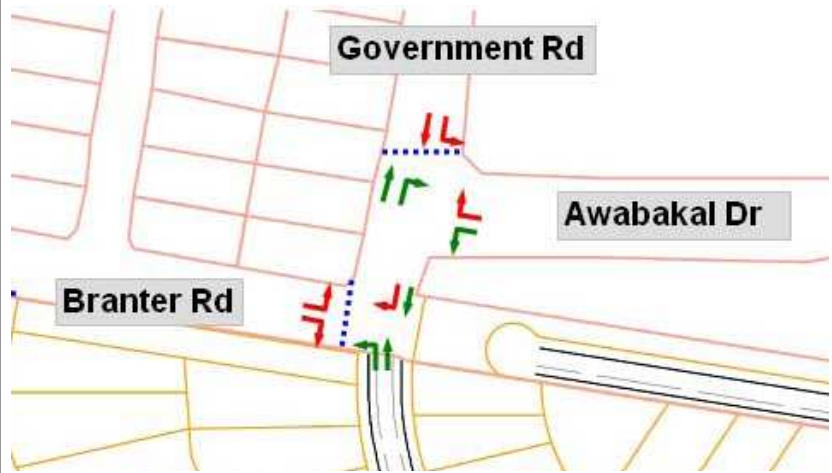


Table 1 – Response to Submissions

Author	Submission	Issue Summary	C&A Response
Margaret Ann Dalton (2 identical submissions)	<ul style="list-style-type: none"> I have lived in the area for 48 years. As I came from Catherine Hill Bay I believe it should be left as it is, there are not many places that are virtually untouched and it should be left alone and preserved for future generations to appreciate, not spoilt by all these houses 		
	<ul style="list-style-type: none"> The roads in both Catherine Hill Bay and Nords Wharf will be unable to handle the extra traffic. We brought our home in Nords Wharf because it was a quiet peaceful village, but if this proposal goes ahead we will be living on the road that will be used as the main road, we have already over the past few years we have found it is becoming harder to reverse out of our driveway, with the extra traffic it would be a nightmare and this will create more hazards and noise pollution. 	<ul style="list-style-type: none"> The roads in both Catherine Hill Bay and Nords Wharf will be unable to handle the extra traffic. extra traffic would will create more hazards and noise pollution 	The traffic generation from proposed 90 dwellings from Nords Wharf site would have very small impact on key roads including Awabakal Drive, Government Road and Branter Road. The traffic study has estimated that during peak hour proposed Nords Wharf development will increase traffic by between 10 and 80 vehicles per hour depending on locations.
	<ul style="list-style-type: none"> The lake waterways will become more polluted with extra boats and rubbish, and it will also effect the wildlife in both the bushland and the water. The beaches will also suffer as the more people that live in the area the more rubbish will be left on them, which may harm the ocean wildlife and make our beaches less attractive. As it is we go to the beach most afternoons and collect rubbish to help keep our beaches clean. We believe with the amount of rubbish that is being left on the beach already, that this will more than triple, slowly making our pristine coast into a place no-one will want to visit and our lake way will also become highly polluted. 	There will be more pollution of the waterways and beaches with rubbish. Wildlife will be affected.	<p>The citizen responsibility of picking up rubbish on the beach is commendable. Notably that sort of initiative in all our communities would greatly benefit our country.</p> <p>The development as proposed will be subject to industry best practice regarding waste water and stormwater. The bushland will become part of the public domain as DECCW estate and will be managed by the NPWS as will it's access.</p> <p>Council and NPWS are likely to install signage in public places regarding stewardship including rubbish disposal.</p>
Mick McCall 6 Berncla Ave Nords Wharf	<ul style="list-style-type: none"> It's almost a half a town only 200m from where I've lived since 1978, thereby destroying the pristine serenity of the Scout Camp enclave that this end of Nords Wharf has enjoyed for a couple of generations. We go from being the southern end of Nords Wharf to a more towards the centre of a bigger town position. 		
	<ul style="list-style-type: none"> Where do the scouts go to be able to enjoy both the close nearby lake (sea scouts and aquatic activities) AND the Pacific Ocean and all it offers only a couple of kilometres away ? They've got everything here and have enjoyed the set up for many years. It has become an essential part of the scouting and other organised movements in promoting healthy active lifestyle in a very amenable environment given lake, bushland AND ocean at there doorstep. What sort of deal and what sacrifices have they made to have to move elsewhere with lesser amenity? 	Where will the scouts go to be able to enjoy both the close nearby lake (sea scouts and aquatic activities) AND the Pacific Ocean	<p>Scouts correspondence on the 10 July 1964 reflected their understanding of future potential for subdivision of the site and confirmed their commitment to exit and clear the site on 3 months notice from the company. Coal & Allied's position in this regard has been reinforced to the Scouts on numerous occasions since.</p> <p>Coal & Allied were proactive in assisting the scouts and in 2007 sought approval at Pt Wolstoncroft for scout usage. Pt Wolstoncroft management agreed subject to suitable commercial arrangements with the Scouts. The then Scouts property manager said the site was not an appropriate location.</p> <p>The licence agreement provides for the use of part of the Coal & Allied site by the East Lake Macquarie district scouts group and not for general public use. Such use would be unauthorised.</p>
	<ul style="list-style-type: none"> 90 dwellings in the new area would see at least 90+ extra vehicles daily entering and exiting the proposed area straight onto Branter Rd or the intersection of Branter Rd and Government Rd with the latter location 'copping ALL' the extra traffic. If it must go ahead provision should be made for entry/exit further up to the east along Awabakal Dr. This would ease the strain 	Provision should be made for entry/exit further up to the east along Awabakal Dr. This would ease the strain on the Branter Road/Government Road intersection immensely.	The key access road to the Nords Wharf development connects Government Road at Branter Road. A second access is provided into Branter Road further to the west. The design of the main access intersection at Government Road/ Branter Road would be integrated with the Government Road/Awabakal Drive intersection as per Lake Macquarie Councils guidelines for local roads. Below Figure shows an indicative schematic intersection arrangement showing the priority (green) and opposed (red)

Author	Submission	Issue Summary	C&A Response
	on the aforementioned intersection immensely.		<p>movements.</p>  <p>Due to low volume predicted from proposed development a priority control junctions at Awabakal Dr/Government Road and Government Road/Branter Road are expected to provide adequate capacity and satisfactory level of service. Traffic in Branter Rd will have priority to traffic entering Branter Rd from the proposed development western perimeter road.</p>
Elizabeth Harris 9 Branter Road Nords Wharf	<ul style="list-style-type: none"> The size of the development and its proximity to the Pacific Highway severely limit the size of the native animal corridor therefore increasing the likelihood of roadkill. 	The size of the development and its proximity to the Pacific Highway severely limit the size of the native animal corridor therefore increasing the likelihood of roadkill	During the charette program it was LMCC's specific request to save the EEC and provide a vegetated buffer to the south of the site, To maintain the development footprint area (10.18ha) the development area was extended to the east. The narrowing of the north south corridor along the highway was considered appropriate by DECCW and Council's representatives at the charette on balance with the EEC conservation considerations.
	<ul style="list-style-type: none"> There is no indication how the two new development access roads will join current roads except for site positioning. For example <ul style="list-style-type: none"> a. There is approximately 10 metres between existing Awabakal and Government Road intersection and the major entrance to the new development at the end of Government and Branter Roads. b. Branter Road must have continuous right of way as currently occurs or I personally will end up with a boat trailer and car combination of almost 12 meters being caught half way through two intersections. c. Cars with boat trailers can not be expected to haul up a steep incline from the boat ramp and stop several times in 150 metres d. Visibility coming down Branter Road is almost nil due to poor road planning and the setting westerly sun. Therefore it is essential for this road to maintain right of way and that roundabouts are not viable options. <p>NB various new developments will bring 8000 plus new people to the Wallarah peninsular and no provision has been made to provide additional boat ramp facilities therefore existing ramps must cope with hundreds of new boat owners to the region.</p>	<p>There is no indication how the two new development access roads will join current roads except for site positioning</p> <p>no provision has been made to provide additional boat ramp facilities therefore existing ramps must cope with hundreds of new boat owners to the region</p>	<p>The key access road to the Nords Wharf development connects Governement Road at Branter Road. A second access is provided into Branter Road further to the west. The traffic study has estimated that during peak hour traffic on Branter Road will increase by 10 vehicles per hour. The expected traffic increase on Branter Road is very small. The design of the main access intersection at Government Road/ Branter Road would be integrated with the Government Road/Awabakal Drive intersection as per Lake Macquarie Councils guidelines for local roads. Traffic in Branter Rd will have priority to traffic entering Branter Rd from the proposed development western perimeter road.</p> <p>The Council submission states that money dedicated from the \$5million allocation to upgrade the Cams Wharf boat ramp is supported.</p>
	<ul style="list-style-type: none"> Branter Rd boat ramp. Existing residents bought waterfront reserve properties fronting a 6A parcel listed for public space and recreation. There is no existing DA for a road or a public car park. We residents again request the small grassed flat area be for picnicking only and provision for a car park be 	Additional provision needs to be made for car parking, rather than letting cars park on the 6A land near the boat ramp which should be reserved for picnicking only.	<p>Coal & Allied are in negotiations with the National Parks & Wildlife Service regarding the provision of additional car parking adjacent to the boat ramp.</p> <p>The survey has been amended by Urbis. The facilities are at Gathercole Park. This will be detailed in the Preferred Project Report.</p>

Author	Submission	Issue Summary	C&A Response
	<p>made for cars and trailers (i.e. 12m parking spaces) from secondary development road on Branter Rd to the edge of the ridge at the end of the cul-de-sac.</p> <ul style="list-style-type: none"> NB Urbis survey states there are toilets and water at the boat ramp: this is incorrect. The only water and toilets are part of the existing amenities block in the scout camp. 	<p>Urbis survey states there are toilets and water at the boat ramp: this is incorrect. The only water and toilets are part of the existing amenities block in the scout camp.</p>	
	<ul style="list-style-type: none"> New conservation area. There is no provision for parking to access the waterfront or bush. If a walkway/cycleway is to proceed parking must be available for people to access this new community resource. Existing residents strongly object to current summer visitors blocking driveways and leaving vehicles parked on reserves for often weeks at a time. Please provide parking within the new development. 	<p>Provision or additional car parking must be made</p>	<p>There will be car parking provided on the public road system as part of the proposed subdivision.</p> <p>Coal & Allied are in negotiations with the National Parks & Wildlife Service regarding the provision of additional car parking in close proximity to the boat ramp.</p>
	<ul style="list-style-type: none"> There is no provision for a park/play area for young children. 	<p>There is no provision for a park/play area for young children.</p>	<p>Council report states there is no need for additional open space on the site as the locality is already well serviced for open space. Monetary contributions are proposed to upgrade the existing parks.</p>
	<ul style="list-style-type: none"> There is no provision for a roped swimming area. 	<p>There is no provision for a roped swimming area.</p>	<p>Coal & Allied do not propose to provide this.</p>
	<ul style="list-style-type: none"> There is no provision for a covered bus stop as all children must leave the area to attend high school. 	<p>There is no provision for a covered bus stop as all children must leave the area to attend high school.</p>	<p>The street types (B1 – Public Domain Plan, p.6-8) have verges wide enough to accommodate a covered bus stop if required.</p>
	<ul style="list-style-type: none"> Community strongly object to the placement of these documents at Catho Bowlo on ethical grounds. In future all planning documents must be available at Swansea Library. 	<p>Community strongly object to the placement of exhibition documents at Catho Bowlo on ethical grounds.</p>	<p>Locations for public access for documents were advised by Lake Macquarie Council and NSW Department of Planning. This concern is noted.</p>
	<ul style="list-style-type: none"> Confirm that a seagull/partial signal is installed at the Highway/ Awabakal Drive intersection prior to commencement of development. 	<p>The seagull/partial signal should be installed at the Highway/ Awabakal Drive intersection prior to commencement of development.</p>	<p>Traffic control signals and associated civil works shall be designed and constructed in accordance with the subsequent works application, the timing of which will be agreed with the RTA and LMCC prior to commencement of development on the site.</p>
	<ul style="list-style-type: none"> No provision for kerbing and guttering of Branter Road to prevent erosion run off into the lake. 	<p>Branter Road should be kerb and guttered to prevent erosion run off into the lake</p>	<p>Branter Rd will receive kerbs and gutters together with a footpath on the southern side of Branter Rd as part of the Stage 1 road and lot subdivision plan for DA This will be detailed in the Preferred Project Report and revised Statement of Commitments.</p> <p>The stormwater along roads within the developable area are managed by use of bio-swaes and detention ponds to improve the quality stormwater run-off.</p> <p>This will be detailed in the subsequent DA for civil works</p>
	<ul style="list-style-type: none"> No provision for a silt trap to prevent run off into lake to bottom of Branter Road. 	<p>A silt trap should be provided to prevent runoff into the lake from Branter Road</p>	<p>This could be provided, particularly if some lots drain towards Branter Road. If it is to be provided, it will be detailed in the subsequent project application for works.</p>
<p>Anon</p> <p>C Winfield</p> <p>72B Government Road</p> <p>Nords Wharf</p>	<p>Nords Wharf historically is a sleepy holiday village consisting of approximately 350 houses. It is a small village with a small shop and a small school. It is a holiday haven for residents and visitors. The proposed 90 dwelling development will significantly impact on the community in many ways which cannot always be measured. The development will destroy the laid back feel of this unique suburb.</p>	<p>The proposed 90 dwelling development will significantly impact on the community in many ways which cannot always be measured. The development will destroy the laid back feel of this unique suburb.</p>	<p>A social infrastructure study was undertaken in respect of the local Nords Wharf area by Urbis. The study concluded that the impact of development is unlikely to have an adverse impact upon social infrastructure and has potential for positive effects. The Statement of Commitments outlines the social benefits proposed to be provided by Coal & Allied.</p>
<p>M Stanborough</p> <p>3 Crosswinds Close</p>	<p>Residents have purchased properties and choose to reside in this area because of the simple, quite life. The area remains un-spoilt; the suburb is surrounded by</p>		

Author	Submission	Issue Summary	C&A Response
Nords Wharf	bushland, and beautiful scenery, flora and fauna.		
R Stanborough 3 Crosswinds Close Nords Wharf J Moor 82 Government Road Nords Wharf	We believe that this proposal does not meet Government criteria for future population growth. This area does not have public transport, has limited infrastructure, and no employment opportunity. The region will not be able to cope with the number of new residents planned for Nords Wharf, and Catherine Hill Bay.	We believe that this proposal does not meet Government criteria for future population growth.	The LHRS and LHRCP identify the subject land as proposed urban development to cater to the housing needs of the Lower Hunter to 2031, and proposed conservation land dedication. The proposal is entirely consistent with the provisions of the LHRS and LHRCP. Environmental offsets have been provided to enable the objectives of these strategies to be achieved and maintain the environment that is so valued.
C Moor 82 Government Road Nords Wharf	Nords Wharf is scenic and character filled – value=priceless.		
M Lendrum 76 Government Road Nords Wharf V Hancock 88 Government Road Nords Wharf	Whilst we understand that the land is owned by Coal and Allied, we are also questioning the right of development. Coal and Allied and other mining companies have mined the area for many, many years. Residents have had to endure their intrusion to the community, damage to the environment, properties and in some instances to our health.	Coal and Allied and other mining companies have mined the area for many, many years. Residents have had to endure their intrusion to the community, damage to the environment, properties and in some instances to our health	Coal & Allied, as land owner, may seek consent to develop their land in accordance with the applicable planning framework and controls that apply to the land and the proposal. This is the approach that has been taken. The proposal addresses the relevant heads of consideration required under Part 3A of the EP&A Act. Assessment and determination of the application will be undertaken having regard to the legislative requirements and merits of the proposal.
G Lendrum 9 Hunter Road Nords Wharf J Lendrum 9 Hunter Road Nords Wharf	The fact that the mining companies have made millions and millions of dollars from mining the land, does not give them the right to further develop and again make millions of dollars. This land should be left in the natural reclaimed state-beautiful bushland. Let the Scout Camp continue leasing the site for the enjoyment of the young and old scouts for years to come. Let the people of the area freely walk through the bush and enjoy the serenity. Bush land is special and should remain for the people not developers.	The fact that the mining companies have made millions and millions of dollars from mining the land, does not give them the right to further develop and again make millions of dollars. Bush land is special and should remain for the people not developers.	The proposal is seeking to develop part of the Coal & Allied land and dedicate 116ha of land for conservation purposes. The 'do nothing' scenario, in which no development is proposed, was considered and dismissed as a realistic option since this will not achieve the conservation outcomes sought under the CCRS, LHRS and LHRCP, and will not contribute to the future housing needs of the region. The land is currently owned by Coal & Allied with a small area licenced to the Scouts. Access to any of the land by the general public is not permitted. Dedication of the conservation land to the NSW government will enable the general public to enjoy access to the land.
N Hammond 88 Government Road Nords Wharf M Hancock 88 Government Road Nords Wharf	Crangan/Browns Bay directly in front of the proposed development is a well known place for boaties to moor day and night. A paradise; because it is safe, because there is peace and quiet, because of the surrounding bushland, because residents are not being disturbed, because it is isolated, because it is somewhere special.	Crangan/Browns Bay directly in front of the proposed development is a well known place for boaties to moor day and night.	The proposal includes a significant buffer between the proposed residential area and the coastline which, amongst other community benefits, will also protect the visual quality of the lakefront.
N Lendrum 8 Forest St Oak Flats	Concerns regarding existing sewage capability to cope with a new 90 residential development. The existing sewer line overflows at Gategol Park and Baxter Park.	Concerns regarding existing sewage capability to cope with a new 90 residential development	A Wastewater Servicing Strategy for this site and other developments within the area has been prepared by ADW Johnson. The Strategy concluded that the existing sewer network could service the proposed Nords Wharf development without upgrade. This strategy has been reviewed and approved by Hunter Water Corporation.
A Mulhall 94 Government Road Nords Wharf S Hidas 100 Government Road Nords Wharf	Concerns for the home of our precious wild life. The area is home to; many bird and animal species including bell birds, and swamp wallabies, possums, echidnas. The wild life corridor between the proposed development and the highway is so narrow that we will see more and more animals senselessly run over.	Concerns for the home of our precious wild life.	Extensive ecological survey and impact assessment has been undertaken to inform the proposal. This has determined that the proposal will not have a significant impact on the local and regional landscape. The conservation estates will offer an abundance of high quality habitat for known threatened species, populations and ecological communities that is currently not in public ownership. This consolidation of biodiversity and its conservation will make a significant positive contribution to the enduring protection of the regions ecology. The assessment has considered the potential impacts on these species and found the habitat loss in relation to



Author	Submission	Issue Summary	C&A Response
			<p>the wider conservation gain to be acceptable.</p> <p>During the charette program it was LMCC's specific request that to save the EEC and provide a vegetated buffer to the south of the site, To maintain the development footprint area (10.18ha) the development area was extended to the east. The narrowing of the north south corridor along the highway was considered appropriate by DECCW and Council's representatives at the charette on balance with the EEC conservation considerations.</p>
D & J Hutchinson 92 Government Road Nords Wharf	Concerns that our lifestyle will be affected due to the increase in the number of residents. Traffic flow and noise will increase.	Traffic flow and noise will increase.	<p>A social infrastructure study was undertaken in respect of the local Nords Wharf area by Urbis. The study concluded that the impact of development is unlikely to have an adverse impact upon social infrastructure and has potential for positive effects. The Statement of Commitments outlines the social benefits proposed to be provided by Coal & Allied.</p> <p>The traffic generation from proposed 90 dwellings from Nords Wharf site was determined by the Hyder reporting as having a very small impact on key roads including Awabakal Drive, Government Road and Branter Road. The traffic study has estimated that during peak hour proposed Nords Wharf development will increase traffic by between 10 and 80 vehicles per hour depending on locations.</p>
B Marsh 78 Government Road Nords Wharf	Concerns that new estates with closely built houses create neighbourhood issues.	Concerns that new estates with closely built houses create neighbourhood issues.	<p>This application is for Concept stage only. Detailed Project Applications will follow.</p> <p>The proposal includes detailed Urban Design Guidelines to inform the design of future built form.</p> <p>Planning proposals cannot determine the 'type' of people who choose to reside in an area.</p> <p>There is a range of lots and housing types to provide housing choice and affordability. Consideration has been taken with front, side and rear setbacks. These setbacks are to minimise overshadowing, allow for privacy and view sharing.</p> <p>Detailed Design Guidelines will form part of the consent and will need to be complied with for any future development on the land.</p> <p>A social infrastructure study was undertaken in respect of the local Nords Wharf area by Urbis. The study concluded that the impact of development is unlikely to have an adverse impact upon social infrastructure and has potential for positive effects. The Statement of Commitments outlines the social benefits proposed to be provided by Coal & Allied.</p>
L Marsh 78 Government Road Nords Wharf	Concerns with the increase in the number of residents that our security will be compromised.	Concerns with the increase in the number of residents that our security will be compromised.	<p>An increase in population does not correlate to increases security issues. The provision of a variety of housing types provides future property owners with choice of housing stock. The nature of the individuals who chose to live in an area cannot be controlled or determined by development controls. It is also not a factor for consideration in the determination of applications.</p> <p>The increase in residents will increase the safety and security due to the increased activity.</p> <p>The design and layout of the additional lots and housing type ensures that each lot has a street address. This is to ensure that the public domain, streets and open spaces are overlooked. The principles of Crime Prevention Through Environmental Design (CPTED) should be implemented.</p> <p>A social infrastructure study was undertaken in respect of the local Nords Wharf area by Urbis. The study concluded that the impact of development is unlikely to have an adverse impact upon social infrastructure and has potential for positive effects. The Statement of Commitments outlines the social benefits proposed to be provided by Coal & Allied.</p>

Author	Submission	Issue Summary	C&A Response
C Butters 84 Government Road Nords Wharf	Concerns about the erosion of the buffer zone between Lake Macquarie and the Central Coast. Leave it free.	Concerns about the erosion of the buffer zone between Lake Macquarie and the Central Coast.	<p>This proposal will not erode the link between lake Macquarie and the Central Coast .As a result of conservation offset lands, a large vegetation corridor will be conserved stretching from Gwandalan in the south and linking up with Wallarah National Park in the north. These conservation lands will link three state conservation reserves of Lake Munmorah State Conservation Area, Lake Macquarie State Conservation Area and Wallarah National Park. This large tract of native vegetation will provide protected habitat for a wide variety of native flora and fauna.</p> <p>The proposal constitutes an extension from an existing urban area and it is not considered that this will erode the buffer between the Central Coast and Lake Macquarie.</p> <p>The development is sited in accordance with the Lower Hunter Regional Conservation Plan. The proposed land dedication will make a significant contribution to achieving a key objective of the LHRCP which is to secure major conservation corridors. In fact, this land dedication will extend the publicly owned green inter-regional buffer along the Wallarah Peninsula, separating the Lower Hunter from the Central Coast.</p>
J Butters 84 Government Road Nords Wharf L Paff 74 Government Road Nords Wharf	Concerns with the increase in the number of vehicles, at least 180 vehicles will be added. Already there is a heavy reliance on the use of the motor vehicles as there is limited public transport. Nords Wharf Road and Awabakal Roads are quite narrow and will not handle volumes of traffic. Nords Wharf already has 2.5 cars per household.	Concerns with the increase in the number of vehicles, at least 180 vehicles will be added.	The traffic generation from proposed 90 dwellings from Nords Wharf site would have very small impact on key roads including Awabakal Drive, Government Road and Branter Road. The traffic study has estimated that during peak hour proposed Nords Wharf development will increase traffic by between 10 and 80 vehicles per hour depending on locations.
G Paff 74 Government Road Nords Wharf F Mulhall 94 GovernmSent Road Nords Wharf	Concerns regarding the Awabakal / Pacific Highway entrance/exit. This intersection is dangerous and we don't believe Coal and Allied have addressed the safe entering and exiting adequately. Also the section of Pacific Highway between Doyalson and Swansea is an accident prone strip.	Concerns regarding the Awabakal / Pacific Highway entrance/exit.	A new partial signal will be constructed at the Pacific Highway/Awabakal Drive intersection from safety ground. This will allow safer entry and exit via a signalised junction.
Susan Ure 10 Central Avenue Nords Wharf	Coal and Allied have misinterpreted the ownership waterfront properties between Branter Road and Marine Parade. Coal and Allied publicised that there is 30metre buffer which is council owned. This is absolutely inaccurate, which questions the analysis and accuracy of all the information given out by Coal and Allied.	Coal and Allied have misinterpreted the ownership waterfront properties between Branter Road and Marine Parade.	Noted – EA report amended accordingly and of no impact on the application as Concept Plan not reliant on the noted non existent buffer.
	<p>Concerns that the proposal does not properly address the following:</p> <ul style="list-style-type: none"> On-site and street Parking Narrow Streets The entrance road to the development has too many turns. Curb and guttering Parkland and play areas Parking at the boat ramp Water run off and silt traps 	<p>Concerns that the proposal does not properly address the following:</p> <ul style="list-style-type: none"> On-site and street Parking Narrow Streets The entrance road to the development has too many turns. Curb and guttering Parkland and play areas Parking at the boat ramp <p>Water run off and silt traps</p>	<p>These details are contained within the Concept Plan and the Urban Design Guidelines.</p> <p>On-site parking</p> <ul style="list-style-type: none"> All housing types allow for 2 on site parking spaces <p>Street Parking</p> <ul style="list-style-type: none"> Street Types B + C has on-street parking on both sides Street Types A1 + A2 has on-street parking on one side only a small section of Branter Road (6 lots) has no on-street parking <p>Narrow Streets</p> <ul style="list-style-type: none"> minimise hard surfaces maximising stormwater run-off maximises landscaped areas reduces vehicular speeds <p>The entrance road to the development has too many turns.</p> <ul style="list-style-type: none"> the road follows the existing landform <p>Kerb and guttering</p>

Author	Submission	Issue Summary	C&A Response
			<ul style="list-style-type: none"> – this will be detailed in the subsequent DA for civil works – Parkland and play areas – decided at the charette that parks were better off-site to service the broader community – site is surrounded by open space – Foreshore reserve is public accessible ▪ Parking at the boat ramp – Coal & Allied are in discussions with NPWS regarding provision of additional car parking adjacent to the boat ramp. ▪ Water run off and silt traps – use of bio-swales will manage and improve the quality stormwater run-off – minimising hard surfaces within private lots and the public domain – maximising landscaped areas within private lots and the public domain
Anonymous 16 Dec 2010	We are writing to comment on the above proposal and totally oppose its intention to develop the proposed lands, the majority of which is already zoned environmental protection, if approved by the State and Federal Government. We do however applaud the intention to hand over the land for conservation in perpetuity. We are gravely concerned by species and biodiversity loss and further fragmentation for the Wallarah Peninsula. Coal & Allied are not acting in the best interests of conservation due to the losses and increased human impact that would occur if this proposal were to be approved.	<p>oppose the intention to develop the proposed lands, the majority of which is already zoned environmental protection</p> <p>do however applaud the intention to hand over the land for conservation in perpetuity</p> <p>Coal & Allied are not acting in the best interests of conservation due to the losses and increased human impact that would occur if this proposal were to be approved.</p>	<p>The proposal enables the dedication of 116.6ha of lands for conservation purposes, which is crucial to the achievement of the State Government's objective to secure major conservation corridors identified in the LHRS and LHRCP, most notably the Wallarah Peninsula Corridor. Only 10.18ha is proposed for urban development.</p> <p>Dedication of these lands to the NSW Government will ensure that they are conserved in perpetuity, held as National Park or Nature Reserve and will not be subject to future private development or rezonings.</p> <p>The proposed dedication and rezoning of the conservation land will not fragment the Wallarah Peninsula Corridor. It will reduce the range of permissible development on the land to 'nil', thereby increasing the level of protection afforded to this land.</p>
	Our family reside in Nords Wharf and we are quite familiar with the true Biodiversity contained within the Wallarah Peninsula that needs to be seen as a whole, including the development threats of Murray and Pinny beach developments to the north and the proposal from Rose Property Group Ltd, Gwandalan and Catherine Hill Bay. We trust these developments are also taken into consideration.	Impacts of other proposed developments at Murray and Pinny beach to the north, Rose Group Property Group Ltd and Gwandalan and Catherine Hill Bay need to be taken into consideration.	The cumulative impacts of the subject proposal and other proposals in the locality have been assessed as part of the Concept Plan and State Significant Site Listing applications before the DOP.
	The extremely high conservation value of the Wallarah Peninsula has been established by field studies both by the applicant and the NSW DECC. The trade off for development rights and handover of conservation lands by the state government is too high a price to pay for what habitat would be lost, it is not going to enhance and conserve the biodiversity of the Wallarah Peninsula but deplete and put it under threat of significant impact through removal and fragmentation of vital habitat and the increased human impact and increased risk of fire. The area contains vulnerable and threatened species protected both under the NSW and Commonwealth legislation that together form part of the unique biodiversity. A friend who was an environmental scientist that worked on the Wallarah Peninsula, said to be concerning these developments 'yea its called death by a thousand cuts'. These few words encapsulated what has been happening for the Wallarah Peninsula and yet again by these proposals.	<p>The trade off for development rights and handover of conservation lands by the state government is too high a price to pay for what habitat would be lost</p> <p>The area contains vulnerable and threatened species protected both under the NSW and Commonwealth legislation that together form part of the unique biodiversity.</p>	<p>The LHRS identifies the need for development offsets to secure the dedication of key conservation lands to secure habitat corridors. The proposal enables the dedication of 116.6ha of lands for conservation purposes, which is crucial to the achievement of the State Government's objective to secure major conservation corridors identified in the LHRS and LHRCP, most notably the Wallarah Peninsula Corridor.</p> <p>Dedication of these lands to the NSW Government will ensure that they are conserved in perpetuity and will not be subject to future private development. Rezoning of the land from 7(1) under LMCC to E1 as proposed will significantly reduce the range of development permissible on the site, thereby increasing the conservation value of the land proposed for dedication.</p> <p>Extensive ecological survey and impact assessment has been undertaken to inform the proposal. This has determined that the proposal will not have a significant impact on the local and regional landscape. The sighting of the development estates on the site are to be established in disturbed or previously disturbed lands rather than natural bushland to reduce the overall environmental impact.</p> <p>This opportunity proposed by C&A is a unique public conservation opportunity. There is in fact a significant landscape benefit associated with</p>

