

17 February 2009

Ms Caitlin Bennett
Team Leader, Strategic Assessments
Department of Planning
23-33 Bridge Street,
SYDNEY NSW 2000

Dear Caitlin,

Coal & Allied (C&A) Southern Estates Major Projects

Further to the Department of Planning's assessment of the PPRs for the above sites, and your request for additional information, we provide a response to the following issues raised as discussed with Catylis on 8 January 2008:

1 Gwandalan

1.1 Recommendation by Department of Environment and Climate Change (DECC) on modification of Strangers Gully Boundary

DECC provided comments to the DoP, dated 2 December 2008 in regards to the modified Concept Plan for Gwandalan and the Preferred Project Report. These comments resulted in a recommendation by DECC that the development/conservation area boundary be amended to provide greater protection to Strangers Gully including the stand of Coastal Wet Sand Cyperoid Heath. The recommended boundary modification was identified by DECC and it was further noted that to ensure that no loss of lot yield / development area occurs, it was stated that the potential development of the "Bushland Exploration Park" in the north of the site would be considered.

In response to DECC's recommendations, C&A has modified the scheme as per the boundary modification identified by DECC such that the stand of Coastal Wet Sand Cyperoid Heath will be maintained. DECC has reviewed the amended plan and advised on the 27 January 2009 via email to Catylis that the amended design provides an appropriate level of protection for the Cyperoid Heath and is satisfied that the issues raised by DECC and DoP have been met.

The submitted plans have been prepared by AJC and are numbered A1.2.1 & A1.3.1 and are submitted under **Attachment 1**.

This modification has resulted in a reduced development area but entails the reconfiguration of several blocks in the south east area, involving reduction in lot sizes plus the provision of a 5 new lots in the northern area in the previous "Bushland Exploration Park", as per DECC's comments. The reconfigured subdivision maintains 623 dwelling units as per the PPR scheme.

The statistics are as follows:

Statistic	Revised PPR Concept Plan	PPR Concept Plan	Initial Concept Plan
Development Area	62.24 ha	63.29 ha	80 ha
Conservation Area	205.75ha	204.7ha	192 ha
Lot / Dwelling	623 dwelling units	623 dwelling units	700 dwelling units

2 Catherine Hill Bay (Middle Camp)

2.1 Noise impacts to Flowers Drive as a result of the deletion of the bypass road

A noise assessment has been carried out by Renzo Tonin & Associates and is submitted under **Attachment 2**. This noise assessment was undertaken to demonstrate the noise impacts generated by traffic from both the Coal and Allied development and the Rose Group development upon residential properties along Flowers Drive, as a result of the deletion of the bypass road.

The noise assessment has been based upon revised traffic forecasts on Flowers Drive by Hyder Consulting, taking into account seasonal factors and applying a 40 kph speed limit and implementation of Local Area Traffic Management Measures on Flowers Drive. Refer to **Attachment 3**.

Potential noise impacts upon residential properties is assessed to comply with the relevant criteria stipulated in the NSW Environmental Criteria for Road Traffic Noise for both the day and night periods. In this respect, no noise mitigation measures are required for existing residences on Flowers Drive.

2.2 SEPP 14

C&A acknowledges the proposed boundaries that will define the area to be classified as SEPP 14 Wetland. The boundaries do not impact the development areas in the Concept Plan for Middle Camp other than a few lots are within 100 meters of the proposed Wetland boundary. As previously advised to DoP C&A does not agree with sections of the proposed Wetland in the north and to the east although neither of these areas impact the C&A Concept Plan

3 Nords Wharf

3.1 Crown Road

Correspondence from the Department of Lands (DoL), dated 21 January 2009 is submitted under **Attachment 4**. The attached letter states DoL's position that they would seek to transfer the areas of Crown road at Gwandalan and Nords Wharf to Wyong Council and Lake Macquarie Council respectively.

It is noted that the concept plans for Gwandalan and Nords Wharf do not propose any changes to the status of the land, that is the areas are already public road and the concept plan proposes that they remain public road.

The roads constructed within the Crown road reserves will be dedicated to the relevant council as will all other roads within the proposed development, which will be further addressed as part of the Project Application for each development stage.

3.2 Scouts

C&A will take action in accordance with the existing occupation licence relating to the land that will be dedicated for conservation. Negotiations with the Scouts have been ongoing for a couple of years in an effort to find satisfactory alternate accommodation.

