

OBJECTION

Without prejudice

Friday 10 December 2010

The Hon Tony Kelly, MLC
Minister for Planning
Government of NSW

& Mr. Michael File
Director, Strategic Assessments
NSW Department of Planning

Original by email:

landsquery@lpma.nsw.gov.au

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Copy by post to GPO Box 39, Sydney NSW 2001

**RE: Coal & Allied Southern Estates Proposal for Middle Camp,
Catherine Hill Bay**

Specifically:

- Middle Camp Residential Development (Southern Estates): Potential State Significant Site (2010),
- Middle Camp Residential Development (Southern Estates): Concept Plan (Mp10_OO89), And
- Middle Camp Residential Development Southern Estates: Middle Camp Southern Estates (VPA)

Dear Minister Kelly and Mr. File,

It is sad that one is obliged to lodge yet another objection with you. But to emphasise my concerns, I suggest to you that the proposals by Coal & Allied are tantamount to vandalism.

Presentations to DoP by our Progress Association clearly articulate the inappropriateness of these proposals, which should have in all decency been blocked from the very beginning. But allow me to summarise and add points of view.

DEVELOPMENT AT ALL

Development applications should never have been allowed in the first place. The area is unique in terms of heritage, aesthetics, culture and beauty – and close to residential areas so as to allow visitation to this special place by all types of groups, at minimal cost. Why would a government of decency allow this to be destroyed, in particular when the area was identified by experts* as being the least suitable for development?

**I refer to the Lower Hunter study on suitability for development; details available...*

As originally planned through robust consultation between government and the community, the area in question should have been re-vegetated to pristine bush once mining ceased.

In terms of heritage, the area is no less different to that of The Rocks in Sydney and Sydney Harbour Foreshore – well protected, albeit after community pressure, which is the point. Community outrage against greed-driven proposals is surely something to be taken notice of by a democratic government of decency.

If development is allowed, by whatever inappropriate means, then at the very least it should complement what is already in place. And in no way should it be allowed to destroy the integrity of the heritage, or the peaceful lifestyle of the owners and residents. The proposed Plans fail to address this protection, as outlined in detail to DoP by the Catherine Hill Bay Progress Association & Dune Care Inc (CHBPA), and despite the appreciated bestowment of State Heritage to the old villages of Catho.

ACCESS (if the proposal is allowed)

Of particular concern is the matter of road access and transport.

No public transport of significance is planned or sustainable. This means that the majority of access will be by motor vehicle. And in this regard, i.e. roads for those vehicles, the plans do not address the impediment on owners/residents of noise, safety and damage. It is unbelievable in today's society, with all the knowledge and expertise of planning behind us, that an organisation could – in clear arrogance – overlook this issue. CHBA's objection provides detail.

DESIGN & BUFFER ZONES

Two storey residences!? They have to be joking. Clearly the developer has no respect for the State Heritage significance, or importance of it. Consultation by community (and its representatives) with the developer certainly took place, but it was condescending at best).

The buffer zone proposed between the heritage and new is totally inadequate. Again, arrogance – arrogance that, if appropriate laws and planning guidelines were in place, could well be prevented. If laws or regulations are in place, and the developers have simply ignored them, then you know what has to be done.

IN CONCLUSION

My summary of concern is simply a “taste”. I urge you to reject the proposals outright. At the very least I fully support the detailed objections produced by the CHBA – objections developed by robust consultation with the community, and shared with you as per the attached extract. You will have seen these objections already. I simply take the opportunity to commend them to you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mike Cannon', written in a cursive style.

Mike Cannon

LOGIC PROVIDED IN SUPPORT OF MY OBJECTION, KINDLY PROVIDED BY THE CHBPA

POTENTIAL STATE SIGNIFICANT SITE (2010)

The strategic justification for the project cited in the State Significant Site Listing Report is inadequate. Contrary to the statement on page 2 of the SSS Listing Report (Nov 2010), the proposed development for residential purposes is not “crucial in achieving the State Government’s objective of securing major conservation corridors”. Nor does the proposed listing “provide a robust long-term outcome” as suggested. The development of new housing in CHB does not address the housing needs of the Hunter region in a sustainable way. It is remote from services, jobs and will rely on private car ownership. The increase in population will not sustain viable public transport. Much of the application is inadequate or misleading.

