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THE DIRECTOR  
MAJOR INFRASTRUCTURE ASSESSMENTS  
DEPARTMENT OF PLANNING  
GPO Box 39  
SYDNEY NSW 2001

Attn: Anna Johnston,

**Subject            Coal & Allied Southern Estates Middle Camp (MP10\_0089)**

**SSS Listing & Concept Plan – Up to 222 Dwellings, Dedication Of Approx  
526 Hectares Of Conservation Land And Associated Infrastructure**

This submission is in reference to the Department of Planning's correspondence in relation to the above application lodged under Part 3A of the Environmental Planning and Assessment Act, 1979.

Council officers have prepared this submission on behalf of Council. The concerns expressed in the attached Schedule are therefore the collective views of Council officers.

The Department is requested to report these concerns to the Minister when seeking a decision under Part 3A of the Environmental Planning and Assessment Act, 1979 and State Environmental Planning Policy (Major Projects) 2005.

Should you require further information, please contact the undersigned on 4921 0455 or by e-mail on [dpavitt@lakemac.nsw.gov.au](mailto:dpavitt@lakemac.nsw.gov.au).

Yours faithfully

David Pavitt  
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Development Assessment and Compliance**

## Schedule Of Issues

### Proposed Concept Plan - Upto 222 Dwellings, Dedication Of Approx 526 Hectares Of Conservation Land And Associated Infrastructure – Lake Macquarie City Council Submission

#### Table Of Contents

1.	SSS Listing.....	4
1.1.	State Significance .....	4
1.2.	NSW Coastal Policy 1997.....	4
1.3.	Lower Hunter Regional Strategy.....	5
1.4.	Lake Macquarie City Council Lifestyle 2020 Strategy .....	5
1.5.	Lake Macquarie Local Environmental Plan 2004 (LMLEP 2004) .....	7
1.6.	Administrative complexity .....	7
1.7.	Future Layout and Built Outcomes .....	8
1.8.	Draft Schedule 3 of State Environmental Planning Policy (Major Projects) .....	9
1.9.	Subdivision.....	9
1.10.	Independent Hearing and Assessment Panel .....	9
1.11.	Conclusion .....	9
2	Visual Impact & Scenic.....	10
2.1	General Comments.....	10
2.2	Visual Impact.....	10
3	Concept Design Principles & Urban Design Guidelines .....	12
4.	Heritage .....	15
4.1.	Heritage and Visual Impacts .....	15
4.2.	Lake Macquarie City Council Lifestyle 2020 Strategy .....	16
4.3.	Listing on the State Heritage Register .....	17
4.4.	Catherine Hill Bay Conservation Area Heritage Impact Assessment (HIA).....	18
4.5.	Design Issues.....	20
4.6.	Interpretation Management Plan for the Catherine Hill Bay Concept Plan .....	28
4.7.	Review of the HIA (November 2010) .....	28
4.8.	Requirement for an Archaeological Assessment.....	28
4.9.	Aboriginal Assessment .....	28
4.10.	Recommendations .....	29
5	Traffic.....	29
5.1	Traffic Generating Development .....	29
5.2	Road Design .....	30
5.3	Pedestrians and Cyclists.....	31
5.4	Public Transport.....	31
6	Social Impact.....	31
6.1	Summary of SIS prepared by Urbis .....	31
6.2	Summary of stakeholders' comments.....	32
6.3	Assessment of the SIS.....	33
6.4	Recommendations .....	35
7	Community Facilities Planning.....	35
7.1	Population .....	35
7.2	Recreation Standards of Provision .....	36
7.3	Proposed Parks.....	36
7.4	Children's Playground Equipment.....	37
7.5	Sporting Facilities.....	37
7.6	Beach / Surf Club Facilities.....	38
7.7	Open Space Land - Proposed .....	38

7.8	Asset Protection Zones .....	38
7.9	Trees .....	40
7.10	Future Public Land - Identified .....	41
7.11	Public Access to the Beach .....	41
7.12	Coastal Lookout .....	42
7.13	Pedestrian Footpaths .....	42
7.14	Cycleways/Walkways .....	43
7.15	Statement of Commitments .....	46
7.16	Recommendations for the \$5 M Allocation Fund .....	47
8	Developer Contributions .....	47

## **1. SSS LISTING**

### **1.1. State Significance**

The proponent has relied significantly on the dedication of lands for conservation purposes and the need to achieve housing growth targets to establish State Significance however both these arguments are considered flawed as follows:

- The justification provided for the dedication of lands for conservation purposes discounts the existing protection afforded to these lands by the 7(1) Conservation (Primary) Zone under LMLEP 2004. It is the view of Council officers that nomination of already protected lands for a conservation off-set does not result in any significant gain to the environment. Instead the disturbance caused by the residential development remains a net loss of environmental values. The justification that the proposed development should progress because of the proposed conservation off set is not agreed. The land is zoned 7(1) Conservation (Primary) (7(1)) and 7(4) Environmental (Coastline) (7(4)). These zones already provide a high level of protection for the site, particularly when the proposed development does not comply with the objectives of these zones;
- Council's recent assessment of housing growth targets as part of the Lifestyle 2020 review has found an excess of identified greenfield sites in the city. The LHRS provides for 40% of all new dwellings in Lake Macquarie LGA to be in Greenfield locations, and 60% to be infill developments. LS2020 provides for 70% of dwellings to be detached and 30% attached. Council reconciliation of the LHRS and LS2020 provisions has found that:
  - approximately 9000 detached housing lots need to be identified in existing urban areas (infill) to meet detached dwelling targets; and
  - an excess of approximately 5000 potential detached housing lots has been identified in greenfield (fringe) locations.

To meet the objectives of supporting centres, and achieve the dwelling targets in the LHRS and LS2020, Lake Macquarie needs significantly more infill development in existing urban areas. Additional greenfield detached residential development is not a high priority.

The recent State Heritage Listing for Catherine Hill Bay is considered to recognise the significant attributes of the area that warrant state recognition. It is of concern however that this listing appears to have specifically excluded the area proposed for development by Coal & Allied without any reasonable justification. If this area is to be recognised for its state significance it should be for its historic, environmental and scenic protection not to facilitate development as would appear by the current proposal.

### **1.2. NSW Coastal Policy 1997**

The concept proposal is considered inconsistent with the NSW Coastal Policy 1997 objectives. The proposal fails to:

- protect areas of high natural or built aesthetic quality;
- design and locate development to complement the surrounding environment and to recognise good aesthetic qualities;

- encourage towns to reinforce or establish their particular identities in a form which enhances the natural beauty of the coastal zone;
- effectively manage and conserve cultural heritage places and landscapes;
- ensure that future expansion or redevelopment of urban and residential areas, including the provision of infrastructure, avoids or minimises impacts on environmentally sensitive areas and cultural heritage;
- promote compact and contained planned urban development in order to avoid ribbon development, unrelated cluster development and continuous urban areas on the coast;
- facilitate consistent and complementary decision making which recognises the three spheres of government; and
- ensure Government agencies efficiently and effectively implement the Coastal Policy in a co-ordinated and collaborative manner.

### **1.3. Lower Hunter Regional Strategy**

The LHRS identifies a need for additional residential land in Lake Macquarie. This appears to have been interpreted by the proponent as a green light for ad hoc urban expansion. In reality the LHRS adopts a distinctly hierarchical approach to the location of urban growth. Lifestyle 2020 reflects this approach and provides additional guidance on the most appropriate locations within the LGA for expansion. As discussed above while the LHRS has identified this area for housing recent housing growth assessments completed as part of the Lifestyle 2020 review identify that this is not warranted and that there is currently a need for infill not greenfield sites within the city. Council reiterates the view that the provision of additional residential lots at Catherine Hill Bay (Middle Camp) are not required to meet the targets and objectives of the Lower Hunter Regional Strategy (LHRS). Housing growth is and should continue to be directed toward growth centres such as Glendale, Charlestown, and Morisset that have existing infrastructure and services such that the city is developed in an environmentally, socially, and economically sustainable manner.

### **1.4. Lake Macquarie City Council Lifestyle 2020 Strategy**

Lifestyle 2020 – A Strategy for our Future states that *the coastline, the lake and its foreshore, the District's wetlands, the Wallarah Peninsula and significant areas of bushland will be maintained as an important element of the Planning District's character*. It also states that, Catherine Hill Bay will remain as a unique “hideaway” village on the ocean. As a result, no urban expansion has been identified at Catherine Hill Bay due to the significant heritage values of the existing township and the conservation values of the surrounding bushland.

The proposed rezoning and concept plan for the site is inconsistent with the following strategic directions in the 2020 Strategy:

- 1 – A city responsive to its environment;
- 2 - A well serviced and equitable city;

- 3 – A well designed and liveable city; and
- 4 – A city of progress and prosperity; and
- 5 – An easily accessible city.

More specifically the proposal does not ensure:

- *The protection and enhancement of the City's biodiversity*

The proposal will clear remnant vegetation and high value habitat around Middle Camp and will adversely affect an area with ecological and visual significance. Clearing of bushland at Nords Wharf will also adversely affect an area with ecological and visual significance.

- *The focusing of activities at Centres to maximise accessibility*

The sites at Nords Wharf and Middle Camp are not located in proximity to established centres and do not propose to develop any additional community facilities. This development will increase car dependency by residents wanting to access services and employment.

- *the provision of adequate infrastructure, services and facilities associated with new development*

The proposed development will not provide adequate services, which will result in a major increase in traffic generation as residents travel by car for employment, services and facilities.

- *The provision of a wide range of high quality and interconnected public open spaces that meet the needs of the community and the natural environment*

The development proposes some additional parkland at Middle Camp within the development footprint, however much of these have been proposed as superlots to be retained in Coal & Allied ownership. This is not considered a secure long term solution as it is likely that over time the sites will be subject to subsequent rezoning and development applications. In Nords Wharf the development does not propose any additional parks or incorporate quality public open spaces for passive and active recreation.

- *The protection of the scenic amenity of the City*

The substantial addition of lots on the existing population of 153 residents will have a significant impact on the heritage, scenic and environmental values of the area.

- *The enrichment and fostering of the character, heritage and cultural values within the City*

Catherine Hill Bay has been recognised for its importance as an historic village. The substantial increase of lots will have a significant impact on the character and style of the historic village and natural environment in which it is located.

- *The promotion of an efficient, accessible and environmentally responsible pattern of development*

The development does not propose any extension or addition to the public transport system (bus service only) and is isolated from the established Centres of the LGA. Residents will remain dependent on cars for access to employment,

services and facilities. Linking employment lands to the growth in the Lower Hunter region generally, is simplistic and ignores the fact that isolation of residential development from employment opportunities will compound dependency on private transport, increase traffic, consumption of non-renewable fossil fuels and associated emission of greenhouse gases. The remoteness from employment, services and community facilities is a fundamental reason behind Lifestyle 2020 identifying Nords Wharf, Cams Wharf and Catherine Hill Bay as unique “hideaway” villages. Since the strategy identifies three areas that are suitable for development as discrete neighbourhoods – between Cams Wharf and Caves Beach – the clear intent is to prevent further development of Nords Wharf and Catherine Hill Bay so that their fundamental character is preserved.

### **1.5. Lake Macquarie Local Environmental Plan 2004 (LMLEP 2004)**

The objectives of LMLEP 2004 are to promote balanced development and implement the 2020 Strategy. As outlined earlier, the site was zoned 7(1) and 7(4) under LMLEP 2004. The objectives of the 7(1) zone are to preserve areas of significant vegetation and habitat and conserve, enhance and manage corridors to facilitate species movement. Another objective of this zone is to protect the land from impacts from development on adjoining zones. The zone excludes activities that would prejudice the ongoing conservation of the land and encourages activities that meet the conservation objectives. This zone applies to the site due to its regional environmental significance and conservation values.

The objectives of the 7(4) zone are to provide and conserve areas for natural coastal processes, conserve and enhance the scenic values and natural, Aboriginal and European heritage associated with the coastline and ensure that development is sympathetic in design, bulk and scale with the coastline. Another objective of the zone is to protect, enhance and manage corridors to facilitate species movement, and the dispersal and interchange of genetic material.

The development proposed in the Concept Plan is contrary to the objectives of the 7(1) and 7(4) zones. While the current proposal involves rezoning the land, the Environmental Assessment report does not assess the proposal against the current zone objectives applying to different parts of the site or justify non-compliance with the zone objectives.

Offsets for the proposed development are predominantly located in the 7(1) zone of LMLEP 2004, which has limited subdivision potential. This zone is the most secure land use zone in LMLEP 2004. While Council welcomes the promise of dedication of large tracts of bushland, this land was substantially secured by the land use zone that was endorsed by Council in 2002 and the Department of Planning in 2004.

Clause 17 of the LMLEP 2004 outlines the provision of essential infrastructure required for development. Although the provision of water, electricity, sewer and telecommunications is discussed throughout the Concept Plan, the consideration of the impacts of the provision of infrastructure, under Clause 17(b) has not been addressed. Such services (water, sewer etc) cause long linear disturbances to native vegetation that further fragment and disturb many hectares of bushland.

