


Catherine Hill Bay Progress Association and Dune Care Inc.

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Secretary:	

The Secretary
Standing Committee on Climate Change, Water, Environment & the Arts
House of Representatives
Parliament House
PO Box 6021
Canberra ACT 2600

5 June 2008

Dear Madam/Sir,

RE: INQUIRY INTO CLIMATE CHANGE AND ENVIRONMENTAL IMPACTS ON COASTAL COMMUNITIES

This is a submission by the Catherine Hill Bay Progress Association and Dune Care Inc. on behalf of the Catherine Hill Bay community. We present Catherine Hill Bay as a case study that illustrates the need to appropriately manage our coastal environment and heritage by protecting and building upon the past 40 years of environmental conservation work. We call on committee members to act to ensure that one of the cultural and natural treasures on the NSW coastline between Sydney and Newcastle be protected from over-development for future generations to enjoy and cherish.

Today, two developers – Rosecorp and Coal & Allied (part of Rio Tinto) – plan to independently build more than 900 houses in the historic township of Catherine Hill Bay. (Please find attached photos of the proposed developments.) The NSW Minister for Planning, Frank Sartor, is expected to approve these development proposals. A decision on the Rosecorp plan for 600 houses is expected within weeks.

In its submissions to the Department of Planning, the Catherine Hill Bay Progress Association pointed out that neither the Rosecorp nor the Rio Tinto development proposals met the requirements of the NSW Coastal Policy 1997 (SEPP 71) or the NSW Coastal Guidelines. These policy guidelines were legislated to ensure that “development in the NSW coastal zone is appropriate and suitably located”.

Furthermore, the Catherine Hill Bay Progress Association pointed out that in allowing these developments to proceed, the Government went against the environmental assessments and technical advice of its own Department of Planning (which recommended that no development should occur in the area). In a study undertaken by the Newcastle Regional Office of the Department of Planning, which identified 91 areas where development could occur and rated these in relation to environmental sensitivity, nearness to transport, water and existing infrastructure, Catherine Hill Bay was rated second last.

What is happening in Catherine Hill Bay is a microcosm of the issues that exist on the entire east coast of New South Wales. This situation needs urgent intervention as the mounting political, environmental and population pressures further erode the policies and guidelines that are meant to protect our coastal areas. If the development proposals for Catherine Hill Bay were to proceed, it would set a precedent. From then on the entire coast of New South Wales will also be at risk.

Where are we?

Catherine Hill Bay is unique. It is a coastal village of about 100 houses, approximately 100km north of Sydney on the Wallarah Peninsula, which lies between Lake Macquarie and the Pacific Ocean. The intact heritage village comprises two tiny settlements about 1km apart. The settlement consists mostly of modest timber cottages dating from the late 19th and early 20th centuries and remnant infrastructure from almost 140 years of coal mining. It is set in a natural landscape of bush and heath beside the Pacific Ocean. The environmental and heritage significance is considered to be of such value that the National Trust (NSW) has nominated Catherine Hill Bay be placed on the National Heritage list.

'Catho' is a place well loved and well used by many. With its surf beach, fishing spots, picturesque cottages and jetty all surrounded by wooded hills, it is a recreational haven, as well as being an area of 'high conservation value'. Many of the old miners' cottages are available for holiday rental, while the Catho pub, bowling club and SLSC are all popular weekend destinations for locals and visitors from as far as Newcastle and Sydney. School groups regularly visit to study history, geography and marine biology.

Coastal policy

Over the last 20 years the pressure on our coast has been of substantial concern to successive State Governments and a number of State policies and guidelines have been established to address this.

The 1997 Coastal Policy recognised the significance of the NSW coastline and in response to the development pressures that threatened to destroy these areas enlarged the coastal zone, increased the focus on the planning of new development and committed to the principles of an ecologically sustainable coast.

