

Name: Barry Laing and Jewel Laing
Address: 2 Clarke St Catherine Hill Bay, NSW 2281

Director, Strategic Assessments
NSW Department of Planning
GPO BOX 39
Sydney 2001

RE: COAL & ALLIED SOUTHERN ESTATES PROPOSAL FOR MIDDLE CAMP AT CATHERINE HILL BAY, specifically:

- **MIDDLE CAMP RESIDENTIAL DEVELOPMENT (SOUTHERN ESTATES): POTENTIAL STATE SIGNIFICANT SITE (2010)**
- **MIDDLE CAMP RESIDENTIAL DEVELOPMENT (SOUTHERN ESTATES): CONCEPT PLAN (MP10_0089)**
- **MIDDLE CAMP RESIDENTIAL DEVELOPMENT SOUTHERN ESTATES: MIDDLE CAMP SOUTHERN ESTATES (VPA)**

We object to all of the above Coal & Allied Southern Estates proposals in relation to Middle Camp at Catherine Hill Bay.



Contents

Background and rationale for objection.....	2
Concept Plan deficiencies:.....	3
Environmental Assessment deficiencies	3
Other deficiencies:	5
Conclusion	6

Background and rationale for objection

We object to all of the above Coal & Allied Southern Estates proposals in relation to Middle Camp at Catherine Hill Bay, centred on MP 10_0089 of Coal and Allied Industries Pty Ltd, for the reasons detailed in our submission, below.

Our family home is at 2 Clarke St Catherine Hill Bay (CHB), owned since 1965.

We strongly oppose this application because it threatens the unique community character, scenic amenity, heritage and conservation values of the place which are embodied in the existing zonings of the subject land.

State and Local government development processes have served the area well and with integrity for many years. The State interests which remain protected at Middle Camp unless the C&A proposal is approved, are:

1. The conserved coastal hinterland which is protected by the Coastal Policy, the recent dedication of the Wallarah National Park, the long-standing zonings of lands owned by C&A as 7(1) Conservation (Primary) and the “controlled action” provisions of the Commonwealth’s Environment Protection and Biodiversity Conservation Act 1999.
2. The unique coastal mining company village including Middle Camp and Sawmill Camp currently protected by local or state heritage controls and guidelines, and recently included in the State heritage Register as a Heritage Conservation Area.
3. Bush regeneration and mine rehabilitation, which is returning the mining areas to their former state.
4. A thriving community maintaining this heritage and environmental asset at little cost to the State in infrastructure.

These interests are of long-term value and have been preserved by the State until now but once lost are gone forever.

We deplore the proponent’s disrespect for environment zonings and disregard in this plan for public values and community cohesion.

The proponent exploited this land for many years, with several zonings which prohibit residential development, so the company knew it was not allowed to develop the land once mining finished.

Now by offering to relinquish most of those parts which have always been subject to prohibitive zonings, the developer asserts that its strategy is of state significance.

We feel this is inappropriate and unjustified in the proposal.

We support the Catherine Hill Bay Progress Association’s objection to this plan.

Our objections are detailed in the following pages.

Concept Plan deficiencies:

The Concept Plan begins by asserting that up to 222 houses at Catherine Hill Bay is significant to the Lower Hunter Regional Strategy, with its plan for well over 100,000 homes in the lower Hunter. To say that 222 houses out of over 100,000 is significant is patently absurd. If the required 222 sites were included at Minmi for instance, with its 6312 dwellings, that would only increase its density by 4.7%, which is hardly significant and thus obviously achievable. C&A's implication that the CHB objectives could not be achieved in less valuable and thus more appropriate locations elsewhere is unsupportable.

Of course, an aware reader will know that the security of the conservation lands is far better at present than it would be under this proposal. C&A has worked their leases while the prohibitive zonings prevailed, with, until the minister's intervention and the proposed VPA, no real expectation of further profit because of the conservation zonings. The concept plan cannot argue logically both

1. that its residential development and offsets are necessary; and
2. that the conservation zonings should be removed to prevent inappropriate development.

The protective zonings do exist, the developments are not necessary to protect the Wallarah National Park and development of this scale will negatively impact on the values which gave rise to the conservation zonings in the first place.

The significance of Catherine Hill Bay has been acknowledged through its inclusion on the State Heritage Register. The expert IHAP regard the Middle Camp village and its setting as representing "a precinct of exceptional aesthetic, landscape, social and cultural landscape heritage significance... it is unique, representing a largely intact 19th Century mining village characterized by development along a single street with single storey cottages sited on either side. In addition to the cottages themselves the spaces between the cottages and the landscape setting are also significant."

The IHAP also recommended that "any development in the vicinity of Middle Camp should not prejudice the scenic, aesthetic and cultural heritage qualities of the area..." The large area on the eastern side of Middle Camp proposed to be zoned E4 is in direct conflict with this recommendation as the object of E4 zoning is to enable residential subdivision and development in an area which historically has been an open public common and green space dotted with a few unfenced miners' cottages. We believe that this area should be zoned E2 which would preserve its environmental qualities.

