

Referral of proposed action

Project title

Catherine Hill Bay and Gwandalan urban subdivision

1 Contacts

-
- 1.1 **Referring party** Person, agent or agency who is making the referral
Ian McNicol
Senior Planner / project manager
Asquith & deWitt
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02 49785100
ian.m@asquithdewitt.com.au
-
- 1.2 **Responsible party** Person responsible for or who will carry out the proposed action.
If same as 1.1, write 'as above'
Bryan Rose
Director
Rosecorp Ltd
51 Riley St Woolloomooloo 2013
02 8204 1400
-
- 1.3 **Proponent** Person responsible for preparing assessment documentation, if approval is required. If same as 1.2, write 'as above'
As 1.1 above
-

2 Summary of proposed action

NOTE: You must attach an A4 size map/plan(s) showing the location and approximate boundaries of the area in which the project is to occur. The summary below should encompass any alternative locations, timeframes or activities that are listed in Section 3.2.

| 2.1 | Short description | <p>The proposal is over 2 sites, one at Catherine Hill Bay and one at Gwandalan. At Catherine Hill Bay a 600 lot subdivision and urban development is proposed on some 60 ha of land that was formerly the Moonee colliery, a coal preparation plant and coal storage areas. The Gwandalan site of 26 ha is a Wyong Council urban development precinct which is currently partly developed for residential purposes and on which some 300 lots are proposed. A significant part of the overall proposal is the dedication of land for conservation and community access to lake and ocean foreshores.</p> <p>See Attachment 1 maps and attachment 2 concept plan</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|----------------|--|--|----------------------------------|-----------|----------------|----------|--|--|-----------|--|--|---------|---------|---------|---------|---------|---------|---------|----|----|----|-----|----|----|-----------|----|----|----|-----|----|----|--|--|--|--|
| 2.2 | Latitude and longitude | <table border="1"> <thead> <tr> <th rowspan="2">location point</th> <th colspan="3">Latitude</th> <th colspan="3">Longitude</th> </tr> <tr> <th>degrees</th> <th>minutes</th> <th>seconds</th> <th>degrees</th> <th>minutes</th> <th>Seconds</th> </tr> </thead> <tbody> <tr> <td>C H Bay</td> <td>33</td> <td>09</td> <td>43</td> <td>151</td> <td>37</td> <td>38</td> </tr> <tr> <td>Gwandalan</td> <td>33</td> <td>07</td> <td>51</td> <td>151</td> <td>35</td> <td>08</td> </tr> </tbody> </table> | | | location point | Latitude | | | Longitude | | | degrees | minutes | seconds | degrees | minutes | Seconds | C H Bay | 33 | 09 | 43 | 151 | 37 | 38 | Gwandalan | 33 | 07 | 51 | 151 | 35 | 08 | <p>The location of the development areas are identified on the Attachment 3 Protected Matters search .</p> | | | |
| location point | Latitude | | | Longitude | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | degrees | minutes | seconds | degrees | minutes | Seconds | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| C H Bay | 33 | 09 | 43 | 151 | 37 | 38 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Gwandalan | 33 | 07 | 51 | 151 | 35 | 08 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2.3 | Locality | <p>Catherine Hill bay is a small village approximately 30km south of Newcastle city on the ocean foreshore. Gwandalan is a small town located on the southern foreshores of Lake Macquarie approximately 20 km north of Wyong</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2.4 | Size of the development footprint or work area (hectares) | <p>Total subdivision footprint is 86 ha being 60 ha at Catherine Hill Bay and 26 ha at Gwandalan</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2.5 | Street address of the site | <p>Montefiore St, Catherine Hill Bay</p> <p>Kanangra Drive, Gwandalan</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2.6 | Lot description | <p>Multiple lots, see schedule in Attachment 2 Concept plan introduction</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2.7 | Local Government Area and Council contact (if known) | <p>Lake Macquarie City Council and Wyong Shire Council</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2.8 | Project life | <p>Commence 2008 completion over 10 years</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2.9 | Alternatives | <input checked="" type="checkbox"/> | <p>No</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | <input type="checkbox"/> | <p>Yes, complete section 3.2</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2.10 | State assessment | <input type="checkbox"/> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | <input checked="" type="checkbox"/> | <p>Yes, complete Section 3.5</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2.11 | Component of larger action | <input checked="" type="checkbox"/> | <p>No</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