### **1.6. Administrative complexity**

Fragmented planning controls generate confusion among purchasers and developers. Recent planning reforms sought to address this by promoting consistency of land use administration across the State. The selection of standard template LEP provisions that suit individual Part 3A applications undermines this objective.

### **1.7. Future Layout and Built Outcomes**

The proposed Zoning and Concept Plan will determine the quality and character of the layout and built outcomes. The proposed Concept Plan Design Guidelines and Building Height Map indicate a future development layout and design that will overwhelm the historic character of the area, with the following of particular concern:

- The proposed number of lots (ie; 222 lots) exceeds the number of existing residencies and would result in a significant shift in the existing setting and character of the area. The development is not supported. However, if approval is issued, then it is requested that the number of lots and associated footprint be significantly reduced such that they do not overwhelm the existing character of the area. It is of note in this regard that the minimum lot size of the existing 7(1) zone is 40 hectares and as such Coal & Allied would have at best been allowed to develop not more than 14 dwellings, a number substantially less than 222;
- The building height map continues to indicate a building height of 9 metres that is inconsistent with previous controls for the area that were for not more than 5.5 metres to preserve the character of the area;
- The building height map, as well as the proposed E4 zoning, indicate that the former proposed Area D is not secure and that in the long term is likely to be subject to future development application. This would be inconsistent with the Independent Hearing and Assessment Panel that clearly stated that Area D should not be developed. This area should be zoned E2 to ensure this area is not subject to development in the future. The future ownership of this land should also be reconsidered as it is considered that if the land remains in ownership of Coal & Allied that is likely to be subject to development pressure in the future;
- The concept that open space land is to be retained as super lots under Coal & Allied ownership is not considered a viable long term solution and places such land under potential future development pressure. Consideration for more viable alternatives such as community title should be considered;
- The Complying Codes SEPP does not provide consideration of the coastal, heritage and environmental significance of the area. It is requested that the proposed SEPP exclude the application of the 'Complying Codes SEPP';
  - Given the significance of the area it is also requested that a development control plan be required as part of the SSS. The DCP should be prepared concurrently with the concept plan to ensure that any future built outcome and development layout is sympathetic of the character of the area. It is requested that the DCP include more specific provisions for, amongst other:
- Fencing. There is limited fencing within the Catherine Hill Bay Heritage Conservation Area, which is an important element of the character of the



area. New fencing should also be restricted. Materials such as “colour bond” are inappropriate;

- The bulk, scale and materials of dwellings. It is requested that provisions in this regard are consistent with, amongst other, Section 2.4 of DCP 1 and the Heritage Guidelines supporting DCP 1;
- Building setbacks particularly along Flowers Drive were a setback of +30 metres is considered more appropriate.

### **1.8. Draft Schedule 3 of State Environmental Planning Policy (Major Projects)**

The following amendments are requested with regard to Draft Schedule 3 of State Environmental Planning Policy (Major Projects):

- That the exempt and complying development clause be deleted. The clause is not consistent with the standard instrument. This clause also states that development for the purposes of short term holiday or tourist rental of dwelling houses is exempt development. This type of development has been shown to cause ongoing issues for permanent residents and should be confined to limited areas;
- A minimum lot size should be included as outlined in the Standard Instrument. The concept plan and project application state that the proposed development will not exceed 222 lots. It is unclear how this will be ensured, as the proposed listing in Schedule 3 does not state a minimum lot size.

### **1.9. Subdivision**

Clause 7 Subdivision of the SSS sets a minimum lot size of 250 sq m for all land covered by the SSS. Zone E4 requires a minimum lot size of 6000 sq m for a dwelling. It would seem logical that the minimum lot size in this zone would correspond.

### **1.10. Independent Hearing and Assessment Panel**

It is recommended that if the application is to be pursued that the Minister appoint the same Independent Hearing and Assessment Panel for the assessment of the application.

### **1.11. Conclusion**

The proposed SSS, rezoning and concept plan is of concern in that it attempts to override local planning controls that currently protect this historically and environmentally significant area. The proposed state listing, rezoning, and concept plan will facilitate residential development that is disproportionate to the existing settlement and will overwhelm the historic, scenic, and environmental value of the area. The justification for the proposal with regard to proposed conservation offsets and housing targets are flawed in that they do not recognise the lands existing protective zoning nor recent housing needs for the city that have been identified within background studies for the Lifestyle 2020 review. In

summary the area of proposed residential development is excessive and is not supported. It is requested that the Minister for Planning recognise the special natural, social and cultural values of the land and maximises the conservation of those values.

## 2 VISUAL IMPACT & SCENIC

### 2.1 General Comments

Comparing with the previous application, the scale of the development has been reduced. Precinct C & D have been removed from the proposed development; and the lot alignment has been moderately modified. This revised proposal has reduced the impact of development to the existing village settlement and landscape setting in Middle Camp and Catherine Hill Bay. It dramatically reduces the development footprint and as a result the impacts on traffic and regenerated bushlands are minimized. This proposal offers higher quality of urban design in its setting. However, the submitted documentation in relation to visual impact and landscape proposals, as listed in the table above, do not provide a sufficient level of detail to demonstrate all the proposed planning principles to be complied and indicate how those landscape proposals to be achieved and implemented.

### 2.2 Visual Impact

A 'Visual Impact Discussion' (VID) is included in the Heritage Impact Assessment prepared by ERM. It provide eight reasons to demonstrate why the development will have an acceptable impact to the visual catchment of Middle Camp'. However, those reasons are vague in relation to providing supportive evidence and feasible solutions.

Further information needs to be provided to support the following statement:

- *Reason 1: The location of the proposed development is in a natural valley, which substantially limits visual impacts from Flowers Drive.*

In accordance with Table 5.1 & Figure 5.1 Survey Transects and landforms in HIA (page 47-48), the development site is comprised several different landforms, not all in a 'valley'. The development area near Flowers Drive in Precinct A is identified mainly as slope, and some northern part is flat. Furthermore, Annex B – Effective Coverage Table provides Visibility and Exposure rates for the selected Transect. In accordance with that, some development areas have fairly high level of exposure and visibility, such as T7 – the middle area along Flowers Drive in Precinct A; and T5 – adjacent to Flowers Drive in the middle part of precinct B.

However, the report does not provide any visual analysis based on this existing site topographic analysis.

- *Reason 3: It is considered that Middle Camp has aesthetic significance derived from the uniformity of building form, scale, materials and set back from the street. These attributes are best viewed and appreciated from Flowers Drive and it is considered that the proposed development will not challenge these aesthetic attributes.*

Neither VID nor Urban Design Guidelines provides sufficient and satisfying evidences and solution on how the proposed development will not challenge those aesthetic attributes from the existing built environment.

The 'Village Courtyard Lots' type development proposed for the lots along Flowers Drive in Precinct A, in accordance with Urban Design Guidelines, are two-storey detached dwellings back to the Flowers Drive street frontage. It is clear that this type of building form is completely against the style of existing dwellings in Middle Camp. The potential rear fencing of those dwellings would be within Flowers Drive setbacks that would also potentially impact to the streetscape. However, the Guidelines do not provide any design requirement on these fencing types.

In this regards, the context of the existing settlement will be largely modified and disturbed, and thus those aesthetic attributes will be challenged.

A landscape buffer (23m wide) is proposed along Flowers Drive. It is required increasing the buffer to minimum 30m wide.

- *Reason 4 & 5: A vegetation buffer will be established between Middle Camp and proposed new development. This provided a visual separation and green corridor between the 'old' and 'new'. The buffer also provided the new development with a separate village character which is visually and physically separated from the existing settlement.*

*The new development will be of complementary bulk, scale, height, materials and colours to Middle Camp, which will ensure that the new development is visually consistent with the historic building along Flowers Drive.*

The information from Reason 4 and 5 is conflicting. Clear identification should be made on the landscape and building characters of the proposed development. Evidence should be provided on where and how the new development would be consistent with, or distinguished with the existing settlement.

It should be noted that the landscape and settings characters of Middle Camp and Catherine Hill Bay village are moderately different. The Heritage/Visual Assessment should identify and distinguish the cultural landscape characters on both locations. The Design Principles and Guidelines should response to the assessment in relation to those exiting characters and creating balanced transition between Catherine Hill Bay, Middle Camp, and the new development.

- *Reason 5: It is recommended that the Catherine Hill Bay Design Guidelines provide some guidance on construction techniques to achieve a balance between variety in design outcomes and avoiding visual and archaeological impacts to Middle Camp and the E Pit Archaeological Zone.*

However, The Urban Design Guidelines do not provide such construction techniques and controls. There is a general lack of detail within the guidelines to demonstrate the feasibility of proposed concepts.

- *Reason 6: Although some bushland will have to be cleared to development the area, the intention is to retain corridors of health through the development areas. This will lessen the visual impact of the development from this view point as it will retain the regenerated bushland setting of Middle Camp and provide screening for the new development.*

It does not provide adequate information regarding those 'corridors of health' and the location of 'view point'. It should be noted that the proposed Bushland Reserves around the Gateway Park are mainly previously disturbed lands. They are mainly cleared lands with scattered vegetation groups. Those proposed landscape buffers on the edges of the development areas will be inadequate to minimize the impact of the development before they establish into mature

vegetations within years, for instance, the southern area in Precinct A. The Guidelines should provide suitable design controls on the dwellings located near the edges of the site to ameliorate the impacts, instead of only relying on the landscape buffers.

Therefore, this submitted visual assessment does not sufficiently provide evidential information, and is lack of consistence with the other design documents. It is failed to demonstrate that *'the potential visual impact of the development on Middle Camp is acceptable as it does not adversely impact the heritage values of the individual buildings, surrounding areas and proposed Cultural Precinct.'*

### **3 CONCEPT DESIGN PRINCIPLES & URBAN DESIGN GUIDELINES**

As mentioned above, there is a general lack of detail within the Design Principles and Guidelines to demonstrate the feasibility of proposed concepts. The Guidelines do not provide design quality controls as per the Director General's requirements. There is potential for undesirable landscape and urban design outcomes to be implemented as a result of the 'information gaps' and inconsistencies within these Guidelines.

Those inadequately addressed issues are included the followings:

- 3.1 The Concept Plan does not cover that area proposed to be zoned E4. ie the land to the east of the existing dwellings at Middle Camp.
- 3.2 The Draft Statement of Commitments does not indicate when this public domain plan will be implemented. It is recommended that detailed design guidelines must be in place to provide a level of development control prior to the application for subdivision.
- 3.3 APZ requirements are not incorporated into the Design Guidelines landscape treatments, ie, what measures will be taken to incorporate reduced fuel loads within bushland reserves, how will swales in APZ's be planted to conform to fuel load requirements etc. The guidelines provide inadequate detail to demonstrate feasibility.
- 3.4 It is suggested that the Coastal Heritage/Connector Path operates as a shared pathway for both cyclists and pedestrians. This would better reflect the intent of the path as the main link between the two proposed Hamlets, the beach and existing Middle Camp recreational facilities. The Heritage Path may require an interpretation/conservation plan prior to detailed design to ensure appropriate conservation of heritage values.
- 3.5 Street Type A1- Figure B1.2.2 (Appendix B, p.6) shows the typical road section falls away from the adjacent roadside swale and towards the kerbed edge of road. How is stormwater to be directed into the swales as intended?  
  
Street Type F –Figure B1.2.7 (Appendix B, p.8) the 1m wide verge is too narrow for street tree planting within a new development situation. Development controls should consider tree plantings within the individual building setbacks of lots to function as street trees where space within the road allocation is limited.

- 3.6 Many of the Street type cross sections show footpaving immediately adjacent to the front boundaries of proposed properties. This is the usual allocation for electricity boxes for underground power. So as to not conflict with underground services, the normal allocation for footpaving in Lake Macquarie is 1.8m from kerb for verges  $\geq 4.5\text{m}$  and 1.3 m from kerb for verges  $\leq 3.5\text{m}$ .
- 3.7 The Street type cross sections show various widths for parking bays. Note that the NSW Rural Fire Service in their "Planning for Bush Fire" publications requires that parking bays be 2.6 m wide.
- 3.8 Street Type F indicates a carriageway width of only 3.5 metres. Is this proposed to be "One Way" only?
- 3.9 The Design Guidelines recommend zero setbacks for garaging that fronts on to rear lanes. These lanes are proposed to be only 5 m wide. Vehicle turning to/from the garages would be unlikely to comply with AS2890.1 (Off Street Parking). As such either the lane carriageway needs to be wider or the setback for the garage increased.
- 3.10 The concept lot layouts should have the bush fire APZ's overlain on them to ensure adequate building areas are available on the lots. For example the lots to the south side of Colliery Hamlet B have a 50m wide APZ. Given that the road reserve is (Type A) is 20 m wide these lots would require a 30 front setback.
- 3.11 What is the proposed ownership of the land adjacent to the lots on the eastern side of Hamlet A? It appears to be shown as bushland reserve but is also identified as an APZ. Note that Council will not maintain this APZ (or any other APZ's).
- 3.12 The proposed four parks offer strong landscape concepts and will have positive contribution to landscape setting and the community establishment, however further information is required as to the areas of land Council is expected to manage, and a confirmation that public + community facilities are to be constructed as part of the initial subdivision works.
- 3.13 Each park needs a strong set of guiding design principles to ensure future design development is appropriate to user needs and the original design intent. Such principles should relate to:
- Strategies for the retention of existing vegetation within these parks;
  - Purposes of each park and the required functions;
  - Requirements for the linkages to the broader development access and movement network;
  - Requirements for shade and shelter to pathways and seating areas;
  - Requirements for acceptable use of materials ie, what circumstances are gravel paths acceptable, where is hard paving required etc.
- 3.14 The Gateway Park has a very generous open lawn area that covers both sides of Flowers Drive. It is suggested creating individual functional open spaces in smaller scales on each side of the road to avoid increased pedestrian crossing over the main road. A detailed Landscape Masterplan should be provided in association with future subdivision proposals.