However these principles and policies have come under pressure due to amendments to NSW planning legislation. The most notorious example of this is the Part 3A of the Land and Environmental Planning and Assessment Act, an amendment which allows the government to grant development on land where minimal development rights currently exist. As a consequence of Part 3A, the integrity and application of Coastal Policy and other planning policies elsewhere on the NSW Coast is threatened. Although much of the Catherine Hill Bay area was not zoned for development, and was in fact considered of such significance that it had been identified via land use zoning for coastal acquisition and conservation, permission to develop was granted under part 3A.

The quantum and type of development now proposed at Catherine Hill Bay is contrary to the current zonings under the Lake Macquarie City Council Local Environment Plan (LEP) 2004. The existing zonings provide a conservation outcome, headland protection, public access, heritage protection and very modest development outcomes. The LEP deemed that the maximum development potential for the entire Catherine Hill Bay area to be around 100 new dwellings. This LEP was endorsed and gazetted by the NSW Government.

(Please see Attachment 2, a comprehensive chronology of the attempts by previous successive State Governments and the Lake Macquarie City Council to protect the Wallarah Peninsula and Catherine Hill Bay from inappropriate development and to create a green buffer zone between Newcastle and the Central Coast.)

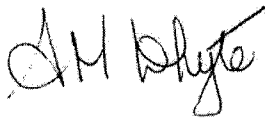
Community voice

The Progress Association has represented the interests of Catherine Hill Bay since its formation in 1901, and has 146 members currently. It has surveyed the community's views and aspirations for the Bay every four years since 1994. The surveys guide our policies and actions.

The Progress Association supports sustainable development of coastal resources. By this we mean development that takes into account the needs of people, land, environment (flora and fauna) and heritage. Our association incorporates Dune Care Inc, whose volunteers continue to repair and maintain coastal habitats around Catherine Hill Bay.

The community supports the further development of low-impact tourism and/or high-quality sustainable housing, and believes that Catherine Hill Bay has great eco-tourism, heritage and educational potential. At present, because the majority of land in the area is owned by Rosecorp and Rio Tinto (both of whom propose to build new housing), sustainable land use options have been pushed to the sideline. The Progress Association has never been opposed to sustainable and appropriate development in the area, especially if it is designed in concert with the community – those who live in and know the local environment well.

Yours faithfully,

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

Sue Whyte
President

Attachment 1: Artists impression of Rose Group & Coal & Allied development footprints

Note the image below shows the combined footprint of both the Rose Group and Coal & Allied proposed developments on the existing Catherine Hill Bay village.



The top half of the image above shows the Coal & Allied footprint, and the lower half shows the Rose Group footprint. It shows clearly how the existing heritage ribbon development coal company town will be swamped by these proposed developments.

Photo sources: CHB Progress Association.

**Attachment 2: Chronology of planning
protection 1969 – present**

Wallarah Peninsula

CHRONOLOGY

1969 – 1975: YEARS OF VISION

1969 State Park proposal for South-east Lake Macquarie (compiled at the instigation of the Minister for Lands by Hunter-Manning National Parks Assoc) recommends a “State Park” in the area from Lake Munmorah to Swansea, from Lake Macquarie to the coast, and west to include Point Wolstoncroft and Pulbah Island.

1972 “Hunter 2000” report by the National Trust identifies the area from Swansea to Nords Wharf and Frazer Park as Open Space of Regional Significance.

1972 “Prelude to a Plan – Hunter Region Growth and Change” (Hunter Region Planning Committee) set the scene to prepare the Hunter Environmental Plan No 1 (1980).

1975 – Dept. of Environment of Planning identifies significant areas on the Central Coast for acquisition as part of a regional open space acquisition program.

1977 – “Gosford-Wyong Structure Plan” prepared by the Department of Environment, identified areas of environmental significance for inclusion within conservation zonings and foreshadowed major growth in the Warnervale area, south-west of the Wallarah Peninsula.

