



Wagstaffe to Killcare Community Association Inc.

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The Hon. Rob Stokes, Minister for Planning
By Email: office@stokes.minister.nsw.gov.au

Dear Minister

Re Gosford City Council: PLANNING PROPOSAL AND APPROACH TO BOUDDI PENINSULA – re ‘BELLS LIVING’ AND ‘BELLS GREEN’ THE SCENIC ROAD & 79 MAITLAND BAY DRIVE KILLCARE HEIGHTS

The Community Association wishes to alert you to the above planning proposal, which was put to Council originally in May, then withdrawn, was to have involved community consultation (which was cut short by the applicant), and now is appearing on the GCC agenda for next Tuesday, 27 October, apparently unchanged or little changed as it is still proposed that ‘approximately 50 lots’ be allowed. While in May some councillors (including the Mayor) declared a conflict of interest, it is quite possible that Council will pass this proposal this time, so that it promptly proceeds to the Gateway Process.

We seek your assistance in living up to your 2014 statement (see end of this letter), to ensure that piecemeal development does not take place, and to ensure that the needs and wishes of the local community are respected.

In May, we advised the Mayor and all Councillors that we were opposed to the proposal on the following grounds, and I quote:

We consider that a proposal of this magnitude, with major public policy implications, requires more consideration, and above all, transparency in approach and guiding principles. The guiding principles for land on the Bouddi Peninsula have been laid down over many years, through a partnership process with the local community and the Council. This proposal breaks many of the existing rules and there is no valid reason for doing so. It also raises questions why the rules have been broken, and why planning officers have seen fit to endorse the proposal through the ‘Gateway’ process (page 31 of the papers).

The Association requests that:

- *Council defer consideration of this proposal so that a site inspection can take place:*
- *Council considers the following reasons why it is inappropriate that approval be given to the proposal as it currently stands (in case Council decides not to defer consideration of the proposal).*

Our objection to the subdivision and approach is based on a number of grounds:

- *Apparent attempt at spot rezoning (see attached extract of statement on impact of this by Minister for Planning) in a traditionally protected environmental zone, which would pave the way for residential subdivision:*
- *Contradicts the E4 environmental living objectives which insist on low impact residential development in areas with special ecological, scientific or aesthetic values:*

- *Impact on existing residents:*
- *Piecemeal approach to this land area which is the only flat land available for sports fields and similar public facilities. Consideration of this particular proposal could mean that bit by bit the other blocks were similarly developed, with no overall coherent plan for public facilities. It is inappropriate to consider this proposal in isolation from the entire area of land:*
- *Number of dwellings proposed for these lots. An extra 50 dwellings on these lots threatens the ecological and aesthetic values of the Killcare Heights plateau area and is contrary to the objectives of the E4 zoning in Gosford's Local Environment Plan:*
- *Approach which in effect results in an R2 outcome in an area that is zoned E4. This is highly inappropriate as the area itself totals 60 hectares, and if applied to the other parts of this area, could result in up to 500 extra houses in an area that is isolated from facilities, has difficult access, and is an area of natural beauty and bushland:*
- *Potential for flooding of areas below the escarpment as happened during the floods of the mid 1990s. In addition, the area is within the catchment of the Mudflat Creek, and Council has spent large sums on the flood study and remediation works, and this would be undermined by large-scale development such as that proposed here. The recent flooding and extensive damage to trees adjacent to roads in the area, is cause for concern:*
- *Inconsistency with strategies for the Gosford LGA:*
- *Lack of consideration for overall environmental and scenic qualities of the area.*

The Association does not agree with the assessment of the tourism potential of this area, given its lack of water views, and that a vehicle is required to access shops, waterways and restaurants. There is already significant traffic congestion at the Hardy's Bay T junction where the main shops and restaurants are located, during the summer season, and any proposal such as this would add to the congestion.

The proposal does not consider the needs of the existing residents who often made life-style choices when they bought into the area, trusting that the E4 zoning would protect them from future unsympathetic development.”

We consider that IF this proposal is to be considered further, it should be done in the context of the overall land area, should be transparent, should plan for public services (child care, parks and recreation, access to transport and health care), should follow the existing guidelines and rules for this type of area, and should not be one which allows a piecemeal approach.

We subsequently wrote to the CEO (who also had declared a conflict of interest in this proposal), later in May, pointing out our concern, and I quote:

How is it fair or reasonable for Council to consider this proposal in isolation from other land on the plateau? How is it fair or reasonable for Council to make individual determinations, which will yield an enormous windfall profit if blocks which currently only allow two residences on them are allowed to suddenly have 50 residences? How can residents be sure that due diligence and proper public administration has taken place when at the stroke of a pen, such windfall profits are generated by Council, should it allow this development to proceed?

We ask that in future, Council look beyond the letter of the law and look at the underlying principles which in the past have governed development on the Bouddi Peninsula. We ask that any development, such as these proposals for the Bells area, be considered in the broader context of development on the Bouddi peninsula. And any such developments should have due regard for existing infrastructure, the need for community resources (sports grounds, health care, child care, public transport, emergency access), and the impact on residents.

Again, we consider that these matters have been ignored by Council, and we note this in actions of more recent Council staff who may be unaware of the past history of this area, and the strong approach taken by the Council at that time to honour character statements and the history.

We are writing to you now to ensure that your Office is aware of the background to this planning proposal, and that you and your Office will honour your statement of 2014. You should be aware also that while the applicant's letter to Council dated 7 September claims that consultation has taken place, this is not the view of the affected neighbours and groups.

We will contact you further, depending on the outcome to the Council meeting on Tuesday. We are happy to meet with your staff, to discuss this matter further.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Rob Stokes'.

Dr Peta Colebatch

President, WTKCA

Ref to GCC agenda for Tuesday 27 October 2015: re Gov 134: <http://www.gosford.nsw.gov.au/docs/default-source/current-agenda-papers-2015/agenda---27-october-2015.pdf?sfvrsn=2>

With regard to another proposed development elsewhere, The Hon. Rob Stokes, Minister for Planning (and the former Minister of the Environment & Heritage in the first Baird government): 27.3.14 NSW Hansard: ‘Of course, no-one will be surprised if, like a zombie, the proposal rises again, only to go through another process with all the cost, waste and conflict this generates, all to potentially facilitate a private profit at overall loss to ratepayers who have to fund the process, citizens who have to fund the inflated cost of retrofitting infrastructure to support unplanned development, and neighbours who every day have to put up with the adverse changes to their community brought by overdevelopment. It would add insult to injury if the developer were to surreptitiously attempt to reshape the development, modification by modification, into the application originally rejected.’