Author	Submission	Issue Summary	C&A Response
			<p>this proposal being the conservation in perpetuity of the proposed offset lands. This is an immeasurable public and conservation benefit that will consolidate the future landuse within the subject areas across the Wallarah Peninsula.</p> <p>The conservation estates will offer an abundance of high quality habitat for known threatened species, populations and ecological communities that is currently not in public ownership. This consolidation of biodiversity and its conservation will make a significant positive contribution to the enduring protection of the regions ecology.</p>
	We would like to request that the State Government sources its own information and to make its own independent assessment of the losses that would occur with this proposal. The last report from the Independent hearing and assessment panel, raised concerns of deficiencies and discrepancies in the EA that need to be fully investigated.	We would like to request that the State Government sources its own information and to make its own independent assessment of the losses that would occur with this proposal.	The DOP will undertake its own assessment of the proposal and its determination will be made on this basis.
	Our nation is facing a rate of species extinction never known before. It is largely contributed to human impact and developments such as this. This referral will not maintain or impact the current habitat but reduce it and introduce a higher risk of human impact on the Wallarah Peninsula. This outcome is not appropriate for the environment. The loss of habitat most of which is old growth and pressure would adversely impact pollination, foraging and roosting sites around EECs which are the living force of these communities. Coal & Allied propose to adversely impact on 3 of them by development how is this defensible. It would introduce competition for fauna species and would have a significant impact on flora and fauna contained in them both protected under the NSW and Commonwealth Acts. We believe that species protected under both Acts form part of and rely on each other to coexist in this unique eco system and need to be addressed together.	We believe that species protected under NSW and Commonwealth Acts form part of and rely on each other to coexist in this unique eco system and need to be addressed together.	<p>Extensive ecological survey and impact assessment has been undertaken to inform the proposal. This has determined that the proposal will not have a significant impact on the local and regional landscape. The siting of the development estates is to be established in disturbed or previously disturbed lands rather than natural bushland to reduce the overall environmental impact.</p> <p>The conservation estates will offer an abundance of high quality habitat for known threatened species, populations and ecological communities that is currently not in public ownership. This consolidation of biodiversity and its conservation will make a significant positive contribution to the enduring protection of the regions ecology.</p>
	In the last couple of years (blank) found 2 dead Powerful Owls in the Nords Wharf area. That was 2 in a 5 month period and helps demonstrate the increasing pressure that exists for the Wallarah Peninsula and raises the question of what protection is offered for threatened species. Issues relating to human impact on the Wallarah Peninsula are in my submission to the Independent Hearing and Assessment Panel NSW Gov. Please take some time to flick through the presentation to get a visual of what we see is happening to our beautiful and unique area.	what protection is offered for threatened species?	The conservation estates will offer an abundance of high quality habitat for these species; that is currently not in public ownership and as such could be affected by a range of differing potential landuses, which would have a much greater impact on the landscape and biodiversity than what is currently proposed.
	<p>As well as the above issues we request that Coal & Allied address and demonstrate that the following impacts and concerns we have for the Wallrah Peninsula relating to the proposed development will not have a significant impact in perpetuity for the species that it contains that are protected under the NSW State Legislation and the EPBC Act:</p> <ul style="list-style-type: none"> The loss of old growth forested areas and foraging opportunities and the effects on species protected under the State Legislation and the EPBC Act. The fact that when the 3 proposals are combined there will be severe environmental impacts from development on 3 established EECs Gwandalan, Nords Wharf and Middle Camp. What will be the life 	<p>Request that C&A Address the following in respect to the proposal and demonstrate that there will not be a significant impact in perpetuity:</p> <ul style="list-style-type: none"> The loss of old growth forested areas and foraging opportunities and the effects on species protected under the State Legislation and the EPBC Act. The fact that when the 3 proposals are combined there will be severe environmental impacts from development on 3 established EECs Gwandalan, Nords Wharf and Middle Camp. What will be the life expectancy of these critical habitats of Biodiversity? Where else are they represented? The loss and impact on EECs that have a direct link to species protected under both Acts. Any loss of threat of loss of a habitat should only be 	<p>Approval under the Commonwealth EPBC Act was obtained for the development on 23 March 2010 and will inform any NSW Government approval conditions.</p> <p>The DECCW response to the DoP in relation to this development is as follows:</p> <p>DECCW has reviewed the <i>Ecological Assessment Report – Lower Hunter Lands Nords Wharf (RPS, November 2010)</i> and other information contained within the State Significant Site (SSS) listing, and is satisfied that the issued Director General's key assessment requirements for biodiversity impact have been adequately addressed.</p>

Author	Submission	Issue Summary	C&A Response
	<p>expectancy of these critical habitats of Biodiversity? Where else are they represented?</p> <ul style="list-style-type: none"> The loss and impact on EECs that have a direct link to species protected under both Acts. Any loss or threat of loss of a habitat should only be used once within the Wallarah Peninsula as 'offset' lands. Impacts of species that are forced out of these developments and forced to compete in remaining habitats. The social loss of an area that is a place for people to come and regenerate the spirit. There is little development and people can walk and relax and spend time in some really unique habitats and coastline. We would lose this with the impending proposals and once it is lost it is lost forever. It needs to be protected. Placing developments in a high fire risk area. Address recent habitat loss and impacts from the fire in Moonee Valley Lake Munmorah National Parks area approx February 2009. All the concerns and impacts that have been raised by the public and stakeholders regarding this development that were submitted previously to the State Government on an Environmental, Social and Economic level. Human impact and Fragmentation of the Wallarah Peninsula habitats inclusive of Murray and Pinny beach, Rose Property Group Ltd and current developments in the area. Impacts on the marine flora and fauna species found in Crangan Bay, Catherine Hill Bay beach, Moonee and Ghosties Beach Nords Wharf and the associated wetlands. Addressing the current state of lands in regards to rubbish, erosion and weed infestation should be the responsibility of the current land owners. The traditional owners are fully involved in this proposal. 	<p>used once within the Wallarah Peninsula as 'offset' lands.</p> <ul style="list-style-type: none"> Impacts of species that are forced out of these developments and forced to compete in remaining habitats. The social loss of an area that is a place for people to come and regenerate the spirit. There is little development and people can walk and relax and spend time in some really unique habitats and coastline. We would lose this with the impending proposals and once it is lost it is lost forever. It needs to be protected. Placing developments in a high fire risk area. Address recent habitat loss and impacts from the fire in Moonee Valley Lake Munmorah National Parks area approx February 2009. All the concerns and impacts that have been raised by the public and stakeholders regarding this development that were submitted previously to the State Government on an Environmental, Social and Economic level. Human impact and Fragmentation of the Wallarah Peninsula habitats inclusive of Murray and Pinny beach, Rose Property Group Ltd and current developments in the area. Impacts on the marine flora and fauna species found in Crangan Bay, Catherine Hill Bay beach, Moonee and Ghosties Beach Nords Wharf and the associated wetlands. Addressing the current state of lands in regards to rubbish, erosion and weed infestation should be the responsibility of the current land owners. <p>The traditional owners are fully involved in this proposal.</p>	<p>The key assessment requirements require the proponent to demonstrate that biodiversity impacts can be appropriately offset in accordance with the NSW Government's policy for 'improvement or maintenance' of biodiversity values. The EA report shows compliance with this requirement through the use of the DECCW offsetting principles identified in the Lower Hunter Regional Conservation Plan. The use of this qualitative 'principles-based' approach does not provide a quantitative assessment of biodiversity impact and adequacy of proposed offsets, such as could be determined through use of the BioBanking Assessment Methodology under the Biodiversity Banking and Offsets Scheme.</p> <p>Nonetheless, the offset proposal is shown to be in compliance with the DECCW offsetting principles including through avoidance of impacts by using prevention and mitigation measures, the offsets are underpinned by sound ecological principles, will result in a net improvement in biodiversity over time, provide "like for like" offsets for impacted vegetation communities and threatened species, and are strategically located to strengthen the existing conservation reserve network Regarding Bushfire, the assessment and approval of the concept plan and overall development is the responsibility of the NSW RFS. They will consider the nature and extent of development including proposed ameliorative measures proposed and their acceptability to the service. The proponent will be guided by this assessment.</p> <p>A Marine Assessment was provided for Lake Macquarie The Nords Wharf: Marine Baseline, Assessment of Lake Macquarie nominates a number of mitigation and management measures to prevent direct and indirect impacts on flora and fauna and their habitat.</p> <p>The <i>Nords Wharf : Marine Baseline Assessment of Lake Macquarie</i> offers mitigation measures that may be required to address any localised and short-term adverse environmental impacts that may be generated during the development and operation of the urban development. Mangroves, seagrasses and seaweeds are listed as protected marine vegetation under the NSW Fisheries Management Act 1994 (FM Act). No seagrasses will be impacted upon directly by the development however increased turbidity due to runoff will need to be managed.</p> <p>Investigations of seagrasses undertaken for the proposed developments included review of aerial photography and I&I NSW seagrass mapping, followed by targeted surveys to ground-truth seagrass communities adjacent to the proposed developments. <i>Zostera capricornia</i> was the dominant seagrass recorded in the survey areas confirming existing mapping of seagrass communities within these areas of Lake Macquarie</p> <p>The VPA contains a schedule of works that Coal & Allied has agreed to undertake with respect to the proposed conservation lands.</p> <p>Traditional owners have been consulted throughout the preliminary stages of this process. The consultation process will continue throughout the development period</p>
Wayne De Marco 250 Pitt Town Road Kenthurst	<p>A search of the public record as at 30/11/2010 shows that three of the eight title folios (lots) included in this V.P.A. namely lot 5/736170, lot12/854197 and lot 6/746077 have notations on the title that clearly state:</p> <p>"... IT IS RECOMMENDED THAT STRINGENT PROCESSES ARE ADOPTED IN VERIFYING THE IDENTITY OF PERSONS(S) CLAIMING A RIGHT TO DEAL WITH THE LAND CONTAINED IN THIS FOLIO.)</p>	<p>Proof of land ownership is required before entering into a legally binding contract</p>	<p>Coal & Allied holds Torrens Title certificates of title for the land subject to the Nord Wharf application.</p>

Author	Submission	Issue Summary	C&A Response
	<p>These three lots are “held” by Coal and Allied Operations Pty Ltd. The remaining five title folios are held by Catherine Hill Bay land Pty Ltd</p> <p>Section 9(a) of the V.P.A. states: “The land owner represents and WARRANTS to the Planning minister and the Environment minister that as at the date of this planning agreement, it is the legal and beneficial owner of the land”</p> <p>Section 9(B) “Except as expressly set out in this planning agreement the land owner makes (and has made) no representations and gives (and has given) no warranties in respect of the land and the minister agrees to accept the environment offset land as it is.”</p> <p>Why would the Ministers, Sartor and Kelly want to accept on behalf of the people of N.S.W. a “WARRANTY” from the proponents as at the date of the planning agreement? Would it not be fundamentally prudent to seek PROOF of ownership BEFORE entering into a legally binding contract?</p>		
	What stringent processes have been adopted to verify the identity of persons claiming a right to deal with this land?	What stringent processes have been adopted to verify the identity of persons claiming a right to deal with this land?	Coal & Allied holds Torrens Title certificates of title for the land subject to the Nord Wharf application.
	Why would the Ministers want to accept this land “as is” without a proper geological, contamination or archeological assessment?	Why would the Ministers want to accept this land “as is” without a proper geological, contamination or archeological assessment?	Coal & Allied has committed to undertake certain work on the environmental offset land as set-out in the draft VPA.
	The three above mentioned lot numbers are the same lots included in the Gwandalan proposal. Both these projects share the same proponents, the same infrastructure, the same offset lands and are on exhibition at the same time. This is clearly the same project and should be assessed as such.	This project should be assessed in conjunction with the Gwandalan proposal	The 3 applications have been lodged concurrently so as to enable a concurrent assessment.
	<p>I object to this V.P.A. and urge the ministers not to enter into this agreement put forward by the proponent until it is historically proven who owns 100% of the land and that the land being traded has been DILIGENTLY ASSESSED.</p> <p>Comment: This deal has a murky past and deserves no place in the future.</p>	The Ministers should not enter this VPA until it is historically proven who owns 100% of the land and that the land being traded has been diligently assessed.	Coal & Allied holds Torrens Title certificates of title for the land subject to the Nord Wharf application and has committed to undertake certain work on the environmental offset land as set-out in the draft VPA.
Ray Hill	I object to the proposal		
	I like the Scout Camp the way it is currently used. Do not want area to become another suburbia.	I like the Scout Camp the way it is currently used. Do not want area to become another suburbia.	<p>The Scouts occupy part of the site under the terms of a licence agreement with Coal & Allied.</p> <p>The proposed subdivision and development of the land has been designed to fit sensitively within the landscape. Detailed urban design controls will require high quality design of future residential buildings.</p>
	We lost Cams and cheap places to camp.		The licence agreement provides for the use of part of the Coal & Allied site by the East Lake Macquarie district scouts group and not for general public use. Such use would be unauthorised.
Peter Ehinger 25 Nords Wharf Rd Nords Wharf	I object to the proposal		

Author	Submission	Issue Summary	C&A Response
	Green buffer zone diminished between Central Coast area and Lake Macquarie/Hunter	The Green buffer zone will be diminished between Central Coast area and Lake Macquarie/Hunter. Trees would need to be cleared rather than developing in an open area.	Whilst a small area is proposed to be redeveloped for residential purposes, the majority of the land will be retained as conservation in perpetuity, in the ownership of the NSW State Government.
	Trees would need to be cleared – instead of development in an open area		The area proposed to be redeveloped is close to the existing township and will result in the least impact to the existing bushland.
	Massive percentage increase to villages		The proposal seeks to extend an existing urban area, in a location envisaged by State government strategic documents including the LHRS.
Sue Ehinger 25 Nords Wharf Rd Nords Wharf	The development in Nords Wharf is too large for the area. The natural environment will be disturbed affecting local flora and fauna. The additional traffic will heavily affect both Government Road (where my children live) and the exit to the Pacific Highway (both ends) is already dangerous.	<p>The development is too large</p> <p>The natural environment will be disturbed</p> <p>The additional traffic will affect Government Road and the Pacific Highway</p>	<p>The proposal seeks to extend an existing urban area, in a location envisaged by State government strategic documents including the LHRS.</p> <p>The area proposed to be redeveloped is close to the existing township and will result in the least impact to the existing bushland. A significant proportion of the site will be dedicated to the State Government for conservation in perpetuity.</p> <p>Roads will be upgraded where necessary to accommodate the additional traffic.</p>
David Miller 25 Marine Parade Nords Wharf	Developments are too large for the existing size of the villages. They will increase the sizes by too large a degree without improvements in amenities and destroy the character of the small villages.		<p>The proposal seeks to extend an existing urban area, in a location envisaged by State government strategic documents including the LHRS.</p> <p>Adequate social infrastructure is proposed as detailed in the VPA and Statement of Commitments.</p>
Name illegible 26 Marine Parade Nords Wharf	I object to the proposal		
	We have been promised much. Who is going to be responsible? Will Council agree to accept responsibility to upgrade infrastructure necessitated if this proposal is approved. The developers say its not their responsibility. Where will the Council obtain the money?	Who will be responsible for the provision of infrastructure?	The works proposed are detailed in the VPA, approved strategies with HWC and \$5million allocation. Capital cost will be the responsibility of the proponent.
	Regarding State Significant Site I don't agree to the Council's local environmental plan being over-ridden.	Council's LEP should not be over-ridden	<p>Part 3A of the Act enables declaration of a SSS if the NSW DoP agrees to that the site meets the relevant criteria. This is to be assessed by NSW DoP within the bounds of the current legislation.</p> <p>The Nords Wharf site has been recognised for its regional significance to the Lower Hunter Region based on its inclusion in the Lower Hunter Regional Strategy (LHRS) for proposed urban development and conservation. The securing, protection and management of conservation corridors is a key focus of both the LHRS and the companion Lower Hunter Regional Conservation Plan (LHRCP).</p> <p>On 15 July 2010 the Minister formed the opinion that the Coal & Allied southern estates are potentially of State Planning significance and therefore are to be considered as potential SSSs under Schedule 3 of the Major Development SEPP 2008.</p> <p>The proposal allows for the transfer of 849ha to the NSWG in perpetuity for conservation purposes, in accordance with s93F of the EP&A Act.</p> <p>This offset equates to 88% of the Coal & Allied landholdings, in accordance with DECCW requirements.</p>
Louky Parkes 25 Marine Parade Nords Wharf	I object to the proposal		

Author	Submission	Issue Summary	C&A Response
	Roads – all roads in this area are poorly maintained – not suitable for heavier traffic	Local roads are poorly maintained and are not suitable for heavier traffic	Roads will be upgraded where necessary to accommodate the additional traffic.
	Little amenities – this part of the lake does not have very many amenities (ie money spent on it!). The developers offer promises then refer it back to Council. Still no footpaths in Nords Wharf!	The lake has few amenities. The developer seems to promise upgrades to facilities and then refers it back to Council.	A social infrastructure study was undertaken in respect of the local Nords Wharf area by Urbis. The study concluded that the impact of development is unlikely to have an adverse impact upon social infrastructure and has potential for positive effects. The Statement of Commitments outlines the social benefits proposed to be provided by Coal & Allied which are detailed in the VPA and \$5million allocation
Dave Seaton 37 Government Road Nords Wharf	I object to the proposal		
	Why cant you just leave things as they are. Leave paradise alone.		Coal & Allied, as land owner, may seek consent to develop their land in accordance with the applicable planning framework and controls that apply to the land and the proposal. This is the approach that has been taken. The 'do nothing' scenario, in which no development is proposed, was considered and dismissed as a realistic option since this will not achieve the conservation outcomes sought under the CCRS, LHRS and LHRCP, and will not contribute to the future housing needs of the region.
	We don't want to look at piles of roofs like you do at Cameron Park and Blue Haven when driving past.	We don't want to look at piles of roofs like you do at Cameron Park and Blue Haven when driving past.	The proposal includes Urban Design Guidelines to guide the style of future development on the land. This includes detailed housing design and style controls. <ul style="list-style-type: none"> The Public Domain Landscape principles will guide the 'greening' of the subdivision which will screen the built form. Including street trees, reserves and lots which can accommodate mid-block planting. Built form that is commensurate to landscaped area. The palette of desired colours and materials will reduce the visual impact of the built form including the roofs (A1.5 – Desired Future Character: Built Form, p. 8) Detailed Design Guidelines will form part of the consent and will need to be complied with for any future development on the land.
	Think of the wildlife you will put out of their homes and how much more traffic it will create.	Think of the wildlife you will put out of their homes and how much more traffic it will create.	The traffic generation from proposed 90 dwellings from Nords Wharf site would have very small impact on key roads including Awabakal Drive, Government Road and Branter Road. The traffic study has estimated that during peak hour proposed Nords Wharf development will increase traffic by between 10 and 80 vehicles per hour depending on locations. Extensive ecological survey and impact assessment has been undertaken to inform the proposal. This has determined that the proposal will not have a significant impact on the local and regional landscape. The siting of the development estates on the site are to be established in disturbed or previously disturbed lands rather than natural bushland to reduce the overall environmental impact.
W&E Dent 12 Central Ave Nords Wharf	The proposed development is too large for this small area of land. In order to reach 90 blocks after allowing for an Aboriginal midden area at the waterfront the subdivision has been pushed back and up so that it does not leave an adequate wildlife corridor between the Pacific Highway and the backs of proposed housing.	The proposed development is too large for this small area of land. It does not leave an adequate wildlife corridor between the Pacific Highway and the backs of proposed housing.	During the charette program it was LMCC's specific request to save the EEC and provide a vegetated buffer to the south of the site, To maintain the development footprint area (10.18ha) the development area was extended to the east. The narrowing of the north south corridor along the highway was considered appropriate by DECCW and Council's representatives at the charette on balance with the EEC conservation considerations and ecological advice is that the 150 metres provided is more than adequate space for resident fauna to move north south.
	There is no provision for any small area for recreation on a small scale eg a block with swings where children could play and mothers meet.		Council report states there is no need for additional open space on the site as the locality is already well serviced for open space. Monetary contributions are proposed to upgrade the existing parks.

Author	Submission	Issue Summary	C&A Response
	The boat ramp is very basic and was never intended for a large number of people using boats	The boat ramp is very basic and was never intended for a large number of people using boats	
	There is no provision for any extra parking for cars with boats using the Branter Road area boat ramp despite the fact that C&A have a proposal under way for 220 houses at Catherine Hill Bay and 90 houses at Nords Wharf. Presumably with all this water available there are going to be more boats.	There is no provision for any extra parking for cars with boats using the Branter Road area boat ramp	<p>There will be car parking provided on the public road system as part of the proposed subdivision.</p> <p>Coal & Allied are in negotiations with the National Parks & Wildlife Service regarding the provision of additional car parking in the vicinity of the boat ramp.</p>
	No parking provision means the residents of waterfront reserve houses already there, as well as residents of waterfront reserve land in the proposed development will be left to cope with being parked out in the summer.	No parking provision means the residents of waterfront reserve houses already there, as well as residents of waterfront reserve land in the proposed development will be left to cope with being parked out in the summer.	<p>There will be car parking provided on the public road system as part of the proposed subdivision.</p> <p>Coal & Allied are in negotiations with the National Parks & Wildlife Service regarding the provision of additional car parking in the vicinity of the boat ramp.</p>
	The area for the proposed development is not 'bush' but is heavily treed. To gain the arbitrary 90 blocks means that all the trees must go. Surely the planners could have done better than this?	To gain the arbitrary 90 blocks means that all the trees must go.	<p>The LHRS and LHRCP identify the subject land as proposed urban development to cater to the housing needs of the Lower Hunter to 2031, and proposed conservation land dedication. The proposal is entirely consistent with the provisions of the LHRS and LHRCP. Environmental offsets have been provided to enable the objectives of these strategies to be achieved and maintain the environment that is so valued.</p> <p>The proposal enables the dedication of 116.6ha of lands for conservation purposes, which is crucial to the achievement of the State Government's objective to secure major conservation corridors identified in the LHRS and LHRCP, most notably the Wallarah Peninsula Corridor. Only 10.18ha is proposed for urban development.</p> <p>Dedication of these lands to the NSW Government will ensure that they are conserved in perpetuity, held as National Park or Nature Reserve and will not be subject to future private development or rezonings.</p> <p>The proposed dedication and rezoning of the conservation land will not fragment the Wallarah Peninsula Corridor. It will reduce the range of permissible development on the land to 'nil', thereby increasing the level of protection afforded to this land.</p>
Graham Healy 131 Marine Parade Nords Wharf	The land is currently zoned conservation. For nearly 40 years the agreed long term use of the land reached only after rigorous due process by previous generations of community groups, state and local governments and Coal company owners, was one of conservation. Over that time Coal & Allied quite rightly never questioned or opposed the current conservation zoning nor the recommendations made by successive governments and community groups concerning the rehabilitation of these lands for conservation purposes.	<p>The land is currently zoned conservation.</p> <p>Coal & Allied never questioned or opposed the current conservation zoning nor the recommendations made by successive governments and community groups concerning the rehabilitation of these lands for conservation purposes.</p>	<p>The proposal enables the dedication of 116.6ha of lands for conservation purposes, which is crucial to the achievement of the State Government's objective to secure major conservation corridors identified in the LHRS and LHRCP, most notably the Wallarah Peninsula Corridor. Only 10.18ha is proposed for urban development.</p> <p>Coal & Allied has made various submissions to local and state government, including correspondence in response to the draft Lake Macquarie LEP 2001, with regard to the proposed rezoning of its land seeking a more balanced outcome for the site.</p> <p>Dedication of these lands to the NSW Government will ensure that they are conserved in perpetuity, held as National Park or Nature Reserve and will not be subject to future private development or rezonings.</p> <p>The proposed dedication and rezoning of the conservation land will not fragment the Wallarah Peninsula Corridor. It will reduce the range of permissible development on the land to 'nil', thereby increasing the level of protection afforded to this land.</p>
	The proposed development will place increased stress on and cause the removal of identified endangered flora and fauna species. This will be contrary to the developers	The proposed development will place increased stress on and cause the removal of identified endangered flora and fauna species. This will be contrary to the developers claim that the development proposal will protect	Extensive ecological survey and impact assessment has been undertaken to inform the proposal. This has determined that the proposal will not have a significant impact on the local and regional landscape.

Author	Submission	Issue Summary	C&A Response
	claim that the development proposal will protect endangered flora and fauna species.	endangered flora and fauna species.	<p>The conservation estates will offer an abundance of high quality habitat for known threatened species, populations and ecological communities that is currently not in public ownership. This consolidation of biodiversity and its conservation will make a significant positive contribution to the enduring protection of the regions ecology. The assessment has considered the potential impacts on these species and found the habitat loss in relation to the wider conservation gain to be acceptable.</p> <p>During the charette program it was LMCC's specific request that to save the EEC and provide a vegetated buffer to the south of the site, To maintain the development footprint area (9ha) the development area was extended to the east. The narrowing of the north south corridor along the highway was considered appropriate by DECCW and Council's representatives at the charette on balance with the EEC conservation considerations and ecological advice is that the 100 metres provided is more than adequate space for resident fauna to move north south.</p>
	Decades of contaminated pollutants pumped into Crangen Bay by Coal & Allied currently lie dormant on the lake's bed. Any development that increases storm water runoff and consequently disturbance of the lake bed has the potential to cause dangerous water contamination adjacent to the village of Nords Wharf.	Decades of contaminated pollutants pumped into Crangen Bay by Coal & Allied currently lie dormant on the lake's bed. Any development that increases storm water runoff and consequently disturbance of the lake bed has the potential to cause dangerous water contamination adjacent to the village of Nords Wharf.	A Marine Baseline Assessment of water quality has been prepared for Crangen bay and the results, together with study recommendations will be used to manage future urban runoff through water sensitive urban design measures. Details of mitigation measures are provided in the environmental reports. The study identified two taxa of healthy seagrass and benthic invertebrates consistent with a healthy aquatic environment. Previous studies of the bay by LMCC identified depressed light penetration; excellent dissolved oxygen; small periodic increases in nutrients and high bacteria levels consistent with a water body adjacent to existing urban development.
	Respect for previous generations agreements reached over more than 2 generations should be shown where the lands in question were classified as conservation. Any change to the current zoning should be considered only after rigorous due process and before and separate to any residential development proposal.	Any change to the current zoning should be considered only after rigorous due process and before and separate to any residential development proposal.	<p>The LHRS and LHRCP identify the subject land as proposed urban development to cater to the housing needs of the Lower Hunter to 2031, and proposed conservation land dedication. The proposal is entirely consistent with the provisions of the LHRS and LHRCP. Environmental offsets have been provided to enable the objectives of these strategies to be achieved and maintain the environment that is so valued.</p> <p>Coal & Allied has made various submissions to local and state government, including correspondence in response to the draft Lake Macquarie LEP 2001, with regard to the proposed rezoning of its land seeking a more balanced outcome for the site.</p>
	Over development and not under development has occurred along the coastline north and south of Newcastle. This small area if preserved as per the intention of previous generations may provide a heart and soul for the area in much the same way as The Rocks and QVB have done for the Sydney CBD.	This small area if preserved as per the intention of previous generations may provide a heart and soul for the area in much the same way as The Rocks and QVB have done for the Sydney CBD.	The LHRS and LHRCP identify the subject land as proposed urban development to cater to the housing needs of the Lower Hunter to 2031, and proposed conservation land dedication. The proposal is entirely consistent with the provisions of the LHRS and LHRCP. Environmental offsets have been provided to enable the objectives of these strategies to be achieved and maintain the environment that is so valued.
Jack Baldwin 28 Marlin Ave Floraville	There are too many dwellings for such a small area	There are too many dwellings for such a small area	The proposal has been designed having regard to best practice urban design principles and lots sizes.
	It is surrounded by dense bushland which is prone to severe bushfires. It has only one central escape road, the central road, which is an extension of Government Road, Nords Wharf. The diagonal front road runs to a cul-de-sac dead end	It is surrounded by dense bushland which is prone to severe bushfires. It has only one central escape road, the central road, which is an extension of Government Road, Nords Wharf. The diagonal front road runs to a cul-de-sac dead end	A thorough bushfire assessment has been undertaken to inform the Concept Plan and Urban Design Guidelines. Detailed bushfire protection measures will be detailed at the Concept Plan stage.
	There will be a large number of native animals displaced. This area is home to Wallabies, Echidna, Bandicoots, Brush Tail Possums, Ring Tail Possums, a colony of endangered Pigmy Possums (it has been stated by their	There will be a large number of native animals displaced.	Extensive ecological survey and impact assessment has been undertaken to inform the proposal. This has determined that the proposal will not have a significant impact on the local and regional landscape.