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| | | Yes, complete Section 3.6 |
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3 Detailed project description

NOTE: The proposal described here is the action(s) on which ALL subsequent decisions under the EPBC Act will be made, including decisions on significance, level of assessment (if needed) and approval (if needed). It is therefore important that the description is complete and includes all components and activities associated with the action, as well as any specific alternatives to be assessed. If certain related components are not intended to be included within the scope of the referral, this should be clearly explained in Section 3.6.

3.1 Description of proposal

The proposal is as outlined in attachment 2 concept plan. The concept plan provides a detailed overview of the development.

The proposal while providing for some 900 dwellings on some 86 ha of land also secures part of the long term policy aim of a green corridor on public land on the Wallarah peninsula.

The overall developments will occur in stages but the subdivisions proposed will be the initial works. These initial works will include the major works and infrastructure for the sites.

3.2 Alternative locations, time frames or activities that form part of the referred action

There are no alternative locations. The development is on the sites identified in a MoU between the land owners and the NSW government.

The development area at Catherine Hill Bay is mostly disused and degraded mining land. The subdivisions are proposed on land identified for urban development as part of regional strategic land use and conservation assessments by the NSW government. See Attachment 4 Lower Hunter Regional Strategy.

Completion time frames will be subject to demand. Major works associated with the proposal are likely to be completed in the early stages.

3.3 Previously considered alternatives and the 'do nothing' case

Previous alternatives have been put to approval bodies. The NSW government has identified the project as being of State significance being a key to ensuring regional conservation outcomes are secured.

The do nothing option does not secure the broader strategic or conservation outcomes of the Lower Hunter Regional Strategy.

3.4 Context, planning framework and state/local government requirements

See Attachment 4 Lower Hunter Regional Strategy.

Gwandalan has been an identified development precinct under Wyongs Residential Development Strategy since 1988.

Both sites are included in the Lower Hunter Regional Strategy for urban development. This strategy also identifies the proposed areas for public dedication as conservation areas.

The sites are to be rezoned for development by the NSW government as State Significant Site.

3.5 Environmental impact assessments under Commonwealth, state or territory legislation

The proposal is subject to environmental assessment under part 3A of the NSW Environmental Planning and Assessment Act 1979. Assessments will be conducted at concept plan and major project stages.

Public consultation has been undertaken as part of the concept development and as part of the concept plan environmental assessment. Further consultation will be part of a major project application.

3.6 A staged development or component of a larger project

NOTE: The Minister for the Environment and Water Resources may not accept a referred action that is a component of a larger action and may request the person proposing to take the action to refer the larger action for consideration under the EPBC Act (Section 74A, EPBC Act).

If you wish to make a referral for a staged or component referral, read 'Fact Sheet 6 Staged Developments/Split Referrals' and contact the EPBC Act Referrals Section (1800 803 772).

The complete project is outlined in Attachment 2 of this referral.

4 Affected environment

NOTE: You must attach a map(s)/plan(s) clearly showing the location of the action in relation to any matters of national environmental significance

4.1 Matters of national environmental significance

4.1 (a) World Heritage Properties

Nil

4.1 (b) National Heritage Places

Nil

4.1 (c) Wetlands of International Significance (Ramsar)

Nil

4.1 (d) Listed threatened species and ecological communities

The development areas have been subject to ecological constraints assessments and detailed flora and fauna surveys. Only one species listed under the EPBC has been found.

A Protected Matters search has identified a plant species that will be affected by the proposal. There are 3 plant species for which potential or marginal habitat is located on the Gwandalan site.

The habitat of one threatened plant species listed under the EPBC Act will be affected - *Tetratheca juncea*. on both the Gwandalan and Catherine Hill Bay sites. Flora surveys on the development, and surrounding areas, have established the extent of habitat.