- 3.15 Some of the bushland reserves are located within bushfire Asset Protection Zones. The Concept Plan Urban Design guidelines do not adequately address how the proposed reserves will resolve the competing objectives of bushfire hazard reduction and bushland/coastal heath revegetation proposed in these areas. Future management and maintenance strategies of the bushland reserves should be provided confirmed with responsible party.
- 3.16 It is understood that this application is not a Development Application, and is not sought under the concept design for subdivision or construction of individual houses. However, the Urban Design Guidelines should provide the level of detail that can be used as a control document for the future developments. The acceptable criteria for the following landscape elements should be included in the Guidelines:
  - 3.17 Paving treatment for each different areas;
  - 3.18 Furniture elements in the public domain;
  - 3.19 Site fencing types.
  - 3.20 Separate plant schedule should be proposed for different functional areas, including streetscape; public open spaces (might be separated for each different park), front setbacks; side setbacks; and Heritage Walk.
  - 3.21 The building form with double-garage gate at front facing to the streetscape should be prohibited, such as Type 3: Village Courtyard Lots; Type 4: Hamlet Lots; and Type 5: Traditional Courtyard Lots.
  - 3.22 The proposal indicates corner blocks have reduced setbacks on the secondary street frontage. As illustrated in Diagram B2.4.1 this will result in a multitude of setback distances along roads. It is recommended that setbacks on corner blocks are consistent with the front setbacks for each adjoining lot type where space permits.

Townhouse lots in Area B have proposed 3.0m setbacks. This is inconsistent with the typical road section for this Area (Road type F- Figure B1.2.7, p.8) which indicates structures have 6.0m setbacks from the property boundary.
- 3.23 Sawmill Camp has proposed lots fronting to a vegetative buffer along Flowers Drive with only rear lane access. Due to the vegetative buffer it means that the “frontage” of the dwellings will be a lane. This is not a good streetscape outcome. Note that this same vegetative buffer is also identified as part of an APZ.
- 3.24 The Design Guidelines are very vague in relation to private landscaping requirements and only go so far as to indicate there will be landscaping (planting) required within private lots. The landscape treatments of individual lots will play an important role to ensure the development integrates well within the broader context of Middle Camp. Therefore, it is recommended more prescriptive private open space guidelines as per the indicative building types shown on B2.1 in the Guidelines.
- 3.25 The Concept Plan states that the subdivision layouts have been designed to minimise cut and fill on individual lots, however the contours shown on Figure A1.3.1 indicates Precinct A and B are located over significant slopes. Several lots in these areas are likely to need some retaining /cut + fill. The Urban Design Guidelines should address:

- 3.26 Indicative max heights and design approach to retaining structures where required;
- 3.27 Indicative acceptable materials for retaining structures where required;
- 3.28 Indicative planting treatments and associated soft landscaping to screen/reduce impact of retaining structures.
- 3.29 Water Sensitive Urban Design, Flooding and Stormwater Management Report prepared by GHD recommends that 'Precinct scale are proposed at key locations to treat the quantity and quality of stormwater flows'. However, there is no detention/ bio-retention basin shown on the landscape plans. The location and scale of these systems should be indicated on the landscape plan and design guidelines in accordance with Environmental Engineer's recommendations.
- 3.30 The Water Sensitive Urban Design, Flooding and Stormwater Management Report prepared by GHD recommends some on site treatment of stormwater and provides some schematics (Figure 1 – 4 or report) on how this could typically be achieved. These schematics should be shown on the Building Type house plans that are within the Design Guidelines to show that the stormwater management scheme can be practically achieved especially on the smaller lots.

## 4. HERITAGE

### 4.1. Heritage and Visual Impacts

The current villages at Middle Camp and Catherine Hill Bay have a distinct cultural landscape/historic townscape/and and seascape setting, with a dramatic sense of arrival due to the isolation of the villages from other urban development and the bushland setting of the access roads leading to Catherine Hill Bay. The proposed development will increase the number of dwellings from 50 to 222. The proposed fragmented 'precincts' will impact on the historic village amenity and the Heritage Conservation Area.

Special design approaches are required for proposed development within the visual curtilage of the existing settlement. Building footprints proposed in the Concept Plan for areas within the Catherine Hill Bay Heritage Conservation Area are significantly larger than current buildings. The uniformity of design contrasts too greatly with the current nature of the built form, where buildings have been designed for specific sites and the financial circumstances of coal mine workers of the 19<sup>th</sup> and 20<sup>th</sup> century.

To mitigate visual impacts the Concept Plan relies heavily on screen planting/landscaping to reduce the visual impacts of new development. Issues with screen planting/landscaping are:

- the length of time to establish;
- bushfire asset protection requirements may not limit their screening effectiveness;
- plantings requiring substantial height are unlikely to be successful in a highly exposed site where growth will be stunted by salt laden winds;

- long term maintenance to ensure their long term viability cannot be assured; and
- subject to long-term vandalism to protect views from new development.

The height, scale, bulk and massing of any infill development has to be relative to the existing early cottages as seen from all significant views and be subservient rather than dominating. The Concept Plan proposes two story dwellings in some areas. This is not in keeping with the scale of any of the existing cottages (the Catherine Hill Bay Heritage Conservation Area is single storey in nature with some sub-floor areas).

A Conservation Management Plan for the Heritage Conservation Area would provide guidance on how new development could be accommodated in and around the vicinity of the Catherine Hill Bay Heritage Conservation Area. The Conservation Management Plan should be prepared by an independent consultant and should provide management policies for the whole area covered by the Concept Plan.

## 4.2. Lake Macquarie City Council Lifestyle 2020 Strategy

The 2020 Strategy has been developed to provide the long-term strategic direction of the local government area. It focuses on a Hierarchy of Centres to ensure sustainable development within growth centres to support adequate services and infrastructure for the community.

The 2020 Strategy does not identify Catherine Hill Bay as an area for significant urban expansion.

The draft Lifestyle 2020 – A Strategy for our Future states that *the coastline, the lake and its foreshore, the District's wetlands, the Wallarah Peninsula and significant areas of bushland will be maintained as an important element of the Planning District's character*. It also states that, Catherine Hill Bay will remain as a unique “hideaway” village on the ocean. As a result, no further development has been identified at Catherine Hill Bay due to the significant heritage values of the existing township and the conservation values of the surrounding bushland.

The proposed development does not meet the aims of the 2020 Strategy as it proposes the expansion of the existing village of Catherine Hill Bay, which is isolated from the other Centres in the LGA offering employment and services. Community facilities are limited in the area and the development does propose any additional facilities or an addition or expansion of public transport, hence increasing car dependency.

The Concept Plan for the site does not meet the following Strategic Directions that apply to heritage values identified in the 2020 Strategy:

- *Protecting the scenic amenity of the City*

The proposed development is located within a Heritage Conservation Area recognised in the Hunter Regional Environmental Plan 1989 (Heritage). The addition of 222 lots on the existing population of 153 residents will have a significant impact on the heritage values of the area. The high scenic significance and visual amenity will be adversely impacted by the additional lots, which are to be created in two distinct



precincts increasing the development footprint.

- *Maintaining and enhancing the character, amenity and sense of place of urban areas, centres and neighbourhoods*

There are currently 50 existing dwellings in Middle Camp and the Concept Plan proposes an additional 222 dwellings. The lots are to be spread to the north & south of the existing settlement (areas C&D have been deleted from the plan). The development is not a logical extension of the established village area and will affect its distinct village pattern and sense of place of these villages.

- *Enriching and fostering the character, heritage and cultural values within the City*

As previously mentioned, Catherine Hill Bay has been listed in Schedule 5 of the Hunter Regional Environmental Plan 1989 (Heritage) in recognition of its importance as an historic village. The increase of lots within the Heritage Conservation Area will have a significant impact on the character and style of the historic village and natural environment in which it is located.

- *Integrating land use and movement systems*

The development proposes new roads with new access to each precinct, this will result in a significant change in visual landscape between the “old” and the “new” Middle Camp.

### **4.3. Listing on the State Heritage Register**

#### **4.3.1. Item of State Significance listed on the State Heritage Register (SHR)**

The site of the proposed CHBCP is contained within a Conservation Area under the Lake Macquarie Local Environmental Plan 2004 (LM LEP 2004). The Catherine Hill Bay Conservation Area (CHBCA) was referred to the NSW Heritage Office for listing on the State Heritage Register as an item of State Significance by the Catherine Hill Bay Progress Association and has now been adopted. The listed area is smaller in area than the LEP2004 Conservation Area and does not include those areas proposed for development in the CHBCP. The impact on the SHR Conservation Area will be required to be considered as being in the vicinity and within the LEP conservation area.

#### **4.3.2. Conservation Management Plan (CMP)**

The NSW Heritage Branch on its website ([http://www.heritage.nsw.gov.au/13\\_subnav\\_04.htm](http://www.heritage.nsw.gov.au/13_subnav_04.htm)) states a Conservation Management Plan is required where “Major Works to an item of State Heritage Significance are proposed”.

Assessing a development of the proposed scale in relation to the CHBCA requires a CMP for the whole of the Conservation Area, as defined in the LM LEP 2004, to be reviewed and adopted by the NSW Heritage Office and Lake Macquarie City Council.

The Heritage Impact Assessment (CHBCP, Appendix I, Nov. 2010) should have been based and informed on the findings of a CMP for the

conservation area. The HIA is limited by the scope of research and therefore its findings, recommendations and conclusions are limited and handicapped by the minimal research. A project of this level of State and local heritage significance and degree of potential heritage impact required thorough research provided by a CMP.

A CMP would include additional historical and archaeological research, listing the level of significance of all its components, and recording and interpretation of buildings and mine relics.

The HIA requires the degree of research provided by a CMP and the current document should be reviewed and a peer review undertaken. The following comments are a detailed analysis of the HIA and its limitations and requirement for review.

#### 4.3.3. Conclusions on the Level of Heritage Significance

The HIA acknowledges the nomination for listing on the State Heritage Register. It has not been updated to confirm the listing on the State Heritage Register.

The HIA does not assess the contributory value of the investigated items in relation to the significance of the LM LEP 2004 CHBCA as a whole.

### 4.4. **Catherine Hill Bay Conservation Area Heritage Impact Assessment (HIA)**

4.4.1. The CHBCA is identified on the maps and referred to under Clause 54 of the LM LEP 2004. The documentation submitted with the Concept Plan, particularly the HIA by ERM, fails to consider and address the CHBCA in terms of its significance and the potential impacts.

4.4.2. The HIA (6.4.2) considers that *“...while there is an association with the former miners and their families, this association is better illustrated by other buildings within the area especially those located along Flowers Drive and Colliery Road”*. The HIA disregards the contributory nature of all the existing stock of buildings, to the interpretation of CHBCA. These buildings have historical significance in association with Pit E and meet at least one of the criteria for significance as analysed in this report. The assessment of significance of these cottages is not accepted as thorough and requires review.

4.4.3. The impact on the boundaries of Middle Camp combined with the overwhelming introduction of 222 new residential dwellings will destroy the integrity of the CHBCA.

This in turn will provide justification for other infill developments that as the heritage integrity/significance of the CHBCA has been eroded by the Coal & Allied developments that strict adherence to heritage issues is not warranted.

4.4.4. The HIA claims that the *“...development will be of complementary bulk, scale, height, materials and colours...”* yet needs to provide *“...screening for the new development”*. These contradictory statements are confirmed from an analysis of the plans whereby:

- The subdivision pattern (deleted South East hamlet, as C&D areas have been deleted from the Plan) in relation to the historic subdivision pattern of the CHBCA and particularly Middle Camp.
- The visual impact of the new development on existing development contained in the CHBCA.

The vegetation screens are inadequate and fail to address the Second Planning Principle in **Super Studio v Waverly [2004] NSWLEC 91** regarding landscape screening:

*... where proposed landscaping is the main safeguard against overlooking, it should be given minor weight. The effectiveness of landscaping as a privacy screen depends on continued maintenance, good climatic conditions and good luck. While it is theoretically possible for ....to compel an applicant to maintain landscaping to achieve the height and density proposed in an application, in practice this rarely happens.*

4.4.5. The impact of the proposed scale of development is beyond any existing policies, ie. Council's Development Control Plan No. 1 and associated Heritage Guidelines are written in relation to infill development, alterations and additions, and not large scale subdivisions at the edge. Hence a thorough detailed analysis of all the heritage and landscape assets of the area is required.