Environmental Assessment deficiencies

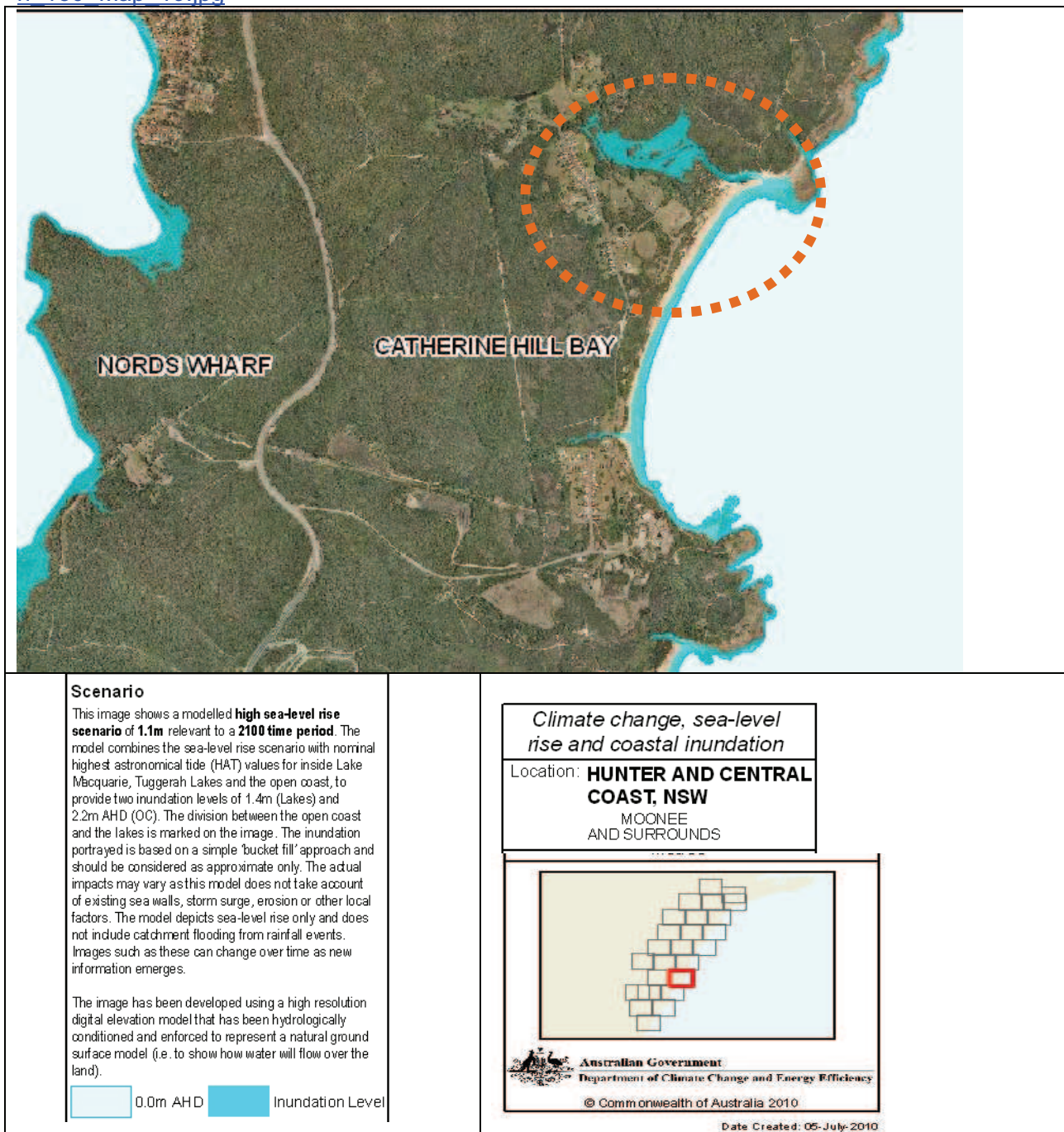
The plan is deficient in using an Ecological Assessment Report which is virtually identical to that submitted years ago for a different development proposal on different areas. Therefore many aspects of the report are likely to be inherently outdated and inaccurate.

C&A's concept plan also does not address the possible complete closing-off of the Wallarah NP corridor by its development. The geometric shape of the development and the adjacent road and development impact haloes, together intrude in a westerly direction like a wall across the conservation lands and constitute a risk that the offset lands will be of greatly reduced value. The report is deficient in repeatedly asserting without evidence or rational argument, that because much of each foraging area, habitat, suitable soil etc., exists elsewhere in the conservation lands, the risks to wildlife of the residential Estates can

generally be dismissed regardless of the defective shape of the proposal's so-called 'corridor'.