The potential habitat of 2 orchid species is on the Gwandalan site, being *Cryptostylis hunteriana* and *Diuris praecox*. Targeted surveys of the potential habitat areas at Catherine Hill Bay did not locate these species.

See Attachment 5 which shows the extent of known *Tetratheca juncea* habitat relative to the development and conservation proposals.

4.1 (e) Listed migratory species

Nil - while the protected matters search found a significant number of migratory species for the locality none of these species or significant habitat was identified by site surveys.

4.1 (f) Nuclear actions

Nil

4.1 (g) Commonwealth marine areas

Nil

4.2 Important or unique aspects of the environment, if relevant

4.2 (a) Soil and vegetation characteristics

Soils on the Catherine Hill Bay site consist of weathered conglomerates, aeolian sand deposits, fill, some coal chitter and alluvium.

Soils on the Gwandalan site consist of alluvium, slope soils and residual soils.

Acid sulphate soils potentially occur on both sites where alluvium is located at or below 1 m AHD.

Vegetation community types at Catherine Hill Bay are:

- Coastal Headland Complex
- Coastal Sand Wallum heath
- Narrabeen Wallarah Sheltered Gully Forest
- Disturbed regrowth inconsistent with surrounding communities.

Vegetation communities at Gwandalan are:

- Established native garden
- Narrabeen Snappy Gum Forest
- Disturbed Open Woodland
- Narrabeen Coastal Sheltered Peppermint – Apple Forest

4.2 (b) Water flows, including rivers, creeks and impoundments

There are no permanent watercourses on the proposed development areas of either site. The development areas of both sites are only small drainage catchment areas. Dams and sediment ponds gather most of the runoff from both sites.

Moonee Creek runs to the south and east of proposed development areas at Catherine Hill Bay. The creek was dammed to provide water to the mining operations. Runoff to the creek is currently from areas outside former mining operations.

At Gwandalan, runoff from the school site has scoured a small channel. There is no associated riparian vegetation.

4.2 (c) Outstanding natural features, including caves

There are no outstanding natural features on the site. The site foreshores, both ocean and lake, are outside proposed development areas.

4.2 (d) Gradient

Proposed development areas are generally well within acceptable slope gradients.

Catherine Hill Bay has been extensively modified by mining operations, earthworks and fill. There are sea cliffs and headland areas outside the proposed development areas unsuitable for development.

The Gwandalan site slopes gently at around 3%, to the east, towards Lake Macquarie.

4.2 (e) Buildings or other infrastructure

Some mine infrastructure remains on the Catherine Hill bay site. One locally listed heritage building is located on the land and the Catherine Hill Bay Coal loading jetty, also a locally listed heritage item is on adjoining Crown land and extended just into the subject site.

A dwelling, managers residence and associated infrastructure such as sheds, dams, roads and paddocks occupy the Gwandalan site.

4.2 (f) Marine areas

Nil – the site boundary includes beach foreshore and headland areas to the mean high water mark but no development is proposed in these areas.

4.2 (g) Kinds of fauna

Extensive site surveys have found only limited fauna ranges on both sites due to habitat disturbance. The site fauna are detailed in the ecological constraints reports prepared for the sites.

4.2 (h) Current state of the environment

The proposed development area at Catherine Hill Bay is mostly former mine site in various stages of rehabilitation. The site has been subject to extensive earthworks, fill and disturbance. The majority of vegetation on the site is either regenerating or has suffered from weed invasions, mainly Bitou Bush. Extensive hardstand areas, roads and tracks remain on the site.

The Gwandalan site is approximately half bushland. The bushland areas while in reasonable condition have been disturbed by fire, access and by weed invasion of Bitou Bush.

There is no significant erosion on either site.

4.2 (i) Commonwealth Heritage Places and places on the Register of the National Estate

Nil

4.2 (j) Known Indigenous heritage values

Surveys and consultation have not identified any significant indigenous values on the proposed development areas of the sites.

4.2 (k) Other important or unique values of the environment

None known, however both sites adjoin NSW State Conservation Areas.