4.4.6. Adequacy of addressing Part 6 of LM LEP 2004:

- No statement is made in the HIA of how the CHBCP addresses Clause 43 of the LM LEP 2004.
- The HIA does not mention/reference the requirements of Clause 54 of the LM LEP 2004.
- The HIA fails to comment/consider the requirements of LM LEP 2004.

Failure to consider the specific requirements of the LM LEP 2004 will create conflicts between the Part 3A approval and the LM LEP 2004, ie. individual DAs lodged for erection of dwellings.

4.4.7. The HIA is inadequate in addressing heritage significance of individual parts as contributing to the fabric of the whole of the CHBCA. The HIA is limited to the identified study areas, however the Statement of Significance for the various components needs to be related to the significance of the whole of CHBCA and where appropriate to its individually listed items.

4.4.8. The adequacy of the HIA and Statement of Significance of Built Heritage of the previously unassessed buildings of Middle Camp and Saw Mill Camp by the ERM report (6.2) is questioned on various counts including:

- The development as a whole will erode the heritage integrity of the CHBCA by both introducing a new subdivision that overwhelms Middle Camp hamlet and by eliminating contributory buildings based on the argument that better examples or other similar forms exist in the immediate area.
- There is no analysis of the former occupants of the buildings in comparison to the other buildings located in Flowers Drive, ie.

occupation of the Flowers Drive dwellings by miners whilst the other dwellings were occupied by the mine and electrical engineers, hence a difference in building typology and levels of comfort, etc.

- The buildings had a more direct relationship to the mine due to their close proximity to the Mine and that the occupants needed ease of access, ie. electrical and mine engineers. Hence these buildings are a part of the historical significance of E-pit and therefore meet at least one criteria of significance.
- The assessment of these buildings is minimal with no new historical research using primary sources. It is in some cases an assessment of the condition only.
- The later alterations to the buildings such as lean-to additions are assessed as diminishing the significance of these cottages to the extent that there is no significance and therefore the cottages can be demolished. Change to vernacular buildings and layers of development should be assessed as a part of the history of these buildings and their continued use in association with the mine. (refer to the Burra Charter 1999, Article 15)
- No attempt has been made to design the subdivision layout such that it can accommodate all the buildings and therefore avoid the impact of demolition.

## **4.5. Design Issues**

### **4.5.1. Concept Plan Principles and Urban Design Guidelines: Catherine Hill Bay**

Specific design principles for proposed development within the curtilage of CHBCA and its desired future character need to be formulated and based on the cultural heritage significance and associated values of the whole area. Any resulting design guidelines for the Concept Plan need to be driven by and incorporate the policies of a prior adopted CMP for the CHBCA.

The Concept Plan Principles, Appendix A and Urban Design Guidelines, Appendix B. These controls will have to be compatible with Council's LEP and DCP requirements for the area.

### **4.5.2. Concept Plan Principles and Urban Design Guidelines**

- Subdivision Layout

Impact of subdivision lot pattern and the proposed street frontage should incorporate an appropriate curtilage for the provisional heritage items and unidentified contributory heritage items and their immediate setting (existing outbuildings, vegetation and fencing) and wider setting.

- Super Lots

These are atypical of the existing villages at Catherine Hill Bay and introduce a new element that detracts from the significance of the Village.

- **Street Typology**

The street layout does not acknowledge the existing pattern of streets in Catherine Hill Bay which is linear and not the suburban grid as shown in the proposal. The introduction of a hierarchy of streets is an anomaly and will detract from the existing street pattern.

#### 4.5.3. Urban Design Guidelines for CHB (Appendix B of the Concept Plan)

Objectives for the design guidelines as set out lack any reference to heritage considerations. Treatment of public domain, building types, built form and character, height and bulk, setbacks, density, streetscape and setbacks for development should be clearly defined as an appropriate response to the heritage items (provisional or otherwise) and the overall CHBCA.

Any new development as seen from all significant views needs to be subservient and sit recessively in the landscape rather than dominating and overwhelming the existing development.

- *B1.1 Public domain strategy & B1.3 Parks and Open space*

The site objectives for both sections need to include principle objectives on heritage conservation and interpretation. Heritage interpretation strategies need to be developed in conjunction with these guidelines.

The significance of Colliery Road as an access road to houses for company officials is not assessed. The road footprint and name should be considered for incorporation into any new subdivision as part of the interpretability of the site.

Any guidelines effecting all the archaeological and heritage resources of the site, including amongst others the historic road alignments, the workshop building, former staff housing and the railway line, need to be based on sound heritage assessment, management and interpretation strategies specifically developed for the site. These need to be the basis for developing these guidelines.

- *B2.1 Building types*

New housing types should be based on the desired future character for CHBCA, which as yet has not been specifically defined. It has to be based on the heritage values of the whole area and the policies of an adopted CMP for the whole area. Suitable building types for any new development within the CHBCA need to respond to and compliment the character of this Company Town defined by its strong group aesthetic of collective, repetitive housing, consisting of small, simple unpretentious housing, with relative scale, density and detailing.

New housing should follow the topography and involve minimal earthworks similar to the existing housing. The bulk and height

needs to respond to the existing scale and single storey interface at the street level and distant views.

Two storey development needs to be largely restricted in an essentially single storey conservation area.

Of the proposed housing types :

- Except for Type 1 townhouses, all indicative elevations developed present a single story detached frontage, which is more in keeping with the area.

The characteristics given for types two and three however are clearly given as two storeys which is very different to the illustrated principles.

- Type 1 Townhouse house

This housing type is an anomaly in CHBCA and is not justified in this setting.

- Type 2 'Small house courtyard type' & Type 3 'Village courtyard lots'

The guidelines should be similar to the indicative elevations and need to stress the essentially single storey character of the type with two storey components only being permissible where specific visual criteria is being met.

Location of possible two storey components are identified in drawings of B2.5 Side and Rear Setback and need to be linked.

In a Conservation Area where garaging is not attached and part of the street frontage, any front garaging in the new hamlets should read as subservient, minor and a recessed component with minimal width and lower roof form.

In the elevations the double garage reads prominently even though it is stepped back it still takes up 50% of the frontage and has the same eave and ridge height as the main part of the house.

- Type 4, Type 5

Dominance of garaging needs to be addressed as in the comments above.

- *B2.2 Site coverage*

The proposed site coverage varies from 40% for two storey development to 60% for traditional/townhouse lots.

The site coverage proposed is in conflict with Council's DCP1 which sets a 35% maximum site coverage for the standard housing lots in CHBCA which ensures the scale of 'little cottages dotted in the landscape' and maintains the dominance of the landscape strips between and to the rear of houses. The proposed site coverage promotes dominance in

building form over the landscape, which is atypical in the conservation area.

- *B2.3 Building Height and Bulk*

The objectives for this guideline have ignored and failed to respond to heritage criteria.

Height and bulk guidelines need to clearly demonstrate how they specifically relate to the context of the CHBCA.

The Design guidelines propose a maximum height of 9 metres above finished ground and maximum two storeys. This is not in keeping with the scale of any of the existing cottages in Middle Camp and the CHBCA as a whole, where single storey with sub-floor areas is the dominant feature.

Council's heritage considerations, as set out in DCP1 for CHBCA, limit the height of buildings to one storey at street level to maintain the scale and character of the area. Even outside specifically defined single storey heritage precincts in Lake Macquarie LGA, the maximum height for housing in residential zones is limited to 8 not 9 metres.

Entry from the north into Catherine Hill Bay and Middle Camp is characterised by its bush setting with the scattered vernacular cottages of Saw Mill Camp. Constraints to development for CHB relating to the statement of significance for CHBCA have previously identified limitations to any development in this identified gateway location.

Saw Mill Camp, which is at the northern fringe of both Flowers Drive and Middle Camp, will be the first prominent impression of Coal & Allied settlement and clearly visible from the street despite the minimal screening proposed. Two-storey height and townhouse density in this location would detrimentally alter the approach and entry to the village and ignores the heritage constraints of the site as well as Council's controls for CHBCA.

- *B2.4 Streetscape and Street Setbacks and B2.5 Side and Rear Setbacks*

The existing street character is defined by its group aesthetic, consisting of regular front setback, average block widths of 15m with generous side setbacks/landscaped strips between houses and minimal fencing.

Although the streetscape setback is specified, (8m setback for townhouse lots), to judge their effectiveness landscape treatments for these front setbacks need to be developed in parallel including type and degree of fencing.

The proposed side setbacks of 1.5m for housing types 1, 2 & 3 are wider than the current standard and provides improved landscape strips between dwellings although not consistent with the side setbacks in the original settlement.

- Additional comments:

Materials and colours will have a strong visual impact. The current inappropriate scale proposed will overwhelm the CHBCA and any new development needs to be as recessive as possible.

The CHBCP details a colour palette, although this does not identify where these colours are on the building fabric. The use of light to very light roof colours will be noticeable in the bush settings from close and distant vantage points. Metal roofs colours as well as walls should however be recessive, not stand out against the bush setting, and not detract nor visually compete with the galvanised or light roofs of the CHBCA where the roof form stand out as a feature from the distance. A material and colour palette has been provided however this needs to provide more detail on proposed roof colours in particular.

#### 4.5.4. Road Network

The proposed road network will have a significant impact on the heritage conservation and integrity of the CHBCA. An analysis of Concept Plan identified the following impacts:

- The significance of the existing northern entry to CHBCA is lost through the introduction of new development and loss of the existing transition zone, ie. vegetated avenue adjoining the old Pacific Highway through the parkland setting of Sawmill Camp to the Coal Miners cottages adjoining Flowers Drive.
- Placement of high density two-storey development adjoining the main access road, namely Sawmill Camp with limited or no buffer.
- Single and two storey development having direct frontage to the main access road at Sawmill Camp.
- Local roads directly connecting to the main access road as opposed to collector roads.

#### 4.5.5. Saw Mill Camp:

LMCC previous comments questioned the assessment of the cottage at Lot 5a Sawmill Camp as being older than the date given as c1940. This date is more likely to relate to the set of extensive lean-to additions, which are depicted as the front façade of the photo 5.11, p64 of the ERM report. The current HIA has neglected to assess the age of the cottage or its building fabric. Its condition has been assessed as being "beyond economic repair." It is standard heritage practise to require a structural assessment by an engineer with conservation experience in order to assess the condition of a building before recommending demolition. The core of the cottage of the weatherboard main gable and lean-to element appears to be much older than described. It is very similar in form to the tiny two room cottages with rear lean to kitchen of the simple vernacular mid Victorian cottage form in Clarke Street. Its side window has the typical window form of these cottages. This original core is also much smaller and differently proportioned than the 4 room cottages in Flowers Drive which represent the part of company housing of extraordinary uniformity. Plans drawn of the area in 1908 show a group of buildings that were erected at Saw Mill Camp (see page 67 of Architectural Projects 2000 Heritage Assessment Conservation Plan). The core of the cottage is likely to date back to this time or earlier. The ERM report does not



demonstrate that this period of Saw Mill Camp has been investigated and what material evidence or any associated archaeological remains are associated with this cottage, in its vicinity or on other parts of Saw Mill Camp.



Above: Photograph of Lot 5a Saw Mill Camp

The building and its wider setting make a distinct contribution to the entry to Middle Camp as seen from Flowers Drive. Cottage Lot 5a appears to be a record of one of the early buildings of Saw Mill Camp. The feasibility of retaining this cottage and other potential heritage items should be considered in the CHBCP and their conservation (rather than their demolition) assessed in the HIA.

Further:

- no assessment of its structural condition, the overall extent of remaining significant fabric, or its potential for adaptation has been undertaken.
- The significance of the whole of Saw Mill Camp area and its contribution to the whole of the Conservation Area has not been assessed.
- It is also standard heritage practise to assess the history of the building (date the building fabric) and its significance. The assessment of the cottages is seriously flawed and requires peer review of the current HIA. The proposal to demolish potential Heritage Items that were identified in the Heritage Study (Suters Architects, 1993) needs to be assessed to the standards set by the NSW Department of Planning, Heritage Branch Guidelines and justified in accordance with LMCC DCP1
- There is no identified new research into primary sources for the study area.

#### 4.5.6. Colliery Rd:

The presently unassessed and unlisted building on the southern edge of the proposed Colliery Hamlet and south of the 'Workshop' building is

depicted below and has not been assessed. It is a contributory building to the CHBCA requiring a full heritage assessment. The current proposal for the Colliery Hamlet appears not to have made any allowance for its retention and it can only be assumed that it is to be demolished.

The property appears to be marked as a potential heritage item in the ERM's *Figure 8.1*.