4 Revised Zoning maps and SSS Listing

Revised zoning maps have been prepared for all 3 southern lands sites to reflect the PPR schemes. Other key amendments include:

- The zoning plans identify a proposed zone of R2 to apply to all developable areas, as requested by Alan Bright of the DoP and include an “Additional Permitted Land Uses” map for the integrated housing for each estate and seniors housing in Gwandalan.
- Addition of E2 zone for Catherine Hill Bay to apply to the land to be dedicated to Lake Macquarie Council and the land as required by DoP (carpark/beach frontage and land west of the CHB township)
- Addition of E3 zone for all sites to apply to the easements required in the proposed conservation lands.

We note that the revised SSS Listing provides for the adoption of State Environmental Planning Policy 2008 Exempt and Complying Development for future development (SEPP 2008). We note that the SSS listing for Catherine Hill Bay does not adopt all provisions of the SEPP 2008, namely the “new single storey and two storey dwelling houses”, such that new dwellings will require development consent.

We wish to draw attention that the legal drafting of the SSS statutory instruments will need to include a clause that enables the adoption of the SEPP 2008 as currently, the SEPP includes certain exclusions such as a bushfire prone land and land affected by acid sulphate soils. We also seek to ensure the instrument is drafted to enable the exempt and complying development, despite the heritage conservation area status under the Lake Macquarie Local Environmental Plan 2004. It is noted that proposed new dwellings in Catherine Hill Bay are not proposed to be subject to the exempt and complying provisions and will therefore require development consent.

Refer to **Attachment 5**.

5 Asset Protection Zones

Comments made by the NSW RFS relating to the prescribed APZ's within the initial Bushfire Threat Assessment and subsequent addendum Bushfire Threat Assessment, have been duly considered. Appropriate amendments to building construction levels, APZ assessment and access/ egress have been made based on the RFS feedback. We offer the following additional comments:

- APZ's as outlined within the aforementioned reports have been assessed per PBP 2006 and/or the RFS calculator
- Slope and aspect have been measured per PBP 2006
- All maps are to scale and have a north arrow and scale bar presented
- All development estates will be constructed in stages, thus temporary APZ's and provision of defensible space per PBP 2006 will be made.

6 Deed

The next meeting with DoP to agree on the terms of the Deed has been set for 4th March 2009.

7 Building Heights & Heritage (CHB) Mapping

Building heights mapping has been completed for all three estates and is included at **Attachment 6**.

The heritage houses that will be retained at Catherine Hill Bay (Middle Camp) have also been mapped in GIS format and included at **Attachment 7**

8 Gwandalan Mining – Peabody

In response to C&A's Concept Plan application for the Gwandalan site the Department of Primary Industries (DPI) made a submission to DoP dated 4th Feb 2008. In that submission the DPI "recommended that the proponent negotiate with the title holder in order to minimize (sic) impacts on access for mining activities."

C&A committed to ongoing consultation with the title holder (Lake Coal) as part of the Response to Submissions contained in the Preferred Project Report dated September 2008.

A meeting was held on 24th October 2008 which was attended by representatives of the DoP, the DPI, C&A and Lake Coal to discuss this matter in more detail.

A further meeting between C&A and Lake Coal was held on 23rd December 2008. At that meeting it was generally agreed by the parties that C&A would provide for partial extraction mining to be a permissible use within the proposed R2 – Low Density Residential Zone and that Lake Coal would seek that mining is a permissible use within the zoning of the proposed conservation lands.

C&A has amended the draft SSS listing to make provision for partial extraction mining in the R2 – Low Density Residential Zone and advised Lake Coal to commence discussions with DECC regarding future mining beneath the proposed E1 zoned land. C&A has also advised DECC of the outcome of the meeting on 23rd December 2008.

Refer to letter sent to DoP submitted in **Attachment 8** for further details.

9 Section 94 & Coal & Allied Contributions

Included at **Attachment 9** is a completed schedule of Contributions for both Section 94 and the proposed C&A Contribution of \$5.00Mill spread over the three estates. The attached schedule is that issued by DoP amended and separated into two worksheets.

Attachment 9 also includes updated Statements of Commitments that reflect the schedule of contributions.

10 EPBC / DEWHA

Following the advertising period of the initial referral DEWHA advised on 22nd September 2008 they had determined that development of the three estates is to be a controlled action. Additional preliminary information was requested by DEWHA. All additional preliminary information has been provided to DEWHA for final assessment and release for public exhibition. The information will be advertised for 20 business days which commenced on 16 February 2009.

11 Revised Land Transfer Plans

Updated land transfer plans by Monteath & Powys Pty Ltd are submitted for all three Southern estate sites. Refer to **Attachment 10**.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "Audrey Chee". The signature is fluid and cursive, with a long horizontal stroke at the end.

Audrey Chee
Senior Planner