1976 – 1980: YEARS OF PREPARATION

1976 Wran Government asserts “increasing emphasis on regional planning and development control in the Hunter Region.”

1977 “Hunter Region – Problems and Proposals” (Hunter Region Planning Committee) identifies southern area of Lake Macquarie and the “east Lake Macquarie peninsula” as having outstanding significance and opportunity for conservation. It identifies “visual quality” as a major planning issue.

1978 Discussion Paper No 3: “Draft Planning Proposals” identifies a number of objectives for the regional environmental plan, including Objective 16 to protect areas of high landscape value and natural areas for conservation. It identifies sections of the coastline and Lake Macquarie foreshore and the Watagan Mountains. **It gives full support for an Inter-City Environmental Zone between Lake Macquarie and Wyong, and says the recommendations and proposals contained in Hunter 2000 should be fully supported.**

1978 Working Paper No 3: “Green Corridors – How and Why” identifies Lake Macquarie and the coast “including the eastern part of Wallarah Peninsula” as a “regional landscape unit”.

1980 – 1983: THE PLANNING YEARS

1980 Draft Hunter Valley Environmental Plan No 1 (gazetted 1982).

The Plan's strategic requirements include

71. Take into account in the preparation of local environmental plans and in determining development applications the findings of the **Lower Hunter Landscape Improvement Study**.

77. An Inter-City Environmental Zone south of Wangi and Swansea, should be established with development prohibited which would prejudice the function of the zone as a buffer between the Lower Hunter and Wyong urban areas.

79. Using the National Trust "**Hunter 2000**" report as a guide, zone appropriate lands "Rural Environmental Protection (Scenic)" and apply controls over development appropriate to their preservation and enhancement.

81. Refers to the protection of heritage buildings and places. (All of the Wallarah Peninsula east of the Pacific Highway in Lake Macquarie City LGA is included in a Heritage Conservation Area in the Lake Macquarie LEP 2002 draft).

1980 Lower Hunter Landscape Protection and Improvement Study commences, "with emphasis placed on broad areas recognised as having particular qualities...It provides a framework for practical landscape improvements based on a logical analysis of the existing situation including, topography, vegetation and visual values on a sub-regional scale."

1982 Department of Environment and Planning background paper on the department's activities in the Hunter Region to October 1982.

1982 Heritage protection for Catherine Hill Bay discussed by Lake Macquarie Council, with a recommendation that the Planning Department and Heritage Council become involved in a study "into Catherine Hill Bay and adjacent lands" for the preservation of its heritage significance.

1983 NSW Heritage Council's planning consultant addresses Lake Macquarie Council on Catherine Hill Bay's value as "one of the most outstanding examples of a mining village in Australia." **Council decides that undeveloped land around Catherine Hill Bay township be rezoned to Environmental Protection and Open Space Regional.**

1983 Lower Hunter Landscape and Protection and Improvement Study identifies Wallarah Peninsula as having high priority for preservation.

1984 – 1993 DECADE OF IMPLEMENTATION

1984 Lake Macquarie Local Environmental Plan completed to reflect the values of the Hunter Region Environmental Plan 1982. It identifies all of the Peninsula except for the urban area immediately south of the Caves Beach as an Environmental Protection Zone.

1984 “Hunter Region Landscapes – Conservation of Natural Areas, Parks and Reserves of Regional Significance, Rural Landscapes and Coastal Zones.” (Prepared by the National Trust, following the Hunter Region Environmental Plan No 1). **The report proposes that virtually the whole of the Wallarah North, a development currently under consideration by Council be a State Recreation Area.** It continued: **“Further natural areas to the south between the ocean and Lake Macquarie should be investigated to determine the possibility of including them in this proposal or, alternatively adding them to the Munmorah State Recreation Area. This would create a continuous green belt between Munmorah and the built-up area south of Swansea.** On Coastal zones generally the report said: **“The coastal zone is one of the Hunter region’s greatest assets and the full length of the coast within the Region requires special measures to protect its landscape and other conservation values.”**

1987 Newcastle – Lake Macquarie Open Space Study (prepared by Newcastle and Lake Macquarie Councils) identifies the coastal strip between Caves Beach and Catherine Hill Bay as potential regional open space.