Author	Submission	Issue Summary	C&A Response
	<p>environmental people too small a colony to worry about), Red Bellied Black Snakes, Eastern Brown Snakes, Rosellas, black and white Cockatoos, Galahs, Magpies, Rainbow Lorikeets, Grass Parrots and after heavy rains in this area Frogs are heard in the swamp (wetlands) area.</p> <p>Over a number of years an occasional glimpse of the local Goanna is obtained.</p>		<p>The conservation estates will offer an abundance of high quality habitat for known threatened species, populations and ecological communities that is currently not in public ownership. This consolidation of biodiversity and its conservation will make a significant positive contribution to the enduring protection of the regions ecology. The assessment has considered the potential impacts on these species and found the habitat loss in relation to the wider conservation gain to be acceptable.</p> <p>During the charette program it was LMCC’s specific request that to save the EEC and provide a vegetated buffer to the south of the site, To maintain the development footprint area (9ha) the development area was extended to the east. The narrowing of the north south corridor along the highway was considered appropriate by DECCW and Council's representatives at the charette on balance with the EEC conservation considerations and ecological advice is that the 100 metres provided is more than adequate space for resident fauna to move north south.</p>
	<p>This whole area, including the waterfront section, should be given to the Scout Association for the benefit of the children today and tomorrow. Already an area of this proposal is used by the scout association of Australia as a camp site for the benefit of children of all ages.</p>	<p>This whole area, including the waterfront section, should be given to the Scout Association</p>	<p>The Scouts occupy part of the site under the terms of a licence agreement with Coal & Allied. The terms of licence agreement require the scouts to vacate the site upon receipt of appropriate notice from Coal & Allied.</p> <p>The licence agreement also provides for the erection of “structures of a semi-permanent nature” subject to certain conditions on the basis that the East Lake Macquarie District Boy Scouts Association is required to “take down and remove the same at the will of the licensee but subject to an obligation to restore the surface of the land to its former condition.”</p> <p>Coal & Allied held a series of discussions with the NSW Scouts regarding the future options for Camp Kanangra since 2006. This has included Coal & Allied suggesting relocation options to the Scouts. In 2009 the Scouts indicated that they are making independent inquiries with other land holders regarding the possible relocation of the camp.</p> <p>Coal & Allied will continue to liaise with the Scouts regarding these options.</p>
	<p>It is difficult to understand how Coal & Allied can support a local football team of ‘has beens’ for a small number of the population of the area when this area could be presented to the Scout Association for the benefit of children of the future.</p>	<p>It is difficult to understand how Coal & Allied can support a local football team of ‘has beens’ for a small number of the population of the area when this area could be presented to the Scout Association for the benefit of children of the future.</p>	<p>The Scouts occupy part of the site under the terms of a licence agreement with Coal & Allied. The terms of licence agreement require the scouts to vacate the site upon receipt of appropriate notice from Coal & Allied.</p> <p>The licence agreement also provides for the erection of “structures of a semi-permanent nature” subject to certain conditions on the basis that the East Lake Macquarie District Boy Scouts Association is required to “take down and remove the same at the will of the licensee but subject to an obligation to restore the surface of the land to its former condition.”</p> <p>Coal & Allied held a series of discussions with the NSW Scouts regarding the future options for Camp Kanangra since 2006. This has included Coal & Allied suggesting relocation options to the Scouts. In 2009 the Scouts indicated that they are making independent inquiries with other land holders regarding the possible relocation of the camp.</p> <p>Coal & Allied will continue to liaise with the Scouts regarding these options.</p> <p>The opportunities for public enjoyment of aquatic activities provided by the Scouts are readily available at the nearby Pt Wolstoncroft facility operated by the NSW Dept of Sport & Recreation. If no longer operating as a Scout camp there will be a loss to the community which in turn is easily replaced by accommodating the Scouts at Pt Wollstoncroft. It is noted that the pt Wollstoncroft could potentially offer a long term tenure but does not offer an exclusive use right. Facilities could be considered comparable to their current location on the Coal & Allied site. Currently access to any of the Coal & Allied land by the general public is not permitted. Dedication of the conservation land to the NSW government will enable the general public to enjoy access to the land.</p>

Author	Submission	Issue Summary	C&A Response
Marjorie Deaves 8 Waterview Rd Nords Wharf	This will make the area too crowded. There is no hope for people who want to relax.	This will make the area too crowded. There is no hope for people who want to relax.	The LHRS and LHRCP identify the subject land as proposed urban development to cater to the housing needs of the Lower Hunter to 2031, and proposed conservation land dedication. The proposal is entirely consistent with the provisions of the LHRS and LHRCP. Environmental offsets have been provided to enable the objectives of these strategies to be achieved and maintain the environment that is so valued.
	If people come to retire, the noise of the kids	If people come to retire, the noise of the kids	
	Want to still be able to ride from Nords to Gwandalan eg have community horse races.	Want to still be able to ride from Nords to Gwandalan eg have community horse races.	A licence agreement provides for the use of part of the Coal & Allied site by the East Lake Macquarie district scouts group and not for general public use. Any use of the Coal & Allied land by the general public is not authorised. As such, this proposal will not affect any existing lawful ability to horse ride between Nords Wharf and Gwandalan. The proposed dedication of the Coal & Allied conservation land will provide for lawful access by the public.
	Avoid onto highway and then long drive down Kanangra Drive. Kanangra possibly means meeting place which it was for Aboriginal people and Boy Scouts at holiday time at Nords Wharf on Lake Macquarie.	Avoid onto highway and then long drive down Kanangra Drive. Kanangra possibly means meeting place which it was for Aboriginal people and Boy Scouts at holiday time at Nords Wharf on Lake Macquarie.	
	People walked all round eg Nords Wharf to Swansea. There were not and not now a lot of buses.	People walked all round eg Nords Wharf to Swansea. There were not and not now a lot of buses.	People will still be able to walk between the urban villages.
	Advantage in the villages of Nords and parts of Gwandalan is those without cars can walk to the General Stores.	Advantage in the villages of Nords and parts of Gwandalan is those without cars can walk to the General Stores.	Residents will still be able to walk to the General Stores.
	Used to be able to walk to Highway and catch bus back to Sydney.	Used to be able to walk to Highway and catch bus back to Sydney.	Bus services to Sydney are still available.
	Used to walk through or ride a horse through to Catherine Hill Bay from Nords Wharf through the bush.	Used to walk through or ride a horse through to Catherine Hill Bay from Nords Wharf through the bush.	A licence agreement provides for the use of part of the Coal & Allied site by the East Lake Macquarie district scouts group and not for general public use. Any use of the Coal & Allied land by the general public is not authorised. The proposed dedication of the Coal & Allied conservation land will provide for lawful access by the public.
	People used to carry their surfboards through the bush to surf in the Pacific Ocean – then walk back.	People used to carry their surfboards through the bush to surf in the Pacific Ocean – then walk back.	A licence agreement provides for the use of part of the Coal & Allied site by the East Lake Macquarie district scouts group and not for general public use. Any use of the Coal & Allied land by the general public is not authorised. The proposed dedication of the Coal & Allied conservation land will provide for lawful access by the public.
	We don't want to bring in the criminal element from Sydney	We don't want to bring in the criminal element from Sydney	Housing will cater for the increased demand generated in the local area. Lake Macquarie council is required to provide increased housing for the local population. The subject redevelopment will provide increased housing choice for residents in Lake Macquarie.
	During the holiday times there are more problems with theft on the peninsula.	During the holiday times there are more problems with theft on the peninsula.	An increase in population does not correlate to increases security issues. The provision of a variety of housing types provides future property owners with choice of housing stock. The nature of the individuals who chose to live in an area cannot be controlled or determined by development controls. It is also not a factor for consideration in the determination of applications. The increase in residents will increase the safety and security due to the increased activity. The design and layout of the additional lots and housing type ensures that each lot has a street address. This is to ensure that the public domain, streets and open spaces are overlooked. The principles of Crime Prevention Through Environmental Design (CPTED) should be implemented.



Author	Submission	Issue Summary	C&A Response
			A social infrastructure study was undertaken in respect of the local Nords Wharf area by Urbis. The study concluded that the impact of development is unlikely to have an adverse impact upon social infrastructure and has potential for positive effects. The Statement of Commitments outlines the social benefits proposed to be provided by Coal & Allied.
	It makes it very uncomfortable when the new peoples come into the community organisations and are arguing about everything. Some of the existing hard-workers leave in disgust. Its breaking up the bonds in the community.	It makes it very uncomfortable when the new peoples come into the community organisations and are arguing about everything. Some of the existing hard-workers leave in disgust. Its breaking up the bonds in the community.	This is not a factor for consideration in this proposal. The ;type' of people who choose to move into an area cannot be pre-determined.
	Don't think it is right to develop at the back of Middle Camp. It would spoil all the bush and everything else.	Don't think it is right to develop at the back of Middle Camp. It would spoil all the bush and everything else.	Development at Middle Camp will enable the dedication of conservation lands in perpetuity to the NSWG.
Nords Wharf Progress Association J Dent (Hon Secretary) 12 Central Ave Nords Wharf	The development is a big development of a small area of land. The village of Nords Wharf has approx 350 homes, the majority on blocks of land much larger than those in the 90 block proposal. Some of the very small blocks in the proposal (we are told) are to allow older parents who want to down size to remain in Nords Wharf after selling their properties. Older people in Nords Wharf sell their properties to move to Swansea and Caves Beach where they can walk to the doctor, chemist, supermarket and other amenities and are not reliant on driving a car as well as being on public transport routes.	Older residents will not down-size and move to this subdivision. Older people in Nords Wharf sell their properties to move to Swansea and Caves Beach where they can walk to the doctor, chemist, supermarket and other amenities and are not reliant on driving a car as well as being on public transport routes.	The LHRS and LHRCP identify the subject land as proposed urban development to cater to the housing needs of the Lower Hunter to 2031, and proposed conservation land dedication. The proposal is entirely consistent with the provisions of the LHRS and LHRCP. Environmental offsets have been provided to enable the objectives of these strategies to be achieved and maintain the environment that is so valued. The proposal provides for an increased range of housing choice than that currently available for Lake Macquarie residents. The issue regarding the lack of GPs in the region has been noted. There will potentially be opportunities identified in the proposed Coal & Allied development at Gwandalan and within the proposed Catherine Hill Bay Rose Group Development for the location of new medical services. Such facilities however cannot be mandated and are subject to market influences and commercial decisions by the individual operators.
	There is no provision for any small recreation area, even one block with a set of swings. This is supposed to be offset by an agreement with Lake Macquarie Council to improve Gathercole Park. This 'park' is a small area of land which slopes down from the road, not easily accessible from the C&A proposed subdivision. At one time it had a small set of swings on the flat near the water which Lake Macquarie removed for 'safety reasons'. We enquired when they would be replaced and we were told they were not being replaced and there were swings in Baxter Park near the local store. This small, sloping park now has a seat.	There is no provision for any small recreation area, even one block with a set of swings. This is supposed to be offset by an agreement with Lake Macquarie Council to improve Gathercole Park.	Council report states there is no need for additional open space on the site as the locality is already well serviced for open space. Monetary contributions are proposed to upgrade the existing parks.
	In order to fit in 90 blocks of land for sale the subdivision has been pushed up towards the Pacific Highway which means the wildlife corridor is jammed between the Pacific Highway and the backs of houses in the development. Do the planners know that this is a small village with one shop and a small school?	The wildlife corridor is jammed between the Pacific Highway and the backs of houses in the development.	During the charette program it was LMCC's specific request to save the EEC and provide a vegetated buffer to the south of the site, To maintain the development footprint area (10.18ha) the development area was extended to the east. The narrowing of the north south corridor along the highway was considered appropriate by DECCW and Council's representatives at the charette on balance with the EEC conservation considerations and ecological advice is that the 100 metres provided is more than adequate space for resident fauna to move north south.
	There is a small very basic boat ramp at the end of Branter Road where the parking is already inadequate, causing stress to the owners of properties facing the water. There is a small green strip of 6A recreation land (which is constantly parked with traffic overflow) between them and the boat parking area below. Are the owners of waterfront reserve blocks in the proposed subdivision also going to have their street front used as a car park area?	The 6A recreation land near the boat ramp is constantly parked with traffic overflow. Are the owners of waterfront reserve blocks in the proposed subdivision also going to have their street front used as a car park area?	There will be car parking provided on the public road system as part of the proposed subdivision. Coal & Allied are in negotiations with the National Parks & Wildlife Service regarding the provision of additional car parking in the vicinity of the boat ramp.

Author	Submission	Issue Summary	C&A Response
	There are no toilets or any other amenities at this boat ramp. The only toilets in the area are in the now vacant Scout Camp which is part of the new proposed subdivision.	There are no toilets or any other amenities at this boat ramp. The only toilets in the area are in the now vacant Scout Camp which is part of the new proposed subdivision.	These facilities are at Gathercole Park
	There is no kerb & guttering on either side of Branter Road. The volume of traffic on this road would increase markedly and unless this is addressed erosion is going to be a big problem.	There is no kerb & guttering on either side of Branter Road. The volume of traffic on this road would increase markedly and unless this is addressed erosion is going to be a big problem.	Roads will be upgraded where necessary to accommodate the additional traffic. Kerb and gutter and footpath to be provided. Details to be included in Stage 1 subdivision application
	This community does not feel that they should have to view things relating to Nords Wharf at Catherine Hill Bay Bowling Club and request any future communications regarding Nords Wharf be available for viewing at the local store or Swansea Library.	Request that any future communications regarding Nords Wharf be available for viewing at the local store or Swansea Library.	Locations for the notification of the application were identified by the NSW Department of Planning. This request will be noted for future public exhibitions when required.
	No attempt has been made to make this development anything but a 'cash cow' which is a pity considering how beautiful the area is.	No attempt has been made to make this development anything but a 'cash cow' which is a pity considering how beautiful the area is.	Coal & Allied is proposing the dedication of 92% of its land for permanent conservation to complete the Wallarah Peninsula conservation corridor. Only 8% of its landholding is proposed for development. Further, the Statement of Commitments outlines the social benefits proposed to be provided by Coal & Allied which are detailed in the VPA and \$5million allocation
Agency Submissions			
Hunter Water 15 Dec 2010	<u>Water Supply System</u> To service Catherine Hill Bay and Middle Camp with potable water, a new reservoir will be required. The servicing strategy identified a preferred location for the reservoir to be at the corner of Montefiore Street and Pacific Highway, Catherine Hill Bay. This land is currently owned by DECCW. Hunter Water owns a site at Catherine Hill Bay that was previously considered as a potential location for a reservoir. The new site is better located to service the development more efficiently and will result in significant environmental benefits, as opposed to locating a reservoir at the old site.	The servicing strategy identified a preferred location for the reservoir to be at the corner of Montefiore Street and Pacific Highway, Catherine Hill Bay.	Location agreed by Hunter Water and included in the approved water supply strategy for the area The location of the reservoir was considered the most appropriate during the development of the water supply strategy. The location of the new reservoir has been agreed by Hunter Water and has been included in the approved Water Servicing Strategy for the area.
	Hunter Water and DECCW have agreed in principle to a land swap on the condition that any costs associated with the land swap will be fully borne by the developer. In addition, DECCW have nominated the following conditions that may apply for the land swap to be approved: <ul style="list-style-type: none"> A comparison of the ecological values of both parcels of land and suitability of the existing HWC for inclusion in the DECCW conservation reserve; and The existing HWC land may require some level of rehabilitation. Pending formal agreement by DECCW to participate in the land swap, the Department of Planning may wish to consider zoning the site at Montefiore Street for infrastructure use.	Hunter Water and DECCW have agreed in principle to a land swap to enable the reservoir to be located at the proposed site, on the condition that any costs associated with the land swap will be fully borne by the developer, with the following conditions: <ul style="list-style-type: none"> A comparison of the ecological values of both parcels of land and suitability of the existing HWC for inclusion in the DECCW conservation reserve; and The existing HWC land may require some level of rehabilitation. the Department of Planning may wish to consider zoning the site at Montefiore Street for infrastructure use.	All details contained in the Water Strategy as agreed by Coal & Allied The land swap is to be coordinated between DECCW and HWC – in principle the proposed details have been agreed Comment re potential future change in zoning is noted.
	<u>Sewerage System</u> A servicing strategy has been completed for this area which recommends the optimal provision of infrastructure to serve the development. This infrastructure will deliver flows from the development to Hunter Water's Swansea South wastewater pumping station (WWPS) which will require a developer funded upgrade. To service part of the Rose Group development at Catherine Hill Bay a section of sewer carrier main will be		The Sewer Servicing Strategy for the area has been approved by Hunter Water and details required upgrades to the existing sewer network.

Author	Submission	Issue Summary	C&A Response
	required to be constructed through proposed national park land. To have minimal impacts on the environment the developer has proposed to construct the carrier main using trenchless technology.		
Lake Macquarie Council	<u>Social Impact</u>		
	The SIS covers the context of the proposal very well, and assumes that the proposal will result in an additional 269 residents at the completion of the development. This is based on the assumption of 2.99 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 Nords Wharf. 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 90 lots will result in an additional 262 residents.	The occupancy ratio quoted in the SIS is based on 2.99 persons per household, which is the current occupancy ratio. No evidence has been provided to justify this assumption.	This is a forecast based on the current demographic information. The actual demographic and household types may differ from this. The variance noted is less than 3%.
	With regards to the planning implications identified by the SIS, I agree that there is little apparent excess capacity in current service provision, and with the general areas of need. However, the SIS claims that <ul style="list-style-type: none"> “While the community will be affected by the proposed development, in general terms, the scale of growth in relation to the base population is unlikely to have any negative impact for the community of Nords Wharf and, with appropriate planning, could result in many positive benefits” and <ul style="list-style-type: none"> “In relation to Nords Wharf, we conclude that the impact of the development is unlikely to have an adverse impact upon social infrastructure and has the potential for positive effects” In making these claims, the SIS has not provided any evidence to support them. The SIS has not identified who will benefit, and has not investigated the full range of negative impacts associated with the development, as there will be some sections of the community that will experience negative impacts.	The SIS has not provided any evidence to support claims that there is ‘unlikely to be any negative impact on the community of Nords Wharf, and ...could result in many positive benefits’. SIS needs to identify who will benefit from the proposal as well as those sections who will be negatively affected by the proposal.	The SIS is a social infrastructure study. It is focussed on social infrastructure provision and takes the position that the development will provide an overall increase to the provision of social infrastructure within Nords Wharf greater than that required for the in coming population. It is recognised that there will be a range of positive and negative impacts possibly associated with the development however this report was not required to provide an assessment of these.
	The SIS also identifies that <ul style="list-style-type: none"> “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 <ul style="list-style-type: none"> “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.	The need for improved public transport services is outlined in the SIS, but not detailed in the SoC or EA. The proposal will only exacerbate these issues.	An increase in public transport services can only be agreed to by the relevant service provider. Such service improvements will become increasingly viable with an expanded resident population base.
	Other matters that have not been addressed adequately in the SIS include: <ul style="list-style-type: none"> The Scout Camp – the EA identifies that they will need 	Whilst the SIS considers the Infrastructure needed for the proposed development, the SIS fails to consider the full range of social impacts associated with the proposal.	The Scouts occupy part of the site under the terms of a licence agreement with Coal & Allied.

Author	Submission	Issue Summary	C&A Response
	<p>to be relocated, however the implications of this have not been addressed;</p> <ul style="list-style-type: none"> Medical facilities – the SIS identifies there are none in Nords Wharf, 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 Nords Wharf 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. <p>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.</p>		<p>The issue regarding the lack of GPs in the region has been noted. There will potentially be opportunities identified in the proposed Coal & Allied development at Gwandalan and within the proposed Catherine Hill Bay Rose Group Development for the location of new medical services. Such facilities however cannot be mandated and are subject to market influences and commercial decisions by the individual operators.</p> <p>The SIS is a social infrastructure study. It is focussed on social infrastructure provision and highlights that the development will provide an overall increase to the provision of social infrastructure within Nords Wharf greater than that required for the incoming population.</p> <p>The ecology of the site has been assessed in detail and potential impacts considered against the proposed conservation offsets. This assessment found that on balance the quantum of the offsets far outweighed any potential impacts associated with the development. Furthermore this has been supported by DECCW as evidenced in their public submission response.</p>
	<p>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.</p>	<p>The proponent has failed to undertake the required assessment of cumulative impacts, suitability of the site and whether or not the project is in the public interest.</p>	<p>Cumulative impacts of the proposal have been addressed in the EA report.</p> <p>The SIS is a social infrastructure study. It is focussed on social infrastructure provision and takes the position that the development will provide an overall increase to the provision of social infrastructure within Nords Wharf greater than that required for the in coming population.</p>
	<p>The SIS fails to:</p> <ul style="list-style-type: none"> Identify the key social impact issues, including <ul style="list-style-type: none"> 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 <ul style="list-style-type: none"> 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, intergenerational 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 	<p>The SIS fails to:</p> <ul style="list-style-type: none"> Identify the key social impact issues, including <ul style="list-style-type: none"> 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 <ul style="list-style-type: none"> 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, intergenerational 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 	<p>The Minister and Director General did not require the assessment to identify social impacts.</p> <p>DGR: <i>"Identify and address the impacts of additional demand created by the development on existing infrastructure including public transport, open space, and recreation facilities, retail facilities and other social and community facilities. Identify the need for additional facilities through negotiation with State or local government agencies."</i></p> <p>Report in accordance with the DGEAR's</p> <p>The Statement of Commitments is to be updated to reflect recommendations of the SIS. This will be detailed in the Preferred Project Report and revised Statement of Commitments.</p>



Author	Submission	Issue Summary	C&A Response
	<p>evidence</p> <ul style="list-style-type: none">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. <p>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.</p>	<p>social benefits. These need to be reflected in the Statement of Commitments for the proposal.</p>	
	<p>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.</p> <p>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.</p> <p>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.</p>		<p>The SIS is a social infrastructure study. It is focussed on social infrastructure provision and takes the position that the development will provide an overall increase to the provision of social infrastructure within Nords Wharf greater than that required for the in coming population. The new population will increase the viability of public transport services within the region. Coal & Allied will be contributing to community and recreation facilities for the area by way of state contributions, Sec 94 and the C&A allocation of \$5M.</p> <p>It is noted that the Coal & Allied land is in private ownership. The dedication of approximately 92% of the landholding to NSW government as conservation land will offer an abundance of high quality habitat for known threatened species, populations and ecological communities that is currently not in public ownership. This consolidation of biodiversity and its conservation will make a significant positive contribution to the enduring protection of the regions ecology.</p> <p>Another positive benefit to the community generates from the current access to any of the Coal & Allied land by the general public is not permitted. Dedication of the conservation land to the NSW government will enable the general public to enjoy access to the land.</p> <p>The Statement of Commitments is to be updated to reflect recommendations of the SIS. This will be detailed in the Preferred Project Report.</p>
	<p><u>Landscape / Urban Design Guidelines</u></p>		
	<p>As with the Catherine Hill Bay application, the Nords Wharf Concept Plan proposes a strong landscape masterplan, offering the potential for a high quality of design that is appropriate to the scale of development in its setting. However, the Urban Design Guidelines contained within the Concept Plan do not provide a sufficient level of detail to indicate how the design principles are to be resolved and implemented.</p>	<p>The Nords Wharf Concept Plan proposes a strong landscape masterplan, offering the potential for a high quality of design that is appropriate to the scale of development in its setting. However, the Urban Design Guidelines contained within the Concept Plan do not provide a sufficient level of detail to indicate how the design principles are to be resolved and implemented.</p>	<p>The Design Guidelines will form part of the consent and will need to be complied with for any future development on the land.</p> <p>If the Concept Plan is approved, The Urban Design Guidelines prepared by AJ+C will form the 'Deemed DCP' guiding future development of the land. The UDG may be augmented to include greater design detail.</p>

Author	Submission	Issue Summary	C&A Response
	<p>The key issues are:</p> <ul style="list-style-type: none"> The Urban Design Guidelines do not provide design quality controls as per the Director General's requirements regarding Urban Design and Built Form (page 6 on Concept Plan). The Guidelines contain design inconsistencies and there is a general lack of detail within the document to demonstrate the feasibility of proposed principles. 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; It is not clear what role the Urban Design Guidelines play within the development approval process. The landscape treatments of individual lots will play an important role to ensure that the development integrates well within the broader landscape context of Nords Wharf. It is recommended that detailed design guidelines are in place prior to the opening of lots for sale to: <ul style="list-style-type: none"> provide detailed requirements on landscape treatments; ensure that individual dwellings are designed to comply with these requirements. 	<p>The key issues are:</p> <ul style="list-style-type: none"> The Urban Design Guidelines do not provide design quality controls as per the Director General's requirements regarding Urban Design and Built Form (page 6 on Concept Plan). It is not clear what role the Urban Design Guidelines play within the development approval process. 	<p>The Design Guidelines will form part of the consent and will need to be complied with for any future development on the land.</p> <p>If the Concept Plan is approved, The Urban Design Guidelines prepared by AJ+C will form the 'Deemed DCP' guiding future development of the land.</p> <p>The UDG may be augmented to include greater design detail.</p>
	<u>Concept Plan / Environmental Assessment</u>		
	<p>Part 6.11 Visual</p> <p>It states that 'the visual impact is addressed in the Concept Plan Principles'. However, there is a lack of information regarding visual assessment in the document. The view points should not only be taken from the area on the other side of the Lake, but also from the Lake itself.</p>	there is a lack of information regarding visual assessment in the Concept Plan	<p>The development footprint is set back from the water's edge and has a buffer of trees between it and the water. The change in level and extent of existing trees will ensure that there is a layering of existing vegetation that minimises visibility of the proposed development from the foreshore or from the water body.</p> <p>A 10m landscape buffer of trees and shrubs will screen development from residences on Branter Road. (A2.5 – Visual Impact, p. 13)</p>
	<p>Part 6.12 Bushfire</p> <p>The guidelines provide inadequate detail to demonstrate how Asset Protection Zone requirements are integrated into the proposed landscape concepts. There is no indication of what design controls to private open space will ensure reduced fuel loads for lots within the APZ, nor how swales in APZ's will be planted to conform to fuel load requirements etc.</p>	There is no indication of what design controls to private open space will ensure reduced fuel loads for lots within the APZ, nor how swales in APZ's will be planted to conform to fuel load requirements etc.	<p>The APZ is the managed buffer zone between the fuel source and the development area and includes street reserves.</p> <p>The site and APZs including retained vegetation will be managed to an APZ standard.</p>
	<u>Concept Plan Principles (the Principles)</u>		
	<p>A1.4 Desired Future Character: Landscape</p> <p>The Principles provide inconsistent information as the proposed site plan. 'Long blocks will run parallel to the contours. Short blocks will run up and down the site and terminate in views of bushland.' However, the proposed site plan does not show like that.</p> <p>The Design Guidelines do not provide the relevant information to deliver the desired design outcome as proposed here. The document needs to contain prescriptive guidelines for the future landscaping on private lots. Guidelines need to address controls regarding cut and fill, retaining structures and techniques for the retention of trees within private lots and the public domain to achieve the desired future landscape character and comply with APZ requirements.</p>	The Design Guidelines do not provide the relevant information to deliver the desired design outcome as proposed. The document needs to contain prescriptive guidelines for the future landscaping on private lots.	<p>The Design Guidelines will form part of the consent and will need to be complied with for any future development on the land.</p> <p>If the Concept Plan is approved, The Urban Design Guidelines prepared by AJ+C will form the 'Deemed DCP' guiding future development of the land.</p> <p>The UDG may be augmented to include greater design detail.</p>
	<p>A1.5 Desired Future Character: Built Form</p> <p>The proposed built form characters are not consistent</p>	The proposed built form characters are not consistent with the requirements in the Guidelines:	The building types do achieve the desired outcomes. The building types shown are indicative.