Above: Unassessed contributory house on top of Colliery Road

#### 4.5.7. Earlier 'Other Structures':

The other previously unassessed items in the report represent remnant shacks erected prior to 1950 and earlier with later additions and modifications. They represent part of the remaining fabric of historical and social significance of CHBCA. They differ in form and are less substantial than the uniform company houses along Flowers Drive or the well built and more substantial 'Former Mine Engineers' and 'Former Electrical Engineers' houses along Colliery Road. They are therefore not considered to have no significance, in fact they are viewed as significant contributory buildings and structures to the CHBCA.

Council's DCP1 sets specific performance criteria for the retention of these 'Other Structures' pre-dating 1950 that consist of former workers, miners, fisherman's and holiday cottages as well as weekenders and early workshops, outbuildings, boatsheds and other similar structures. Their demolition is not supported as it has not been demonstrated that they are neither worthy of retention nor cannot be incorporated into the development.

#### 4.5.8. Mitigation Measures

Measures to mitigate the impact on the five houses in Colliery Road (four being listed as provisional heritage items and the fifth an unassessed contributory house) are inadequate and are only limited to the inclusion of the provisional items on the lots only.

The following statement HIA (Nov 2010) 10.1.1:

*The previously identified heritage values or potential heritage values were found to be valid.*

This is unsubstantiated and would seem to assume that heritage items in the Heritage Study (Suters Architects 1993) and not listed on the LEP are therefore not significant. The Heritage Study states that *Information needed* for these items. The mitigation measures and justification for demolition would seem to be based on this mistake. These assumptions should be amended and the consequent inadequate findings that demolition is the only option and is based on assessment.

Part of the mitigation measures will *adaptively re-use* potential heritage items. Most of the potential items are proposed for demolition. The proposed management and adaptive re-use of those other items should be included in the CHBCP (refer to comments on Workshop).

The mitigation measures should be based on the assessed impacts. This is not clear and needs to be amended to include the impact and the mitigation measure. This requires amendment and review.

The preparation of an archival record should be in accordance with the standard guidelines of the NSW Department of Planning, Heritage Branch. Archival recording is not a mitigation measure as demolition cannot be mitigated.

#### 4.5.9. Curtilages

Lack of determining appropriate curtilages based on significance.

ERM's Heritage Assessment does not define nor take into account a heritage buildings immediate and wider setting including outbuildings and fences, curtilage and appropriate frontage. This has not been assessed and appropriate lot boundaries have not been determined.

The proposed subdivision lot layout of Area B of the concept plan does not demonstrate how it takes into account the buildings and their immediate and wider setting.

#### 4.5.10. Workshop

A Conservation Management Plan for the Workshop building and its implementation is required to ensure its protection, define its curtilage, interpretation, and to determine appropriate adaptive reuse/alterations and/or additions.

#### 4.5.11. Visual Impact

The development in its current form will have a major impact on the integrity and significance of the CHBCA. Encroachments into the Visual Catchment of the CHBCA occur both directly at the interface and in more general landscape views.

These encroachments should be prevented through an improved design that provides increased setbacks, larger vegetated buffers, and with the proposed hamlets being well removed from the existing development along Flowers Drive.

#### 4.5.12. Development Within the Vicinity

Proposed development within the vicinity of heritage items, provisional heritage items and other unidentified heritage resources must be suitable development that sympathetically sets the new development in a manner that mitigates against any impact on the heritage significance.

The present CHBCP is not designed such that it minimises the impact on the heritage items, provisional heritage items and other unidentified heritage resources, let alone retain the unidentified heritage buildings or resources located near Colliery Road or in Saw Mill Camp.

#### **4.6. Interpretation Management Plan for the Catherine Hill Bay Concept Plan**

1. The Interpretation Management Plan/Strategy for the CHBCP by Coal & Allied must be prepared holistically and consistently with the CHBCP. A heritage consultant specialist should be appointed to address the development of the Interpretation Strategy and Plan, and its implementation.

#### **4.7. Review of the HIA (November 2010)**

The Director General Environmental Assessment requirements included an Heritage Impact Statement (HIS) in accordance with the NSW Heritage Office Guidelines. The HIS should assess impact of the significance of CHB and all the significant items within CHB.

2. The HIA requires amendment and review and peer review is recommended. A number of detailed problems with the report were found and these have been commented on in this report. Some further issues with the report include:

- Identify, locate and name all potential and contributory items;
- Assess the significance and not only the condition all these potential items;
- The assessment of heritage states that some items do not meet the threshold for a criteria. This overstates the case as a vernacular building may not be rare which means it does is excluded from this criteria but is likely to be representative.
- Only one or more of the criteria are required to be met for listing on the LEP. This is standard heritage practise and is stated on the Heritage Branch website and all relevant publications for assessing significance published by the Heritage Branch. The assessment of criteria should therefore be reviewed to comply with the standard practice.
- The statutory context needs to be more clearly stated and each heritage item identified.

#### **4.8 Requirement for an Archaeological Assessment**

The Director General Environmental Assessment requirements included an Archaeological Assessment.

This should comply with the standard guidelines of the Department of Planning, Heritage Branch, *Archaeological Assessment Guidelines*.

It should include a clear assessment of the archaeological potential and zoning and a table and map showing this

#### **4.9. Aboriginal Assessment**

The Director General Environmental Assessment requirements included an Aboriginal Cultural Heritage Assessment and Community Consultation. This

should comply with the guidelines of the Department of Planning, Heritage Branch *Archaeological Assessments* and the requirements of DECCW.

It should include a clear assessment of the archaeological potential and zoning and a table and map showing this.

Where due to thick vegetation, areas were not able to be surveyed then these should be given an unknown potential.

#### **4.10. Recommendations**

- The Minister appoint the same Independent Hearing and Assessment Panel for the Concept Plan for Catherine Hill Bay for the assessment of the Catherine Hill Bay and Nords Wharf Concept Plan.
- Any resulting Design Guidelines to be consistent with Section 2.4 of DCP1 and the Heritage Guidelines supporting DCP1. Presently the CHBCP Design Guidelines do not comply with the provisions of DCP1 and the Heritage Guidelines.
- The HIA (Nov 2010) should contain all mitigation measures. It should include an assessment of the impact on CHB. It should include a thorough assessment of significance. Any less for a project that has the potential to impact on a place of assessed State and local significance does not achieve the aim of a HIA which is to thoroughly assess the significance and the impacts on that significance. The HIA has not achieved this. It therefore requires amendment and review and a peer review should be required.
- Revised documentation be provided in response to the above mentioned list of issues.

## **5 TRAFFIC**

### **5.1 Traffic Generating Development**

The proposal is for up to 222 lots which will create a significant increase in traffic through Catherine Hill Bay.

#### Intersections:

Currently the intersections of the Pacific Highway and Cams Wharf Road / Flowers Drive, and the Pacific Highway and Montifiore Street and high volume and high speed intersections with adverse crash histories. Both intersections are controlled only by signage.

With Development Case S2 (highlighted in the Hyder Consulting Traffic Report), the right turns from Flowers Drive onto the Pacific Highway will significantly increase in the AM peak (over 5 times increase), and also double in the PM peak, and similarly the right turn from the Pacific Highway into Flowers Drive.

The Sidra analysis undertaken shows these movements with a LOS F using the current volumes (Case S1), which is the worst case scenario. The LOS remains

at F under the proposal however the queue lengths would significantly increase as there are many more vehicles using the roads.

The Traffic Report refers to the following intersection treatments:

- Pacific Highway and Montifiore Street - partial signalisation (SB approach) combined with a seagull intersection treatment,
- Pacific Highway and Flowers Drive / Cams Wharf Road – Left in, left out treatment on Flowers Drive; right turn ban from Cams Wharf Road onto the Pacific Highway.

The report states ‘in the event that the proposed Rose Group development at CHB does not proceed, the traffic analysis has determined low impact at Pacific Highway / Montifiore intersection. The traffic modelling result has identified no upgrading requirements of the Pacific Highway / Montifiore Street intersection deriving from the existing traffic and the Coal and Allied development at Middle Camp.’ The impact on this intersection based on the report is moderate. However, there is a significant impact on the Pacific Highway and Flowers Drive intersection which will **certainly require upgrading**. The intersection treatments proposed are a package, if Flowers Drive is restricted to left in, left out at the Pacific Highway, then Montifiore Street must be upgraded at the Pacific Highway to accommodate the additional traffic flow from Flowers Drive.

The intersection treatments identified must be upgraded prior to the commencement of any subdivision construction works on-site to ensure the safety of the existing residents and the work crew.

#### Existing roads

The traffic volumes on Flowers Drive under this proposal are to increase to a projected 2,130 vehicles per day. Council traffic counts undertaken in June 2009 (taken at H/No.11 Flowers Drive) have the Average Daily Traffic (ADT) volume on Flowers Drive at 702 vehicles per day, and an 85<sup>th</sup> percentile speed (the speed at which 85% of vehicles travel below) of 63km/h. This proposal is projecting a three time increase of the current ADT volume on Flowers Drive, which would follow through to Clarke Street as vehicles that would usually turn right onto the Pacific Highway from Flowers Drive would be required to travel to Montifiore Street to turn right, and travel throughout the township past most properties.

Council regularly receives many complaints regarding the speeding along Flowers Drive at the residential properties, and along Clarke Street at the pub. Residents are also concerned with speed as the properties are positioned close to the roadway.

Submit to Council for review and eventual approval, a Local Area Traffic Management (LATM) scheme throughout Catherine Hill Bay, which aims to address the concern of vehicular speed on Flowers Drive and Clarke Street. The proposal is to conform with Australian Standards (AS1742.13), and be fully funded by the applicant and installed at the same time as the intersections are upgraded.

## **5.2 Road Design**

Proposed roads are to conform with Council's DCP requirements as a minimum design, and also any conditions imposed by the RFS. Some of the proposed roads in the Urban Design Guidelines are narrower than Council's minimum requirement.

Proposed intersections with Flowers Drive are to have sight distance in accordance with Council's DCP.

### **5.3 Pedestrians and Cyclists**

- Footpath is to be provided in accordance with Council's DCP in the proposed residential streets.
- Shared path to be provided between the proposed residential estate and other local attractors, including the bowling club and beach. This is shown partially in the concept plan as the Coastal Connector Path. In the Concept Plan Principals, this is shown extending further to the beach.
- Shared path to be provided to connect Nord Wharf to Catherine Hill Bay, connecting from the rear of Area B of the proposed Catherine Hill Bay residential estate, to Awabakal Drive. Awabakal Drive / Pacific Highway intersection is proposed to be upgraded as partial signals and seagull treatment under the MISC/79/2010 proposal. With this shared path that is requested, the intersection of Awabakal Drive and the Pacific Highway MUST have a pedestrian phase installed on the signals at this intersection. The intersection may therefore have to become a fully signalised intersection.

### **5.4 Public Transport**

As stated in the Traffic Report, public transport (ie public bus) may increase as development increases. Under this proposed development, which includes the upgraded intersection, identify the possible bus route through Catherine Hill Bay, and provide complying bus shelters close to the proposed development (on one side of the road if the route is one-way, on both sides of the road if the route is two-way). There is currently a bus shelter located south of Colliery Road, and if this is to remain under this proposal, it is required to be upgraded to comply with the Disability Discrimination Act (DDA) requirements. Connectivity between the proposed residential estate and the bus shelter(s) is required.

## **6 SOCIAL IMPACT**

### **6.1 Summary of SIS prepared by Urbis**

#### Context:

Catherine Hill Bay is home to a small community of 153 people, however weekends and holidays attract large numbers of visitors to the area.

The population is characterised by a lower proportion of people aged 5-24 years, and significantly higher proportion aged 65 years and over. With just 40 families living in CHB, there is a significantly lower proportion of couple families with

children compared to the Australian population, but there are a significantly greater proportion of one parent families in CHB over the national average.

Whilst the residents of CHB are heavily car dependent, there is a higher proportion of households in CHB that do not have a car (13%) than Lake Macquarie LGA (9%).

A higher proportion of dwellings in CHB are classified as separate houses than for Lake Macquarie LGA or the rest of Australia, and a higher proportion of dwellings are fully owned.

CHB has very little in the way of social infrastructure. There is currently a surf club and beach, bowling club and RSL sub branch, an oval, a reserve, and a hotel. However, there are no schools, preschools or child care services, no General Practitioner (GP) service or aged care facilities, no retail facilities, and only a limited bus service. There is also no existing water or sewer infrastructure in CHB.

### Projections

The proposal is to develop 222 dwellings, in two precincts around the Middle Camp area, and three parks as 'superlots' which could be developed for other land uses at a future date. The development, over four or five stages is expected to result in an additional 466 residents (assuming a household size of 2.1). However, a RoseGroup proposal for 600 lots at CHB is likely to increase the population by a further 1260 people (assuming a household size of 2.1).

### Planning implications

The SIS identifies that the impact of the development on a small, current population base will intensify impact, however with appropriate planning, there could be many positive benefits for the community as a result of development. The SIS also identifies that there is little apparent excess in capacity in current service provision, and that the general areas of need are:

Improved public transport services and the provision of community transport facilities, which would assist in connecting community members with various types of social infrastructure - medical, ancillary services, secondary education, culture, leisure etc;

Adaptable and affordable housing, and other services and facilities that support ageing in place;

Recreational facilities for children and young people;

Multipurpose community facilities;

Foreshore/park embellishments that protect and enhance the local environment; and

Retail/employment facilities.