1987 “Environmental Impact Statement – Expansion of Catherin Hill Bay Coal Preparation Plant” – Coal and Allied Operations Pty Ltd, which owns most of the peninsula between Swansea and Munmorah State Recreation Reserve. The EIS is unequivocal about the nature, value and future of the land once mining ends:

- a. the land is considered to be valuable open space**
- b. it is strategically important to retain the rural and undeveloped character of the land**
- c. Future land use: “On completion of filling operations and surface rehabilitation, the emplacement areas will be managed to become part of the open space and natural areas surrounding Catherin Hill Bay in accordance with planning objectives for the Region in Hunter Valley Regional Environmental Plan No 1 and the existing (Lake Macquarie) Local Environment Plan Zoning.”**

1987 – Draft Sydney Regional Environmental Plan (Wyong Development areas and Coal Mining) (Dept. of Environment and Planning): although not formally adopted it was used, in the absence of a more comprehensive regional plan, as the basis for broad planning decisions in Wyong Shire.

1989 Draft Hunter Region Environmental Plan No 2 suggests that the Department of Planning, in consultation with Lake Macquarie and Wyong Council, will further “investigate the feasibility of maintaining a buffer zone between the urban areas in the Lower Hunter sub-region and Wyong Shire.” A Heritage Study for the REP identifies Catherine Hill Bay as one of three priority Conservation Areas within Lake Macquarie.

1990 Lake Macquarie Foreshore Park Proposal by The United Residents Group for the Environment of Lake Macquarie proposes an integrated park system for Lake Macquarie.

1991 Wyong Shire Council Environmental Plan zones colliery-owned land west of Munmorah State Recreation Area for high conservation value.

1992 Updating the metropolitan strategy – consultation with interest groups Lower Hunter and Central Coast (Bruce Callaghan and Associates for the Department of Planning): The consultation identified environmental preservation as the first principle of planning. The Workshop developed this Vision for urban structure and form: “retain and enrich regional identity of both Hunter and Central Coast (as distinct regions); development should be concentrated around existing centres (avoid amorphous sprawl).

1993 Lake Macquarie Heritage Study (Suters, Turner and Doring). The study identified heritage items and ranked their importance; it also recommended extension of the existing Conservation Area at Catherine Hill Bay.

1993 Lake Macquarie Recreation and Open Space Plan Community Workshop to canvass interests and concerns in the community before undertaking the plan. Major issues were identified as

- population growth would put pressure on existing open space/recreation resources, requiring strategies to meet future needs.
- protection of the environment; retain existing natural bushland and wetlands
- on-going need for community consultation

1994 – 2003 DECADE OF CONFIRMATION

1994 Pinny Beach Local Environmental Study (Gutteridge Haskins and Davey) for a large residential development on a former colliery holding on the Wallarah Peninsula, extending south-west from Caves Beach to Lake Macquarie, and along the coast. The proposal drew extended community protest and Council resistance. This reaction led directly to Council’s commissioning the Wallarah South Strategic Issues Study, and other additional technical studies.

1995 Wallarah South Strategic Issues Study (GHD) is an overview of the existing environment and a discussion of the linkages between north and south Wallarah. **It concludes (inter alia)**

a. Wallarah South would primarily be suited to conservation, enabling the protection of the flora and fauna, the visual landscape and the coastal landforms...

b. The potential for further vegetation and wildlife corridor linkages with the proposed Wattagans/Munmorah Environmental Link within Wyong LGA presents a unique opportunity to safeguard the future of the rare and endangered species and communities of the region and to provide a truly unique visual and recreational asset.”