Author	Submission	Issue Summary	C&A Response
	<p>with the requirements in the Guidelines:</p> <ul style="list-style-type: none"> ▪ 'One or two storey houses built over car spaces or carports with simple forms and pitched roofs.' ▪ 'Living areas typically on the second storey with generous balconies and verandahs, creating outdoor rooms that activate the streets and provide passive surveillance over the bush or Crangan Bay.' <p>None of the Building Types (B2.1) does interpret these design features.</p>		
	<p>A2.1 Urban Structure</p> <p>The guidelines do not provide sufficient detail to demonstrate cut and fill would be minimized by locating long street blocks parallel with the contours.</p>	<p>The guidelines do not provide sufficient detail to demonstrate cut and fill would be minimized by locating long street blocks parallel with the contours.</p>	<p>C&A will aim to comply with Councils cut and fill requirements in accordance with the DCP. However, at this stage it is difficult to know what the cut and fill for each lot will be as detailed civil engineering design for the roads is still to be prepared for the overall grading of the estate from a civil engineering perspective. The Concept plan is not seeking a road or lot subdivision approval. A siteworks plan included in the EA is based on preliminary design work based on the conceptual subdivision design</p> <p>Details will be provided in the Stage 1 subdivision DA design.</p>
	<p>A2.3 Public Domain Landscape</p> <p>'Landscape to the front of lots will be controlled so that it becomes part of the street landscape. This will be implemented through setback requirements and guidelines for no fencing, limited paving and native planting species.'</p> <p>However, there is no requirement in this regard detailed in the Design Guidelines. It does not provide adequate design controls to react this principle.</p>	<p>There is no detailed landscaping requirement for the front setback of blocks</p>	<p>Front setback dimensions are detailed in section B2.4 of the Urban Design Guidelines, requiring minimum front setbacks between 5 and 10m.</p> <p>Section B2.6 of the Urban Design Guidelines nominates the plant species to be used within the open space areas on private lots.</p> <p>The Urban Design Guidelines may be augmented to provide further detail following Concept Plan approval.</p>
	<p>A2.4 Access & Movement</p> <p>Figure A2.4.1 shows a footpath network within the site terminates at the Cul-de-sac. It is recommended that this footpath extends along the development boundary and Branter Road to connect to the foreshore.</p> <p>The proposed bio-swale covers some steep-sloped areas. Does it comply with the max slope requirement for bio-swale, ie. 4%?</p>	<p>Figure A2.4.1 shows a footpath network within the site terminates at the Cul-de-sac. It is recommended that this footpath extends along the development boundary and Branter Road to connect to the foreshore.</p> <p>The proposed bio-swale covers some steep-sloped areas. Does it comply with the max slope requirement for bio-swale, ie. 4%?</p>	<p>Agree footpath will be extended down Branter Rd down to the end of the cul-de-sac. Details will be included in Stage 1 road and lot subdivision DA. Process. This will be detailed in the Preferred Project Report and revised Statement of Commitments.</p> <p>[NOTE: that the WSUD does not show bio-swales on steep slopes]</p>
	<p>A2.5 Visual Impact</p> <p>As mentioned above, there is inadequate assessment on visual impacts of the proposed development. The view point for the visual assessment should not only be taken from the area on the other side of the Lake, but also from the Lake itself.</p>	<p>there is inadequate assessment on visual impacts of the proposed development</p>	<p>The development footprint is set back from the water's edge and has a buffer of trees between it and the water. The change in level and extent of existing trees will ensure that there is a layering of existing vegetation that minimises visibility of the proposed development from the foreshore or from the water body.</p> <p>A 10m landscape buffer of trees and shrubs will screen development from residences on Branter Road. (A2.5 – Visual Impact, p. 13)</p>
	<p><u>Urban Design Guidelines (The Guidelines)</u></p>		
	<p>B1.2 Street Types</p> <p>Street Type B includes the main entry road. It is supposed to be the second NS street on the extension of Government Road. The main entry road should be distinguished from the other local streets by feature streetscape treatment.</p> <p>It is a great proposal that to retain existing trees in the front setbacks, however, the Guidelines should provide detailed solutions to ensure those trees would not be adversely damaged by road construction works and future house construction works within the 6 metres setbacks.</p> <p>Street Type c proposes a central swale. Does this street meet >4% slope requirement? Why choose this street to</p>	<p>B1.2 Street Types</p> <p>Street Type B includes the main entry road. It is supposed to be the second NS street on the extension of Government Road. The main entry road should be distinguished from the other local streets by feature streetscape treatment.</p> <p>It is a great proposal that to retain existing trees in the front setbacks, however, the Guidelines should provide detailed solutions to ensure those trees would not be adversely damaged by road construction works and future house construction works within the 6 metres setbacks.</p> <p>Street Type c proposes a central swale. Does this street meet >4% slope requirement? Why choose this street to be treated central swale? It is incorrect to plant trees within the bioswales as shown in the street sections.</p> <p>Many of the Street type cross sections show footpaving immediately</p>	<p>Detailed proposals for street layout and footpath layouts will be provided with future project applications. Consultants will liaise with Lake Macquarie Council during the preparation of the project application drawings to ensure that council's requirements for streets are incorporated.</p> <p>A construction management plan will detail tree protection measures for trees to be retained within front setbacks of individual lots. This will be provided following Project Application approval for works. This will be detailed in the revised Statement of Commitments.</p>

Author	Submission	Issue Summary	C&A Response
	<p>be treated central swale? It is incorrect to plant trees within the bioswales as shown in the street sections.</p> <p>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 $\leq 3.5\text{m}$.</p> <p>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.</p>	<p>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 $\leq 3.5\text{m}$.</p> <p>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.</p>	
	<p>B2.1 Building Types</p> <p>As mentioned above, the indicative plans and elevations are inconsistent with the design principles as proposed in the Principles. These will be confusing information for the future landowners and local council, who will use these Guidelines as design control document.</p> <p>The double-gated garage is not suitable to be located near the streetscape, i.e. Village Houses and Bush Houses.</p>	<p>B2.1 Building Types</p> <p>The indicative plans and elevations are inconsistent with the design principles as proposed in the Principles. These will be confusing information for the future landowners and local council, who will use these Guidelines as design control document.</p> <p>The double-gated garage is not suitable to be located near the streetscape, i.e. Village Houses and Bush Houses.</p>	<p>Building types are indicative. They are to indicate how form, bulk and scale are dealt with in principle.</p> <p>Double-fronted garages are located behind the front building alignment in both cases to reduce their dominance on the streetscape.</p>
	<p>B2.4 Streetscape & Street Setbacks</p> <p>It is not appreciate to have varied street setbacks on one street, i.e. the primary street, especially a not very long street.</p> <p>The corner blocks should comply with the front setback requirements on all the street frontages.</p>	<p>B2.4 Streetscape & Street Setbacks</p> <p>It is not appropriate to have varied street setbacks on one street, i.e. the primary street, especially a not very long street.</p> <p>The corner blocks should comply with the front setback requirements on all the street frontages.</p>	<p>Setback controls are related to building type and also relate to different lot sizes. They also respond to their location along the street as well as to APZ's.</p> <p>Corner lots have a smaller setback to the secondary street to allow for required private open space to be in their rear yard. Corner lots should address both street frontages</p>
	<p>B2.6 Private Open Spaces and Landscaping</p> <p>The Design Guidelines are very vague in relation to private landscaping requirements and only go so far as to say there will be landscaping (planting) and deep soil zones 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 Nords Wharf and therefore more prescriptive private open space guidelines are required as per the indicative architectural layouts shown in Sections B2.1.</p> <p>Lawn and permeable paving should not be included into deep soil areas. There is no requirements for landscape work in front setbacks as indicated in Concept Plan. It is very limited plant species selection as shown on Figure B2.6.1</p> <p>Furthermore, the following issues should be addressed in the Guidelines:</p> <ul style="list-style-type: none"> Indicative max heights and design approach to retaining structures where required; Indicative acceptable materials for retaining structures where required; Indicative planting treatments and associated soft landscaping to screen/reduce impact of retaining structures. Site fencing- what are the acceptable fence types, materials, heights and locations? Fencing location requirements to individual lots are referred to but no guidelines as to acceptable styles or materials are 	<p>The Design Guidelines are very vague in relation to private landscaping requirements and only go so far as to say there will be landscaping (planting) and deep soil zones required within private lots.</p> <p>Lawn and permeable paving should not be included into deep soil areas. There is no requirements for landscape work in front setbacks as indicated in Concept Plan. It is very limited plant species selection as shown on Figure B2.6.1</p> <p>The following issues should be addressed in the Guidelines:</p> <ul style="list-style-type: none"> Indicative max heights and design approach to retaining structures where required; Indicative acceptable materials for retaining structures where required; Indicative planting treatments and associated soft landscaping to screen/reduce impact of retaining structures. <p>Site fencing- what are the acceptable fence types, materials, heights and locations? Fencing location requirements to individual lots are referred to but no guidelines as to acceptable styles or materials are provided.</p>	<p>See B2.6 private Open Space. It is difficult to control private open space, however, there is a range of preferred species in the guidelines, which will be developed further in the preparation of project application drawings/documents.</p>

Author	Submission	Issue Summary	C&A Response
	provided.		
	<u>Flora and Fauna</u>		
	<p>It is recommended that:</p> <ul style="list-style-type: none"> In accordance with Lake Macquarie City Council Development Control Plan 1 (DCP 1) that the following plans be prepared: <ul style="list-style-type: none"> Property Management Plan; Construction Management Plan. 	<p>It is recommended that:</p> <ul style="list-style-type: none"> In accordance with Lake Macquarie City Council Development Control Plan 1 (DCP 1) that the following plans be prepared: <ul style="list-style-type: none"> Property Management Plan; Construction Management Plan. 	<p>CMP can be prepared when consent is sought for construction works. No consent for works is sought at this time.</p>
	<ul style="list-style-type: none"> a buffer of 20m between development footprint and Swamp Sclerophyll Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bio-regions Endangered Ecological Community (EEC) 	<p>It is recommended that a buffer of 20m between development footprint and Swamp Sclerophyll Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bio-regions Endangered Ecological Community (EEC)</p>	<p>During the charette program it was LMCC's specific request to save the EEC and provide a vegetated buffer to the south of the site. To maintain the development footprint area (10.18ha) the development area was extended to the east and narrowed to the south. In short the said buffer has been achieved.</p>
	<ul style="list-style-type: none"> an <i>Angophora inopina</i> and <i>Tetratheca juncea</i> management plan be prepared to ensure the conservation and long term survival of these two threatened species within both the retained areas of the Development Estate and the conservation lands. 	<p>It is recommended that an <i>Angophora inopina</i> and <i>Tetratheca juncea</i> management plan be prepared to ensure the conservation and long term survival of these two threatened species within both the retained areas of the Development Estate and the conservation lands.</p>	<p>No <i>A. inopina</i> has been recorded in the NW site a management plan is not required.</p> <p><i>Tetratheca juncea</i> will be managed under the provisions of a SIMI during the handover period to DECCW.</p>
	<ul style="list-style-type: none"> mature and / or hollow-bearing trees shall be retained in the development footprint 	<p>It is recommended that mature and / or hollow-bearing trees shall be retained in the development footprint</p>	<p>The recommendations within the <i>Ecological Assessment</i> outline that mature and/or hollow bearing trees be retained within the development where feasible. These methods relate to the construction stage of development. Consent has not been sought for construction works as party of this EA.</p>
	<ul style="list-style-type: none"> pre-clearing inspections should be undertaken by an ecologist in wooded areas where threatened fauna species have been recorded or are considered likely to occur. This is particularly important in areas where threatened fauna have been noted during recent surveys either breeding or nest-building. 	<p>It is recommended that pre-clearing inspections should be undertaken by an ecologist in wooded areas where threatened fauna species have been recorded or are considered likely to occur. This is particularly important in areas where threatened fauna have been noted during recent surveys either breeding or nest-building.</p>	<p>The recommendations within the <i>Ecological Assessment</i> outline the methods in which pre-clearing inspections should be undertaken. These methods relate to the construction stage of development. Consent has not been sought for construction works as party of this EA.</p>
	<ul style="list-style-type: none"> Staged removal of hollow bearing trees, with qualified ecologist on site to supervise removal of trees: <ul style="list-style-type: none"> All hollow bearing trees are to be flagged by an ecologist prior to the commencement of works on site. Underscrubbing of the entire site should be carried out by a 4x4 tractor with a slashing deck, this will minimise the establishment of degradation processes and leave a layer of mulch to aid in soil retention in the event of adverse weather. At this time felling of non habitat trees can take place, however a matrix of trees must be maintained to allow animal movement into the designated refuge area. After a period of two weeks, clearing of habitat trees should commence. Clearing must be carried out moving from the fringe of the matrix towards the refuge area. Trees should be 'soft felled' and inspected immediately by an ecologist for displaced fauna. All trees must be left for a minimum of two nights prior to being moved to a stockpile, to allow resident fauna to vacate tree hollows. clearing should ideally take place outside of the dominant breeding seasons of resident fauna, preferably during late Autumn and Winter. 	<p>It is recommended that staged removal of hollow bearing trees be undertaken with qualified ecologist on site to supervise removal of trees</p>	<p>The recommendations within the <i>Ecological Assessment</i> outline the methods in which removal of hollow bearing trees should be undertaken. These methods relate to the construction stage of development. Consent has not been sought for construction works as party of this EA.</p>

Author	Submission	Issue Summary	C&A Response
	<ul style="list-style-type: none"> ▪ Weed Management Plan be prepared to facilitate and guide weed management within development, particularly on edge of development with natural bushland 	It is recommended that a Weed Management Plan be prepared to facilitate and guide weed management within development, particularly on edge of development with natural bushland	Weed infestation will be managed through a SIMI in the interim period of offset land handover to the DECCW coupled with the local council guidelines and policy relating to urban management within private and public areas
	<ul style="list-style-type: none"> ▪ Species selection for future landscaping works and seed stock for revegetation should be limited to locally occurring native species to maintain local genetic diversity. This should include Eucalyptus robusta and other regionally significant species. 	It is recommended that Species selection for future landscaping works and seed stock for revegetation should be limited to locally occurring native species to maintain local genetic diversity. This should include Eucalyptus robusta and other regionally significant species.	<p>It is desirable to limit plant species selection to locally occurring native species, however this may require seed collection to be carried out to provide the quantity of seeds that will be required. This work can be carried out by revegetation contractors who are engaged to collect seed, propagate plants and establish them on the site.</p> <p>Vegetation species are nominated in the Urban Design Guidelines. Further detail will be provided at the project application stage for works on the land.</p>
	<ul style="list-style-type: none"> ▪ Appropriate vegetation, habitat and bushfire management plans should be included under an Environmental Management Plan. 	It is recommended that Appropriate vegetation, habitat and bushfire management plans should be included under an Environmental Management Plan.	Vegetation, habitat and bushfire management plans are operational matters and as such should be dealt with during a later phase of development..
	<ul style="list-style-type: none"> ▪ Where possible, earthworks should be undertaken during appropriate (i.e. dry) weather conditions. This will ensure that any potential erosion events will be intercepted and that downstream impacts are minimised within any of the drainage lines. This will help to maintain existing habitat characteristics for native fauna in those areas, including those for threatened species. 	It is recommended that where possible, earthworks should be undertaken during appropriate (i.e. dry) weather conditions.	Consent for earthworks is not sought as part of this EA. This can be detailed at future DA stage.
	<ul style="list-style-type: none"> ▪ Nutrient and sediment control devices should be erected pre-clearing and post-construction works in sensitive areas where degradation processes may be triggered such as areas adjacent to watercourses until suitable rehabilitation has occurred to maintain surface integrity. Furthermore, stockpiles should be subject to individual sediment and nutrient control devices. 	It is recommended that nutrient and sediment control devices should be erected pre-clearing and post-construction works in sensitive areas where degradation processes may be triggered such as areas adjacent to watercourses until suitable rehabilitation has occurred to maintain surface integrity.	This can be detailed in future DA stages for works on the land.
	<ul style="list-style-type: none"> ▪ <i>Phytophthora cinnamomi</i> Management Plan be formulated and initiated prior to construction 	It is recommended that a <i>Phytophthora cinnamomi</i> Management Plan be formulated and initiated prior to construction	This can be prepared at DA stage for works
	<u>Aboriginal Heritage</u>		
	The Heritage Impact Assessment (HIA), 3.2.1 cites the Lake Macquarie Aboriginal Heritage Study (sic). This document has been on exhibition and is now a draft and a public document, which can be found on Council's website. The draft Lake Macquarie Aboriginal Heritage Strategy identifies <i>Sensitive Aboriginal Cultural Landscapes</i> . The proposed development in Nord's Wharf falls within a Sensitive Aboriginal Cultural Landscape and therefore the findings of the Strategy should be considered.	The proposed development in Nord's Wharf falls within a Sensitive Aboriginal Cultural Landscape and therefore the findings of the Lake Macquarie Aboriginal Heritage Strategy should be considered.	<p>The draft LM LEP Map showing Sensitive Aboriginal Cultural Landscape dated 2010 indicates all of Nords Wharf is now identified as a Sensitive Aboriginal Cultural Landscape.</p> <p>Further mitigation measures may be recommended subject to the contents of the draft Strategy. It is noted that the HIA currently requires the preparation of an Aboriginal Heritage Management Plan in consultation with the Aboriginal stakeholders that will ensure protection of areas with high Aboriginal heritage significance. A range of additional proactive measures are also already recommended including avoidance of Archaeological Zones, testing prior to commencement of any development activity and interpretation that recognises and enhances the Aboriginal heritage values of the local area.</p>
	The HIA (p35) states that a midden extends across a portion of the proposed development site and has <i>high archaeological potential to contain further intact and undisturbed archaeological deposits</i> . It also has a <i>high level of significance to the Aboriginal community</i> . Although there are mitigation measures, including the commitment to undertake an Aboriginal Heritage Plan of Management, there is no guarantee that a large part of the midden will not be destroyed by the development.	A Heritage Management Plan should be prepared for items of Aboriginal significance that should include the management of mitigation measures.	The HIA states that an Aboriginal Heritage Management Plan in consultation with the Aboriginal stakeholders will be prepared as one of several mitigation measures.



Author	Submission	Issue Summary	C&A Response
	<p>There is a suggestion that destruction of part of the midden is acceptable because the majority will be protected by the proposed conservation area zone. Currently, all of the affected area is protected by the 7(1) Conservation (Primary) Zone.</p> <p>Development of the site as a whole also has high potential to have an impact on other objects within this Sensitive Aboriginal Cultural Landscape.</p> <p>A Heritage Management Plan should be prepared for items of Aboriginal significance that should include the management of mitigation measures.</p>		
	<p>The proposed development is isolated from other Centres in the LGA, which increases car dependency and does not make efficient use of services and facilities. It does not comply with the objectives of the 2020 Strategy or LMLEP 2004 and will involve the clearance of 9 hectares of bushland.</p> <p>The partial destruction of an Aboriginal midden in an area identified as an Aboriginal Sensitive Landscape is not consistent with the intent of the identification of these sensitive landscapes as a part of the whole LGA and the intent of conserving Aboriginal archaeological sites.</p> <p>The proposed zones and development controls, particularly permitted uses will exceed what the Concept Plan envisages and is inconsistent with the Standard Instrument. The proposed development is considered unsustainable and is not recommended for this site.</p>	<p>The partial destruction of an Aboriginal midden in an area identified as an Aboriginal Sensitive Landscape is not consistent with the intent of the identification of these sensitive landscapes as a part of the whole LGA and the intent of conserving Aboriginal archaeological sites.</p>	<p>The Aboriginal sensitivity of the Nords Wharf site has been carefully investigated in consultation with Aboriginal stakeholders. A range of mitigation measures are identified to minimise impacts to the midden and provide ongoing protection of Aboriginal heritage values including interpretation.</p>
	<u>Planning</u>		
	<u>State Significance</u>		
	<p>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:</p>		
	<ul style="list-style-type: none">▪ 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. The 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 is considered a net loss of environmental values. The justification that the proposed development should progress because of the proposed conservation offset is not agreed. The land is zoned 7(1) Conservation (Primary) and already provides a high level of protection for the site, particularly when the proposed development does not comply with the objectives of these zones;	<p>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.</p>	<p>The justification does not discount the protection afforded by the existing zoning but is based on the land ownership being transferred from private ownership to the NSWG in perpetuity to conserve long term the conservation of these lands. The public ownership of the conservation land affords a much higher level of protection to the land than could otherwise be achieved whilst ever the land remains in private ownership.</p> <p>The transfer of land to the NSWG will result in a significant gain to the environmental conservation values of these lands, as they will remove private owner rights from the land.</p>
	<ul style="list-style-type: none">▪ Councils 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		<p>The proposal seeks to expand an existing urban area, being a quasi-greenfield development. This will contribute to the 40% Greenfield allocation of new dwellings, as identified in the LHRS.</p> <p>It is noted that the Lifestyle 2020 and LHRS figures are disparate. In this instance, the provisions of the LHRS supersede Lifestyle 2020. Any discrepancy between Council's figures and those of the State Government should be addressed in the amendment of the LHRS if the NSW DOP agrees with Council's findings.</p>

Author	Submission	Issue Summary	C&A Response
	<p>found that:</p> <ul style="list-style-type: none"> 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. 		<p>Further, in accordance with s117 directions, Lake Macquarie City Council is to revise its planning controls to reflect the provisions of the LHRS.</p>
	<p>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.</p> <p>If this area is to be recognised for its state significance it should be for its environmental and scenic protection not to facilitate development as would appear by the current proposal.</p>	<p>Additional greenfield detached residential development is not a high priority.</p> <p>If this area is to be recognised for its state significance it should be for its environmental and scenic protection not to facilitate development as would appear by the current proposal.</p>	<p>Whilst green field development may not be a high priority, it is still identified in the LHRS as a required housing type, which is being accommodated as part of the subject proposal.</p> <p>The Nords Wharf site has been recognised for its regional significance to the Lower Hunter Region based on its inclusion in the Lower Hunter Regional Strategy (LHRS) for proposed urban development and conservation. The securing, protection and management of conservation corridors is a key focus of both the LHRS and the companion Lower Hunter Regional Conservation Plan (LHRCP).</p> <p>On 15 July 2010 the Minister formed the opinion that the Coal & Allied southern estates are potentially of State Planning significance and therefore are to be considered as potential SSSs under Schedule 3 of the Major Development SEPP 2008.</p> <p>The proposal allows for the transfer of 849ha to the NSWG in perpetuity for conservation purposes, in accordance with s93F of the EP&A Act.</p> <p>This offset equates to 88% of the Coal & Allied landholdings, in accordance with DECCW requirements.</p>
	<u>NSW Coastal Policy 1997</u>		
	<p>The concept proposal is considered inconsistent with the NSW Coastal Policy 1997 objectives.</p> <p>The proposal fails to:</p>	<p>The concept proposal is considered inconsistent with the NSW Coastal Policy 1997 objectives.</p> <p>The proposal fails to:</p>	<p>The NSW Coastal Policy objectives are addressed in section 5.5 of the EA report. Council does not comment specifically on how the EA addresses the objectives of this policy, and so it is difficult to tailor a specific response without repeating what is already contained in the EA.</p>
	<ul style="list-style-type: none"> protect areas of high natural or built aesthetic quality; 	<ul style="list-style-type: none"> protect areas of high natural or built aesthetic quality; 	<ul style="list-style-type: none"> The proposed development area is set back approximately 75m from the water's edge and has a buffer of trees between it and the water. The change in level and extent of existing trees will ensure that there is very limited visibility of the proposed development from the foreshore or the water body.
	<ul style="list-style-type: none"> design and locate development to complement the surrounding environment and to recognise good aesthetic qualities; 	<ul style="list-style-type: none"> design and locate development to complement the surrounding environment and to recognise good aesthetic qualities; 	<ul style="list-style-type: none"> Design guidelines by AJ+C Architects are proposed to ensure that future development is responsive to the existing natural and built aesthetic character; and Future development will be required to meet these guidelines.
	<ul style="list-style-type: none"> encourage towns to reinforce or establish their particular identities in a form which enhances the natural beauty of the coastal zone; 	<ul style="list-style-type: none"> encourage towns to reinforce or establish their particular identities in a form which enhances the natural beauty of the coastal zone; 	<ul style="list-style-type: none"> The natural beauty of Lake Macquarie has been a key consideration in approaching the structure of the Concept Plan.
	<ul style="list-style-type: none"> effectively manage and conserve cultural heritage places and landscapes; 	<ul style="list-style-type: none"> effectively manage and conserve cultural heritage places and landscapes; 	<ul style="list-style-type: none"> The location of the proposed developable area was established taking into account the presence of Aboriginal heritage values of the foreshore area and environmentally sensitive landscapes; and The Concept Plan protects aboriginal cultural significance along the foreshore that contains middens by providing an appropriate setback of approximately 75m to the lake foreshore.
	<ul style="list-style-type: none"> 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; 	<ul style="list-style-type: none"> 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; 	<ul style="list-style-type: none"> Given the sites location adjacent to the southern edge of the existing Nords Wharf settlement, it is ideally located. Proposed development is to be focussed on clear, degraded areas of lesser environmental quality. Where native vegetation may be affected, suitable actions are proposed to minimise any potentially deleterious

Author	Submission	Issue Summary	C&A Response
			impacts.
▪	<ul style="list-style-type: none"> promote compact and contained planned urban development in order to avoid ribbon development, unrelated cluster development and continuous urban areas on the coast; 	<ul style="list-style-type: none"> promote compact and contained planned urban development in order to avoid ribbon development, unrelated cluster development and continuous urban areas on the coast; 	<ul style="list-style-type: none"> The proposed development is to be contained within a small development footprint immediately adjacent to an established urban area.
	<ul style="list-style-type: none"> facilitate consistent and complementary decision making which recognises the three spheres of government; and 	<ul style="list-style-type: none"> facilitate consistent and complementary decision making which recognises the three spheres of government; and 	This is a matter for Federal, State and Local Governments, not for individual land owners.
	<ul style="list-style-type: none"> ensure Government agencies efficiently and effectively implement the Coastal Policy in a co-ordinated and collaborative manner. 	<ul style="list-style-type: none"> ensure Government agencies efficiently and effectively implement the Coastal Policy in a co-ordinated and collaborative manner. 	This is a matter for State Government agencies, not for individual land owners.
	<u>Lower Hunter Regional Strategy</u>		
	<p>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 adhoc 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. The provision of additional residential lots at Nords Wharf 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.</p>	<p>The LHRS adopts a distinctly hierarchical approach to the location of urban growth.</p> <p>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. The provision of additional residential lots at Nords Wharf are not required to meet the targets and objectives of the Lower Hunter Regional Strategy (LHRS).</p>	<p>The proposal is not ad-hoc urban expansion – it is adjacent to an existing urban area, and is located in accordance with future urban areas identified in the LHRS.</p> <p>The proposal addresses and has been assessed against the provisions of the relevant State Government strategic planning documents. Any inconsistency between the LHRS and Council's Lifestyle 2020 needs to be resolved between Council and the NSW DOP.</p> <p>The proposal provides for increased housing choice within Lake Macquarie LGA.</p>
	<u>Lake Macquarie City Council Lifestyle 2020 Strategy</u>		
	<p>Lifestyle 2020 – A Strategy for our Future states that <i>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</i>. It also states that, Nords Warf will remain as a unique "hideaway" village on the ocean. As a result, urban expansion has been identified at Nords Warf due to the significant heritage values of the existing township and the conservation values of the surrounding bushland.</p>		<p>The Director General's Requirements for this proposal do not identify Lifestyle 2020 as a matter for assessment. However, the LHRS is identified as policy to be addressed. The proposal is consistent with the identified urban expansion areas within the LHRS.</p> <p>Notwithstanding the above, the EA has considered the heritage values of the area and will contribute to the conservation value of the surrounding bushland by dedication of approximately 92% of the landholding to the NSW Government for conservation purposes.</p>
	<p>The proposed rezoning and concept plan for the site is inconsistent with the following strategic directions in the 2020 Strategy:</p> <ul style="list-style-type: none"> A city responsive to its environment; A well serviced and equitable city; A well designed and liveable city; and A city of progress and prosperity; and An easily accessible city. 	<p>The proposed rezoning and concept plan for the site is inconsistent with the following strategic directions in the 2020 Strategy:</p> <ul style="list-style-type: none"> A city responsive to its environment; A well serviced and equitable city; A well designed and liveable city; and A city of progress and prosperity; and <p>An easily accessible city.</p>	<p>The Director General's Requirements for this proposal do not identify Lifestyle 2020 as a matter for assessment. However, the LHRS is identified as policy to be addressed. The proposal is consistent with the identified urban expansion areas within the LHRS.</p> <p>Notwithstanding the above, the EA and associated design guidelines have addressed these strategic directions.</p>
	More specifically the proposal does not ensure:		

Author	Submission	Issue Summary	C&A Response
	<ul style="list-style-type: none"> The protection and enhancement of the City's biodiversity <p>Clearing of bushland at Nords Wharf will adversely affect an area with ecological and visual significance.</p>	<p>the proposal does not ensure</p> <ul style="list-style-type: none"> The protection and enhancement of the City's biodiversity 	<p>The ecology of the site has been assessed in detail and potential impacts considered against the proposed conservation offsets. This assessment found that on balance the quantum of the offsets far outweighed any potential impacts associated with the development in relation to the long term biodiversity gains . Furthermore this has been supported by DECCW as evidenced in their public submission response.</p>
	<ul style="list-style-type: none"> The focusing of activities at Centres to maximise accessibility <p>The site at Nords Wharf is not located in proximity to established centres and does not propose to develop any additional community facilities. This development will increase car dependency by residents wanting to access services and employment.</p>	<ul style="list-style-type: none"> The focusing of activities at Centres to maximise accessibility 	<p>The proposed development is adjacent to an existing urban area. Accessibility is very good as access does not rely on the additional traffic passing through the existing urban area. The development area is immediately adjacent the existing bus route.</p>
	<ul style="list-style-type: none"> The provision of adequate infrastructure, services and facilities associated with new development <p>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.</p>	<ul style="list-style-type: none"> The provision of adequate infrastructure, services and facilities associated with new development 	<p>The social infrastructure study provides an assessment of the demand for social infrastructure associated with the new development. The new population will increase the viability of public transport services within the region. Coal & Allied will be contributing to community and recreation facilities for the area by way of state contributions, Sec 94 and the C&A allocation of \$5M.</p>
	<ul style="list-style-type: none"> 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 <p>The development does not propose any additional parks or incorporate quality public open spaces for passive and active recreation.</p>	<ul style="list-style-type: none"> 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 	<p>Comments received from Council (below) indicate additional open space is not required. Nords Wharf area is already well serviced by open space. C&A propose to upgrade local open space facilities through its \$5million allocation.</p>
	<ul style="list-style-type: none"> The protection of the scenic amenity of the City <p>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.</p>	<ul style="list-style-type: none"> The protection of the scenic amenity of the City 	<p>The scenic amenity of the locality has been assessed in the EA.</p> <p>The Concept Plan has been prepared having regard to the overall landscape character of the area, and will not be visually intrusive to the amenity of the existing township. The indicative subdivision plan provides vegetated buffers to both the lake and Branter Road. The proposed development footprint sits within a natural amphitheatre, well set back from the foreshore and surrounded by bushland. The proposed development will have a character that is dominated by its bushland setting.</p>
	<ul style="list-style-type: none"> The promotion of an efficient, accessible and environmentally responsible pattern of development <p>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.</p>	<ul style="list-style-type: none"> The promotion of an efficient, accessible and environmentally responsible pattern of development 	<p>The subject development will form an extension to the existing Nords Wharf township. An increase in population may make the provision of public transport services viable; however that is a matter for the relevant service providers to asses.</p> <p>The siting of the development is consistent with the identified future urban lands within the LHRS.</p>
	<u>Lake Macquarie LEP 2004</u>		