The SIS reports that social infrastructure special allocations and public transport proposals have been addressed within the EA.

## **6.2 Summary of stakeholders' comments**



Coal and Allied have sought the views of stakeholders through the charette process and through community workshops. The CHB proposal has received a significant amount of opposition. However, at a community workshop in October 2010, Coal and Allied reported a notable shift in attitude by the locals of CHB towards this development compared with previous consultation.

The main issues regarding the proposal continue to be environmental concerns related to the loss of conversation corridors, and the maintenance and protection of the wetlands, along with traffic issues arising from the development.

Other matters identified included the need for additional medical, dental and related services, and a desire to see the bush and beach frontage appropriately maintained.

### **6.3 Assessment of the SIS**

The SIS covers the context of the proposal very well, and assumes that the proposal will result in an additional 466 residents at the completion of the development. This is based on the assumption of 2.1 persons per household, which is the current occupancy ratio. However, no evidence has been provided to justify this assumption. Council has recently undertaken background studies for the future development of the Morisset Contributions Catchment area for the period 2010-2025. Future development in this area is predominately detached housing on individual lots, mirroring the likely development at CHB. These studies identified an occupancy ratio of 2.91 persons per household. Therefore, based on this occupancy ratio, it is estimated that the development of an additional 222 dwellings will result in an additional 646 residents. I believe that this higher figure of 646 additional residents should be used when considering the likely social issues, along with the future social infrastructure needs resulting from the development.

With regards to the planning implications identified by the SIS, I agree that the impact of the development on a small, current population base will intensify impact, and that there is little apparent excess capacity in current service provision. I also agree with the general areas of need identified in the SIS. However, the SIS claims that with appropriate planning, there could be many positive benefits for the community as a result of the development. Whilst I acknowledge that there may be benefits for the community as a result of the development, the SIS has not identified these, nor fully explored/investigated the full range of impacts (including negative impacts) associated with the development, and who will experience these.

The SIS also identifies that

*“Improved public transport service will be critical to social sustainability, in overcoming social isolation and providing a basic need to individuals without access to car transport”*

and that

*“through C&A’s statement of commitments, social infrastructure special allocations and public transport proposals are being addressed with the Environmental Assessment”*

However, this is not addressed either within the Statement of Commitments or the EA, and the proposal will only exacerbate these issues, especially as CHB has a high proportion of residents who do not have a car.

Other matters that have not been addressed adequately in the SIS include:

- Medical facilities – the SIS identifies there are none in CHB, and only a few located in the surrounding area, which are operating at capacity and have closed their books to new patients. This is of major concern as it means that medical facilities will not be available to the new residents of the proposed development. It will also greatly affect the existing residents of CHB and the surrounding areas, who will experience longer lead times in seeking appointments/medical care, or require them to travel greater distances for medical care; and
- The impacts associated with the loss of conservation land and its associated flora and fauna, particularly how it will impact on the health and well-being of the existing community.

Whilst the SIS considers the Infrastructure needed for the proposed development (and that Coal and Allied will provide S94 contributions), the SIS fails to consider the full range of social impacts associated with the proposal.

In order to fulfil the Director Generals' requirements, the proponent is required to justify the project, taking into consideration the cumulative impacts of the proposal, the suitability of the site, and whether or not the project is in the public interest. In assessing these, it is vital to consider the full range of social impacts associated with the proposal. The proponent has failed to undertake this assessment, as the SIS only considers the social infrastructure requirements if the proposal proceeds, rather than considering the overall social impacts of the proposal.

The SIS fails to:

- Identify the key social impact issues, including
  - Changes which would occur if the proposal were to proceed
  - Who is likely to be affected by the proposal and in what way
  - Changes which would occur if the proposal did not proceed, and discussion of alternative proposals
  - Short term and long term impact considerations
  - inter-generational and intra-generational equity considerations
  - Impacts that may be both financial and non-financial
- Assess these impacts, including
  - The level of importance of the predicted impacts
  - The number of people likely to be affected
  - Who will benefit and who will lose?
  - Reference to the principles of social justice (equity, access, fairness, inter-generational and intra-generational impacts)

- The extent to which the interests of the community as a whole are enhanced or sustained
- The degree of change likely to arise as a result of the proposal, relevant to the existing circumstances
- The duration of the impacts
- Provide a recommendation that is supported with evidence
- Identify a comprehensive set of mitigations if the proposal is to proceed, including the responses or conditions that should be implemented to help mitigate or avoid any negative social impacts, and to enhance the social benefits. These need to be reflected in the Statement of Commitments for the proposal.

Finally, in its conclusion, the SIS identifies the requirement for community development processes in the southern lands, which allow for the continuity of sustainable, resilient communities, and the expressed Coal & Allied desire of wanting to maintain a strong relationship with the communities in question. However, apart from a commitment to develop a community consultation program for the duration of the construction process, the Statement of Commitments does not detail any other actions that contribute to, or support, community development processes.

## **6.4 Recommendations**

The applicant has failed to consider the social impact issues in justifying the project, including the cumulative impacts of the proposal, the suitability of the site, and whether or not the project is in the public interest. Without information to the contrary, I do not support the proposal, as I believe that it will result in numerous negative social impacts. Some of these issues, as identified above, include the social impacts associated with the loss of conservation lands, isolation issues due to lack of public transport, increased pressure on already limited/stretched health and medical services, and on the current service provision which has been identified as having limited excess capacity.

The applicant needs to undertake a full assessment of the social impacts associated with the proposal, in order to justify the project, taking into consideration the cumulative impacts of the proposal, the suitability of the site, and whether or not the project is in the public interest.

In addition, the Statement of Commitments is to include all of the recommendations that are identified by the social impact assessment to help mitigate or avoid any negative social impacts, and enhance the positive social benefits. This includes the requirement for actions to support the community development processes, as identified by the current SIS, which will allow for the continuity of sustainable, resilient communities.

## **7 COMMUNITY FACILITIES PLANNING**

The following comments are provided by Council Community Planning Department

### **7.1 Population**

The existing population of Catherine Hill Bay (CHB) is 153 persons. The C&A Southern Lands Concept Plan Principles for CHB Middle Camp (CP) identifies a proposed new development of 222 lots. Based on an occupancy rate of 2.91 persons/dwelling, which are the development projections for 2010 – 2015 for the Morisset Contributions Plan. This is similar to the existing occupancy rate of Nords Wharf, which is 2.99 persons/dwelling. This new development will increase the population of CHB by 663 persons.

## 7.2 Recreation Standards of Provision

Based on the city-wide standards of provision, this proposed new population requires: one park, a proportional contribution towards the provision of: play equipment, a sports field, cricket wicket and either one tennis court or netball court, a public wharf, boat ramp, beach facility, and dog exercise area.

## 7.3 Proposed Parks

Council Requirement: According to the level of provision for this new population, only one park is required to be provided. From a usability perspective, one larger park provides more recreation opportunities than several smaller pocket parks.

Outcome: The CP and the UDG identifies the development of numerous local parks including Lemon Tree Park, Workshop Park, Gateway Park, and a linear park. The park locations have been identified in order to protect watercourses, heritage items, or to provide for floodways and APZ's. Proposed development of these parks include playgrounds, picnic facilities, BBQ's seating, terracing, shelter, areas of sandstone paving, timber decks, elevated walkways, eco-toilet, creek crossings, re-use of heritage buildings, community centre, café, lawn, formal garden areas, tall tree planting, and bio retention/detention basins.

The CP states that:

Heritage items within the site such as the Workshop Shed and the Manager's House are retained and incorporated into superlots identified as open space (p. 4)

Remnant buildings and the former rail line will be surrounded by grassed areas and will become parklands and public open space' (p. 9)

According to Appendix C of the Water Sensitive Urban Design, Flooding and Stormwater Management Report, Figure 1 indicates a total of five bio-retention/detention basins proposed to be located within the Linear Park and the Gateway Park.

The CHB – Revised Statement of Commitments (SoC), is definite in its direction for the proposed management of the land as the heading states:

Plan of management for community and recreation facilities to be **dedicated to Council**.

The Owner is to prepare a Plan of Management (PoM) for lemon tree park, workshop park, gateway park, heritage workshop and heritage walk (p. 8).

Community Planning Response: Council does not have the maintenance budget to maintain all these parkland areas identified in the CP. According to

our maintenance schedule, pocket parks receive one mow five times/year and they receive no hand weeding for any garden areas.

Council requires the park to be located on or near the coast which is the most desirable and appealing location for a park with picnic and BBQ facilities. The open space land requirements for this development is to be co-located with the existing Catherine Hill Bay Oval (CHB Oval). The open space land is identified on the Land Transfer Plan. The land is to be zoned RE1 – Public Recreation.

Council will not accept dedication of any other lands, being Lemon Tree Park, Workshop Park, Gateway Park, and a linear park, or any of the existing structures on these lands. All the documentation is required to be amended to comply with these requirements and if the land is to remain as specified then the CP is to identify the proposed land tenure arrangements for these areas.

## **7.4 Children’s Playground Equipment**

Council Requirement: According to Council’s standards of provision, the proposed population does not require an additional playground.

Outcome: The UDG in relation to the Workshop Park states:

A terraced flat central area that is focused around the workshop and will include an adaptive reuse of the building as changing facilities and a children’s playground (p. 9)

The UDG states in relation to the Gateway Park that:

On the periphery of the park will be some picnic facilities and a playground including heritage items with shelter and seating (p. 11)

Community Planning Response: An existing playground is located on the corner of Flowers Drive and Northwood Road at the CHB Oval site. This playground is in close proximity to the proposed development. Council requires a contribution toward the upgrading of this existing playground at the CHB Oval site. The UDG and any other documentation is to be amended accordingly.

## **7.5 Sporting Facilities**

Previous Council Advice: This development requires the proportional provision of a playing field and associated amenities and car parking facilities, together with either a tennis or a netball court. The provision of a single sports field or sports court is unsustainable. Council prefers the provision of sporting fields in groups of two (e.g. two football fields with a cricket wicket) providing for summer and winter use and sports courts in groups of four for management and use reasons.

Outcome: Figure A1.5.5 of the CP shows a park character of informal playing fields fringed by existing trees (p. 8). The open flat grassed area in the Gateway Park, identified for an informal playing field, is not suitable for that purpose.

Community Planning Response: The grassed area of the Gateway Park is a lowland formation and is not considered suitable for kick-about area. A contribution to provide for the upgraded existing sporting facility at CHB Oval is required. The CP and all other documents are required to be amended accordingly.

## 7.6 Beach / Surf Club Facilities

The existing surf club building is located within the coastal hazard zone. The *Plan of Management / Catherine Hill Bay (2001)* identifies the need for a feasibility study for relocating the surf club building clear of the coastal impact zone.

The suggested area that may be suitable is west of the existing surf clubhouse. A new surf clubhouse and associated car parking would be better relocated clear of the coastal hazard zone if the club and existing car park is relocated back from its current location. A coastal park/promenade area with picnic and BBQ facilities could be located in the area of the existing car park providing a visually appealing park, which would increase usability and greatly enhance the existing beach facilities. People are naturally attracted to water and the spectacular beach view is the perfect location for a park.

The new proposed development is located in close proximity to the beach and new landowners will have an appreciation of the coastal and beach environment. The embellishment of this coastal area would provide a positive outcome for the new community with a new surf club, meeting space, car park and coastal parkland area. This development (together with Rosecorp) is required to contribute to the provision of this new surf club and associated facilities.

## 7.7 Open Space Land - Proposed

Council Requirements: Where possible, open space land is to be co-located with existing open space. Council requires approximately 2.3 ha of open space land (equivalent to one park) to be dedicated, immediately adjoining the CHB Oval.

Outcome:

The SoC states:

Parks, reserves, roads and infrastructure created through each future Project Application subdivision will be developed and **then dedicated to LMCC** after the completion of the development (p. 3).

Create a conservation zone (Buffer) around the 'Workshop' building... This is to be used as a **public open space** (p. 4)

Community Planning Response: Numerous parcels of land, identified as parks, open space or vegetation buffer are proposed to be dedicated to Council. The lands contains a major watercourse (SSS p. 32), smaller gullies, drainage lines, floodways, bio-retention/detention basins, heritage items, Asset Protection Zones (APZ's), gateway/entry statement, kick-about area, and visual buffers and Council is not willing to accept the management responsibilities of these lands.

The only open space land that Council requires is identified as the orange portion in the Middle Camp Land Transfer plan. Council is only willing to accept this land. All the documents are required to be amended accordingly.

## 7.8 Asset Protection Zones

Requirement: The DGEARs under 'Bushfire' Item (2) requires the applicant to:

**Outline ongoing management arrangements of any proposed APZs, including through negotiation with relevant agencies where APZs are proposed to be located on land to be dedicated for a public purpose.**

Outcome: The SSS states:

In terms of APZ areas, all APZs are located in proposed road reserves or alternatively in private lots (p.37).

However, the development still locates APZ's on bushland reserves located on the periphery of the development area.