1995 “Greater Metropolitan Study: Cities for the 21st Century”

(Department of Urban Affairs and Planning) is a strategic planning document which gives a key role to open space management in maintaining separate regional identities, conserving ecological values and providing for recreational needs. Among its strategic principles are the following:

- a. to retain the separate and unique physical and community characteristics of each urban area.
- b. to establish and enhance green corridors between each urban area and to ensure a continuous conurbation does not develop
- c. to control the location, scale and character of urban expansion and urban support activities so that the impacts on the environmental quality of the region are minimised.

The strategy identified Warnervale as a major component of the Gosford-Wyong Strategic Plan.

1995 Pinny Beach Fauna Study (including Wallarah Peninsula South)

Identifies a number of protected species in the area that are absent or uncommon in Lake Macquarie’s more urbanised areas. These include four bird species, five species of small to medium size terrestrial mammals, three species of large macropods, four bat species, eight reptiles and four frog species. Nine species of endangered fauna were recorded in the study area. The report makes specific recommendations for the Pinny Beach proposed development area.

1995 LMCC report on public workshops and submissions on the Pinny Beach LEP and Wallarah South Strategic issues Study shows overwhelming community concern over the proposed development and support for conservation values and policies.

1996 Review of Pinny Beach and the future of Wallarah South. (Report to Lake Macquarie City Council 8/10/96 reviewing the history of the Pinny Beach development, failure of the developer, Council planning requirements, Government policy and Planning Department strategic requirements).

a. Government Policy: *“Large areas of the Wallarah Peninsula are relatively undisturbed by human activity. The Peninsula also has special scenic value due to its location between ocean and Lake Macquarie. The locality has the potential to play a role as a natural barrier between the expanding Lower Hunter and Central Coast urban areas. ...In relation to (Walarah South)... the Government will not support development likely to compromise its natural visual qualities.*

“During October 1995... I wrote to Wyong Shire Council requesting a review of existing environmental protection zonings In this sensitive coastal area to ensure that environmental protection objectives are achieved and that the area is not degraded by extensive and inappropriate development. I request that your Council conduct a similar review. Preferably in conjunction with Wyong Shire Council, to ensure that consistent conservation and scenic protection policies are implemented throughout the Peninsula.” – Craig Knowles, Minister for Urban Affairs and Planning, April 1996.

b. DUAP strategic overview: "Strategic Review of Coastal Development Wallarah Peninsula" (Department of Urban Affairs and Planning):

Zone to provide clear definition between the Central Coast Region and the Lower Hunter, focuses on the Wallarah Peninsula in its application within the coastal area. (A report in 1989) concluded that a combination of public ownership of land and appropriate non-urban zoning of privately owned lands would provide the buffer between development areas within the two regions...

The two local environmental plans (Lake Macquarie LEP 1984 and Wyong LEP 1991) contain provisions which recognise the importance of the environmental character and role of the area...

A report to Lake Macquarie Council in December 1995... "assessed the findings of the Environment Study, the South Wallarah Peninsula Strategic Issues Study, and the Fauna Study... The assessment indicates that these studies confirm the important environmental character of the area, and therefore its appropriateness as part of an inner city environmental zone.

DUAP's strategic overview also made these points:

Strategic Biological Conservation Value: *"It is evident (from specialist studies) that large portions of the area are in relatively good ecological condition when compared to other coastal localities. The lack of disturbance*

Activities has enabled the flora and fauna characteristics to be maintained in near natural state, and as a result the area is of greater value for biological conservation than other coastal localities. The size and isolated character of the area enhances its ability to survive in its relatively natural state with minimal management. The area also provides a substantial link between the natural areas to the north and south, providing for wildlife movement and vegetation viability from Swansea to the Lake Munmorah State Recreation Area.