Author	Submission	Issue Summary	C&A Response
	<p>The objectives of LMLEP 2004 are to promote balanced development and implement the 2020 Strategy. As outlined earlier, the site was zoned 7(1) 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.</p> <p>The development proposed in the Concept Plan is contrary to the objectives of the 7(1) 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.</p>	<p>The site is zoned 7(1) 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.</p> <p>The development proposed in the Concept Plan is contrary to the objectives of the 7(1) zone.</p>	<p>The zone objectives are addressed in section 5.15 of the EA report.</p> <p>Whilst the 7(1) zone is intended to conserve land, it actually allows some forms of development that would undermine the pure conservation of that land. The subject proposal seeks a rezoning of the land to the highest form of conservation zoning available under the Standard Instrument – E1 National Parks and Nature Reserves.</p> <p>In any rezoning application, the existing controls are not a matter for consideration, yet the merits of the new zoning are assessed to determine whether the rezoning should be supported.</p> <p>In this instance, the majority of land currently zoned 7(1) will be retained under the E1 National Parks and Nature Reserve zone, with this conservation status reinforced by a transfer of ownership to the NSWG.</p> <p>That portion of land proposed to be developed for residential purposes is then assessed against the relevant strategic planning documents that apply, including the LHRS and LHRCP. The proposal meets the requirements of both these State Government policies.</p>
	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.	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.	The subject proposal seeks a rezoning of the land to the highest form of conservation zoning available under the Standard Instrument – E1 National Parks and Nature Reserves. Transfer of land to NSWG will strengthen the ongoing conservation certainty of the land
	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.	the consideration of the impacts of the provision of infrastructure, under Clause 17(b) has not been addressed.	<p>Clause 17(b) of the LMLEP 2004 states:</p> <p>“Consent must not be granted for development on any land to which this plan applies unless the consent authority:.... has considered the impacts of the provision of that infrastructure on the land to which the development application relates”</p> <p>The proposed extension to infrastructure services will extend from those services already existing and servicing Nords Wharf township. The majority of these services are located within the existing road reserve and thus disturbance to bushland is expected to be minimal.</p>
	<u>Administrative Complexity</u>		
	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.	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.	<p>The planning controls will apply to the specific site, and the local Lake Macquarie controls will no longer apply to the site. There will be one consolidated set of planning controls that will apply.</p> <p>The proposed controls have been drafted having regard to the new Standard LEP template provisions and zoning requirements, which are required to be implemented. These will be generally consistent with equivalent zones across the State.</p>
	<u>Future Layout and Built Outcomes</u>		
	<ul style="list-style-type: none"> The proposed number of lots (ie; 90 lots) 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) 	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	<p>The proposal forms an extension to the village of Nords Wharf, yet will be visually separated from the existing urban area.</p> <p>The indicative lot sizes and layouts replicate those in the adjacent urban area, and also provide housing diversity and choice to future residents.</p>

Author	Submission	Issue Summary	C&A Response
	zone is 40 hectares and as such Coal & Allied would have at best been allowed to develop not more than 3 dwellings, a number substantially less than 90;		
	<ul style="list-style-type: none"> The concept that no open space land is proposed is not considered a viable long term solution and warrants further consideration; 	The concept that no open space land is proposed is not considered a viable long term solution and warrants further consideration;	Comments received from Council (below) indicate additional open space is not required. Nords Wharf area is already well serviced by open space. C&A propose to upgrade local open space facilities through its \$5million allocation fund.
	<ul style="list-style-type: none"> 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'; 	It is requested that the proposed SEPP exclude the application of the 'Complying Codes SEPP';	SEPP (Exempt and Complying Development Codes) 2008 is proposed to apply to the site, in the same way as the policy applies to the rest of the State. The Codes SEPP allows development of a minor nature that meets strict criteria. These types of development are already permissible in the existing Nords Wharf village, and will not detract from the character of the proposed residential subdivision.
	<ul style="list-style-type: none"> Given the significance of the area it is 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. 	Given the significance of the area it is requested that a development control plan be required as part of the SSS.	The Urban Design Principles and Guidelines accompanying the EA will form a DCP to guide future development ton the land. The level of detail contained within these controls has been addressed above.
	<u>Draft Schedule 3 of State Environmental Planning Policy (Major Projects)</u>		
	The following amendments are requested with regard to 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):	
	<ul style="list-style-type: none"> 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; 	The exempt and complying development clause be deleted.	SEPP (Exempt and Complying Development Codes) 2008 is proposed to apply to the site, in the same way as the policy applies to the rest of the State. The Codes SEPP allows development of a minor nature that meets strict criteria. These types of development are already permissible in the existing Nords Wharf village, and will not detract from the character of the proposed residential subdivision.
	<ul style="list-style-type: none"> 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 90 lots. It is unclear how this will be ensured, as the proposed listing in Schedule 3 does not state a minimum lot size. 	A minimum lot size should be included as outlined in the Standard Instrument	Lot sizes are detailed in the concept plan but final subdivision layout subject to future DA
	<u>Ecology, Heritage, Visual, Community, and Service Infrastructure Impacts</u>		
	It is understood that referrals have been provided to the relevant specialist in Council in this regard so no further comment has been provided. With regard to Ecology however it is noted that Council has made previous submissions relating to the sensitive coastal ecology of the area. The proposed R2 zone would involve clearing of significant coastal vegetation. The R2 zone is considered excessive and it is requested that, if the application is to proceed, that this footprint be significantly reduced.	The proposed R2 zone would involve clearing of significant coastal vegetation. The R2 zone is considered excessive and it is requested that, if the application is to proceed, that this footprint be significantly reduced.	Extensive site suitability assessment was undertaken to identify the land most appropriate for development. The identified land is the most disturbed and is closest to the existing Nords Wharf township. Land of higher conservation value is proposed to be zoned for such purposes and dedicated to the NSWG in perpetuity.
	<u>Independent Hearing and Assessment Panel</u>		
	It is recommended that if the application is to be pursued	It is recommended that if the application is to be pursued that the Minister	This is at the discretion of the Minister

Author	Submission	Issue Summary	C&A Response
	that the Minister appoint the same Independent Hearing and Assessment Panel for the assessment of the application.	appoint the same Independent Hearing and Assessment Panel for the assessment of the application.	
	<u>Traffic</u>		
	<u>Traffic Generating Development</u>		
	The majority of traffic associated with this development should use Awabakal Drive as the access to and from the Pacific Highway, and the impact to the majority of existing residential streets in Nords Wharf should be minimal. As such, the applicant is proposing to upgrade the intersection of Awabakal Drive and the Pacific Highway. Traffic from existing Nords Wharf residential that aims to travel south would travel to Awabakal Drive to exit onto the highway (particularly in peak hour) to gain the safest access onto the Highway (SB). This is supported, however please note the comment in section 2.6.4.3 below, which requests connectivity between Nords Wharf and Catherine Hill Bay via Awabakal Drive, and therefore requests that this intersection include provision for a pedestrian phase at the proposed signals.	Ptposed traffic arrangements are supported, involving the upgrading of the Awabakal Drive / Pacific Highway intersection	Traffic control signals at Awabakal Drive/Pacific Highway shall be designed and constructed as per RTA's standard. The need for the provision of pedestrian phase will be assessed prior to works application.
	<u>Road Design</u>		
	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 roads are to conform with Council's DCP requirements as a minimum design, and also any conditions imposed by the RFS.	The current proposed roads have been designed in line with best practice initiatives to integrate WSUD and to provide a safe and pleasant environment for pedestrians and vehicles. Consultants will liaise with Lake Macquarie Council during the development of project application drawings/documents to ensure that Council's objectives for streets are met. It should be noted that further approval is required for the final road and lot layouts and subdivision whereby further detail of road corridors and parking bays will be provided. It should be noted that if the proposal cannot accommodate roads to RFS requirements, a performance based assessment will be required and carried out as part of any future project application approvals.
	<u>Pedestrians and Cyclists</u>		
	<ul style="list-style-type: none"> Footpath is to be provided in accordance with Council's DCP in the proposed residential streets. 	<ul style="list-style-type: none"> Footpath is to be provided in accordance with Council's DCP in the proposed residential streets. 	Footpaths widths within the development will be further detailed during the project application stage to include provision for cyclists. The Concept Plan assumes on road cycling due to low volume traffic.
	<ul style="list-style-type: none"> Pedestrian footpath to be provided between the proposed residential estate and other local attractors, including the school and shop. 	<ul style="list-style-type: none"> Pedestrian footpath to be provided between the proposed residential estate and other local attractors, including the school and shop. 	This footpath extension is detailed in the \$5million Allocation and Draft Statement of Commitments in Appendix C to the EA report. The SoC states: "Extend 1.2m wide footpath in Government Road from the closest bus stop to the new estate, to the public school". Details are to be submitted with the Construction Certificate application for Stage 1 works.
	<ul style="list-style-type: none"> 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, along Awabakal Drive to Government Road. The Awabakal Drive / Pacific Highway intersection is proposed to be upgraded as partial signals and seagull treatment under this 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 	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, along Awabakal Drive to Government Road For this shared path, the intersection of Awabakal Drive and the Pacific Highway MUST have a pedestrian phase installed on the signals at this intersection	An allowance for this path is included in the C&A Allocation but will be subject to agreement with DECCW and RTA (Pacific Hwy crossing) Works off the C&A Land will be subject to negotiation with Council or relevant other landowner. If proposed this should be detailed in the VPA with the relevant authority

Author	Submission	Issue Summary	C&A Response
	signalised intersection.		
	<u>Public Transport</u>		
	As stated in the Traffic Report, public transport (ie public bus) may increase as development increases. Identify optimal locations for bus stops to be located close to the proposed estate. At these locations, provide a bus shelter (or bus shelters if the route is two-way). The bus shelters are to comply with the Disability Discrimination Act (DDA) requirements, and are to be connected to the proposed development by footpath.	As stated in the Traffic Report, public transport (ie public bus) may increase as development increases. Identify optimal locations for bus stops to be located close to the proposed estate. At these locations, provide a bus shelter (or bus shelters if the route is two-way).	An existing bus service runs along Government Road and Awabakal Drive. A new bus stop can be located near the junction of Government Road/ Awabakal Drive within a 400m walk catchment of proposed development.
	<u>Community Facilities Planning</u>		
	<u>Population</u>		
	The existing population of Nords Wharf (NW) is 870 persons (as at 2006 census). The C&A Southern Lands Concept Plan Principles for Nords Wharf (CP) identified a proposed new development of 90 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 new development will increase the population of NW by 262 persons. This is similar to the existing occupancy rate of Nords Wharf, which is 2.99 persons/dwelling.		This is a forecast based on the current demographic information. The actual demographic and household types may differ from this. The variance noted is less than 3%.
	<u>Local Park and Playground</u>		
	The new population does not warrant the dedication of a new park with play equipment. The closest park to this development area is Gathercole Reserve, 118A Marine Parade, Nords Wharf, which is a foreshore park located within walking distance of this development. Funding is required to upgrade this existing park with play equipment, park bench and picnic table, which will serve this new development site. A pedestrian footpath is required to be provided to create a linkage from the new development site to Gathercole Reserve. Outcome: The C&A \$5Million Allocation – Nords Wharf (\$5M) identifies an initiative for a contribution of \$100,000 to the upgrading of Gathercole Park. Community Planning Response: This is initiative is supported, and is in line with the provision of facilities to agreed standards.	The new population does not warrant the dedication of a new park with play equipment. This is initiative to upgrade Gathercole Reserve as part of the \$5million allocation is supported.	The Coal & Allied Initiative to upgrade Gathercole Reserve as part of the \$5million allocation is supported by LMCC.
	<u>Sporting Facilities</u>		
	Additional sporting fields and courts are not required to be provided on-site for this development. An existing sporting field, Nords Wharf Oval, is located at 1B Government Road. Funding to upgrade the oval and embellish the facilities is required. Works that may be undertaken include: restoration of the turf playing surface including levelling and extending the ground, seating, reconstruction and sealing of a car parking area and access road, and vehicle barrier/sporting fencing.	Additional sporting fields and courts are not required to be provided on-site for this development, however funding to upgrade the oval and embellish the facilities is required	Open space contributions are being made in line with the Section 94 Contributions Plan (2004) for Nords Wharf and Catherine Hill Bay. Moneys are proposed to be paid in accordance with Council's s94 Plan for contributions to the upgrade of recreation areas. The total monetary contribution may be made by either dedication of land free of cost and subject to agreed valuation, payment of contribution, works in kind or any combination of them.
	<u>Boat Ramp Facilities</u>		
	A boat ramp facility at the end of Branter Road is directly adjoining this development area. Outcome: The \$5M identifies an initiative for a	Council supports the proposed initiatives to upgrade boat ramp facilities as part of the \$5million allocation, which support works identified in Councils adopted Boatramp rehabilitation Program.	Details agreed and supported by LMCC.

Author	Submission	Issue Summary	C&A Response
	<p>contribution for Boat Ramp Facilities –</p> <ul style="list-style-type: none"> ▪ Providing additional trailer parking for the Branter Road boat launching ramp and contribute to the upgrade of the Branter Road boat launching ramp - \$230,000. ▪ Contribute to the upgrade of existing boat ramp facilities near Cams Wharf - \$150,000. <p>Community Planning Response: Council supports these initiatives, which support works identified in Councils adopted Boatramp rehabilitation Program.</p>		
	<u>Future Public Land – Identified</u>		
	<p>CP, Figure A1.3.1 – Indicative lot layout indicates a buffer along the southern side of Branter Road. According to Figure 4-1 APZ Map, this vegetation buffer does not include an APZ zone.</p> <p>CP, Figure A1.3.1 – Indicative lot layout indicates a strip of land between the boundary street and the development area boundary. This width of land ranges from approximately 1-2 metres at the corners of the development area to approximately 25 metres at the widest section. Refer also to B2.3.1 in the UDG or Figure A1.3.1. Within this area, two bio-retention /detention basins are located to the southern boundary of the development area. The land appears to also contain the APZs for the development area. The proposed land ownership of this strip has not been identified.</p> <p>Council will not accept dedication of land containing APZs. The DGEARs proposed open space land ownership, management, and maintenance arrangements to be identified.</p>	<p>CP, Figure A1.3.1 – Indicative lot layout indicates a buffer along the southern side of Branter Road. According to Figure 4-1 APZ Map, this vegetation buffer does not include an APZ zone.</p> <p>CP, Figure A1.3.1 – Indicative lot layout indicates a strip of land between the boundary street and the development area boundary. This width of land ranges from approximately 1-2 metres at the corners of the development area to approximately 25 metres at the widest section. Refer also to B2.3.1 in the UDG or Figure A1.3.1. Within this area, two bio-retention /detention basins are located to the southern boundary of the development area. The land appears to also contain the APZs for the development area. The proposed land ownership of this strip has not been identified.</p> <p>Council will not accept dedication of land containing APZs. The DGEARs proposed open space land ownership, management, and maintenance arrangements to be identified.</p>	It is intended that all APZ areas will be located in street reserves, or within private allotments.
	<u>Asset Protection Zones</u>		
	<p>As stated in the EA, APZs require ongoing vegetation control. Council is not willing to accept the dedication of land containing APZs and ongoing management responsibilities of APZs.</p> <p>Section B1.3 of the UDG describes the Plant Types and Materials. The plants selected are divided into: trees in road verges, trees in parking lanes, swale trees, bioswale trees, and bioswale understorey. It is essential that any trees planted within APZs are selected for their fire retardant qualities as well as their qualities as either street trees or bio-swale trees. The UDG is to be amended to include categories such as APZ Trees in Road Verges, APZ Trees in Swale, APZ trees in Bioswale and APZ understorey in Bioswale.</p> <p>Amend the UDG to include the APZ distances on the street cross sections where they located in Street Type A1, Street Type A2 and Street Type A3 and the development area boundary. The street cross sections should show few trees within APZ areas.</p> <p>The purpose of APZs are to provide a fire break to protect assets/dwellings from bush fire attack.</p> <p>The number of trees within APZs should be limited providing at least a 5 metre minimum separation between mature tree heads/crowns.</p> <p>The BMP is required to be provided at the development application stage. The SoC states the BMP will also include a Fuel Management Plan. The BMP should also include and consider the Tree Management Plan and</p>	<p>As stated in the EA, APZs require ongoing vegetation control. Council is not willing to accept the dedication of land containing APZs and ongoing management responsibilities of APZs.</p>	All APZ areas will be located in street reserves, or within private allotments.

Author	Submission	Issue Summary	C&A Response
	<p>provide a maintenance program for the trees located within the APZ. All management requirements are to be included such as tree lopping, thinning, ground fuel reduction. Information is also required identifying existing trees, new plantings, the mature height and width of species, and the required spacing of each specie. This is required to be provided at development application stage for Council to assess the ongoing Asset Maintenance costs associated with the APZs.</p> <p>Proposed treatment of APZ's require a Fire Safety Certificate indicating the endorsement of the proposed works from the Rural Fire Service.</p> <p>If after assessment, Council does not choose to maintain the trees within the APZs / bioswales to the required standard, perhaps an option maybe that no trees are located in the APZs, on land to be dedicated to Council.</p> <p>APZs on land or roads to be dedicated to Council are required to be maintained for a 5 year period.</p> <p>Maintenance includes existing and new plantings and fuel reduction requirements. Amend all the documentation accordingly.</p>		
	<u>Street Trees</u>		
	<p><i>Ficus rubiginosa</i>, Port Jackson Fig, is a tree identified for swale tree planting. This species is not considered to be a 'smaller' tree and may not be acceptable for planting within the road reserve. Eucalyptus robusta, Swamp Mahogany, is a tree proposed to be planted in road verges. The endemic species proposed may not be acceptable to Council as street trees.</p> <p>In accordance with the DGEARs details of proposed work in Public Domain areas is required including species type, planting spacing and planting requirements. The eucalyptus and angophora tree species, proposed to be planted within streets, may not be acceptable to Council. Council is required to approve details of any future street tree planting or proposed plantings on land dedicated to Council.</p> <p>Council requires all proposed plantings, including street tree planting, to be maintained for a period of 5 years. Amend all the documentation accordingly.</p>	<p><i>Ficus rubiginosa</i>, Port Jackson Fig, is a tree identified for swale tree planting. This species is not considered to be a 'smaller' tree and may not be acceptable for planting within the road reserve</p>	<p>Port Jackson Fig was selected as a grand tree with wide canopy that would provide a distinctive character for the streets with a central swale. There are many other species that would also meet these aesthetic requirements whilst also better suiting Council's requirements. Tree species selection will be discussed with Council during the preparation of project application drawings/documents.</p>
	<u>Street Type A2</u>		
	<p>According to the CP, the street along the length of the foreshore is Street Type A2, which has parking only on one side of the carriageway.</p> <p>The street along the foreshore is required to be wider to accommodate the possible future demand. Foreshore areas are natural attractors. Problems arise when roads are insufficient to provide for the possible increased use generated from these areas. The road along the length of the foreshore area is required to accommodate parking on both sides of the carriageway. The UDG is required to be modified accordingly.</p>	<p>The street along the foreshore is required to be wider to accommodate the possible future demand. The road along the length of the foreshore area is required to accommodate parking on both sides of the carriageway</p>	<p>Coal & Allied are currently in discussions with NPWS regarding the provision of additional car parking in the vicinity of the boat ramp. Final street configuration will be discussed with Council prior to submitting the first DA for subdivision.</p>
	<u>Foreshore Land – Rehabilitation</u>		
	<p>Photo 1 indicates the lake foreshore is suffering the effects of erosion. At other sites around Lake Macquarie Council has introduced pebbles to the waters edge and undertaken some low planting to stabilise the bank. The</p>	<p>The foreshore restoration work is required to be undertaken before the land is dedicated to NSWG.</p>	<p>The VPA accompanying the EA contains details of the agreement for the transfer of land to the NSWG. These terms were agreed in principle with DECCW prior to finalisation of the Draft VPA for exhibition.</p> <p>No foreshore restoration work is outlined in the VPA.</p>

Author	Submission	Issue Summary	C&A Response
	foreshore restoration work is required to be undertaken before the land is dedicated to NSWG.		
	<u>Foreshore Land – Public Access</u>		
	<p>Photo 2 and 3 indicates the existing public access. The foreshore land is to be dedicated to NSWG. In accordance with the DGEARs the existing public access from the development site to the foreshore is required to be defined and formalised prior to dedication. The public access should be a concrete pathway for low maintenance and to increase accessibility.</p> <p>The existing steps are to be inspected to ensure they are compliant with current standards, and if not, new steps are required to be installed to meet the standards. The vegetation near the identified public access route may require removal or thinning to ensure compliance with Crime Prevention Through Environmental Design (Safety by Design Principles).</p> <p>This is in accordance with SEPP 71 in which the matters for considerations include: 'Protection of existing public access to foreshores and provision for new public access' and 'Retention of existing public access (including disabled access) and where possible the improvement of public access, including access for disabled persons.'</p>	In accordance with the DGEARs the existing public access from the development site to the foreshore is required to be defined and formalised prior to dedication. The public access should be a concrete pathway for low maintenance and to increase accessibility.	Access will be available from the adjacent street. The provision of paths within the dedicated land is subject to agreement with DECCW .
	<u>Foreshore Land – Car Park</u>		
	<p>Photos 2, 3 and 4 indicate the land is currently a foreshore parkland area. The DGEARs are to provide new opportunities for public access. New opportunities may include the provision of seating at appropriate locations.</p> <p>Photo 5 shows an existing car park on the foreshore land. The car park is required to be defined and constructed to the requirements of LM DCP No. 1 prior to the land being dedicated to the NSWG. This measure protects and enhances the foreshore land it reduces erosion, and the installation of seating provides new opportunities for public access.</p>	There is an existing car park on the foreshore land. The car park is required to be defined and constructed to the requirements of LM DCP No. 1 prior to the land being dedicated to the NSWG.	Coal & Allied are currently in discussions with NPWS regarding the provision of additional car parking in the vicinity of the boat ramp. It was previously agreed that some car parking will be made available on this land, subject to DECCW approval.
	<u>Pathway around the Development Site</u>		
	<p>This proposal identifies the boundary streets as Street Type A1, A2 and A3. These Street types locate a footpath over the services on the property boundary. A pathway on the open space side of the road provides a more desirable walking environment. The minimum desirable width for this pathway is 1.5 metres wide.</p> <p>For the proposed lot layout this pathway should also be extended on from the cul-de-sac along Branter Road through the proposed vegetation buffer along Branter Road to the lake foreshore. It is desirable to provide a contiguous pathway around the development area, which will then provide a walking circuit for the new residents.</p>	<p>This proposal identifies the boundary streets as Street Type A1, A2 and A3. These Street types locate a footpath over the services on the property boundary. A pathway on the open space side of the road provides a more desirable walking environment. The minimum desirable width for this pathway is 1.5 metres wide.</p> <p>For the proposed lot layout this pathway should also be extended on from the cul-de-sac along Branter Road through the proposed vegetation buffer along Branter Road to the lake foreshore. It is desirable to provide a contiguous pathway around the development area, which will then provide a walking circuit for the new residents.</p>	The 1.2m walkway over the services maximises areas for deep soil planting and minimises hard surfaces and was considered and appropriate width for the volume of pedestrian traffic that will be generated by the development. The location of the walkway adjacent to the front boundary of the lots increases safety and security through passive surveillance (CPTED principles). Further resolution of footpath locations and widths will be carried out through liaison with Council during the preparation of project application drawings/documents.
	<u>Pedestrian Pathway – to Public School</u>		
	The nearest bus stop to the new estate is located on the corner of the Awabakal Drive and Government Road intersection. The primary school and community pre-school at located at 55 Marine Parade, Nords Wharf directly opposite Baxter Park. From the nearest bus stop at Awabakal Drive intersection to the primary school is		

Author	Submission	Issue Summary	C&A Response
	approximately 1,000 metres.		
	The \$5M identifies an initiative for a footpath extension to the public school. This foot path should provide for a short connect to the nearest park Gathercole Reserve. The distance from the corner of Marine Parade and Philip Road to Gathercole Reserve is only another 135 metres.	The \$5M identifies an initiative for a footpath extension to the public school. This foot path should provide for a short connect to the nearest park Gathercole Reserve. The distance from the corner of Marine Parade and Philip Road to Gathercole Reserve is only another 135 metres.	It is a matter for the community to determine final preferences, subject to C&A approval of funds allocated.
	<u>Cycleway</u>		
	<p>A pedestrian walkway is quite different to a cycleway. Pedestrian pathways are 1.2 m wide and are designated for pedestrians, however, a child under the age of 12 yrs 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 required 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 the road system.</p> <p>The UDG, Figure B1.2.2 – B1.2.6 – Street Types does not include any cycle lanes or shared pathways.</p> <p>The DGEARs requires the provision of cycleway connections. No designated cycleways or shared use paths have been provided. The documentation provided is false, mislead and contradictory.</p> <p>The documentation is required to be amended to indicate the provision for designated cycleways or shared use paths.</p> <p>A cycleway is required to be provided from the Pacific Highway along Awabakal Avenue to Branter Street. This will provide a linkage for this new population to access the beach at Catherine Hill Bay and for the Catherine Hill Bay to access the primary school at Nords Wharf. The distance of this cycleway is approximately 430 metres.</p>	<p>The DGEARs requires the provision of cycleway connections. No designated cycleways or shared use paths have been provided. The documentation provided is false, mislead and contradictory.</p> <p>A cycleway is required to be provided from the Pacific Highway along Awabakal Avenue to Branter Street.</p>	<p>The Concept Plan has been designed to cater for on-road cycling</p> <p>Any works outside of Coal & Allied land will be subject to negotiation with DECCW, RTA and Council</p>
	<u>Foreshore Walkway to Gwandalan</u>		
	Council endorses this proposal in principle. If the proposal is not able to be approved by DECCW then Council would like to be consulted in relation to providing alternative options for the reallocation of these funds.	Council endorses the proposal for the foreshore walk to Gwandalan in principle. If the proposal is not able to be approved by DECCW then Council would like to be consulted in relation to providing alternative options for the reallocation of these funds.	The foreshore walkway is subject to DECCW approval. If the pathway does not go ahead, funds will be re-allocated through a public consultation process.
	<u>Statement of Commitments</u>		
	<p>Requirement: The DGEARs under 'General Requirements' Item (5) requires the applicant to prepare:</p> <ul style="list-style-type: none"> A draft SoC, outlining specific commitments to the project's management, mitigation and monitoring measures with a clear identification of the timing and responsibility for these measures. <p>Community Planning Response: Not all the DGEARs have been addressed. The SoC does not identify timing and responsibility for undertaking these works.</p>	Not all the DGEARs have been addressed. The SoC does not identify timing and responsibility for undertaking these works.	The Statement of Commitments is to be updated to identify timing and responsibility where not already noted. This will be detailed in the Preferred Project Report and revised Statement of Commitments.
	<u>The \$5M Allocation Fund</u>		
	Outcome: An initiative identified is: The \$5M allocation identifies an initiative for a Footpath Extension to	The footpath extension in Government Road from the closest bus stop to the public school should also include a short connection to Gathercole Park.	It is advised that there is a limit to the \$5million allocation. The subject extension to Gathercole Park is currently not included in the \$5million allocation. If this is to be included, it will be at the cost of another item

Author	Submission	Issue Summary	C&A Response
	<ul style="list-style-type: none"> Extend 1.2 m footpath in Government Road from closest bus stop to new estate to public school - \$85,000). <p>Community Planning Comments: This foot path should also include a short connection to Gathercole Park.</p>		identified for funding. The Community needs to determine preferences for the allocation of this funding for such a pathway extension.
Heritage Council of NSW	<p>The EA notes that:</p> <ul style="list-style-type: none"> The HIA has determined that the site does not have any inherent European historic heritage value nor does it contain items of historical heritage. The proposed development will not impact on any known historical heritage items. <p>The EA also notes that a Scout Camp has been located at the Nords Wharf site since the mid to late 1970s. Although no physical buildings or remains at Nords Wharf were considered to have heritage values, the Draft Statement of Commitments for the site includes the following:</p> <ul style="list-style-type: none"> Prior to commencement of works on site, the Owner is to recognise the Scout's occupation of the site through heritage interpretation. The Owner is to compile an oral history and documentary history of Scouts in the region and produce a publication of the Regional Scout History. <p>It is therefore suggested that if approved, the project should include a requirement to complete an Interpretation Plan in accordance with Heritage Council Guidelines. That Plan would identify what kinds of on-site or other interpretation would be most appropriate within a new development.</p>	<p>if approved, the project should include a requirement to complete an Interpretation Plan in accordance with Heritage Council Guidelines. That Plan would identify what kinds of on-site or other interpretation would be most appropriate within a new development.</p>	<p>The recommended Interpretation Plan would formalise the approach to fulfil the commitments already made by C&A regarding onsite interpretation and an oral history program on the former Scout Camp site. This recommendation to prepare an Interpretation Plan to implement these actions can be added to the HIA. This will be detailed in the Preferred Project Report and revised Statement of Commitments.</p>
	<p>The Heritage Branch has also reviewed the specialist Heritage report provided in Appendix I of the EA. It was noted that the report quotes the version of the Heritage Act prior to its amendment in 2009. The report also does not follow the methodology or criteria for assessment of heritage significance which is given by published Heritage Council guidelines. Nevertheless, the report indicates that basic historical research and site survey fieldwork was undertaken to inform the study's recommendations. On page 57 of the HIS it is stated that:</p> <ul style="list-style-type: none"> The Nords Wharf Site does not have inherent heritage value nor does it contain items of historical heritage. The proposed development will not impact any known heritage items. Therefore the proponent is not required to undertake mitigation measures in relation to historical heritage before, during or after the proposed development. 	<p>The HIA report accompanying the EA quotes the version of the Heritage Act prior to its amendment in 2009.</p> <p>The report also does not follow the methodology or criteria for assessment of heritage significance which is given by published Heritage Council guidelines.</p>	<p>The post 2009 amendments to the Act including the changes to the definition of 'relics' can be readily added to the report (it is noted they have already been added to the other reports).</p> <p>The HIA has been prepared in accordance with the NSW Heritage Council assessment guidelines. The summary statement provided reflects the analysis undertaken against each criterion. The brief analysis against each criterion can be added to the report to satisfy this comment. This will be detailed in the Preferred Project Report.</p>
	Despite the errors noted above, it is considered that the EA is generally consistent with the DGR's with respect to the heritage requirements.	Despite the errors noted above, it is considered that the EA is generally consistent with the DGR's with respect to the heritage requirements	EA is generally consistent with the DGR's with respect to the heritage requirements
	Indigenous heritage recommendations, that <i>'all elements identified as being of "aboriginal heritage significance" are to be generally retained and protected,'</i> appear appropriate, however, more detailed comment from the DECCW should be sought in this regard.	Indigenous heritage recommendations, that <i>'all elements identified as being of "aboriginal heritage significance" are to be generally retained and protected,'</i> appear appropriate, however, more detailed comment from the DECCW should be sought in this regard.	DECCW are also providing comment as part of this process, and their comments will be responded to accordingly.
	Although it is supported that no specific mitigation is required for non-Indigenous heritage based on the results of the Heritage Impact Assessment, there must be specific procedures to be followed should any unexpected	<p>The Statement of Commitments should be amended to include the following:</p> <ul style="list-style-type: none"> If substantial intact archaeological deposits and/or State significant relics are discovered, work must cease in the affected area(s) the Heritage 	<p>The assessment has established that the main activity on the site has been the Scout Camp established in 1970, and that it is highly unlikely to contain historical relics as defined by the Act.</p>