The CP, A2.1 the key components of the structure plan are:

Bushland reserves **will be dedicated** in areas around the periphery of the development footprints combining a buffer zone to the conservation lands and bushfire APZs (p. 11).

The CP in relation to bushland reserves, the 2<sup>nd</sup> dot point states:

...bushland parks with a cover of vegetation (that) will conform to APZ requirements where applicable (p. 13).

The UDG in the Public Domain Strategy states:

The **outer zone of the APZ** provides the potential for additional **local recreation places**. It will form a linear park...(p. 4).

The UDG in relation to bushland reserves states:

Each of the development footprints include peripheral buffers. These will be **managed bushland buffers** that incorporate the requirements of the bushfire APZs (p. 11)

Seating will be provided along edges, near streets where the **APZ will require thinning of the canopy** (p, 11).

SoC in relation to Bushfire Management states that:

The Bushfire Management Plan will be submitted with documentation accompanying the Construction Certificate application in respect of each stage.

In the CP, Figure A2.3.1 – Open Space and Landscape Diagram identifies areas as Workshop Park, Lemon Tree Park, Gateway Park, Linear Park. In that diagram, in the proposed development area of A Sawmill Camp, a proposed bush reserve is identified to the eastern side and a green buffer is identified on the western side. (p.13).

Community Planning Response: The development creates bushland parks that are proposed to be dedicated to Council. Council is not willing to accept the ongoing management responsibilities of these APZ areas. The CP is required to be amended to include a different treatment where APZ's are located within a bushland reserve. On the western side of Development Area A, the provision of a road along the development area boundary maybe the better solution. All the documentation is required to be amended accordingly.

The Bushfire Threat Assessment (BTA), Section 4.1.2 describes what is permissible within the Inner Protection Area (IPA) of the APZ. 'The presence of few shrubs or trees in the IPA is acceptable provided that they are well spread out and do not form a continuous canopy' and they 'are not species that retain dead material or deposit excessive quantities of ground fuel in a short period or in a danger period' (p. 18).

BTA, Figure 4-1 the APZ Map is required to be reproduced overlain with the proposed lot layout. This map is required to show the proposed future land ownership and the required IPA and Outer Protection Areas (OPA).

Since the APZs are contained in the road and the roads are to be dedicated to LMCC, appropriate plans are required to indicate the treatment and the required maintenance within these APZ areas. Information is required to identify and locate existing trees to be retained and identify the proposed planting within APZs. The retained and proposed new species should be fire retardant species and appropriate to be located within APZ areas. Information is also required to identify all proposed new plantings, identify the mature height and width of the species, the required spacing of the each specie within the specified areas to ensure that the required spacing between the tree canopy is maintained. All management requirements of the APZ's are to be included as well as the required maintenance standards for tree lopping, thinning, and ground fuel reduction. This information is required for Council to assess the ongoing Asset Maintenance costs of these APZ areas.

Proposed treatment of APZ's require a Fire Safety Certificate indicating the endorsement of the proposed works.

Once this information is supplied, Council can reconsider the asset management requirements and issue written documentation (or otherwise) concerning acceptance of management responsibilities of the lands. The information maybe contained in the Bushfire Management Plan (BMP) but this information is required to be provided prior to the development application stage in order for Council to make an assessment as to whether it is willing to accept the management responsibilities and dedication of the lands.

The street reservations that contain APZ's are required to be maintained for a period of 5 years. Maintenance includes existing and new plantings, and fuel reduction requirements.

If after assessment Council does not chose to maintain the trees within the APZs / bioswales to the standard required, perhaps an option maybe that no trees are to be located in the APZs, comprising the area within the streets or within bioswales.

The SoC is required to be amended accordingly.

## **7.9 Trees**

Outcome: The UDG, B1 identifies trees for the Public Domain. A species identified for the Forest vegetation is *Ficus rubiginosa*, Port Jackson Fig.

The UDG states:

Trees in the main road swales will be grand spreading trees such as *Ficus* species (p. 13).

Community Planning Response: *Ficus rubiginosa* is a large evergreen tree to 20 m with a broad domed crown, massive buttressed trunk and aerial roots from the lower branches. *Ficus* are known for its invasive root system and this species is considered unsuitable for planting within road swales, beside roads within the road reserves. The applicant needs to select more suitable species and amend the UDG accordingly.

*Angophora costata* grows to 25 m high, often with a massive trunk to 1 metre thick. It requires protection from strong winds as the timber is brittle and the branches may break, and the tree has a tendency to drop branches. This tree is



unsuitable for a street tree planting. The applicant needs to select more suitable species and amend the UDG accordingly.

Trees selected within streets, bio-swales and within the APZs are to be selected for their suitability for all of these requirements.

## 7.10 Future Public Land - Identified

Requirement: The DGEARs under 'Future Public Land' requires the applicant to:

**Identify any proposed open space or conservation land, and arrangements for ownership and control, management and maintenance, funding, public access, revegetation and rehabilitation works and bushfire management.**

Outcome: The Concept Plan Environmental Assessment (EA) Section 1.5 provides a summary of how the DGEARs are addressed. Under the heading 'Future Public Land' the response is blank highlighting that this requirement has not been met (p. 9).

Throughout the documentation, numerous parcels have been identified to be dedicated to LMCC. The SoC, in relation to 'vegetation buffers' specifies that:

The Owner shall maintain the vegetation buffer to Hamlet A along Flowers Drive by C&A for the first 5 years or until all lots of Hamlet A are sold (whichever is lesser). This vegetation buffer will be 15 m as shown on the revised Concept Plan drawings. After this period, **LMCC will be required to manage this vegetation buffer** (p. 7).

Community Planning Response: There is no one plan that indicates all the proposed land ownership arrangements. The documentation does not comply with Council's requirements in relation to the proposed future ownership of public land. The CP is required to provide a plan indicating all the land, including roads, proposed to be dedicated to Council. The plan should indicate the proposed ownership of the proposed parks and other public areas and if the lands have APZ requirements or if structures (i.e. bio-retention/detention basins) or easements are located on the lands.

Council is not willing to accept dedication of vegetation buffers, and the documentation is required to be amended accordingly.

## 7.11 Public Access to the Beach

Requirement: The DGEARs under 'Coastal Foreshore and Public Access' Item (1) requires:

**Outline measures to protect and enhance existing public access through the site to and along the foreshore and provide where appropriate new opportunities for public access that is compatible with the natural attributes of the coastal foreshore.**

Outcome: The land identified as orange in the Middle Camp Land Transfer Plan contains the existing access road and car park, and it provides and maintains valuable beach access. This land is to be dedicated to Council.

Community Planning Response: In order to enhance the existing public access to the beach foreshore, the access road and car park requires reconstruction in

accordance with Councils Engineering Guidelines – Design Specifications and Construction Specifications (LMCC 2004).

Sealing the access road and car park reduces coastal erosion and enhances the visual aesthetics of the coastal lands by incorporating coastal species in the landscaping of the car park. The reconstructed access road and the car park is also to be in accordance with the matters for consideration of SEPP 71 Coastal Protection, which include 'improve public access to and along the foreshore'.

Protecting and enhancing the existing public access is in accordance with the DGEARs. The land containing the access road and car park beside the CHB Oval is to be dedicated to LMCC in a condition that does not contribute to further erosion. The full extent of the existing car park is required to be reconstructed (as above) with car park spaces defined, and vehicle barrier fencing installed. Three or four of the existing tracks (from the car park to the beach) are required to be retained and the accessways defined in line with Landcare construction techniques. The rehabilitation of the remaining tracks from the existing car park to the beach should be considered before the land is dedicated.

## 7.12 Coastal Lookout

An existing lookout and access road is located within the land to be dedicated to NSWG. This lookout and access road is located just south of the private residence at 73 Flowers Drive, Catherine Hill Bay. This area has good views to the north and south of the coastline and the CHB beach area.

Requirements: The DGEARs under 'Coastal Foreshore and Public Access' Item (1) requires:

**Outline measures to protect and enhance existing public access through the site to and along the foreshore and provide where appropriate new opportunities for public access that is compatible with the natural attributes of the coastal foreshore.**

Community Planning Response: The CP has not identified how this existing public access will be protected and enhanced. The access road and lookout requires reconstruction in accordance with Councils Engineering Guidelines – Design Specifications and Construction Specifications (LMCC 2004) prior to the dedication of the land to the NSW Government (NSWG).

## 7.13 Pedestrian Footpaths

Outcome: The UDG Figure B1.2.2, Figure B1.2.3, Figure B1.2.4 identifies footpaths 1.2 m wide located within the road reserve directly adjacent to the property boundaries. This location also contains the services.

Community Planning Response: This location is unsuitable from desirability point of view, as a more tranquil experience is to walk on land adjoining or within open space areas, rather than the walker coming into contact with dogs, property owners and driveways and cars associated with the residences.

Where possible the footpath/pathway should be located on opposite side of the road to the residential property. If this is achieved on Street Type A1 and Street Type A2 then a walking circuit will be created around development area B. The footpath would not be required along the north of development Area B where the heritage shared pathway is to be provided.

For development Area A, a pathway will need to be created to the east of the development area where no road is provided.

## 7.14 Cycleways/Walkways

The NSW Government *Planning Guidelines for Walking and Cycling* (2004) identifies the need for new development areas to provide walking and cycling networks to provide access to shops, schools, recreation and community facilities and employment centres. The nearest primary school is located at Nords Wharf. A cycleway to Nords Wharf would enable children to ride to school.

There is also a state government initiative to provide a coastline cycleway extending throughout NSW. LMCC together with Newcastle City Council has been progressively contributing to the development of the Fernleigh Track, which is a 15 km off-road cycleway extending from Adamstown to Belmont. This forms part of the Coastline Cycleway.

Requirement: The DGEARs under 'Urban Design and Built Form' Item (4), requires the applicant to:

**Identify opportunities to link the proposed development to the existing urban areas, including through appropriate pedestrian and cycleway connections.**

Outcome:

The SSS, Section 3.4.2, Table 1 details the sustainability criteria and relevant outcomes. Under the Infrastructure Provision under the column 'Relevant Outcome for Proposed Development', the outcome is that:

Open space areas that contribute to walking routes and heritage interpretation' (p. 15).

The SSS, Section 3.4.2, Table 1 details the sustainability criteria and relevant outcomes. In relation to 'Access and accessible transport options for efficient and sustainable travel between homes, jobs, services and recreation to be existing or provided' the relevant outcome is:

Pedestrian/cycle access will be incorporated within the proposed development (p. 16).

The CP, Figure A2.4.2 – Pedestrian & Cycling Paths is the applicant's response to a cycleway network. It indicates a cycle lane around the proposed development area B Colliery Hamlet and it also indicates a shared cycling/pedestrian way that extends only between development area A and B (p. 14).

This figure contradicts Section A2.4 of the CP in which the 6<sup>th</sup> dot point states that:

Cycle ways will be on streets, in recognition of low traffic volumes (p. 14).

And the EA Section 6.4.2 states:

Cycle ways will be provided on streets, in recognition of low traffic volumes. Parallel on-street car parking will occur on all streets (p. 73)

Yet the CP, Figure A1.5.9 – Opportunities for off road cycleway shows a photo of an off-road cycleway (p. 9).

Community Planning Response: These statements and the above figure is false and misleading as the development does not provide any actual cycleways nor are there any cycleways provided in the areas identified in Figure A2.4.2.

The UDG, Figure B1.2.1 – Street Types indicates that the street containing the cycle lane is Street Type A1 and Street Type A2 and the shared cycling/pedestrian way is Street Type A2 and part of Flowers Drive (p. 5).

The UDG, Figure B1.2.2 – Street Type A1 does not include a cycle lane and Figure B1.2.3 - Street Type A2 does not include a cycle lane nor does it contain a shared cycling/pedestrian way. From the cross-section diagrams, it is clear the applicant does not intend to provide cycleways nor a shared cycling/pedestrian way (p. 6).

A pedestrian walkway is quite different to a cycleway. Pedestrian pathways are 1.2 metres wide and are designed for pedestrians, however, a child under the age of 12 years is permitted to cycle on a pedestrian pathway. A bicycle lane is provided on-road and designated for cyclists. A cycle lane requires 1.5 m to 2.5 m (however, it can be reduced to 1 m at short pinch points). A shared pathway is usually located off-road and requires between 2.0 – 4.0 metres. It caters for both user groups and a person of any age is permitted to cycle on a shared pathway. The off-road shared pathway is the preferred safer option rather than forcing cyclists (12 yrs and over) onto use the road system.

The UDG – The Heritage Walk is described on page 12 and illustrated in Figure B1.3.4. The second dot point states: 'the walkway will be generous in width to accommodate pedestrians and cyclists'.

By consistently referring to the Heritage Walk as a walkway is misleading. If the purpose of the Heritage Walk is to provide for both pedestrians and cyclists then where the documents refer to 'walkways' the document should be amended and these referred to as either 'shared pathways' or cycleway/walkways. To avoid any confusion, the 'Heritage Walk' is required to be renamed a 'The Heritage Shared Pathway' and a diagram should be included in the UDG indicating a cross-sectional diagram of the heritage shared pathway, which indicates a minimum width of 2 m.