Climate change impacts are not addressed at all. The national Sea level rise maps released in December 2010 show that annual flooding events due solely to sea level rise are likely to reach to the eastern edge of the Development Estates A and B in the next 90 years at a minimum and possible sooner. The extract below illustrates this and is taken from the national sea level rise website at

http://www.ozcoasts.org.au/climate/Map_images/CentralCoast/High/jpeg/150dpi/Central_Coast_High_150_Map_19.jpg



The orange circled area is immediately to the east of the development estate B and is only slightly lower in elevation than the Estate area. When possible catchment flooding from the west of the Estate is added to that scenario, there are clearly inundation risks affecting the

development itself. The impact on the development's roads, drainage and sewerage and other infrastructure is not discussed in the application and thus the Director General has insufficient information on which to make a decision.

The area's current conservation zonings guarantee benefit to the state and should be maintained.

Other deficiencies:

Traffic

The application incorrectly addresses the impact of traffic on the Heritage village and on the safety and amenity of its residents. Flowers Drive clearly has the characteristics of a local road. The RTA standards have been posited in response to urban conditions but this rural context does not fit the 'standard template'. Given that the characteristics of Flowers Drive accord with a local road classification (see *Table 1.2.5 of RTA Design Guide – Factors for Implementation of Road Hierarchy*), acceptable traffic numbers and acoustic standards are exceeded. Also, studies carried out on behalf of Coal & Allied show that there was a 40% increase in traffic on the weekend but only 10% has been allowed in their calculations. The acoustic study by Renzo Tonin was based on an estimated 40km speed, yet nothing in the application commits to any traffic calming measures. Indeed, current road configuration encourages the current 50km/hr speed limit to be frequently exceeded. While the Statement of Commitments does suggest that LATM would be implemented "if required", both traffic and acoustic reports incorrectly argue that nothing is required.

Buffer Zone

It is important that the buffer zone along Flowers Drive be 30m wide in order to adequately screen the proposed 2 storey new housing and to retain the significant rural character of the treed entry into the heritage township. The application is confused and misleading. It quotes figures varying of between 15-30m for such a buffer zone. While the SSS Listing Report commits to a 15m buffer zone on page 37, other experts suggest that the landscaped buffer is 23 – 30m wide (refer p32). The Concept Plan refers to a 20m buffer zone. We believe that a 30m buffer zone is essential to retain the existing mature trees and screening.

Heritage

From their reports, it appears that Coal & Allied see the heritage significance of the State Listed Heritage Township only in terms of streetscape and fail to understand the relational nature of heritage places and their settings. It is absolutely necessary that the land known as Slack Alley and the common land behind the houses on the eastern side of Flowers Drive be owned and managed by either DECCW, NPWS or the Lake Macquarie City Council. While this land is retained by Coal and Allied, its future is uncertain. Clearly C&A is not a conservation land management organization and it is only a question of time until they come back with the proposal to develop the area for housing. Other viable alternative land management options include a Trust established under the Nature Conservation Trust Act or a Voluntary Conservation Agreement with NPWS.

Over many decades, C&A have drawn very substantial profits from mining the land at Middle Camp. It can reasonably be concluded that they have an obligation to remediate the land both underground and above ground at their own cost. The current development

proposals aim to reduce their remediation expenditure via returns on residential development. This is an unreasonable expectation and avoidance of obligations associated with mining despoliation.

Complying Codes

The Complying Development Codes SEPP was developed largely to facilitate the building of project homes in metropolitan Sydney. Catherine Hill Bay and its setting are areas of major scenic, built and environmental heritage significance. The Complying Codes should not be applicable in the isolated, environmentally sensitive areas that are the setting for Middle Camp. Further, the Urban Design Guidelines proposed in the application are totally inadequate (they provide guidance predominantly on road design) and are incapable of delivering a sympathetic built outcome. We suggest that a detailed Development Control Plan is required to set higher standards for design of roads, parks and buildings.

MIDDLE CAMP SOUTHERN ESTATES (VPA)

As mentioned above, C&A have drawn very substantial profits over many decades from mining the land at Middle Camp. The VPA is inadequate as it fails to take the remediation obligations into account and presumes a 'right' to develop and profit from despoiled land despite unacceptable impacts. The Statement of Commitments inadequately addresses the need to ameliorate the traffic impacts on existing residents and the conservation of common land behind houses on the eastern side of Flowers Drive and the land around 'Slack Alley'.

Conclusion

These aspects of the deficiencies in the Concept Plan illustrate that it is insufficient basis for a decision. The stakes are too high in that the Minister's decision could cause possible losses of public values and assets, for the sake of a paltry and inappropriate contribution to state housing needs.

The Concept Plan should be rejected by the Minister for Planning. Development at Catherine Hill Bay should respect the prevailing zonings, state planning instruments and Lake Macquarie City Council development guidelines.



Barry Laing

17 December 2010