4.2 (l) Tenure of the action area (eg freehold, leasehold)

The proposed subdivisions will be freehold via Torrens or Community Title subdivision

4.2 (m) Existing land uses

Catherine Hill Bay,
dwellings, mine infrastructure including buildings, roads, rehabilitation, bushland buffer areas

Gwandalan
Foreshore dwelling, paddocks, boatshed, sheds, chapel, caretakers residence, roads, orchard, dams, bushland

4.2 (n) Proposed land uses

Urban subdivision and development as described in concept plan attachment 2

5 Nature and extent of likely impacts

5.1 Likely impacts on matters of national environmental significance (NES)

5.1 (a) Likely impact on the world heritage values of a declared World Heritage property

The site is not a world heritage property.

5.1 (b) Likely impact on the heritage values of a listed National Heritage place

The site is not part of a national heritage place.

5.1 (c) Likely impact on the ecological character of a declared Ramsar wetland

No Ramsar wetlands are located on or adjoining the site.

5.1 (d) Likely impact on the members of a listed threatened species or ecological community, or their habitat

The proposal will result in the loss of some *Tetratheca juncea* habitat.

The proposal will provide significant conservation gains by dedicating ocean and lake foreshore to the public estate and by providing for the permanent conservation of extensive known habitat areas of the EPBC listed species *Tetratheca juncea*

5.1 (e) Likely impact on the members of a listed migratory species or their habitat

No impacts as there is no significant habitat and no significant use of the proposed development areas by migratory species is likely.

5.1 (f) Likely impact on the environment in part of the Commonwealth marine area

The sites are not part of any Commonwealth marine area and with adequate management will have no significant effect on marine environments.

5.2 Likely impacts for nuclear actions, actions affecting Commonwealth land or actions taken by the Commonwealth

Nil – no nuclear actions

6 Measures to avoid or reduce impacts

The actions taken to avoid significant impacts on *Tetratheca juncea* are as follows.

At Catherine Hill Bay development footprints have been confined as near as possible to disturbed and degraded areas. This leaves extensive areas of intact known and potential habitat for permanent conservation.

In order to ensure conservation outcomes, an environmental offsets agreement has been made with the NSW Government via a Memorandum of Understanding.

7 Conclusion on the likelihood of significant impacts

NOTE: Under the EPBC Act, you must identify in the referral whether or not you believe significant impacts on the matters protected under the Act are likely. If you identify that significant impacts are likely, you must identify the relevant protected matters in section 7.2.

Do you THINK your proposed action is likely to have significant impacts?

| |
|-------------------------------------|
| <input checked="" type="checkbox"/> |
| <input type="checkbox"/> |

No, complete section 7.1

Yes, complete Section 7.2

7.1 Proposed action is NOT LIKELY to have significant impacts

Key reasons

Adequate provision has been made for conservation of known and potential habitat in the locality.

Development will mostly be over existing disturbed areas.

7.2 Proposed action is LIKELY to have significant impacts

Matters likely to be impacted

| |
|--------------------------|
| <input type="checkbox"/> |
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sections 12 and 15A (World Heritage)

sections 15B and 15C (National Heritage places)

sections 16 and 17B (Wetlands of international importance)

sections 18 and 18A (Listed threatened species and communities)

sections 20 and 20A (Listed migratory species)

sections 21 and 22A (Protection of the environment from nuclear actions)

sections 23 and 24A (Marine environment)

sections 26 and 27A (Protection of the environment from actions involving Commonwealth land)

section 28 (Protection of the environment from Commonwealth actions)

Key reasons

8 Assessment approach under the EPBC Act

NOTE: If a decision is made that a proposal needs approval under the Act, the Minister will also decide the assessment approach needed to satisfy the objectives of the Act. While the information you have provided in this referral will be taken into account in making this decision, the final decision rests with the Minister.

Level of assessment

| | |
|---|------------------------------------|
| X | Bilateral Agreement applies |
| | Accredited assessment |
| | Assessment on referral information |
| | Preliminary information |
| | Public Environment Report |
| | Environmental Impact Statement |
| | Commission of Inquiry |
| | No comment/Not sure |

Key reasons

The NSW Department of Environment and Conservation has identified the land required locally for conservation purposes. This land is identified in the MoU Attachment 6 and will be added to the NSW National Parks Estate.

