

**Killcare Wagstaffe Trust Inc
PO Box 4009 Wagstaffe 2257**



30th March 2009

The General Manager
Gosford City Council
PO Box 21
Gosford 2250

**Objections to Proposal to modify or extinguish positive covenant and restriction to user
276 Empire Bay Drive, Empire Bay
Empire Bay Substation IR7241457**

Dear Mr Wilson

The Trust would like to register an objection to the proposed changes.

The development consent for the Service Station, granted by the Land and Environment Court in 2003, also applied to the land included in this proposal. The judgement imposed conditions that included a vegetation buffer zone along Empire Bay Drive of 30m, regeneration of the swamp mahoganies that were removed and the retention of the swamp mahoganies on Wards Hill Road side of the site.

We note that these conditions were not adhered to by the Service station development and that they have not been enforced by council.

The positive covenant and restriction has been placed on the land in question to protect the remaining native vegetation and the efficiency and quality of the water flow through the block.

This land was identified in the Land and Environment Court judgement on the petrol station in 2003 as containing the most significant native vegetation on the whole development site. It forms an important corridor for both water flow and wildlife between the ridge and the wetlands on the other side of Empire Bay Drive.

We cannot support a further erosion of the protection afforded to the site and we strongly object to the modification or extinguishment of the positive covenant and restriction.

Yours Sincerely,

David Legge (President)
Killcare Wagstaffe Trust Inc.