Author	Submission	Issue Summary	C&A Response
	<p>historical sites or archaeological objects be located. The Statement of Commitments should be amended to include the following:</p> <ul style="list-style-type: none"> ▪ If substantial intact archaeological deposits and/or State significant relics are discovered, work must cease in the affected area(s) the Heritage Council of NSW must be notified and their advice sought regarding how to proceed; additional assessment may be required prior to works continuing in the affected area(s) based on the nature of the discovery; and ▪ If any previously unidentified sites of non-Indigenous heritage are discovered work must cease in the affected area(s) the Heritage Council of NSW must be notified and their advice sought regarding how to proceed; additional assessment may be required prior to works continuing in the affected area(s) based on the nature of the discovery. 	<p>Council of NSW must be notified and their advice sought regarding how to proceed; additional assessment may be required prior to works continuing in the affected area(s) based on the nature of the discovery; and</p> <p>If any previously unidentified sites of non-Indigenous heritage are discovered work must cease in the affected area(s) the Heritage Council of NSW must be notified and their advice sought regarding how to proceed; additional assessment may be required prior to works continuing in the affected area(s) based on the nature of the discovery.</p>	<p>Stop work provisions will be incorporated into the Statement of Commitments to provide assurance to the NSW Heritage Council. This will be detailed in the Preferred Project Report.</p>
	<p>It is further recommended that the above matters (interpretation plan and notification of discovery of 'relics') should be included as conditions of consent for this proposal if it is approved.</p>	<p>It is further recommended that preparation of an interpretation plan and notification of discovery of 'relics' should be included as conditions of consent for this proposal if it is approved.</p>	<p>The details provided in previous responses above address this comment.</p>
Hunter-Central Rivers Catchment Management Authority	<p>The Hunter-Central Rivers Catchment Management Authority (CMA) has reviewed the information that you have provided and has no objection to the proposal subject to the following points being addressed.</p>		
	<p><u>Offsets</u></p> <p>The CMA acknowledges the significant area of conservation being offered by the proposal and understands it is consistent mostly with DECCW's principles for offsetting. However, the CMA would like confirmation that the proposal maintains or improves biodiversity value by using either the BioBanking or Environmental Outcomes Assessment Methodology (as used for PVPs) – this would align with Principle “No. 9 - Offsets must be quantifiable - the impacts and benefits must be reliably estimated.”</p>	<p>The CMA would like confirmation that the proposal maintains or improves biodiversity value by using either the BioBanking or Environmental Outcomes Assessment Methodology (as used for PVPs)</p>	<p>The CMA is correct in it's assessment the that development complies and generally satisfy's the DECCW guidelines. The NSW statutory policy and framework does not require assessment under the Biobanking Methodology and/or Native Vegetation Act (EOAM) when working under the provisions of Part 3A. On this basis confirmation under these tools will not be provided.</p> <p>The DECCW response to the DoP in relation to this development is as follows:</p> <p>DECCW has reviewed the <i>Ecological Assessment Report – Lower Hunter Lands Nords Wharf (RPS, November 2010)</i> and other information contained within the State Significant Site (SSS) listing, and is satisfied that the issued Director General's key assessment requirements for biodiversity impact have been adequately addressed.</p> <p>The key assessment requirements require the proponent to demonstrate that biodiversity impacts can be appropriately offset in accordance with the NSW Government's policy for 'improvement or maintenance' of biodiversity values. The EA report shows compliance with this requirement through the use of the DECCW offsetting principles identified in the Lower Hunter Regional Conservation Plan. The use of this qualitative 'principles-based' approach does not provide a quantitative assessment of biodiversity impact and adequacy of proposed offsets, such as could be determined through use of the BioBanking Assessment Methodology under the Biodiversity Banking and Offsets Scheme.</p> <p>Nonetheless, the offset proposal is shown to be in compliance with the DECCW offsetting principles including through avoidance of impacts by using prevention and mitigation measures, the offsets are underpinned by sound ecological principles, will result in a net improvement in biodiversity over time, provide "like for like" offsets for impacted vegetation communities and threatened species, and are strategically located to strengthen the existing conservation reserve network.</p>

Author	Submission	Issue Summary	C&A Response
	<p><u>Water Quality</u></p> <p>Provision of further information regarding likely impacts and mitigation of these impacts on the water quality downstream from proposed development is required. Modelling should include details of increased run-off and associated nutrient and sediment loads and their impact on vegetation communities (including seagrasses) and the water quality of Lake Macquarie (Crangan Bay).</p>	<p>Provision of further information regarding likely impacts and mitigation of these impacts on the water quality downstream from proposed development is required.</p>	<p>The proposed WSUD management plan for Nords Wharf includes the followings strategies:</p> <ul style="list-style-type: none"> - Opportunistic vegetated swales (potentially including bioretention) provided along the identified main overland flow routes and roadside green areas. Vegetated swales are open channel systems, which are used to remove sediment and suspended solids. The proposed configuration could also include bio-retention in the invert of swales with grades <4%. The required width of the vegetated swales are approximately 4 to 6 m; - Precinct scale detention/ bio-retention basins are proposed at two locations to treat the quantity and quality of stormwater flows. These basins would essentially comprise a dry basin (to provide detention function) combined with bio-retention in the invert of the basin. The bio-retention basins may need to be lined to prevent contamination with groundwater. Structural measures (for example discharge control pits) would be provided to manage discharges conforming to required stream erosion index requirements; - Gross pollutant traps will be provided upstream of the precinct scale detention basins to remove coarse sediment and gross pollutants prior to discharging into basins and open areas; - On-lot detention will be provided in addition to the precinct scale facilities; and - Provision of rainwater tanks for individual lots will be maximised. <p>To test the effectiveness of the proposed strategies, the existing conditions MUSIC model was amended to represent both the developed conditions without treatment and developed conditions with treatment.</p> <p>The results show that the incorporation of WSUD treatment measures achieves the targets nominated in LMCC DCP 1 (Table 1). The additional net benefit of the inclusion of WSUD measures is a reduction of the existing pollutant load as a direct result of the proposed development.</p>
	<p><u>Infrastructure</u></p> <p>The Statement of Commitments should indicate that lead in infrastructure is to be located outside proposed conservation areas and appropriate controls will be implemented in its construction (sediment and erosion controls, weed management etc). It should be noted that if the infrastructure is not a part of the Part 3A process, approval may be required under the Native Vegetation Act for its construction.</p>	<p>The Statement of Commitments should indicate that lead in infrastructure is to be located outside proposed conservation areas and appropriate controls will be implemented in its construction</p>	<p>Infrastructure services will be provided as an extension to the existing service lines to Nords Wharf.</p> <p>A services strategy for water and sewer has been agreed and approved by HWC capable of servicing the cumulative requirements of the C&A and other proposed developments. The cost of the required infrastructure is to be borne fully by C&A and other developers. The economics of developing Nords Wharf rests with the developer.</p>
	<p><u>Cumulative Impact</u></p> <p>An assessment is made of the cumulative impact on biodiversity of the proposed development and other development in the area, as per the Director General Requirements. The assessment provided only includes Coal & Allied land but needs to include Rose Property Group and Stockland developments.</p>	<p>An assessment is made of the cumulative impact on biodiversity of the proposed development and other development in the area, as per the Director General Requirements.</p>	<p>The cumulative impacts of the proposal have been adequately addressed, as per the DGRs, in the EA and accompanying reports. A cumulative impacts assessment of the impact on biodiversity by a group that has all the information available such as DECCW. C&A is not privy to information from other developers and hence a cumulative study is not proposed</p>
	<p><u>Sea Level Rise</u></p> <p>The foreshore setback should account for loss of foreshore due to sea level rise and increase the setback where necessary to ensure the proposed 100m setback is retained into 2100. This will also provide some retreat for vegetation communities affected by sea level rise. It is noted that the report indicates 100m setback (on average), however the plan in the draft VPA indicates approximately 62m. The CMA supports a 100m (plus predicted loss to sea level rise) setback and the VPA plans should be amended to reflect this.</p>	<p>The foreshore setback should account for loss of foreshore due to sea level rise and increase the setback where necessary to ensure the proposed 100m setback is retained into 2100</p>	<p>Sea level rise was incorporated in terms of impacts on increased inundation during flooding under future climate.</p>
NSW Police	<p>I have reviewed the information provided with respect to Catherine Hill Bay and Nords Wharf and advise that it is not envisaged Lake Macquarie LAC would require</p>		<p>It is not envisaged Lake Macquarie LAC would require additional infrastructure as a result of the Coal and Allied Projects.</p>

Author	Submission	Issue Summary	C&A Response
	additional infrastructure as a result of the Coal and Allied Projects.		
RTA	The RTA has reviewed the information provided and would have no objections to the proposed development (concept plan) provided the following matters are addressed and included in the Minister's conditions of approval:		
	<u>Pacific Highway / Awabakal Drive Intersection</u>		
	Traffic control signals and associated civil works shall be designed and constructed to upgrade the Pacific Highway / Awabakal Drive intersection to a signalised seagull intersection. These works shall include, but not be limited to, the following:	Traffic control signals and associated civil works shall be designed and constructed to upgrade the Pacific Highway / Awabakal Drive intersection to a signalised seagull intersection. These works shall include, but not be limited to, the following:	
	<p>Pacific Highway (Southern Leg)</p> <ul style="list-style-type: none"> The existing two through lanes on approach and departure must be retained. A single left turn slip lane shall be provided with a minimum length of 125 metres, including taper. A single right turn acceleration lane shall be provided. 	<p>Pacific Highway (Southern Leg)</p> <ul style="list-style-type: none"> The existing two through lanes on approach and departure must be retained. A single left turn slip lane shall be provided with a minimum length of 125 metres, including taper. <p>A single right turn acceleration lane shall be provided.</p>	<ul style="list-style-type: none"> Agreed - Details are to be included in subsequent works applications
	<p>Pacific Highway (Northern Leg)</p> <ul style="list-style-type: none"> The existing two through lanes on approach and departure must be retained. A single right turn only lane shall be provided with a minimum length of 150 metres, including taper. 	<p>Pacific Highway (Northern Leg)</p> <ul style="list-style-type: none"> The existing two through lanes on approach and departure must be retained. A single right turn only lane shall be provided with a minimum length of 150 metres, including taper. 	<ul style="list-style-type: none"> Agreed - Details are to be included in subsequent works applications
	<p>Awabakal Drive (Western Leg)</p> <ul style="list-style-type: none"> A single signalised left turn slip lane shall be provided with a minimum length of 40 metres, including taper. A single right turn only lane shall be provided. A single departure lane shall be provided. 	<p>Awabakal Drive (Western Leg)</p> <ul style="list-style-type: none"> A single signalised left turn slip lane shall be provided with a minimum length of 40 metres, including taper. A single right turn only lane shall be provided. A single departure lane shall be provided. 	<ul style="list-style-type: none"> Agreed - Details are to be included in subsequent works applications
	<p>Whole Intersection</p> <ul style="list-style-type: none"> Kerb and gutter and raised median / island kerbs shall be provided on all approaches. The intersection shall be designed to accommodate the largest design vehicle (B-Double). Provision shall be made for on-road cyclists on all approaches at the intersection and along the length of the proposed works. All lanes shall be 3.5 metres in width, or as determined by the RTA. Street lighting shall be provided at the intersection in accordance with Australian Standard AS I 158. 	<p>Whole Intersection</p> <ul style="list-style-type: none"> Kerb and gutter and raised median / island kerbs shall be provided on all approaches. The intersection shall be designed to accommodate the largest design vehicle (B-Double). Provision shall be made for on-road cyclists on all approaches at the intersection and along the length of the proposed works. All lanes shall be 3.5 metres in width, or as determined by the RTA. Street lighting shall be provided at the intersection in accordance with Australian Standard AS I 158. 	<ul style="list-style-type: none"> Agreed - Details are to be included in subsequent works applications
	<ul style="list-style-type: none"> These works shall be completed concurrently with works required at the intersections of the Pacific Highway / Flowers Drive and the Pacific Highway / Montefiore Road and shall be carried out in accordance with the RTA's Road Design Guide, the relevant Austroads guidelines and Australian Standards, to the satisfaction of the RTA. <p><i>Comment: The works required at the intersections of the Pacific Highway with Flowers Drive, Awabakal Drive and Montefiore Road represent the access management strategy for this part of the Pacific Highway and must be completed concurrently to maintain safety and efficiency on the Pacific Highway</i></p>	<ul style="list-style-type: none"> These works shall be completed concurrently with works required at the intersections of the Pacific Highway / Flowers Drive and the Pacific Highway / Montefiore Road and shall be carried out in accordance with the RTA's Road Design Guide, the relevant Austroads guidelines and Australian Standards, to the satisfaction of the RTA. <p><i>Comment: The works required at the intersections of the Pacific Highway with Flowers Drive, Awabakal Drive and Montefiore Road represent the access management strategy for this part of the Pacific Highway and must be completed concurrently to maintain safety and efficiency on the Pacific Highway</i></p>	Intersection upgrades can be undertaken concurrently with works associated with Montefiore/Pacific Hwy (Rose Group responsibility), and Flowers Dr provided approvals are in place for both Nords Wharf and Middle Camp

Author	Submission	Issue Summary	C&A Response
	<ul style="list-style-type: none"> Any road widening / property acquisition / dedication required to accommodate the intersections shall be provided at no cost to the RTA or Council. This would include any plans of subdivision and associated survey / legal costs. The property required is to be designated as public road reserve in favour of Lake Macquarie City Council. 	<ul style="list-style-type: none"> Any road widening / property acquisition / dedication required to accommodate the intersections shall be provided at no cost to the RTA or Council. This would include any plans of subdivision and associated survey / legal costs. The property required is to be designated as public road reserve in favour of Lake Macquarie City Council. 	<p>Current design requirements do not require land acquisitions to upgrade the intersections.</p>
	<ul style="list-style-type: none"> All works associated with the proposed development shall be at full cost to the applicant and at no cost to the RTA or Council. 	<ul style="list-style-type: none"> All works associated with the proposed development shall be at full cost to the applicant and at no cost to the RTA or Council. 	<ul style="list-style-type: none"> Details to be agreed with RTA
	<ul style="list-style-type: none"> The developer will be required to enter into a Works Authorisation Deed (WAD) with the RTA. In this regard the developer is required to submit concept and detailed design plans and all relevant additional information, as may be required in the RTA's WAD documentation, for each specific change to the classified (State) road network and / or any traffic control signals for the RTA's assessment and final decision concerning the work. <p><i>Comment: It is requested that the developer be advised that the conditions of approval do not guarantee the RTA's final consent to the specific road work, traffic control facilities and other structures works, for which it is responsible, on the road network. The RTA must provide a final consent for each specific change to the classified (State) road network and / or any traffic control signals prior to the commencement of any work.</i></p>	<ul style="list-style-type: none"> The developer will be required to enter into a Works Authorisation Deed (WAD) with the RTA. In this regard the developer is required to submit concept and detailed design plans and all relevant additional information, as may be required in the RTA's WAD documentation, for each specific change to the classified (State) road network and / or any traffic control signals for the RTA's assessment and final decision concerning the work. <p><i>Comment: It is requested that the developer be advised that the conditions of approval do not guarantee the RTA's final consent to the specific road work, traffic control facilities and other structures works, for which it is responsible, on the road network. The RTA must provide a final consent for each specific change to the classified (State) road network and / or any traffic control signals prior to the commencement of any work.</i></p>	<ul style="list-style-type: none"> Coal & Allied will enter into all required agreements with the RTA
	<ul style="list-style-type: none"> The WAD shall be executed prior to granting a Construction Certificate for the proposed development. 	<ul style="list-style-type: none"> The WAD shall be executed prior to granting a Construction Certificate for the proposed development. 	<p>Coal & Allied will enter into all required agreements with the RTA</p>
	<ul style="list-style-type: none"> A Construction Traffic Management Plan (CTMP) shall be prepared and include a Vehicle Movement Plan and Traffic Control Plan. It shall be prepared with the intention of causing minimal impact to the operation of the road network during construction. The CTMP shall be submitted to the RTA and Council for review and approval prior to any construction activities occurring onsite. 	<ul style="list-style-type: none"> A Construction Traffic Management Plan (CTMP) shall be prepared and include a Vehicle Movement Plan and Traffic Control Plan. It shall be prepared with the intention of causing minimal impact to the operation of the road network during construction. The CTMP shall be submitted to the RTA and Council for review and approval prior to any construction activities occurring onsite. 	<p>Coal & Allied will enter into all required agreements with the RTA</p>
	<ul style="list-style-type: none"> All road works under the WAD shall be completed prior to issuing a Subdivision Certificate for any lot on which development may occur. 	<ul style="list-style-type: none"> All road works under the WAD shall be completed prior to issuing a Subdivision Certificate for any lot on which development may occur. 	<p>Coal & Allied will enter into all required agreements with the RTA</p>
	<ul style="list-style-type: none"> Other matters to be addressed include: 	<p>Other matters to be addressed include:</p>	
	<ul style="list-style-type: none"> Section 117 (2) direction 3.4 (<i>Integrating Land Use Development and Transport</i>) under the <i>Environmental Planning and Assessment Act /979</i>, should be taken into account in relation to the provision of adequate access to public transport, especially for the elderly and opportunities for pedestrians and cyclists connections. The provision of alternative transport modes to private motor vehicles and the facilities required to encourage the use of these modes should be included in any new urban release area. 	<ul style="list-style-type: none"> Section 117 (2) direction 3.4 (<i>Integrating Land Use Development and Transport</i>) under the <i>Environmental Planning and Assessment Act /979</i>, should be taken into account in relation to the provision of adequate access to public transport, especially for the elderly and opportunities for pedestrians and cyclists connections. The provision of alternative transport modes to private motor vehicles and the facilities required to encourage the use of these modes should be included in any new urban release area. 	<p>An increase in population will make provision of public transport services by the relevant provider a more economical proposition</p> <p>The traffic report assessed the proposal against the following objectives of the Integrating Land Use and Transport Policy (ILUT) Package.</p> <ul style="list-style-type: none"> Improving access to housing, jobs and services by walking, cycling and public transport Increasing the choice of available transport and reducing dependence on cars; Reducing travel demand including the number of trips generated by development and the distances travelled, especially by car Supporting the efficient and viable operation of public transport services
	<ul style="list-style-type: none"> The Department of Planning should ensure that the 	<ul style="list-style-type: none"> The Department of Planning should ensure that the applicant is aware of 	<p>This is noted by the proponent.</p>

Author	Submission	Issue Summary	C&A Response
	applicant is aware of the potential for road traffic noise to impact on future development of the site. In this regard, the applicant, not the RTA, is responsible for providing noise attenuation measures in accordance with the Environmental Protection Authority's <i>Environmental Criteria for Road Traffic Noise</i> , should the applicant seek assistance at a later date.	the potential for road traffic noise to impact on future development of the site. In this regard, the applicant, not the RTA, is responsible for providing noise attenuation measures in accordance with the Environmental Protection Authority's <i>Environmental Criteria for Road Traffic Noise</i> , should the applicant seek assistance at a later date.	
Scouts Australia	<p>Having considered the site and its surrounds and the details of the proposal currently before the DoP, it is our view that the development proposal does not address itself to significant planning issues that arise and therefore should not be approved in its present form.</p> <p>New development must take account of the social impacts of a proposal and the effect the development will have on existing social fabric and infrastructure. The existing 'Camp Kanangra' camping and activity facility forms an integral part of that fabric and infrastructure and caters to Scouting in a local, regional and State context. Whilst the proponent has prepared a Social Infrastructure Study (SIS) relating to the proposal, the SIS fails to acknowledge or address the community benefit currently being provided by Camp Kanangra for the youth of the Region and beyond.</p>	The development proposal does not address itself to significant planning issues that arise and therefore should not be approved in its present form	<p>The Nords Wharf site has been recognised for its regional significance to the Lower Hunter Region based on its inclusion in the Lower Hunter Regional Strategy (LHRS) for proposed urban development and conservation. The securing, protection and management of conservation corridors is a key focus of both the LHRS and the companion Lower Hunter Regional Conservation Plan (LHRCP).</p> <p>On 15 July 2010 the Minister formed the opinion that the Coal & Allied southern estates are potentially of State Planning significance and therefore are to be considered as potential SSSs under Schedule 3 of the Major Development SEPP 2008.</p> <p>The proposal allows for the transfer of 849ha to the NSWG in perpetuity for conservation purposes, in accordance with s93F of the EP&A Act.</p> <p>This offset equates to 88% of the Coal & Allied landholdings, in accordance with DECCW requirements.</p> <p>Scouts correspondence on the 10 July 1964 reflected their understanding of future potential for subdivision of the site and confirmed their commitment to exit and clear the site on 3 months notice from the company. Coal & Allied's position in this regard has been reinforced to the Scouts on numerous occasions since.</p> <p>The Scouts occupy part of the site under the terms of a licence agreement with Coal & Allied.</p> <p>It is noted that the licence agreement provides for use of the site by the East Lake Macquarie District Boy Scouts Association. The use of the facility for regional and state purposes appears to be beyond the terms of the agreement with the East Lake Macquarie Scout District.</p>
	Whilst it is recognised that there is the possibility of further development on the land, the Concept Plan must deal with this significant issue relating to the current site occupation and offer a commitment to Scouts Australia in terms of accommodation in a re-configured manner on the site, or relocation of the facility to an alternative property offering a similar level of amenity. This would of course necessitate the reconstruction of facilities that have existed on the land and that have been provided by countless volunteers going back to 1964.	Whilst it is recognised that there is the possibility of further development on the land, the Concept Plan must deal with the significant issue relating to the current site occupation and offer a commitment to Scouts Australia in terms of accommodation in a re-configured manner on the site, or relocation of the facility to an alternative property offering a similar level of amenity	<p>The Scouts occupy part of the site under the terms of a licence agreement with Coal & Allied. The terms of licence agreement require the scouts to vacate the site upon receipt of appropriate notice from Coal & Allied.</p> <p>Scouts correspondence on the 10 July 1964 reflected their understanding of future potential for subdivision of the site and confirmed their commitment to exit and clear the site on 3 months notice from the company. Coal & Allied's position in this regard has been reinforced to the Scouts on numerous occasions since.</p> <p>The licence agreement also provides for the erection of "structures of a semi-permanent nature" subject to certain conditions on the basis that the East Lake Macquarie District Boy Scouts Association is required to "take down and remove the same at the will of the licensee but subject to an obligation to restore the surface of the land to its former condition."</p> <p>Coal & Allied held a series of discussions with the NSW Scouts regarding the future options for Camp Kanangra since 2006. This has included Coal & Allied suggesting relocation options to the Scouts. In 2009 the Scouts indicated that they are making independent inquiries with other land holders regarding the possible relocation of the camp.</p> <p>Coal & Allied will continue to liaise with the Scouts regarding these options.</p>
	The DGRs require that the proponent, inter alia "identify and address the impacts of additional demand created by the development on existing infrastructure including public transport, open space and recreation facilities, retail facilities and other social and community	The EA and SIS have failed to properly address the following DGR: "identify and address the impacts of additional demand created by the development on existing infrastructure including public transport, open space and recreation facilities, retail facilities and other social and community facilities. Identify the need for additional facilities through	C&A considers the requirements of the DGRs have been addressed . The report is a Social Infrastructure analysis as required by the DGR not an Impact analysis.

Author	Submission	Issue Summary	C&A Response
	<p>facilities. Identify the need for additional facilities through negotiation with State or local government agencies. This should inform the scope of proposed State and local infrastructure contributions"</p> <p>The proponent has failed to address this issue in the EA or SIS that has been prepared. That being said, our client is more than willing to participate with the developers in meaningful dialogue in order to achieve an acceptable development outcome.</p>	negotiation with State or local government agencies. This should inform the scope of proposed State and local infrastructure contributions"	<p>Scouts correspondence on the 10 July 1964 reflected their understanding of future potential for subdivision of the site and confirmed their commitment to exit and clear the site on 3 months notice from the company. Coal & Allied's position in this regard has been reinforced to the Scouts on numerous occasions since.</p> <p>The Scouts occupy part of the site under the terms of a licence agreement with Coal & Allied</p> <p>It is noted that the licence agreement provides for use of the site by the East Lake Macquarie District Boy Scouts Association. The use of the facility for regional and state purposes appears to be beyond the terms of the agreement with the East Lake Macquarie Scout District.</p> <p>Coal & Allied held a series of discussions with the NSW Scouts regarding the future options for Camp Kanangra since 2006. This has included Coal & Allied suggesting relocation options to the Scouts. In 2009 the Scouts indicated that they are making independent inquiries with other land holders regarding the possible relocation of the camp.</p> <p>Coal & Allied will continue to liaise with the Scouts regarding these options.</p>
	This objection is based on various grounds as detailed below:		
	<p><u>Statutory Controls</u> <u>Lake Macquarie LEP</u></p> <p>Contrary to Scouts occupation, the current Concept Plan Application before the consent authority is both prohibited in the 7(1) zone and inconsistent with the... zone objectives.</p> <p>The present development proposal has not been adequately justified and despite there being a mechanism to over-ride the local controls by making the site 'State Significant' (SEPP MD) the proposal nonetheless makes a mockery of the current local statutory controls.</p>	The current Concept Plan Application before the consent authority is both prohibited in the 7(1) zone and inconsistent with the... zone objectives.	<p>The proposal is seeking a rezoning of the site under the provisions of SEPP Major Development 2005. This is a legitimate planning pathway.</p> <p>In any rezoning application, the existing controls are not a matter for consideration, yet the merits of the proposed new zoning are assessed to determine whether the rezoning should be supported.</p> <p>As part of the EA report and the development assessment process undertaken by DOP, the proposed residential development is assessed against the relevant strategic planning documents that apply, including the LHRS and LHRCP.</p> <p>The proposal meets the requirements of both these State Government policies.</p> <p>The Nords Wharf site has been recognised for its regional significance to the Lower Hunter Region based on its inclusion in the Lower Hunter Regional Strategy (LHRS) for proposed urban development and conservation. The securing, protection and management of conservation corridors is a key focus of both the LHRS and the companion Lower Hunter Regional Conservation Plan (LHRCP).</p> <p>The proposed Concept Plan has been lodged in accordance with the relevant legislation as currently in force. Assessment of the proposal will also be undertaken in accordance with the relevant legislation.</p> <p>The State Significant Site Listing is in reference to all of the Southern Estate Land Dedications to the NSWG, at Nords Wharf, Catherine Hill Bay and Gwandalan. The urban development is not the reason for the SSS listing, however this development allows the environmental offset and for Coal & Allied to transfer 848.1ha to the NSWG in perpetuity for conservation purposes. This offset equates to 89% of the Coal & Allied landholdings, in accordance with DECCW requirements.</p>
	<p><u>Lake Macquarie DCP No. 1</u></p> <p>Lake Macquarie DCP No. 1 provides detailed guidelines for building subdivision and land development, to ensure that land use and development is carried out in an ecologically sustainable manner. The DCP supports the core values of the strategy of sustainability, equity, efficiency and liveability for much of the Lake Macquarie Area and was originally adopted by the Lake Macquarie Council in 2006 following consultation with the local community. The submitted EA ignores the provisions contained in this document and indeed merely cites the</p>	<p>The submitted EA ignores the provisions contained in Lake Macquarie Council's DCO no1 and merely cites the fact that the Concept Plan Proposal will override LMDCP no1.</p> <p>The density of development proposed in the 90 Lot subdivision represents a paradigm shift away from density controls promoted in and adopted by the LMDCP no. 1</p>	<p>Lake Macquarie DCP no. 1 is not listed as a matter for consideration within the Director General's Requirements issued for this proposal.</p> <p>Notwithstanding this, the proposal seeks a rezoning of the site. In the assessment of a rezoning, the existing planning controls are not matters for consideration. The proposal is assessed against the strategic policies for the area, in this case being the LHRS and LHRCP. The proposal is consistent with both of these documents.</p>