9 Environmental history of the responsible party

NOTE: The EPBC Act Regulations provide for the environmental history of the party proposing to take the action to be taken into account when deciding the assessment approach for actions that need approval under the Act.

| | Yes | No |
|---|-----|----|
| <p>9.1 Does the party taking the action have a satisfactory record of responsible environmental management.</p> <ul style="list-style-type: none"> If Yes, provide details <p>Party has won numerous awards for high quality developments.</p> | √ | |
| <p>9.2 Is the party taking the action subject to any proceedings under a Commonwealth, State or Territory law for the protection of the environment or the conservation and sustainable use of natural resources?</p> <ul style="list-style-type: none"> If Yes, provide details | | √ |
| <p>9.3 For an action for which a person has applied for a permit under the EPBC Act, is the person making the application subject to any proceedings under a Commonwealth, State or Territory law for the protection of the environment or the conservation and sustainable use of natural resources?</p> <ul style="list-style-type: none"> If Yes, provide details | | √ |
| <p>9.4 If the party taking the action is a corporation, will the action be taken in accordance with the corporation's environmental policy and planning framework?</p> <ul style="list-style-type: none"> If Yes, provide details of environmental policy and planning framework <p>Rosecorp policy</p> <p>The dedicated management team is committed to three core values – quality, excellence in design and attention to detail. These three elements are the foundation of all projects undertaken by the Group.</p> <p>From design and construction to environmental considerations and community amenity, Rosecorp believes a commitment to these core values is the cornerstone of the company.</p> <p>The company believes in giving something back to the community and for this reason it has established the Breakfast Point Community Aid Fund, a philanthropic endeavour to help the wider community in which it is located.</p> <p>Regardless of how large and diversified the company becomes in the future, the Rose family guarantees that these core values will be preserved and maintained wherever the Rosecorp name appears.</p> | √ | |

10 Information sources and attachments

10.1 References

There is a large range of documents covering the environment of the two sites.

These documents have been publicly exhibited as part of the processes under part 3A of the EPA Act 979. see <http://www.chbconceptplan.com.au/>

10.2 Reliability of information

The information has been collected since 2003.
All reports have been prepared by professional consultants using standard survey and assessment processes. The information is reliable to the extent of relevant professional standards.

10.3 Attachments

| | | |
|----------------------------|--|---|
| You must attach | figures, maps or aerial photographs showing the project locality (section 2) | X |
| | figures, maps or aerial photographs showing the location of the project in respect to any matters of national environmental significance or important features of the environments (section 4) | X |
| If relevant, attach | copies of any state or local government approvals and consent conditions (section 3.4) | |
| | copies of any completed assessments to meet state or local government approvals and outcomes of public consultations, if available (section 3.5) see web address given above | |
| | copies of any flora and fauna investigations and surveys (section 4) see web address given above | |
| | technical reports relevant to the assessment of impacts on protected matters and that support the arguments and conclusions in the referral (section 4 and 5) see web address given above | |
| | report(s) on any public consultations undertaken, including with Indigenous Stakeholders (section 4) see web address given above | |

11 Signatures and declarations

NOTE: Providing false or misleading information is an offence punishable on conviction by imprisonment and fine (Section 489, EPBC Act).

Project title

11.1 Party who prepared the referral

I declare that the information contained in this form is, to my knowledge, true and not misleading. I request that the person named in 11.3 below (if any) be designated as the proponent for the action.

Signature

Date

Full name

11.2 Party who is responsible for action

I declare that the information contained in this form is, to my knowledge, true and not misleading.

Signature

Date

Full name

11.3 Proponent (complete only if different from 11.2)

I, being the person nominated in Section 1.3 of this referral form as the nominated proponent (or agent acting on behalf of), agree to be designated as the proponent for the action described above if it is decided that the action requires approval under Part 9 of the EPBC Act.

Signature

Date

Full Name

If the referring party is a small business (fewer than 20 employees), estimate the time, in hours and minutes, to complete this form (include your time reading the instructions, working on the questions and obtaining the information and time spent by all employees in collecting and providing this information).

| Hours | Minutes |
|-------|---------|
| | |