The application is contradictory in relation to what is actually being proposed. In the Executive Summary and on p2, the Report states that the proposal is to develop 28.2ha for residential purposes with a maximum yield of 222 lots and that the balance of the site is proposed to be dedicated to NSW Government for conservation purposes. However this is contradicted elsewhere in the Report. Reference is made to other future uses: 1.6ha is to be dedicated to Lake Macquarie City Council for recreation purposes; and a substantial area of land is to be retained by Coal & Allied, with zoning proposed as E4. The E4 zoning is intended to ‘provide for low impact residential development...’ albeit on min. 6000sqm allotments. This type of development is arguably the worst possible outcome for such a significant site. Note that the proposed E4 development is in direct contradiction to the recommendations of the Independent Hearing and Assessment Panel (IHAP) that clearly and repeatedly stated that this area (then ‘Precinct D’) should **not** be developed.

The documentation suggests that the current application is likely to be only the first of a series of development proposals. The first is for 222 dwellings on two sites but subsequent applications are likely to be the development of the proposed pocket parks and the E4 environmental zone. This current application does not “provide a robust long-term outcome”.

CONCEPT PLAN (MP10_OO89)

Objections to the detail of the current proposal:

1. The significance of Catherine Hill Bay has been acknowledged through its inclusion on the State Heritage Register. The expert IHAP regard the Middle Camp village and its setting as representing “a precinct of exceptional aesthetic, landscape, social and cultural landscape heritage significance... it is unique, representing a largely intact 19th Century mining village characterized by development along a single street with single storey cottages sited on either side. In addition to the cottages themselves the spaces between the cottages and the landscape setting are also significant.” They also recommend that “any development in the vicinity of Middle Camp should not prejudice the scenic, aesthetic and cultural heritage qualities of the area...” The large area on the eastern side of Middle Camp proposed to be zoned E4 is in direct conflict with this recommendation as the object of E4 zoning is to enable residential subdivision and development in an area which historically has been an open public common and green space dotted with a few unfenced miners cottages. I believe that this area should be zoned E2 which would preserve its environmental qualities.

2. The application incorrectly addresses the impact of traffic on the Heritage village and on the safety and amenity of its residents. Flowers Drive clearly has the characteristics of a local road. The RTA standards have been posited in response to urban conditions but this rural context does not fit the ‘standard template’. Given that the characteristics of Flowers Drive accord with a local road classification (see Table 1.2.5 of RTA Design Guide – Factors for Implementation of Road Hierarchy), acceptable traffic numbers and acoustic standards are exceeded. Also, studies carried out on behalf of Coal & Allied show

that there was a 40% increase in traffic on the weekend but only 10% has been allowed in their calculations. The acoustic study by Renzo Tonin was based on an estimated 40km speed, yet nothing in the application commits to any traffic calming measures. Indeed, current road configuration encourages the current 50km/hr speed limit to be frequently exceeded. While the Statement of Commitments does suggest that LATM would be implemented “if required”, both traffic and acoustic reports incorrectly argue that nothing is required.

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

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

Over many decades, C&A have drawn very substantial profits from mining the land at Middle Camp. It can reasonably be concluded that they have an obligation to remediate the land both underground and above ground at their own cost. The current development proposals aim to reduce their remediation expenditure via returns on residential development. This is an unreasonable expectation and avoidance of obligations associated with mining despoliation.

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

MIDDLE CAMP SOUTHERN ESTATES (VPA)

As mentioned above under point 4, C&A have drawn very substantial profits over many decades from mining the land at Middle Camp. The VPA is inadequate as it fails to take the remediation obligations into account and presumes a ‘right’ to develop and profit from despoiled land despite unacceptable impacts. The Statement of Commitments inadequately addresses the need to ameliorate the traffic impacts on existing residents and the conservation of common land behind houses on the eastern side of Flowers Drive and the land around ‘Slack Alley’.