Coastal Value: *"The major portion of land identified (for public acquisition) has already been acquired, and together with the remaining 70 hectares still to be acquired, represents a regionally significant natural resource."*

Landscape Value: *"Various landscape studies have documented the area's visual environment, and demonstrated that the visual amenity is of high visual significance because of the natural character of the landscape, reflected by its various vegetation communities. Ridgelines which are common throughout the area are particularly prominent and make a major contribution to the visual environment. Similarly the underdeveloped coastal headlands are significant components of the visual landscape."*

DUAP's recommended strategies for the Peninsula include:

- 1. Lake Macquarie City Council and Wyong Shire Council provide a consistent "Conservation" zone over the non-urban lands on the Wallarah Peninsula and adjoining Lake Munmorah State Recreation Area so as to provide maximum protection to these lands which, together with Government owned lands, constitute the major portion of the Inter City Environmental Zone along the coast.**
- 2. Councils advised that it would be unlikely for the Director-General to issue a Section 65 certificate for any local environmental plan proposing to extend urban development beyond the areas already zoned for such development in this locality.**

National Parks and Wildlife Service noted that a fauna study commissioned by Lake Macquarie City Council in 1995 “includes the Wallarah Peninsula south of Pinny Beach. *However, due to the interrelationship between the two areas and the occurrence of similar habitat types, with the exception that particular habitat types may be more represented within one area, the Service is of the opinion that the results provide an adequate indication of the faunal diversity of the subject area...*” The Service’s advice goes on to summarise the fauna study’s findings:

The vegetation communities .. form a mosaic of habitats which in turn support a high faunal diversity including a minimum of 114 vertebrate ssp (69 birds, 32 mammals, 8 reptiles and 5 frogs).

Nine species of threatened species fauna recorded

Of these seven species are regarded as being regionally significant populations.

Loss or modification of this and adjoining habitat will significantly impact upon local populations of resident or migratory fauna dependant on this habitat.

1996 Lake Macquarie Coastline Management Study (LMCC) produced a detailed overview of the Lake Macquarie Coastline directly affected by coastal processes and of adjoining areas that are intrinsically linked through hydrological, ecological, geological, cultural, recreational and visual attributes. This work was further developed and updated in the Lake Macquarie Coastline Management Plan (1999)

1996 – 97 Heritage Assessment Conservation Plan (prepared for Lake Macquarie Council by Architectural Projects) presents a detailed history of Catherine Hill Bay, analyses the general landscape and built form, discusses and assesses cultural significance, reviews constraints and suggests policies for the heritage protection of Catherine Hill Bay.

1997 Coastal Policy, strengthened the Coastal Council, enlarged the coastal zone and gave new attention to the planning of new development, and to principles of an ecologically sustainable coast.

1997 Gazettal of heritage listings and conservation area at Catherine Hill Bay, and community workshops to develop conservation guidelines to retain the character of the built and natural environment.

1997 Lake Macquarie Estuary Management Plan (LMCC, Land and Water Conservation and WBM Oceanics). The plan identifies environmental and planning issues and options for their management. Among the issues are foreshore erosion and excessive sedimentation o the Wallarah Peninsula in Crangan Bay, in the vicinity of Nords Wharf.

1999 Lake Macquarie Task Force – Integrated Estuary and Catchment Management Framework. The NSW Premier established the Task Force in 1998 to review the Lake Macquarie estuary Management Plan and recommend a priority management plan. On Land Use Planning the Task Force report:

“Lake Macquarie is, and will remain, the most populous local council area in the Lower Hunter ... The urban design at the northern end of the Lake makes it difficult to rehabilitate the landform in a manner that allows compatibility between the littoral vegetation and nearshore marine flora

and fauna. ...The southern, south eastern and south wester areas of the Lake catchment offer an opportunity to more effectively implement an urban design which is compatible with the long term sustainability of the Lake....Such urban design objectives should be addressed by Local and State governments to ensure that the mistakes of the north in the past are not visited on future generations by a more knowledgeable government community.