Author	Submission	Issue Summary	C&A Response
	fact that the Concept Plan Proposal will override LMDCP no1. It is noted that the density of development proposed in the 90 Lot subdivision represents a paradigm shift away from density controls promoted in and adopted by the LMDCP no. 1		The Urban Design Guidelines accompanying the EA will form a new deemed DCP for the land, if the application is approved. These design controls are site specific and respond to the individual characteristics of this site, whilst having regard to the character of existing development in Nords Wharf and the desired future character and range of housing types envisaged for the proposed residential area. The density of the proposed residential area is not too different from the existing Nords Wharf village.
	<u>State Significance</u> The proposal is not adequately justified as a State Significant Project as it fails to recognise that the entire area of the land is already protected in terms of conservation objectives under the existing local controls (namely the 7(1) zone under LMLEP 2004). The project does provide for ecological protection off-sets, however also sets aside a significant area for development that is as valuable in an ecological context. The outcome is that there would be a net loss of environmentally protected land area should the Concept Plan Application be approved.	The proposal is not adequately justified as a State Significant Project	The Nords Wharf site has been recognised for its regional significance to the Lower Hunter Region based on its inclusion in the Lower Hunter Regional Strategy (LHRS) for proposed urban development and conservation. The securing, protection and management of conservation corridors is a key focus of both the LHRS and the companion Lower Hunter Regional Conservation Plan (LHRCP). On 15 July 2010 the Minister formed the opinion that the Coal & Allied southern estates are potentially of State Planning significance and therefore are to be considered as potential SSSs under Schedule 3 of the Major Development SEPP 2008. The proposal allows for the transfer of 849ha to the NSWG in perpetuity for conservation purposes, in accordance with s93F of the EP&A Act. This offset equates to 88% of the Coal & Allied landholdings, in accordance with DECCW requirements.
	<u>NSW Coastal Policy 1997</u> We submit that the proposal in its present form is inconsistent with NSW Coastal Policy 1997 objectives. These objectives include protecting areas of high natural aesthetic quality; effectively managing and conserving cultural heritage places and landscapes; and ensuring that urban development expansion avoids or minimises impacts on areas of environmental sensitivity or cultural heritage. The land is recognised by the local planning controls as an area of environmental sensitivity. It is submitted also that given long occupation of the land by Scouts, the property is also worthy of recognition as an item of European cultural heritage. The Concept Plan Application fails to adequately recognise the above matter and provide mitigation measures and as such is inconsistent with the NSW Coastal Policy objectives.	the proposal in its present form is inconsistent with NSW Coastal Policy 1997 objectives	The objectives of the NSW Coastal Policy are addressed in section 5.5 of the EA report, and it is contended that the proposal does meet these objectives. A thorough Heritage assessment was undertaken by ERM, in which the Scouts occupation of the site was not identified as being of heritage significance. Notwithstanding, the Statement of Commitments requires that “The owner is to compile an oral history and documentary history of Scouts in the Region and produce a publication of the Regional Scout History”.
	<u>The Public Interest</u> We submit that the proposal in its present form is contrary to the public interest. This is because of the form of the application being so contrary to the legitimate regime of planning controls, as to undermine confidence in the NSW Planning System. As such, the proposal if approved, would be contrary to the public interest.	The proposal in its present form is contrary to the public interest	Any development consent sought by Coal & Allied is required to be applied for under the legislative framework as it is in force at the time of making the application. The proposal addresses the relevant heads of consideration required under Part 3A of the EP&A Act. Assessment and determination of the application will be undertaken having regard to the legislative requirements and merits of the proposal.
	<u>Social Impact</u>		
	This concern is significant and forms the core of the submission now made. Despite the fact that the proponent for the scheme has arranged preparation of a Social Infrastructure Study, the proposal largely ignores the existence of the Camp Kanangra Scout Facility on the land in question. Whilst design charrettes have been held to discuss alternatives to the scheme put forward as preferred by the proponents, incorporation of a Scout Facility was not considered as part of any of the alternatives investigated. It is trite to suggest that this represents a significant flaw in the EA that has subsequently been produced. The	No alternatives for the scout camp were considered in the various options for the development. The SIS fails to identify key social impacts to groups or individuals that may be affected by the proposal, either economic or otherwise	The Scouts occupy part of the site under the terms of a licence agreement with Coal & Allied. The terms of licence agreement require the scouts to vacate the site upon receipt of appropriate notice from Coal & Allied. Scouts correspondence on the 10 July 1964 reflected their understanding of future potential for subdivision of the site and confirmed their commitment to exit and clear the site on 3 months notice from the company. Coal & Allied's position in this regard has been reinforced to the Scouts on numerous occasions since. The licence agreement also provides for the erection of “structures of a semi-permanent nature” subject to certain conditions on the basis that the East Lake Macquarie District Boy Scouts Association is required to “take down and remove the same at the will of the licensee but subject to an



Author	Submission	Issue Summary	C&A Response
	<p>reasons for this are unknown. It is however correct to say that concern regarding the future of the Scout Camp was made known to the proponent in the charrette process.</p> <p>The SIS produced by the proponent does not make much of the fact that the population of this area is characterised by a significant proportion of 5-19 year olds and a lower proportion of people aged 65 and over, than Lake Macquarie generally and Australia overall. This earlier demographic group represents the age range that forms the significant part of the population targeted by Scouts to participate in Scouting activities and programs.</p> <p>The SIS fails to identify key social impacts to groups or individuals that may be affected by the proposal, either economic or otherwise. In particular no value is placed on the infrastructure that has been provided by volunteers within the Scouting community over many many years.</p> <p>The SIS also fails to assess any impacts that may occur or provide recommendations based on evidence derived from the assessment, or to offer mitigation alternatives. As a result of this failure, the Statement of Commitments also does not properly address these critical social issues.</p> <p>The SIS claims that there is unlikely to be any negative impact for the community at Nords Wharf nor is the scheme likely to have an adverse impact upon social infrastructure. There appears no evidence contained in the SIS to support these claims. The SIS also fails to identify the parties what will benefit in a social impact context.</p> <p>Despite the findings of the SIS, an important facility used regularly in the delivery of the Scouting program in NSW will cease to exist if the Concept Plan Application is approved in its present form. This facility is used widely. Not just in the Hunter and Coastal Region, but by Scouts and their families throughout the State. Use is regular and occurs most weekends throughout the summer months of the year.</p>		<p>obligation to restore the surface of the land to its former condition.”</p> <p>It is noted that the licence agreement provides for use of the site by the East Lake Macquarie District Boy Scouts Association. The use of the facility for regional and state purposes appears to be beyond the terms of the agreement with the East Lake Macquarie Scout District.</p> <p>Coal & Allied held a series of discussions with the NSW Scouts regarding the future options for Camp Kanangra since 2006. This has included Coal & Allied suggesting relocation options to the Scouts. In 2009 the Scouts indicated that they are making independent inquiries with other land holders regarding the possible relocation of the camp.</p> <p>Coal & Allied will continue to liaise with the Scouts regarding these options.</p> <p>The SIS is a social infrastructure study. It is focussed on social infrastructure provision and takes the position that the development will provide an overall increase to the provision of social infrastructure within Nords Wharf greater than that required for the in coming population.</p> <p>.</p>
	<p><u>Landscaping and Visual Impact</u></p> <p>The likely visual impacts are significant in this case, due to the magnitude of change proposed through development of an area that to a great extent remains undisturbed and in its natural state. This level of environmental change is coupled with the fact that there is the ability to view the area both from land based locations and from Crangan Bay. The combination of factors is likely to lead to an adverse visual impact from areas surrounding the precinct. In particular it is noted that:</p> <ul style="list-style-type: none">▪ The urban design guidelines do not provide appropriate design quality controls, contrary to the DGEARs▪ There is an absence of detail in respect of landscaping parameters for the development of each new residential land parcel▪ There is a significant lack of information in the SOC relating to the means of translating the concept urban design prepared by the proponent into measurable conditions of approval or further detailed plans (ie through a subsequent development control plan).	<ul style="list-style-type: none">▪ The urban design guidelines do not provide appropriate design quality controls, contrary to the DGEARs▪ There is an absence of detail in respect of landscaping parameters for the development of each new residential land parcel▪ There is a significant lack of information in the SOC relating to the means of translating the concept urban design prepared by the proponent into measurable conditions of approval or further detailed plans (ie through a subsequent development control plan).	<p>The Design Guidelines will form part of the consent and will need to be complied with for any future development on the land.</p> <p>If the Concept Plan is approved, The Urban Design Guidelines prepared by AJ+C will form the ‘Deemed DCP’ guiding future development of the land. The UDG may be augmented to include greater design detail.</p> <p>Further detail regarding landscape guidelines for private residential lots will be included in future project application submissions.</p> <p>Final design layout will be subject to future DA</p>



Author	Submission	Issue Summary	C&A Response
	<p><u>European Heritage</u></p> <p>Both the EA and the SOC fail to provide an alternative site or suitable infrastructure for ongoing delivery of the Scouting program. Apart from paying lip service to the organisation by ‘recognising the Scouts occupation of the site’ through heritage interpretation and a ‘history of Scouts in the region’, there is no commitment relating to permitting the ongoing application of the Scouting program on this, or another suitable land parcel.</p>	<p>Both the EA and the SOC fail to provide an alternative site or suitable infrastructure for ongoing delivery of the Scouting program</p>	<p>The Scouts occupy part of the site under the terms of a licence agreement with Coal & Allied. The terms of licence agreement require the scouts to vacate the site upon receipt of appropriate notice from Coal & Allied.</p> <p>Scouts correspondence on the 10 July 1964 reflected their understanding of future potential for subdivision of the site and confirmed their commitment to exit and clear the site on 3 months notice from the company. Coal & Allied’s position in this regard has been reinforced to the Scouts on numerous occasions since.</p> <p>The licence agreement also provides for the erection of “structures of a semi-permanent nature” subject to certain conditions on the basis that the East Lake Macquarie District Boy Scouts Association is required to “take down and remove the same at the will of the licensee but subject to an obligation to restore the surface of the land to its former condition.”</p> <p>Coal & Allied held a series of discussions with the NSW Scouts regarding the future options for Camp Kanangra since 2006. This has included Coal & Allied suggesting relocation options to the Scouts. In 2009 the Scouts indicated that they are making independent inquiries with other land holders regarding the possible relocation of the camp.</p> <p>Coal & Allied will continue to liaise with the Scouts regarding these options.</p>
	<p><u>Legal Advice and Title Issues</u></p> <p>Scouts has advised the writer that legal advice is being sought on the ability of the owner (Rio Tinto) to evict Scouts from the land as a result of the development proposal proceeding.</p>	<p>Scouts has advised the writer that legal advice is being sought on the ability of the owner (Rio Tinto) to evict Scouts from the land as a result of the development proposal proceeding.</p>	<p>The Scouts occupy part of the site under the terms of a licence agreement with Coal & Allied. The terms of licence agreement require the scouts to vacate the site upon receipt of appropriate notice from Coal & Allied.</p> <p>Scouts correspondence on the 10 July 1964 reflected their understanding of future potential for subdivision of the site and confirmed their commitment to exit and clear the site on 3 months notice from the company. Coal & Allied’s position in this regard has been reinforced to the Scouts on numerous occasions since.</p> <p>The licence agreement also provides for the erection of “structures of a semi-permanent nature” subject to certain conditions on the basis that the East Lake Macquarie District Boy Scouts Association is required to “take down and remove the same at the will of the licensee but subject to an obligation to restore the surface of the land to its former condition.”</p>
Hunter New England Health	<p>Currently there are no GPs in either the Catherine Hill or Nords Wharf areas, and patients have to travel to access services. This access is also dependent on whether the current GPs are accepting new patients. It is recommended that consideration be given to the provision of appropriately situated suites in commercial complexes for the establishment of a general practice and other health providers to set up services that would be required by this population.</p>	<p>It is recommended that consideration be given to the provision of appropriately situated suites in commercial complexes for the establishment of a general practice and other health providers to set up services that would be required by this population.</p>	<p>CHB (Rose Group) development and GW (C&A) both will offer opportunities of appropriately situated suites in commercial complexes for the establishment of a general practice and other health providers to set up services that would be required by this population.</p>
	<p>In relation to environmental health concerns, a number of recommendations are proposed for the two sites:</p>		
	<ul style="list-style-type: none">▪ The inclusion of water sensitive urban design is supported and must be implemented in accordance with the relevant guidelines and required approvals, to ensure that risks to health and the environment are avoided.	<p>The inclusion of water sensitive urban design is supported and must be implemented in accordance with the relevant guidelines and required approvals</p>	<p>Agreed</p>
	<ul style="list-style-type: none">▪ There is potential for site contamination from previous activities. Appropriate site investigation and remediation are encouraged. The proponent should refer to the Department of the Environment and Conservation (DECCW) on this matter.	<p>There is potential for site contamination from previous activities. Appropriate site investigation and remediation are encouraged.</p>	<p>A preliminary contamination assessment has been undertaken in accordance with DECCW guidelines and has identified the need for remediation prior to development. The report indicates that the site is capable of being developed in the future for residential development. More detailed information can be provided at future DA stages if required</p>

Author	Submission	Issue Summary	C&A Response
	<ul style="list-style-type: none"> Provision of a reticulated water supply and sewerage system to alleviate environmental and public health concerns is recommended. The reticulated water supply must be of sufficient quantity and quality for the population size. An increase in population reinforces the need for the water supply to meet water quality standards that are presented in the Australian Drinking Water Guidelines. 	Provision of a reticulated water supply and sewerage system to alleviate environmental and public health concerns is recommended.	Both sewer and water strategies have been approved by Hunter Water Corp. It is proposed that the site be serviced by the Hunter Water Corporation reservoir to be located on land near Catherine Hill Bay, as per their submission above.
	<ul style="list-style-type: none"> A mosquito assessment should be undertaken of the site's terrain features to ensure any potential mosquito breeding sites are identified. A mosquito management plan should also be developed incorporating any proposed artificial wetlands in recycled water projects. This will reduce both nuisance biting and disease transmission to the local population. 	A mosquito assessment should be undertaken of the site's terrain features to ensure any potential mosquito breeding sites are identified.	This will be addressed at project application stage.
	<ul style="list-style-type: none"> NSW Health supports the use of rainwater tanks (as demonstrated in the Beyond Compliance) for all non-potable uses where there is a reticulated potable supply available to residents. These uses could include garden watering, washing machine, toilet cisterns and car washing. The collection of rainwater conserves the potable supply and assists in reducing the potential impacts of stormwater. 	NSW Health supports the use of rainwater for all non-potable uses where there is a reticulated potable supply available to residents.	These are included in the WSUD for the project and can be managed at DA stage through Council
	HNE Population Health has recently developed a resource for building liveable communities in the Lower Hunter Region. This resource outlines the following four principles as being essential to the development of a liveable community: accessibility, sustainability, flexibility and connectivity. Below are some suggestions as to the incorporation of these principles into the proposed Concept Plans. I am pleased to include an electronic copy of the resource with this submission, which may be passed onto the proponent.		Resource acknowledged as received
	<p><u>Connectivity and public transport</u></p> <p>Given the proposed development of the two sites, it is essential that access to public transport be reviewed, in particular, bus service access and frequency, to improve connectivity to surrounding areas. This is particularly important, given Rose Property Group's proposed development in the surrounding area. Furthermore, it is recommended that location of public transport stops be placed within a comfortable walking distance for most people between 400 to 500 metres, which will encourage more people to use the services on a regular basis.</p>	Given the proposed development of the two sites, it is essential that access to public transport be reviewed, in particular, bus service access and frequency, to improve connectivity to surrounding areas	An existing bus service runs along Government Road and Awabakal Drive. A new bus stop can be located near the junction of Government Road/ Awabakal Drive within a 400m walk catchment of proposed development.
	<p><u>Open space and community facilities</u></p> <p>HNE Health commends the proposed provision of conservation reserves, parks, key focal areas and community facilities in the two development areas. For these facilities to be equally accessible to all residents, they should be available for the whole community to use, have flexible/mixed uses (for instance, be able to be used by a wide range of age groups for different purposes) and be positioned so that resident access is maximised (400-800m from all residential lots). It is also recommended that public domain areas are provided with wide footpaths, shade trees and ample seating.</p> <p>To encourage the building of social capital, all open space areas should be freely accessible to existing and future residents. These measures will enable equitable access</p>	<p>HNE Health commends the proposed provision of conservation reserves, parks, key focal areas and community facilities in the two development areas.</p> <p>To encourage the building of social capital, all open space areas should be freely accessible to existing and future residents.</p>	<p>LMCC has expressed the position that it is not willing to accept ownership or responsibility for new open space areas. As such, it is difficult to provide for community open space if it is to be held in private ownership.</p> <p>The principles of walkable neighbourhoods have been applied to the Concept Plan design.</p> <p>Open space areas are within safe, walkable distances.</p> <p>The principles of CPTED have been applied to the built form and design of the public domain.</p>

Author	Submission	Issue Summary	C&A Response
	<p>to open space and community facilities, encouraging active transport (walking/cycling for transport) and planned physical activity across all population groups within the community.</p> <p>It is also commended that footpaths will be provided on all streets and that cycleways will also be provided. HNE Health recommends that walking and cycling links to the creeks and foreshore areas should comply with Crime Prevention Through Environmental Design principles.</p>		
	<p><u>Access to Fresh, Healthy Food</u></p> <p>It is recommended that consideration be given to access to affordable/healthy food choices within the two areas. This is especially important given the distance to other main centres and the potential for high food prices in village stores. The opportunity to create a community garden in the two areas is highly encouraged as this would improve the local availability of affordable/healthy food and facilitate increased physical activity through active transport and less car dependency. In addition, the provision of a public space suitable for farmers markets would increase access to fresh, local fruit and vegetables, and reduces air pollution associated with food transport.</p>	<p>It is recommended that consideration be given to access to affordable/healthy food choices within the two areas.</p>	<p>The site area is limited and offers no appropriate opportunity for a community garden. Future land owners can make their own decision regarding the inclusion of vegetable gardens within their own properties</p>
	<p><u>Housing: affordability and ageing in place</u></p> <p>Both Concept Plans mention that there will be a mix of housing types. HNE Health recommends placement of affordable housing options in positions where access to public transport and community services is maximised. Housing appropriate for ageing in place, such as accessible, low maintenance dwellings, should comply with these same positioning principles.</p>	<p>HNE Health recommends placement of affordable housing options in positions where access to public transport and community services is maximised.</p>	<p>This is a matter for the NSWG. The Affordable Rental Housing SEPP is currently under review. The concept plan principles and guidelines provide for the construction of a range of dwelling sizes to cater for varying consumer demand.</p>
	<p><u>Community cohesion and consultation</u></p> <p>HNE Health recommends ongoing community consultation throughout all stages of the development of the two areas, as this will encourage improved community cohesion and build social capital. Community feedback on current access to services and community facilities should be sought, given the significant increase in population and development being proposed for both areas. Importantly this consultation should include Aboriginal and Torres Strait Islander peoples within the area. Ongoing consultation with the Bahtabah Local Aboriginal Land Council is of particular importance.</p>	<p>HNE Health recommends ongoing community consultation throughout all stages of the development of the two areas, as this will encourage improved community cohesion and build social capital.</p> <p>Ongoing consultation with the Bahtabah Local Aboriginal Land Council is of particular importance.</p>	<p>Consultation will be undertaken throughout the stages of the project.</p> <p>The local indigenous communities have been consulted thus far though preparation of the subject concept plan. Consultation will continue through to development program.</p>
The Mines Subsidence Board (Newcastle District Office)	<p>These areas are located within a proclaimed Mine Subsidence District. The purpose of the District is to prevent damage through surface development controls that take account of the risk of damage by subsidence from old, current and future mining.</p>	<p>The site is located within the Mine Subsidence District and should consider preventative measures to avoid risk of subsidence.</p>	<p>Noted</p>
	<p>Under Section 15 of the Mine Subsidence Compensation Act, the Mine Subsidence Board would grant its approval for this application on the following conditions:</p>		<p>Noted</p>
	<p>The subdivision plans and final drawings to be submitted prior to commencement of construction.</p> <p>Final drawings are to contain a certification by a qualified structural engineer to the effect that any improvements, services and civil works be constructed to meet the specification of such final drawings will be safe, serviceable and repairable taking into account the</p>	<p>Final detailed plans and drawings to be submitted demonstrating that works will be as per specification, safe, serviceable and repairable.</p>	<p>Noted</p>

Author	Submission	Issue Summary	C&A Response
	geotechnical conditions at the site.		
	Removal of any risk of mine subsidence by a suitable means, such as grouting. Alternatively, satisfy the Board by confirming through geotechnical investigations that the workings are long term stable and there is no risk of mine subsidence affecting the site.	Demonstrate that the risks of mine subsidence have been addressed by suitable measures where required.	The level of investigation undertaken to date has been based on consultations with the MSB and they have previously indicated the level of assessment was to their satisfaction. In a letter to DOP of 15 February 2008 the MSB indicate that "In general the Board's surface development guidelines would reflect the subsidence requirements identified in the geotechnical report (Douglas Report)"
	The geotechnical investigation may require a sufficient number of boreholes to the floor of the seam and numerical modelling/sensitivity analysis to demonstrate the appropriateness of the strata to support the development given the mine workings. The investigation is to contain confirmation of the depth of coal seam, height of workings, floor conditions and thickness of competent rock, as well as providing details of the pillar dimensions used in any analysis. ISG co-ordinates and the measured deviation from vertical are required for any boreholes. The report must be to the satisfaction of the Mine Subsidence Board.	Provide additional details including numerical modelling and sensitivity analysis and boreholes to the floor of the seam to the satisfaction of the Mine Subsidence Board.	The MSB considers the level of assessment undertaken to date to be adequate.
Industry and Investment NSW (I&I NSW)	Industry and Investment have no objections to the residential development but would support the proposed E1 zoning for 116.6ha providing it is gazetted as a State conservation area.	Industry and Investment support the E1 zoning for 116.6ha if it is gazetted as a State Conservation Area.	Noted
NSW Rural Fire Service (Headquarters)	The RFS considers the plans unsuitable to demonstrate compliance with the "Planning for Bushfire Protection" (PBP) and have raised the following issues:		The Bushfire Threat Assessment has been prepared using the current guidelines and industry best practice. Specifically, Planning for Bushfire Protection (2006) and the updated AS3959-2009 Appendix 3.
	Road widths to comply with Table 4.1 in PBP	Demonstrate compliance with road widths as per PBP	It should be noted that further approval is required for the final road and lot layouts and subdivision whereby further detail of road corridors and parking bays will be provided. It should be noted that if the proposal cannot accommodate roads to RFS requirements, a performance based assessment will be required and carried out as part of any future project application approvals.
	<ul style="list-style-type: none"> Perimeter Road should provide a continuous loop to Government Road, and not terminate in a cul-de sac. 	Review Perimeter Road formation in respect of RFS desired continuous loop configuration.	The road currently terminates in a cul-de-sac due to the traffic policies and guidelines of LMCC. A modification as such will require further investigation with the council.
	<ul style="list-style-type: none"> The proposed landscape is not compatible with environment for bushfire protection. 	Review existing landscaping relative to PBP.	The BTA clearly states that all vegetation within the site, albeit retained or introduced landscaping, will be managed to an appropriate APZ standard as per PBP 2006
Ambulance Service of NSW	In relation to their intentions to obtain land at this location , the Ambulance Service has reviewed their future needs and wishes to withdraw their expressions of interest at Middle Camp and Nords Wharf.	The NSW Ambulance Service no longer wish to obtain land at Nords Wharf	Noted
The NSW Office of Water (NOW)	The NOW provides the following comments:		
	The Water Management Act 2000 (WMA) governs sustainable and integrated management of water sources across the State. Licensing of water is regulated under the WMA 2000 for areas which are subject to a Water Sharing Plan, and the Water Act 1912 for water sources not covered by a Water Sharing Plan. At present surface		<p>Noted</p> <p>No extraction of groundwater is proposed. Appropriate NSW Office of Water licences will be applied for prior to activities which may intercept groundwater within the Development Area</p>

Author	Submission	Issue Summary	C&A Response
	water systems in this area fall within the South Lake Macquarie Water Source, under the Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources. Groundwater within the area is regulated under the Water Act 1912.		
	Section 6.8.1 suggests that there are no major watercourses with the Nords Wharf site. There are however a number of streams within the area. NOW has guidelines for protection of riparian corridors. The subdivision plan shows that roads are proposed along the line of these streams with on the roads having a central swale for drainage. The proponent should consider amendments to the design of the subdivision to ensure riparian corridors are protected in accordance with NOW Guidelines for Controlled Activities (August 2010)	Review Design in accordance with NOW Guidelines to ensure protection of riparian corridors.	<p>The WSUD nominates the below in terms of swales and does not show any swales on the strategy plan. The swales are opportunistic only</p> <p>Opportunistic vegetated swales (potentially including bioretention) provided along the identified main overland flow routes and roadside green areas. Vegetated swales are open channel systems, which are used to remove sediment and suspended solids. The proposed configuration could also include bio-retention in the invert of swales with grades <4%. The required width of the vegetated swales are approximately 4 to 6 m</p> <p>Precinct scale detention/ bio-retention basins are proposed at two locations to treat the quantity and quality of stormwater flows. These basins would be located outside and discharge treated stormwater to riparian corridors and mahogany/paperbark swamp forest</p>
	The project involves the construction of underground service infrastructure. The concept plan EA does not address the issue of groundwater interception, potential impacts on groundwater or the protection of groundwater quantity and quality during construction of these services. Interception of groundwater and take of water is a licensed activity under the relevant water legislation.	Address the interception of groundwater created by the construction of underground service infrastructure.	<p>Precinct scale detention/ bio-retention basins are proposed at two locations to treat the quantity and quality of stormwater flows. These basins would essentially comprise a dry basin (to provide detention function) combined with bio-retention in the invert of the basin. The bio-retention basins may need to be lined to prevent contamination with groundwater. Structural measures (for example discharge control pits) would be provided to manage discharges conforming to required stream erosion index requirements;</p> <p>The geotechnical investigation encountered low permeability soils and groundwater was generally at greater than 3 m depth within the development area. Excavations for the installation of buried services is generally expected to be to less than 1.5 m depth and therefore not expected to encounter groundwater. It is possible that minor seepage into excavations shallower than this could occur from localised perched water after rainfall, however this would be easily manageable using sump pumps with no impact to the overall groundwater regime.</p>
	NOW supports the commitments made by the proponent on Water Quality and Quantity management. Further details on proposed stormwater management infrastructure are required as part of any project EA. Figure A.2.4.2 shows swales and bioswales surrounding the site. It is unclear whether this layout involves redirecting flow from the entire area into one or a number of streamlines. In addition to water quality issues associated with stormwater runoff to the lake, the protection of water quality and volume of both groundwater and surface water will need to be considered for the parts of the site which drain to the mahogany/paperbark swamp forest.	Provide further details regarding stormwater management and in particular clarification of whether the flow from the area will be redirected into streamlines. Consider water quality and volume implications for mahogany/paperbark swamp forest.	The swales are opportunistic only. Precinct scale detention/ bio-retention basins are proposed at two locations to treat the quantity and quality of stormwater flows. These basins would be located outside and discharge treated stormwater to riparian corridors and mahogany/paperbark swamp forest
	The NOW submission includes the following recommended conditions of approval:		
	An authorisation under the Water Act 1912 or the Water Management Act 2000 is to be obtained from the NSW Office of Water with the appropriate purpose identified for any activity relation to the taking of or interception of groundwater prior to that activity commencing.	As condition of approval authorisation required under Water Act and WMA for any activity relating to groundwater.	No extraction of groundwater is proposed. Appropriate NSW Office of Water licences will be applied for prior to activities which may intercept the groundwater.
	Any EA to include identification of all water courses impacted and demonstrate consistency with NOW Guidelines including: riparian corridors, watercourse	As condition of approval identify all water courses impacted and show compliance with NOW Guidelines.	At the Part 3A level, while the intent and objectives of this legislation have been considered, the Act is not triggered, thus the NoW guidelines for

Author	Submission	Issue Summary	C&A Response
	crossings, laying pipes and cables in watercourses outlets structure and in-stream works.		riparian corridors will be consulted at the detailed design phase when development applications are prepared.
	Any EA to provide details of: proposed works likely to intercept groundwater; proposed groundwater extraction; proposed method of disposal of waste water; potential impacts on groundwater uses, including the environment; measures to prevent groundwater pollution; any groundwater dependent ecosystems.	As condition of approval provide details of any works likely to affect groundwater.	The likely type of works that could impact ground water and the mitigation requirements to ensure there is no contamination of the groundwater by surface water due to works such as excavation are detailed in the EA reports. This includes an assessment of potential impacts on Groundwater Dependant Ecosystem and proposed mitigations.
	Any EA should: provide information on the drainage and stormwater management measures proposed for the site; assess the impact of the proposal on the hydrology of the site and receiving waters.	As condition of approval provide details of stormwater management measures and assess potential impacts.	<p>A number of opportunities for management of stormwater quality, quantity and flooding exist at the Nords Wharf site. This management would benefit from the implementation of Water Sensitive Urban Design (WSUD) practices. WSUD encompasses all aspects of urban water cycle management including water supply, wastewater and stormwater management, which promotes opportunities for linking water infrastructure, landscape design and the urban built form to minimize the impacts of development upon the water cycle and achieve sustainable outcomes.</p> <p>A WSUD strategy for management of stormwater quality and quantity has been developed for the Nords Wharf site. To test the effectiveness of the WSUD strategy, numerical modelling was used as follows:</p> <ul style="list-style-type: none"> ▪ Flood peaks and flood levels for existing and future climate associated with Lake Macquarie were determined from available information; ▪ Volumes of detention that responded as best possible to the Concept Plan and which throttled flood peaks were determined using RAFTS; and ▪ Appropriate Water Sensitive Urban Design strategies for stormwater quality management throughout the precinct, which responded as best possible to the Concept Plan and which achieved Council's pollution load targets were determined using MUSIC. <p>The results of the numerical modelling have shown that the proposed WSUD strategy together with the flood plain management would adequately satisfy the requirements of the LMCC DCP 1, the LMCC Floodplain Management Policy and the NSW Floodplain Development Manual for management of stormwater quantity, quality and flooding at the Nords Wharf site.</p>
DECCW	Impacts on threatened species, adjoining conservation lands, water quality and flooding, contaminated land and noise have been adequately addressed by the applicant.	DECCW is satisfied that the Environmental Assessment adequately addresses threatened species, adjoining conservation lands, water quality and flooding, contaminated land and noise.	No comment required.
	<p><u>Threatened Species and Biodiversity</u></p> <p>DECCW has reviewed the <i>Ecological Assessment Report – Lower Hunter Lands Nords Wharf (RPS, November 2010)</i> and other information contained within the State Significant Site (SSS) listing, and is satisfied that the issued Director General's key assessment requirements for biodiversity impact have been adequately addressed.</p>	DECCW is satisfied that the Ecological Assessment Report and other information contained in the SSS listing satisfies the DGRs key assessment requirements for biodiversity impact.	No comment required.
	<p>The key assessment requirements require the proponent to demonstrate that biodiversity impacts can be appropriately offset in accordance with the NSW Government's policy for 'improvement or maintenance' of biodiversity values. The EA report shows compliance with this requirement through the use of the DECCW offsetting principles identified in the Lower Hunter Regional Conservation Plan. The use of this qualitative 'principles-based' approach does not provide a quantitative assessment of biodiversity impact and adequacy of proposed offsets, such as could be determined through use of the BioBanking Assessment Methodology under the Biodiversity Banking and Offsets Scheme.</p> <p>Nonetheless, the offset proposal is shown to be in compliance with the DECCW offsetting principles</p>	Proposal is shown to be in compliance with the DECCW offsetting principles including through avoidance of impacts by using prevention and mitigation measures, the offsets are underpinned by sound ecological principles, will result in a net improvement in biodiversity over time, provide "like for like" offsets for impacted vegetation communities and threatened species, and are strategically located to strengthen the existing conservation reserve network.	This is an offset arrangement not a biobanking scheme, so application of the Biobanking methodology is inappropriate in this instance.

