



THE UNITED MINEWORKERS' FEDERATION OF AUSTRALIA

(Division of the Construction, Forestry, Mining and Energy Union)
(Incorporating the Federal & State Registered Unions)

Northern District Branch

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Director of Strategic Assessments
Department of Planning
GPO Box39
SYDNEY NSW 2001

Dear Sir

RE: PROJECT APPLICATION MP 10-0205 GWANDALAN PROJECT, ROSECORP

In February 2008, the Construction, Forestry, Mining and Energy Union (CFMEU) Northern Division Branch, wrote to the Director of Strategic Assessments, Department of Planning, opposing the proposed development (900) new houses planned by Rosecorp (600), and Rio Tinto (300). Rosecorp maintains a desire to pursue opportunities for a residential subdivision at Kanangra Drive, Gwandalan (between Gwandalan Public School and Point Wolstoncroft) to create a total of 190 lots, open space and associated bulk earthworks and infrastructure.

Whilst the proponent's original application is still being assessed, further details have been provided regarding further environmental aspects. In 2006 a Memorandum of Understanding (MOU) was signed between Rosecorp and the former Minister for Planning which would allow sites at Gwandalan and Catherine Hill Bay to be developed for residential purpose in return for 300 hectares of land being transferred to the NSW Government from Rosecorp to be dedicated for conservation purposes. The MOU was then formalised into a Deed of Agreement.

Subsequently a new State Environmental Planning Policy (SEPP) was gazetted which permitted the rezoning of the land. The area had previously been designated a wildlife corridor between the Central Coast and the Lower Hunter and was classified as an 'environmentally sensitive area of State significance. The rezoning increased the development potential for both Catherine Hill Bay and Gwandalan. The Deed of Agreement between the Minister for Planning and Rosecorp has since been deemed invalid by the Land and Environment Court because of incorrect processes being followed by the Minister for Planning. This judgement noted that sections 93F to 93L of the Environmental Planning and Assessment Act 1979 set out the proper process for planning agreements between the Minister and developers, which provide built-in safety procedures including requirements for public notification and exhibition and rights for the public to make submissions. The proponent has since provided a voluntary conservation agreement for the lands involved, which is to be assessed in conjunction with the original application.

The cumulative environmental impacts of the Rosecorp and Rio Tinto developments need to be assessed as one by both State and Federal governments.

Whilst the proposed 190 lot subdivision is a vast improvement from the previous application, it should still be refused based on scientific evidence.

The Tunra Study Report completed in 1995 highlights the proposed development site as unique, rare, and sustains a range of bio-diverse ecosystems listed under both federal and state threatened species legislation. A variety of threatened flora & fauna species inhabit the proposed development area. These threatened species include Squirrel Gliders, Powerful Owl, Masked Owl, Tetrarthea juncea, Angophora inopinina, and five micro bat species just to name a few.

The land proposed for this development by Rosecorp is zoned for environmental protection under Wyong Shire Council LEP 1991.

All three local progress associations maintain vigorous opposition to the development proposal based on scientifically quantified reasons. The development area is zoned for conservation and not land development. Therefore the Government should cease the opportunity, and acknowledge community concerns by dismissing this proposal in its entirety.

The Government has an obligation to stand firm on land zonings for the conservation and protection of threatened species and their habitats. Furthermore the Government needs to demonstrate this commitment by not backing down to large property developers by allowing land development for their own sole financial benefit.

The CFMEU's position in opposing the proposed development of this area is resolute, and remains united with those individuals and groups objecting to the development of Gwandalan and surrounding areas.

Yours faithfully



Grahame Kelly
DISTRICT SECRETARY