1999 Lake Macquarie Coastline Management Plan (LMCC) used the NSW Coastal Policy (1997) as a framework for its findings, utilising its Goals to give direction and form to the plan's application in Lake Macquarie. Of the Wallarah Peninsula coastal area near Catherine Hill Bay, it said "careful consideration of the appearance of this unique area of the NSW Coastline is

Required to maintain and enhance its present attractions in the event of significant development occurring in this area. Visual quality issues are an important factor in maintaining the value of this significant cultural landscape."

On heritage: "The Catherine Hill Bay Conservation Area as a whole was assessed as having a "high" level of significance at the State level and a "high" and "very high" at the Regional and Local levels respectively. These are among the highest levels accorded to items in the Lake Macquarie Heritage Study and require careful consideration in framing management actions in the hazard zone."

On coal mining: "At present it is understood that coal operations will continue at the site for approximately the next 30 years however this may be reduced if it becomes no longer economically viable to mine coal at the site." (Coal mining ceased three years later in 2002.)

On ecological significance: "Middle Camp Lagoon and Middle Camp Gully.. are recognised as having ecological significance....the lagoon and wetland sedgeland areas. The existence of these categories of coastal wetland indicate that Middle Camp Lagoon wetland complex should be gazetted at SEPP 14 wetland."

Two Plans of Management have been produced for the coastal area by Lake Macquarie Council, for the southern end in 2000, and the northern end in 2002.

1999 "Shaping the Central Coast" (Wyong Shire Council, Gosford City Council, DUAP and other authorise worked together to elaborate on the broad objectives of the 1977 Gosford-Wyong). The document seeks to promote sustainable future development for the Central Coast region, including an inter-regional buffer system (i.e. open space) through the northern areas of Wyong Shire between Lake Munmorah and Lake Macquarie (the Wallarah Peninsula).

1999 Lensworth Local Environment Study for North Wallarah.

2000 North Wallarah Proejct – Conservation and Land Management Plan.

2000 Lake Macquarie Tetratheca Juncea Conservation Management Plan

(Robert Payne for LMCC)

2001 Coastal Protection Policy announced by Premier

2001 Wyong Council Interim Conservation Areas (Draft DCP No 13)

2001 Coastal Design Guidelines – NSW Coastal Council

2002 “Shaping the Central Coast Action Plan” a the key strategy of which is “investing in the natural environment”

2002 Warnervale District Planning Strategy foreshadowed the development of Warnervale as a district centre.

2002 Wyong Residential Development Strategy provides for residential development in the Shire to proceed in accordance with growth needs and the over-arching strategies contained in earlier reports, including Shaping our Cities.

2002 Wyong Council Draft Conservation Strategy (August 2003) is an exhaustive review of the Shire’s ecological and environmental resources. It contains a draft Local Environment Plan which proposes a new Zoning: 7(h) Primary Conservation Areas, which encompasses vegetation communities that are of the highest conservation significance in Wyong Shire. 7(h) is proposed to apply to the area across the northern part of the Shire, including relevant parts of the Wallarah Peninsula west around Crangan Bay.

2002 Coastal Protection Amendment Bill/ SEPP 71

2002 Draft Lake Macquarie LEP: high conservation values for the Wallarah Peninsula, enlarged Heritage Conservation area around Catherine Hill Bay.

2002: Coal mining ceases at Catherine Hill Bay; land adjacent to Munmorah State Conservation Area sold to a development.

2002 Wallarah peninsula Alliance (30 community and environmental groups) formed to protect the Peninsula from development.

2003 Wallarah North development Master Plan. The Ecological Site Management Plan component discusses the regional significance of the North Wallarah National Park included in the development area:

“The non-sedentary nature of the fauna complicates management initiatives as the species are subject to influences beyond the site’s boundaries...”