Author	Submission	Issue Summary	C&A Response
	including through avoidance of impacts by using prevention and mitigation measures, the offsets are underpinned by sound ecological principles, will result in a net improvement in biodiversity over time, provide "like for like" offsets for impacted vegetation communities and threatened species, and are strategically located to strengthen the existing conservation reserve network		
	<p><u>Conservation Lands proposed for Transfer to DECCW</u></p> <p>In the Department's submission on the Director General's Environment Assessment requirements (letter dated 11 August 2010) it was raised that there are a number of issues relating to the proposed transfer of Coal & Allied's conservation lands in their current condition and the ability of DECCWs Parks & Wildlife Group (PWG) to manage these areas for conservation and recreation purposes into the future. It was also requested that an environmental / land audit be undertaken over these lands.</p> <p>It is considered that these previous concerns of the Department have been adequately addressed and incorporated into the draft planning agreement under the EP&A Act through the inclusion of "Schedule 4 – Development Contribution Procedures, clause 6 Remediation, reserve establishment and other works".</p>	<p>It is considered that the previous concerns of the Department have been adequately addressed and incorporated into the draft planning agreement under the EP&A Act through the inclusion of "Schedule 4 – Development Contribution Procedures, clause 6 Remediation, reserve establishment and other works".</p> <p>DECCW can provide further advice on the management of impacts from the proposed residential development on the adjacent conservation areas during subsequent project applications under Part 3A of the EP&A Act.</p>	No comment required.
	<p><u>Water Quality and Impacts on Lake Macquarie</u></p> <p>In a previous submission to the Department of Planning's Independent Hearing and Assessment Panel, the former Department of Environment and Climate Change commented on potential impacts on water quality, seagrasses and ecology of Lake Macquarie arising from the development.</p> <p>The Department noted the downstream presence of ecologically significant coastal floodplain endangered ecological communities and receiving waters of Crangan Bay. Crangan Bay is the last undeveloped bay in Lake Macquarie and considered to be in good ecosystem health. It was stated that the likely impacts of the development proposals at Gwandalan and Nords Wharf could be minimised through:</p> <ul style="list-style-type: none"> modification of development footprints (e.g. appropriate development setbacks from the foreshore and riparian zones) use of water sensitive urban design principles proper management and control of foreshore vegetation and human access / recreation areas imposition of strict development controls. 	<p>DECCW noted that likely impacts of development proposals could be minimised through:</p> <ul style="list-style-type: none"> modification of development footprints (e.g. appropriate development setbacks from the foreshore and riparian zones) use of water sensitive urban design principles proper management and control of foreshore vegetation and human access / recreation areas imposition of strict development controls. 	<p>The development footprints have been determined through rigorous site constraints analysis.</p> <p>The irregular development footprint is proposed to protect the foreshore zone with aboriginal archaeological significance and cultural values as well as ecological values. This will ensure that the public foreshore is part of the conservation lands, thus maintaining a network of bushland along the foreshore of Crangan Bay. Lots addressing the foreshore are deeper to accommodate APZ's from bushland maintained along the foreshore.</p> <p>The street typology of the proposed development is based on landscape character, landscape design and water sensitive urban design. The proposed stormwater management plan for Nords Wharf is based on the principals of Water Sensitive Urban Design, which include a number of strategies:</p> <ul style="list-style-type: none"> Opportunistic vegetated swales (potentially including bioretention) provided along the identified main overland flow routes and roadside green areas. Precinct scale detention/ bio-retention basins are proposed to treat the quantity and quality of stormwater flows. Gross pollutant traps will be provided upstream of the precinct scale detention basins to remove coarse sediment and gross pollutants prior to discharging into basins and open areas; On-lot detention will be provided in addition to the precinct scale facilities; and Provision of rainwater tanks for individual lots will be maximised. <p>The foreshore areas are part of the lands proposed to be dedicated as conservation lands to the NSW Government as Indicated in the Transfer Plans attached to the Voluntary Planning Agreement</p> <p>Development controls are proposed as part of the Design Guidelines which are expected to be incorporated in development control plans as part of any future development / project applications. Development will be under the SEPP(Exempt & Complying Development)</p>
	<p><u>Aboriginal Cultural Heritage Assessment</u></p> <ul style="list-style-type: none"> Incomplete local Aboriginal community consultation process (i.e. additional evidence required from the 	The Aboriginal community consultation process is incomplete	Consultation with the Aboriginal community was carried out during the preparation of the concept plan however it is noted that the consultation process is not complete as yet. The management and mitigation measures

Author	Submission	Issue Summary	C&A Response
	local Aboriginal community stakeholders regarding the Aboriginal cultural heritage assessment process). In particular comments regarding the current development application, the results of the field assessments, the significance assessment, and support for the proposed mitigation measures, including the Aboriginal cultural heritage management plan (ACHMP).		contained in the Heritage Impact Assessment prepared by ERM were created in accordance with the applicable guidelines in place when the concept plan was being prepared. The April 2010 Code of Practice guidelines now supersede the guidelines followed in preparing the original assessment and as such the HIA will be updated to align with these new guidelines post concept plan approval and prior to commencement of any subdivision works on site. The updated reports will be sent to the registered Aboriginal stakeholders for their comment prior to being finalised. Community consultation will be on-going for this project and will be undertaken in accordance with all current legislation, guidelines and practices.
	<ul style="list-style-type: none"> Additional details and clarification required regarding the proposed mitigation strategies for the likely impact or harm to areas identified in the Archaeological Zone 1 and Archaeological Zone 2 within the project area. 	Additional information required regarding the proposed mitigation strategies for areas in Archaeological Zones 1 and 2	<p>Field investigations of the Archaeological Zone 1 areas will be conducted in accordance with the 2010 Code of Practice Guidelines. Testing will be conducted in all areas of potential impact and results from these testing will determine areas within Archaeological Zone 1 to be fully salvaged prior to construction, this will be determined in consultation with the Aboriginal community participants. AHIMS site cards will be updated once fieldwork has been completed and a report provided of the fieldwork will be supplied to DECCW.</p> <p>Field investigations of Archaeological Zone 2 will be conducted in accordance with the 2010 code of practice guidelines and will ensure that all areas of impact are tested. AHIMS site cards will be updated once fieldwork has been completed and a report provided of the fieldwork will be supplied to DECCW.</p> <p>Generally the methodology will include digging 1 by 1 metre test pits by hand. All excavated materials will be sieved through 5mm sieves. The initial pit will be dug in 5cm spits and once the stratigraphy of the site is determined the site will be dug either by stratigraphical unit or by 10cm spit, whichever unit is smaller.</p> <p>The final methodology for testing, that is location of test pits and focus areas for testing, will be determined in consultation with the Aboriginal Stakeholder groups and the field investigation will include the Aboriginal stakeholders. Once the Aboriginal community have agreed to a methodology, the methodology will be included in the Aboriginal Cultural Heritage Plan of Management and will be sent to DECCW two weeks prior to the field investigations being undertaken. An agreement for care and control of the artefacts will be made with the community prior to fieldwork being undertaken and a location for reburial of artefacts (if this is the desired outcome) will be determined during fieldwork. The reburial location will be in a landform that is unlikely to contain more Aboriginal objects, that is not within the impact zone of the development and that is unlikely to be disturbed by other processes. This location will be recorded on the relevant AHIMS site cards.</p>
	<p><u>Local Aboriginal Community Consultation</u></p> <p>DECCW acknowledges that the applicant has provided in Section 2 and Annex A of the HIA, a summary of the consultation process undertaken with the local Aboriginal community until June 2007. Since this time the proposal has been modified, however, we note no additional correspondence or consultation was detailed following this period. We also note the absence of formal evidence from all five registered Aboriginal stakeholders of their views on the final draft Aboriginal cultural heritage report. The absence of current evidence or support from the local Aboriginal community means the assessment is incomplete.</p>	<p>No additional Aboriginal Consultation has been undertaken since June 2007, despite the proposal having been modified.</p> <p>There is an absence of formal evidence from all five registered Aboriginal stakeholders of their view of the final draft Aboriginal Cultural Heritage report.</p>	<p>Consultation with the Aboriginal community was carried out during the preparation of the concept plan however it is noted that the consultation process is not complete as yet. The management and mitigation measures contained in the Heritage Impact Assessment prepared by ERM were created in accordance with the applicable guidelines in place when the concept plan was being prepared. The April 2010 Code of Practice guidelines now supersede the guidelines followed in preparing the original assessment and as such the HIA will be updated to align with these new guidelines post concept plan approval and prior to commencement of any subdivision works on site. The updated reports will be sent to the registered Aboriginal stakeholders for their comment prior to being finalised. Community consultation will be on-going for this project and will be undertaken in accordance with all current legislation, guidelines and practices.</p>
	DECCW encourages the proponent to undertake additional consultation with the local Aboriginal community, and recommends that the proponent shows evidence of the consultation process and the views of the	DECCW encourages the proponent to undertaking additional consultation with the local Aboriginal community, DECCW recommends that the proponent shows evidence of the consultation process and the views of the registered Aboriginal	<p>Consultation with the Aboriginal community was carried out during the preparation of the concept plan however it is noted that the consultation process is not complete as yet. The management and mitigation measures contained in the Heritage Impact Assessment prepared by ERM were</p>

Author	Submission	Issue Summary	C&A Response
	<p>registered Aboriginal stakeholders. The consultation evidence requested should include the local Aboriginal community views on 1) cultural significance of the area, 2) the adequacy of the proposed management measures detailed in the Aboriginal cultural heritage report, 3) the proposed ACHMP and 4) the conservation outcomes for Midden 45-7-0177. Evidence of consultation may take the form of consultation/conversation logs, copies of all correspondence sent/received for the project, newspaper advertisements, records of personal communications, meeting minutes, documented phone calls, copies of agendas, minutes to all Aboriginal community meetings and records of participation in field assessments.</p> <p>DECCW has developed the 'Aboriginal cultural heritage consultation requirements for Proponents 2010' to assist applicants with consultation with the Aboriginal community. While these guidelines are aimed at applicants seeking an Aboriginal Heritage Impact Permit under the NPW Act, the guideline provides a useful reference to guide broader community consultation during the development of the major project application.</p>	<p>stakeholders</p> <p>Consultation evidence should include local Aboriginal community views on</p> <ul style="list-style-type: none"> ▪ cultural significance of the area, ▪ the adequacy of the proposed management measures detailed in the Aboriginal cultural heritage report ▪ their views on the proposed ACHMP ▪ the conservation outcomes for Midden 45-7-0177 <p>DECCW has developed the 'Aboriginal cultural heritage consultation requirements for Proponents 2010' to assist applicants with consultation with the Aboriginal community.</p>	<p>created in accordance with the applicable guidelines in place when the concept plan was being prepared. The April 2010 Code of Practice guidelines now supersede the guidelines followed in preparing the original assessment and as such the HIA will be updated to align with these new guidelines post concept plan approval and prior to commencement of any subdivision works on site. The updated reports will be sent to the registered Aboriginal stakeholders for their comment prior to being finalised. Community consultation will be on-going for this project and will be undertaken in accordance with all current legislation, guidelines and practices.</p>
	<p>DECCW also encourages the applicant to continue to engage with all the registered local Aboriginal stakeholders in developing appropriate cultural heritage outcomes for the life of the proposed development. We also offer our support for the Aboriginal community component of Coal & Allied's Allocation Initiative.</p>	<p>DECCW encourages the applicant to continue to engage with all the registered local Aboriginal stakeholders in developing appropriate cultural heritage outcomes for the life of the proposed development</p>	<p>Consultation with the Aboriginal community was carried out during the preparation of the concept plan however it is noted that the consultation process is not complete as yet. The management and mitigation measures contained in the Heritage Impact Assessment prepared by ERM were created in accordance with the applicable guidelines in place when the concept plan was being prepared. The April 2010 Code of Practice guidelines now supersede the guidelines followed in preparing the original assessment and as such the HIA will be updated to align with these new guidelines post concept plan approval and prior to commencement of any subdivision works on site. The updated reports will be sent to the registered Aboriginal stakeholders for their comment prior to being finalised. Community consultation will be on-going for this project and will be undertaken in accordance with all current legislation, guidelines and practices.</p>
	<p><u>Known Aboriginal Sites</u></p> <p>Aboriginal objects are uncovered due to the development all works should halt in the immediate area to prevent any further impacts to the objects. A suitably qualified archaeologist and the registered Aboriginal stakeholders must be contacted to determine the significance of the object(s).</p> <p>Any new sites must also be registered in DECCW's Aboriginal Heritage Information Management System (AHIMS). The management of any new sites should be addressed in culturally and scientifically appropriate methods devised and gain the necessary approvals before recommencing works. We have included a recommended condition of approval to target this matter.</p>	<p>Aboriginal objects are uncovered due to the development all works should halt in the immediate area to prevent any further impacts to the objects. A suitably qualified archaeologist and the registered Aboriginal stakeholders must be contacted to determine the significance of the object(s).</p> <p>Any new sites must also be registered in DECCW's Aboriginal Heritage Information Management System (AHIMS).</p>	<p>An Aboriginal Cultural Heritage Management Plan (ACHMP) will be prepared prior to development and that will include a protocol should Aboriginal objects be uncovered during the development phases.</p>
	<p><u>Proposed impacts on Aboriginal cultural heritage values</u></p> <p>DECCW acknowledges that the development proposes to impact or harm a portion of or a part of the complex of midden site #45-7-0177 located within the areas identified as Archaeological Zone 1 (AZ 1) and Archaeological Zone 2 (AZ 2) within the development footprint. DECCW recommends where impacts to Aboriginal objects cannot be avoided, the proponent develops appropriate processes to reduce the extent and severity of impacts and using appropriate mitigation measures to achieve better outcomes for cultural heritage</p>	<p>DECCW recommends where impacts to Aboriginal objects cannot be avoided, the proponent develop processes to reduce the extent and severity of impacts using appropriate mitigation measures which achieve better outcomes for cultural heritage. Any measures proposed should be negotiated between the applicant and the registered local Aboriginal stakeholders. Evidence of this negotiation is yet to be provided by the applicant.</p>	<p>Aboriginal community consultation will be ongoing for the project, the Cultural Heritage Management Plan and will include clear procedures for avoiding impacts where possible and what to do in the event an unexpected find is located. The management provided in the Cultural heritage management plan will be done in negotiation with the Aboriginal stakeholders.</p>

Author	Submission	Issue Summary	C&A Response
	objects. Any measures proposed should be negotiated between the proponent and the registered local Aboriginal stakeholders. Evidence of this negotiation is yet to be provided by the proponent.		
	<p>DECCW notes that the proponent proposes to undertake additional archaeological investigations within AZ 1 and AZ 2 areas to ascertain the nature, extent and scale of any additional evidence of Aboriginal occupation of these areas. DECCW supports such a program; however, we are concerned with the proposed methodology provided in Section 10.2.3 of the HIA. DECCW strongly recommends that the proponent ensures any investigations must be in accordance with the regulated investigation works required under the NPW Act since October 1 2010, including DECCW's 'Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW.</p> <p>We also recommend that the registered Aboriginal stakeholders participate in this investigation process and the archaeological investigations are further detailed in the proposed ACHMP.</p>	DECCW strongly recommends that the proponent ensures any investigations must be in accordance with the regulated investigation works required under the NPW Act since October 1 2010, including DECCW's 'Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW.	<p>Field investigations of the Archaeological Zone 1 areas will be conducted in accordance with the 2010 Code of Practice Guidelines. Testing will be conducted in all areas of potential impact and results from these testing will determine areas within Archaeological Zone 1 to be fully salvaged prior to construction, this will be determined in consultation with the Aboriginal community participants. AHIMS site cards will be updated once fieldwork has been completed and a report provided of the fieldwork will be supplied to DECCW.</p> <p>Field investigations of Archaeological Zone 2 will be conducted in accordance with the 2010 code of practice guidelines and will ensure that all areas of impact are tested. AHIMS site cards will be updated once fieldwork has been completed and a report provided of the fieldwork will be supplied to DECCW.</p> <p>Generally the methodology will include digging 1 by 1 metre test pits by hand. All excavated materials will be sieved through 5mm sieves. The initial pit will be dug in 5cm spits and once the stratigraphy of the site is determined the site will be dug either by stratigraphical unit or by 10cm spit, whichever unit is smaller.</p> <p>The final methodology for testing, that is location of test pits and focus areas for testing, will be determined in consultation with the Aboriginal Stakeholder groups and the field investigation will include the Aboriginal stakeholders. Once the Aboriginal community have agreed to a methodology, the methodology will be included in the Aboriginal Cultural Heritage Plan of Management and will be sent to DECCW two weeks prior to the field investigations being undertaken. An agreement for care and control of the artefacts will be made with the community prior to fieldwork being undertaken and a location for reburial of artefacts (if this is the desired outcome) will be determined during fieldwork. The reburial location will be in a landform that is unlikely to contain more Aboriginal objects, that is not within the impact zone of the development and that is unlikely to be disturbed by other processes. This location will be recorded on the relevant AHIMS site cards.</p>
	<p><u>Aboriginal Cultural Heritage Management Plan (ACHMP)</u></p> <p>DECCW acknowledges and supports that the proponent has committed to developing and implementing an ACHMP for the project area. The ACHMP must clearly demonstrate that effective community consultation with local Aboriginal communities has been undertaken in the development and implementation of the plan. DECCW encourages the proponent to maintain continuous consultation processes with the community for the entire ACHMP and for the life of the project for all Aboriginal cultural heritage matters associated with the project area. Evidence of consultation and views of the community for the ACHMP should be included in its final iteration.</p>	The ACHMP must clearly demonstrate that effective community consultation with local Aboriginal communities has been undertaken in the development and implementation of the plan	<p>Consultation with the Aboriginal community was carried out during the preparation of the concept plan however it is noted that the consultation process is not complete as yet. The management and mitigation measures contained in the Heritage Impact Assessment prepared by ERM were created in accordance with the applicable guidelines in place when the concept plan was being prepared. The April 2010 Code of Practice guidelines now supersede the guidelines followed in preparing the original assessment and as such the HIA will be updated to align with these new guidelines post concept plan approval and prior to commencement of any subdivision works on site. The updated reports will be sent to the registered Aboriginal stakeholders for their comment prior to being finalised. Community consultation will be on-going for this project and will be undertaken in accordance with all current legislation, guidelines and practices.</p>
	DECCW also recommends the ACHMP includes procedures for ongoing Aboriginal consultation and involvement, management of any recorded sites within the project area, the responsibilities of all stakeholders, details of proposed mitigation and management strategies of all sites; including any additional investigation processes, salvage activities, monitoring, etc; procedures for the identification and management of previously unrecorded sites (excluding human remains), details of an Aboriginal cultural heritage education program for all	<p>DECCW also recommends the ACHMP includes</p> <ul style="list-style-type: none"> procedures for ongoing Aboriginal consultation and involvement, management of any recorded sites within the project area, the responsibilities of all stakeholders, details of proposed mitigation and management strategies of all sites; including any additional investigation processes, salvage activities, monitoring, etc; 	<p>Consultation with the Aboriginal community was carried out during the preparation of the concept plan however it is noted that the consultation process is not complete as yet. The management and mitigation measures contained in the Heritage Impact Assessment prepared by ERM were created in accordance with the applicable guidelines in place when the concept plan was being prepared. The April 2010 Code of Practice guidelines now supersede the guidelines followed in preparing the original assessment and as such the HIA will be updated to align with these new guidelines post concept plan approval and prior to commencement of any subdivision works on site. The updated reports will be sent to the registered</p>

Author	Submission	Issue Summary	C&A Response
	contractors and personnel associated with construction activities and compliance procedures in the unlikely event that non-compliance with the ACHMP is identified.	<ul style="list-style-type: none"> procedures for the identification and management of previously unrecorded sites (excluding human remains), details of an Aboriginal cultural heritage education program for all contractors and personnel associated with construction activities and compliance procedures in the unlikely event that non-compliance with the ACHMP is identified. 	Aboriginal stakeholders for their comment prior to being finalised. Community consultation will be on-going for this project and will be undertaken in accordance with all current legislation, guidelines and practices.
	<p><u>National Parks and Wildlife Act (NPW Act)</u></p> <p>The importance of protecting Aboriginal cultural heritage is reflected in the provisions of the NPW Act. DECCW notes that the requirements of the NPW Act have recently been amended. It is strongly recommended that the proponent familiarises itself with the new requirements during the development and any subsequent assessment/development works processes.</p>	DECCW notes that the requirements of the NPW Act have recently been amended. It is strongly recommended that the proponent familiarises itself with the new requirements during the development and any subsequent assessment/development works processes.	The amendments to the NPW Act will be taken into consideration during the production of the Aboriginal Cultural Heritage Management Plan.
	DECCW has no additional concerns with the Aboriginal cultural heritage assessment for the concept plan and recommends that the following proposed conditions of approval for Aboriginal cultural heritage are reflected in any approval conditions for subsequent of development approval.	Recommended conditions	The recommended conditions are addressed specifically below.
	The applicant must continue to consult with and involve all the registered local Aboriginal representatives for the duration of the project in relation to all Aboriginal cultural heritage matters. Evidence of all consultation is to be collated and provided to the consent authority upon request.	The applicant must continue to consult with and involve all the registered local Aboriginal representatives for the duration of the project in relation to all Aboriginal cultural heritage matters. Evidence of all consultation is to be collated and provided to the consent authority upon request.	Consultation with the Aboriginal community was carried out during the preparation of the concept plan however it is noted that the consultation process is not complete as yet. The management and mitigation measures contained in the Heritage Impact Assessment prepared by ERM were created in accordance with the applicable guidelines in place when the concept plan was being prepared. The April 2010 Code of Practice guidelines now supersede the guidelines followed in preparing the original assessment and as such the HIA will be updated to align with these new guidelines post concept plan approval and prior to commencement of any subdivision works on site. The updated reports will be sent to the registered Aboriginal stakeholders for their comment prior to being finalised. Community consultation will be on-going for this project and will be undertaken in accordance with all current legislation, guidelines and practices.
	<p>The proponent shall develop an Aboriginal Cultural Heritage Management Plan (ACHMP) for the project area. The ACHMP is to be developed and implemented in full consultation with the registered local Aboriginal stakeholders. The plan is to include, but not limited to:</p> <ul style="list-style-type: none"> procedures for ongoing Aboriginal consultation and involvement, details of the responsibilities of all stakeholders, management of any recorded sites within the project area, procedures for the identification and management of previously unrecorded sites (excluding human remains), identification and management of any proposed cultural heritage conservation area(s), compliance procedures including for in the unlikely event that non-compliance with the ACHMP is identified. details of an appropriate keeping place agreement with local Aboriginal community representatives for any Aboriginal objects salvaged through the development process, and details of proposed mitigation and management strategies for sites identified to be impacted within the 	<p>The proponent shall develop an Aboriginal Cultural Heritage Management Plan (ACHMP) for the project area. The ACHMP is to be developed and implemented in full consultation with the registered local Aboriginal stakeholders. The plan is to include, but not limited to:</p> <ul style="list-style-type: none"> procedures for ongoing Aboriginal consultation and involvement, details of the responsibilities of all stakeholders, management of any recorded sites within the project area, procedures for the identification and management of previously unrecorded sites (excluding human remains), identification and management of any proposed cultural heritage conservation area(s), compliance procedures including for in the unlikely event that non-compliance with the ACHMP is identified. details of an appropriate keeping place agreement with local Aboriginal community representatives for any Aboriginal objects salvaged through the development process, and details of proposed mitigation and management strategies for sites identified to be impacted within the project area. 	An Aboriginal Cultural Heritage Management Plan (ACHMP) will be developed prior to development and will include the listed items.

Author	Submission	Issue Summary	C&A Response
	project area.		
	In the event that surface disturbance identifies a new Aboriginal site, all works must halt in the in the immediate area to prevent any further impacts to the object(s). A suitably qualified archaeologist and representatives of the local Aboriginal community must be contacted to determine the significance (cultural and scientific) of the object(s). The site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) (managed by DECCW). The proponent will consult with the Aboriginal community representatives the archaeologist and DECCW to develop and implement management strategies for all objects/sites. Prior to recommencing works in that area, the proponent will ensure they have the necessary approvals.	In the event that surface disturbance identifies a new Aboriginal site, all works must halt in the in the immediate area to prevent any further impacts to the object(s). A suitably qualified archaeologist and representatives of the local Aboriginal community must be contacted to determine the significance (cultural and scientific) of the object(s). The site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) (managed by DECCW). The proponent will consult with the Aboriginal community representatives the archaeologist and DECCW to develop and implement management strategies for all objects/sites. Prior to recommencing works in that area, the proponent will ensure they have the necessary approvals.	An Aboriginal Cultural Heritage Management Plan (ACHMP) will be developed prior to development and that will include a chance find Protocol.
	If human remains are located in the event that surface disturbance occurs, all works must halt in the immediate area to prevent any further impacts to the remains. The NSW Police are to be contacted immediately. No action is to be undertaken unless the NSW Police provide written notification to the proponent stating otherwise. If the skeletal remains are identified as Aboriginal, the proponent must contact DECCWs 'Enviroline' on 131555. No works are to continue until DECCW provide written notification to the proponent.	If human remains are located in the event that surface disturbance occurs, all works must halt in the immediate area to prevent any further impacts to the remains. The NSW Police are to be contacted immediately. No action is to be undertaken unless the NSW Police provide written notification to the proponent stating otherwise. If the skeletal remains are identified as Aboriginal, the proponent must contact DECCWs 'Enviroline' on 131555. No works are to continue until DECCW provide written notification to the proponent.	An Aboriginal Cultural Heritage Management Plan (ACHMP) will be developed prior to development and that will include a chance find Protocol, including the potential for Human remains if found.
	All reasonable efforts are to be made for the development to avoid impacting Aboriginal cultural heritage. If impacts are unavoidable, mitigation measures are to be negotiated with the local Aboriginal community and the required legislative approvals. All sites impacted must have a DECCW Aboriginal Site Impact Recording (ASIR) form completed and submitted to DECCW AHIMS unit within three months of completion of the Aboriginal cultural heritage works.	All reasonable efforts are to be made for the development to avoid impacting Aboriginal cultural heritage. If impacts are unavoidable, mitigation measures are to be negotiated with the local Aboriginal community and the required legislative approvals. All sites impacted must have a DECCW Aboriginal Site Impact Recording (ASIR) form completed and submitted to DECCW AHIMS unit within three months of completion of the Aboriginal cultural heritage works.	The ACHMP will provide advice if impacts can not be avoided and the required process if impacts are required at a registered site.
	An Aboriginal Cultural Education Program must be developed for the induction of all personnel and contractors involved in the construction activities on site. Records are to be kept of which staff/contractors were inducted and when for the duration of the project. The program should be developed and implemented in collaboration with the local Aboriginal community.	An Aboriginal Cultural Education Program must be developed for the induction of all personnel and contractors involved in the construction activities on site. Records are to be kept of which staff/contractors were inducted and when for the duration of the project. The program should be developed and implemented in collaboration with the local Aboriginal community.	An ACHMP will be developed prior to development which will include an Aboriginal cultural heritage Education program for personnel and contractors.
NSW Transport	Acknowledges that the subject sites are located on land identified in the Lower Hunter Regional Strategy for future urban development	Acknowledges site identified in the Lower Hunter Regional Strategy	We confirm Transport NSW's position that the lands are identified in the LHRS.
	TNSW supports the proponent's commitment to integrating the site with existing bus networks and providing bus stops.	Supports commitment to integrating with existing bus networks	We confirm the proposal has actively sought to be integrated with existing and future bus networks through the provision of adequate and suitable bus stops.
	TNSW also supports the proponent's commitment to providing pedestrian and cycle networks throughout each proposed subdivision.	Supports commitment to pedestrian and cycle networks	We confirm that the proposal includes footpaths on at least one side of the proposed roads. Cycleways vary both on and off road recognising low traffic volumes within the proposed subdivisions.
	TNSW requests that dedicated footpaths be provided on both sides of each road to encourage walking within the proposed subdivisions	Requests that dedicated footpaths be provided on both sides of each road	Footpaths will be provided on all streets, however on one verge. In recognition of low traffic volumes, pedestrians will be able to safely cross the street to utilise the footpath as required.
	TNSW notes that a number of applications for residential subdivisions in the area have been submitted and a process for considering the cumulative impact of small	Process for considering the cumulative impact of numerous subdivisions	Cumulative traffic impacts of proposed projects have been modelled and proposed mitigation works identified in the traffic engineering reports.



Author	Submission	Issue Summary	C&A Response
	scale subdivisions warrants further consideration.		

