intended use, must require:
- (a) the Proponent (or Applicant if subject to Part 4 of the Act) to submit a Site Audit Statement and Validation report to the certifying authority upon completion of the remediation works. The Site Audit Statement shall be prepared in accordance with the *Contaminated Land Management Act 1997* and completed by a site auditor accredited by the Department of Environment and Climate Change;
 - (b) an independent site auditor to routinely investigate the site during construction to ensure that the requirements of the Remedial Action Plan and/or the conditions of the Site Audit Statement are complied with; and
 - (c) that access or use of any landscaped area is not permitted until such time as a Site Audit Statement is submitted demonstrating that the land is suitable for the intended use.
- (4) The certifying authority shall not issue an occupation certificate for any structure or building until such time as a site audit statement is provided demonstrating that the land is suitable for the intended purpose.

C15. Water Quality

- (1) As part of the project application for Hamlet 1, the Proponent is to demonstrate to the Director-General that the pre-development condition and water quality levels of the SEPP 14 wetland, the Intermittent Closing and Opening Lake and Lagoon (ICOLL) and creek to the south of Hamlets 2 to 5 (to the south of the Catherine Hill Bay/ Moonee Hamlets site) have been established, and that a monitoring program has been established to monitor all construction phases of development at the site. This work shall be undertaken by a suitably qualified and experienced professional.

Water quality monitoring shall be undertaken on a minimum three monthly basis and the results shall be detailed in a report that includes:

- (a) an assessment of the data against relevant water quality standards and the baseline data collected prior to the commencement of any works at the site,
- (b) identification of any instance where the water quality results exceed the relevant standards; and
- (c) identification of all appropriate mitigation measures made to comply with the relevant standards in the event of the criteria being exceeded.

The report shall be provided to the Department of Environment and Climate Change, Council and any other relevant agency.

- (2) As part of the project application for Hamlet 1, the Proponent is to demonstrate to the Director-General that a long-term groundwater monitoring program shall been established to monitor the impact of the development on the SEPP 14 wetland. The program is to be prepared in consultation with the Department of Water and Energy and consist of a number of appropriately located sentinel bores with piezometers at suitable depths. Monitoring parameters are to include contaminants associated with the urban development including those emanating from road surfaces.

C16. Interface issues

- (1) As part of the project application for Hamlet 1, a management and monitoring plan is to be prepared for the entire site at Catherine Hill Bay in consultation with the relevant adjoining land owner that addresses the following interface management issues between the development lands and Munmorah State Conservation Area and the dedication lands:
 - (a) Pedestrian access arrangements;
 - (b) Edge effects;
 - (c) Sediment and erosion control measures;
 - (d) Water quality and quantity;
 - (e) Potential impact of domestic animals; and
 - (f) Management of exotic plant distribution.
- (2) The management plan identified in (1) above is to identify monitoring and mitigation measures to ameliorate impacts on the adjoining Munmorah State Conservation Area and the dedication lands.

The following requirement applies to the Gwandalan site only.

C17. Floor Levels, Gwandalan

All future applications for dwellings within the Gwandalan site shall be designed so that:

- (a) The minimum habitable floor level for any dwelling is 4.00 metres AHD or above, unless a flooding assessment demonstrates to the satisfaction of the Director-General that a lower AHD is acceptable; and
- (b) Non-habitable uses and structural elements of any dwelling that are below 4.00m AHD are constructed with flood compatible materials and are certified by a structural engineer of the adequacy of the structures to withstand significance forces due to flooding.

The following requirements apply to Catherine Hill Bay and Gwandalan.

C18. Design Guidelines

Future project and development applications for the construction of dwellings (excluding exempt and complying dwellings) are to be accompanied by design guidelines that reflect the use of materials and finishes that harmonise with the surrounding bushland environment and result in a high quality development.

C19. Geotechnical

Future project or development applications for construction of any dwellings, buildings or structure at the Sites must:

- (a) be accompanied by a report prepared by a recognised and suitably qualified professional engineer that demonstrates adequate measures have been taken to limit the impact from mine subsidence and outlines how the construction will meet the relevant Australian standards;

- (b) demonstrate that the proposed structures are capable of meeting the requirements of the Mine Subsidence Board; and
- (c) demonstrate that stability, subsidence potential, and load bearing capacity of the site have been addressed through the proposed building design.

C20. State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

Future applications for the construction of buildings on the subject site will be in accordance with State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.

C21. Possible Sea Level Rises

Future applications are to address impacts of possible sea level rise and coastal inundation on the proposed development and proposed safeguards to mitigate impacts.

SCHEDULE 3

CONDITIONS OF PROJECT APPROVAL

A1. Development Description

Project Approval is granted only to the carrying out the subdivision of the lands specified in Schedule 1, Part A, to enable the transfer of lands to a public authority or the Minister of the Crown.

A2. Development in Accordance with Plans and Documentation

The development shall be in accordance with the following plans, documentation and recommendations made therein:

- The Plan of Subdivision, titled *Plan of Subdivision of Lots 5, 6 & 7 in D.P. 774926, Lots 3 & 4 in D.P. 129341, Lot 2031 in D.P. 841175, Lot 2 in D.P. 809795, Lots A & B in D.P. 384745, Lot 201 in D.P. 708669 and Lots 2, 4, 6 SEC F in D.P. 163*, prepared by Denny Linker and Co and dated 14 August 2008.

A3. Lapsing of Approval

The project approval will lapse 5 years after the approval date of this project approval.

A4. Prescribed Conditions

The proponent shall comply with the prescribed conditions of project approval under Section 75J(4) of the Act.

PRIOR TO SUBDIVISION CERTIFICATE

A5. Application

An application pursuant to Part 4A of the Act shall be submitted to an accredited certifier or Council with a plan of subdivision prepared and certified by a registered surveyor prior to the issue of the Subdivision Certificate.

A6. Easements

Easements for services, drainage, maintenance or any other encumbrances and indemnities required for joint or reciprocal use of part or all of the proposed lots as a consequence of the subdivision, must be created over those lots pursuant to the *Conveyancing Act, 1919*.

A7. Documentary evidence of restrictions on title

Prior to the issuing of the subdivision certificate, the Proponent is to provide documentary evidence of the proposed easements to the accredited certifier or Council.

A8. Costs to be Borne by Applicant

All costs associated with the preparation and registration of any covenant or restriction on title, whether directly or indirectly, will be borne solely by the Proponent.

ADVISORY NOTES

Requirements of Public Authorities for Connection to Services

The applicant shall comply with the requirements of any public authorities (eg Integral Energy, Hunter Water, Telstra Australia, AGL etc.) in regard to the connection, relocation and/or adjustment of the services affected by the development. Any costs in the relocation, adjustment or support of services shall be the responsibility of the applicant. Details of compliance with the requirements of any relevant public authorities are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

All works in the National Park will require the approval of the Department of Environment and Climate Change in accordance with the *National Parks and Wildlife Act 1974* and Part 5 of the *Environmental Planning and Assessment Act 1979*.