“Successful conservation of the fauna at Wallarah Peninsula is therefore likely to be somewhat dependant on the provision of habitat beyond the (development) site’s boundaries in areas like the Munmorah State Conservation Area and the areas of remnant bushland to the North-west.”

2003 Community Survey at Catherine Hill Bay shows 98% of respondents want bushland on the Peninsula administered by NPWS, and 96% support its inclusion in Munmorah State Conservation area.

2003 - onwards DEVELOPMENT PROPOSALS

Rosecorp purchases 365ha of land from COAL Operations Australia and BHP Billiton

2004 Swansea RSL/Rosecorp lodge DA with Lake Macquarie City Council

June/July 2004 Development application rejected by LMCC on grounds that it failed to satisfy Schedule 1 of the Environmental Planning & Assessment Regulation 2000 (failed to provide minimum information specified in the legislation).

August/September 2004 Swansea RSL/Rosecorp lodge Development Application No 4467/2004 with LMCC

October 2004 Stop the clock issued by LMCC requesting amongst other things the need to submit a more detailed Social Impact Assessment Report

January 2005 Additional information received and DA re-exhibited to the community

March 2005 Deemed refusal lodged by Swansea RSL/Rosecorp in Land & Environment Court against LMCC

July 2005 LMCC formally refuses DA 4467/2004

July 2006 Land & Environment Court refuses DA on permissibility grounds. Judge Talbot concludes that "an integral part of the whole development is prohibited [and thus] the application is a nullity and cannot be considered."

Rosecorp lodge an appeal in the Court of Appeal against this decision.

January 2006 NSW Government's Draft Lower Hunter Regional Strategy is put on public exhibition. Draft Strategy proposes to protect heritage, villages and small towns.

2006 Publicly available documents record advice from Senior Department of Planning staff that Catherine Hill Bay is not suitable for development. The May 2006 Draft Cabinet Report titled *Review of Major Hunter Landholders Development and Conservation Proposals* reviews the proposal from C&A (and others) for development potential on their lands. "The Wallarah Peninsula is rich in biodiversity, as well as providing keystone conservation landscape that link two sets of coastal habitat (littoral and estuarine). The proposed development areas expand on the existing settlements of Catherine Hill Bay, Moonee, Nords Wharf and Gwandalan. In the case of Catherine Hill Bay the proposed development dwarfs the existing coastal village....The development area proposed for Catherine Hill Bay are not appropriate to the scale or location of existing settlements...the Coal and Allied lands are of such significance that even without dedication the Department of environment and Conservation will seek acquisition using funds raised through infrastructure levies."

Negotiations between Minister Sartor and Rosecorp and between Minister Sartor and Coal and Allied commence.

16 October 2006 **Memorandum of Understanding between Minister Debus, Minister Sartor and Rosecorp is signed.** This proposes that the development potential of the Conservation and Coastal Acquisition-zoned Rosecorp land at Catherine Hill Bay is 60 ha / 600 dwellings.

17 October 2006 **Memorandum of Understanding between Minister Debus, Minister Sartor and Coal & Allied is signed.** This proposes that the development potential of the Conservation-zoned C&A land at Catherine Hill Bay is 50 ha / 300 dwellings.

October 2006 State Government launches Lower Hunter Regional Strategy. The strategy went from 'Draft' (without Catherine Hill Bay being identified for urban expansion) to 'Final' (without any further public consultation) to include parts of Catherine Hill Bay for urban expansion. Based on the numbers contained within the MoUs, the size of Catherine Hill Bay will increase from 100 dwellings to 1000 dwellings.

7 November 2006 **Rosecorp formally request Minister's authorisation to submit a Concept Plan under Part 3A and seek Director General's requirements.**

3 January 2007 **Rosecorp's application is advertised by the NSW Department of Planning.** Application proposes 600 dwellings, 152 tourism beds and 3000 sqm of commercial development for Catherine Hill Bay.