The documentation provided is contradictory and is required to be amended to enable clear direction for pedestrian access and cycleway access and for shared pathways (accommodating pedestrian and cycle access).

Requirement: The DGEARs under 'Transport and Accessibility' requires the preparation of a Traffic Study to include:

**Proposed pedestrian and cycleway access within and to the site that connects to all relevant transport services, nearby settlements, and other key off-site locations having regard to the *NSW Planning Guidelines for Walking & Cycling* (2004) and the *NSW Bike Plan* (2010) [Item (h)]**

Item (i) of the DGEARs includes the:

**Timing of delivery of transport infrastructure including...pedestrian and cycle paths [Item (i)]**

Outcome: The Traffic and Transport study (TT), Section 2.4 Pedestrian and cyclist network states:

In CHB, all local streets are designated as shared cycling and pedestrian usage. The Pacific Highway can also be used for cycling routes' (p.12).

TT, Section 3.9, Table 3-14, ID 1 states that:

A pedestrian and cycleway network will be provided to facilitate the movement of pedestrians and cyclist through the development area' (p.55).

The TT Section 3.9, Table 3-14, ID 2 goes on to state that:

Due to low volume of traffic on local roads, it is expected that cyclist demand could be catered for on-road (p.55).

Community Planning Response: Refer to the attached newspaper article indicating the danger of cycling of the Pacific Hwy and the need for a specific cycling lane. The TT is deficient in regard to the DGEARs. As stated, the UDG (cross-sectional diagrams of roads) makes no provision for cyclists within the road network.

The cycleway network, identified in Figure A2.4.2 in the CP, is inadequate and it does not comply with the DGEARs. The timing for the delivery of pedestrian and cycle paths has also not been provided. Figure A2.4.2 – Pedestrian & Cycling paths in the CP is required to be amended to include a cycleway network through the proposed development areas, between settlements in CHB and Nords Wharf, and to connect to existing facilities, which would include the school at Nords Wharf, shops, patrolled beach, sporting facilities and playground, bowling club, hotel, transport services, and additionally, how this network connects with the NSW Coastline Cycleway.

- **Cycleway to Nords Wharf – Lake Facilities and Primary School**

Outcome: The C&A \$5Million Allocation provides \$500,000 under the heading 'Walkways DECCW Approval dependent'

Provision for walking paths external to C&A land proposed by the community between CHB and Nords Wharf (subject to application to DECC).

Community Planning Response: The RTA may require the gravel road from the proposed Development Area B to be constructed to the Pacific Highway. Signals are to be installed at the intersection of the Pacific Highway and Awabakal Drive (refer Nords Wharf SOC). A cycleway located along this alignment is approximately only 1,000 m and is required to provide a linkage for the new population of CHB to access the lake and the nearest public school, being Nords Wharf Primary School. A designated cycleway is much safer than riding on-road.

Amend this statement to provide for a cycleway.

- **Coastline Cycleway/walkway – South - to Catherine Hill Bay and Patrolled Beach**

Outcome: The CHB – Revised Statement of Commitments (SoC) under the heading 'European Heritage' the Owner is to:

Retain and enhance the former railway line as a pedestrian network. The Heritage Walk will extend from Hamlet B to the land being transferred to LMCC by C&A for beach access and car park as shown on the land Ownership Plan.

The C&A \$5Million Allocation provides \$440,000 for under the heading 'Heritage' for:

The Heritage Railway Line Walk extension from the land being transferred to LMCC by C&A for beach access and car park, to beach car park south of 4 Pines House including a heritage interpretation strategy to guide the provision of on-site interpretation.

Community Planning Response: The proposed 'heritage walk' should become the 'heritage ride' and a shared pathway constructed along this old railway line. This will encourage residents within the new community to cycle or walk off-road to the patrolled beach area, the bowling club, the hotel and the proposed commercial centre, providing a link to the proposed new facilities within the Rosecorp land.

Providing a cycleway on an old railway line is similar to the construction of the Fernleigh Track. This proposal is in accordance with the NSW Government initiative to provide a cycleway extending along the NSW coastline.

This coastline cycleway/walkway will be located within 38 Flowers Drive, Catherine Hill Bay – Lot 223 DP 1102989, land is proposed to be dedicated to the NSWG as conservation land. The cycleway/walkway should be provided to appropriate design and construction standards through the land, prior to the dedication of the land to the NSWG.

Both statements are to be amended to provide a shared cycleway in this location.

- **Coastline Cycleway/Walkway - North**

Community Planning Response: Council is currently constructing the last stage of the Fernleigh Track, which extends from Adamstown to Belmont. A cycleway/walkway also exists from Blacksmiths to Swansea. Once the Fernleigh Track has been completed, Council will have provided a sealed cycleway/walkway extending through two thirds of the City's coastal land.

The future provision of the coastal walk/cycleway through C&A land provides the missing link to the creation of this extensive pathway system. The provision of the coastline walk/cycleway north through 38 Flowers Drive, Catherine Hill Bay and 45 Mine Camp Road, Catherine Hill Bay, to link up with the coastal walk in North Wallarah lands, should be considered in any future plan of management for the area.

These lands are to be dedicated to the NSWG for conservation lands. There are several existing tracks located within this coastal land, currently used by bushwalkers and unformed road; however, the existing tracks are not located within the unformed road. To enable this critical link to remain available, the location of the coastal walk needs to be identified and secured on a plan prior to the dedication of the lands to the NSWG.

## **7.15 Statement of Commitments**

Requirements: The DGEARs under General Requirements Item (5) requires the EA to include:

**A draft Statement of Commitments, outlining specific commitments to the project's management, mitigation and monitoring measures with a clear identification of the timing and responsibility for those measures**

Outcome: A SoC has been provided however no timing has been included.

Section 8 of the SSS relates to the recommended Land Uses and Development Controls. The proposed planning controls make the following additional provisions: 'Adoption of clause that requires all residential development to comply with The Urban Design Guidelines for Catherine Hill Bay' (p. 31).

Community Planning Response: The SoC does not include the timing of the works.

The UDG must be amended as detailed above as it forms part of the CP.

## **7.16 Recommendations for the \$5 M Allocation Fund**

Initiatives have been identified for the expenditure of the funds allocated to CHB from the \$5M southern estates allocation fund.

Outcome: An initiative identified is:

Walkways DECCW Approval dependent

Provision of walking paths external to C&A land proposed by the community between CHB and NW (subject to application to DECC). \$500,000 If approval cannot be reached with DECC the contribution will be re-allocated. Alternative options for this allocation will be identified through discussion with the local community.

Community Planning Comments: This initiative should be amended to a shared pathway / cycleway. If this initiative cannot be achieved then the community is to be consulted for discussion of how the funds will be reallocated. In the event that the initiative cannot be achieved then Council would like to be consulted in relation to the proposed reallocation of the funds to alternative projects in CHB. The initiative is required to be amended accordingly.

## **8 DEVELOPER CONTRIBUTIONS**

The Lower Hunter Regional Strategy, which identifies an additional 36,000 dwellings or 72,000 people for the City of Lake Macquarie over a 25-year period, represents a significant increase (38%) to the current population. Given the magnitude of estimated residential growth, it is imperative that Council is in a position to provide the infrastructure needs of the new community. Adequate infrastructure provision in Lake Macquarie is more challenging than in many other local Government areas (LGA) by virtue of the large area the LGA covers (787 square kilometres), the large lake in the centre of the LGA, and maintenance of an extensive foreshore around the lake.

The development areas of Nords Wharf and Catherine Hill Bay currently fall within the Lake Macquarie Section 94 Contributions Plan No.1 – Citywide – Belmont Catchment (2004), as amended (Belmont Catchment Plan). Council has a program to comprehensively review the Belmont Catchment Plan and four other contribution catchment plans. The review will consider facility provision standards and the infrastructure required by new development anticipated until 2025. The revised Statement of Commitments (dated 12 October 2010) states that contributions be

capped at \$18,000 per lot. A cap of \$18,000 per lot is unacceptable, least of which, all contribution levies are subject to indexation over time.

The planning and provision of local infrastructure required for new development at Nords Wharf and Catherine Hill Bay is best achieved through an assessment of the infrastructure required for both the Rose Group (estimated 600 lots) and Coal and Allied (estimated 312 lots) developments, rather than, a piecemeal approach of considering each development separately. Without the amalgamation of contributions, facilities cannot be provided adequately.

Based on the current per lot contribution levy under the Belmont Catchment Plan:

- Table 1 details an estimate of total contributions from both the Rose Group and Coal and Allied developments at Nords Wharf and Catherine Hill Bay.
- Table 2 summarises the allocations from both the Rose Group and Coal and Allied developments.
- Table 3 details the recommended approach to allocate contributions from the Coal and Allied development at Nords Wharf and Catherine Hill Bay.
- Table 4 details the recommended approach to allocate contributions from the Rose Group development at Catherine Hill Bay. Please note figures may change if land dedications are required by Council and are acceptable to the proponent.
- Council has provided the Swansea library in anticipation of development occurring in this area. Cash contributions are required by Council for the recoupment of the Swansea Library and management of developer contributions.

The figures quoted in the following tables are a guide only as they reflect the current contributions, estimated land value, and are subject to indexation on and from the 15 February 2011.

It is important to note that levies are calculated on a per lot basis and reflect an average occupancy rate of 2.5 people/lot. Council has recently undertaken a development growth forecast study for the Morisset Contributions Catchment area for the period 2010-2025. Future development in this area is predominately detached housing on individual lots, mirroring the likely development at CHB. This study identified an occupancy ratio of 2.91 persons per household.

Council officers support a voluntary planning agreement approach at Major Project Application stage to facilitate, in particular, works-in-kind opportunities and land dedications to Council.



Table 1 – Nords Wharf and Catherine Hill Bay Total Contributions (Valid until 14 February 2011)

		<b>Catherine Hill Bay (CHB)</b>		<b>Nords Wharf (NW)</b>	
		<b>Rose Group</b>	<b>Coal and Allied</b>		<b>Total (CHB and NW)</b>
<b>Facility</b>	<b>Levy per lot</b>	Estimated 600 lots	Estimated 222 lots	Estimated 90 lots	
Open space land acquisition	\$7,702	\$4,621,200	\$1,709,844	\$693,180	\$7,024,224
Recreation facilities	\$5,772	\$3,463,200	\$1,281,384	\$519,480	\$5,264,064
Community Facilities - Capital	\$2,290	\$1,374,000	\$508,380	\$206,100	\$2,088,480
Community Facilities - Land	\$637	\$382,200	\$141,414	\$57,330	\$580,944
Management	\$175	\$105,000	\$38,850	\$15,750	\$159,600
<b>Total</b>	<b>\$16,576</b>	<b>\$9,945,600</b>	<b>\$3,679,872</b>	<b>\$1,491,840</b>	<b>\$15,117,312</b>

Table 2 – Allocations summary (Valid until 14 February 2011)

<b>Facility</b>	<b>Allocation</b>
Catherine Hill Bay Oval and park, and additional recreation facility within the Rose Group development site	\$8,255,628
Catherine Hill Bay Surf Club	\$4,030,031
Nords Wharf community facilities	\$211,317
Nords Wharf recreation facilities	\$1,212,660
Land dedications	\$720,000
Cash	\$687,675
<b>Total</b>	<b>\$15,117,311</b>

Table 3 – Coal and Allied development at Nords Wharf and Catherine Hill Bay (Valid until 14 February 2011)

Facility	Total Levy	Allocations						
		Land Dedications	CHB Oval and park	CHB Surf Club	Cash	Nords Wharf Recreation Facilities	Nords Wharf Community Facilities	Total Allocations
OSA	\$2,403,024	\$720,000	\$989,844			\$693,180		\$2,403,024
Recreation facilities	\$1,800,864		\$1,281,384			\$519,480		\$1,800,864
Community Facilities - Capital	\$714,480			\$406,704	\$142,896		\$164,880	\$714,480
Community Facilities - Land	\$198,744			\$114,545	\$37,761		\$46,437	\$198,744
Management	\$54,600				\$54,600			\$54,600
Total	\$5,171,712	\$720,000	\$2,271,228	\$521,249	\$235,257	\$1,212,660	\$211,317	\$5,171,712

Table 4 – Rose Group Development at Catherine Hill Bay (Valid until 14 February 2011)

Facility	Total Levy	Allocations				Total Allocations
		Land Dedication	Catherine Hill Bay Oval and park, and additional recreation facility within the Rose Group development site	CHB Surf Club	Cash	
OSA	\$4,621,200		\$4,621,200			\$4,621,200
Recreation facilities	\$3,463,200		\$1,363,200	\$2,100,000		\$3,463,200
Community Facilities - Capital	\$1,374,000			\$1,099,200	\$274,800	\$1,374,000
Community Facilities - Land	\$382,200			\$309,582	\$72,618	\$382,200
Management	\$105,000				\$105,000	\$105,000
Total	\$9,945,600	\$0	\$5,984,400	\$3,508,782	\$452,418	\$9,945,600

