



Killcare Wagstaffe Trust

Newsletter

July 2015

Annual General Meeting

Sunday August 2nd at 9.30 am

at the Maitland Bay Information Centre.

After the meeting -Deb Holloman will lead a walk to Bulima spur

All visitors and residents are welcome

The May AGM did not attract a quorum as it was just after the huge storms. It has been deferred until the upcoming August meeting. All committee positions become vacant. The current committee has agreed to stand for their current roles but any new interest would be welcome. You can nominate at the meeting.

A Tale of Four E zones

Recent moves to develop land in the Triangle at Killcare Heights and by Council to re-examine some of the zonings in the new LEP have required your Committee to read more planning documents than is perhaps good for their health.

Although planning regulations can be enough to cause the eyes of most of us to glaze over they are an important part of the protection available for the environment that has attracted us here in the first place. So this newsletter is devoted to an explanation of the recently adopted E zones and their involvement in a couple of local issues. Warning – acronyms ahead.

In 2014 all Councils in NSW had to adopt a LEP (Local Environment Plan) consistent with a Standard Instrument (SI), which provides for a single system of zoning across the State. This system has four environment protection zones specifically for land where the primary focus is the conservation and/or management of environmental values.

E1 National Parks and Nature Reserves

This zone is for existing national parks, nature reserves and conservation areas and new areas proposed for reservation that have been identified and agreed by the NSW Government.

E2 Environmental Conservation

This zone is for areas with high ecological, scientific, cultural or aesthetic values outside national parks and nature reserves. It aims to protect and conserve these lands and prevent development that could damage these values.

E3 Environmental Management

This zone is for land where there are special ecological, scientific, cultural or aesthetic attributes or environmental hazards/processes that require careful consideration/management and for uses compatible with these values.

E4 Environmental Living

This zone is for land with special environmental or scenic values, and accommodates low impact residential development. As with the E3 zone, any development is to be well located and designed so that it does not have an adverse effect on the environmental qualities of the land.

From time to time the Council must examine the zonings that apply to particular parcels of land. Now is one of those times. There are three separate reasons for this:

- i) **COSS lands:** Because the COSS (Coastal Open Space System) lands are unique to the Gosford LGA (Local Government Area) there was no suitable zoning available in the draft LEP. A proposal to zone the lands RE1 was vigorously opposed by many community groups including the Trust. The Council decided to retain existing zonings and lobby the State government to create a new zone: E5 – Public Conservation.

The Minister of Planning and the Environment has indicated a willingness to do this and the Trust endorses this approach as providing some protection for the COSS lands.

- ii) **Completing the transition from the old zoning system to the new system.**
 - (a) In the old LEP there was provision for landholders in specific areas to “dedicate land or provide money for Council to acquire land and/or embellish and maintain the COSS lands”. This was known as the bonus lot provision. As there was no provision for this in the new LEP, Council deferred making a decision on all 7(a) (Conservation)land that wasn’t eligible for an E1 zoning and all 7(c2) (Rural small holdings) lands east of the freeway.
 - (b) The other deferred lands. This involves non-COSS lands that the Council deferred a decision as to which of the new zones would apply. The 7(a) lands have been gazetted as E2 (Environmental Protection). The 7(c2) lands that will not be recommended for rezoning as a result of the review of urban fringe lands (see iii) will be gazetted as E3 (Environmental Management).
- iii) **Urban Edge Lands.** State Government has asked Council to review all land with E zonings to identify land that could be re-zoned to Residential. While this is unlikely to affect any land on the Bouddi Peninsula, the opportunity it provides for removing protection from environmentally valuable land makes it an issue worth watching for the whole coast. The lands under review will be currently zoned as 7(c2).

The Triangle

The triangle is the local name for a well-defined region of the Bouddi Peninsula. It is the area contained by the Scenic Rd, Wards Hill Rd and Maitland Bay Drive.

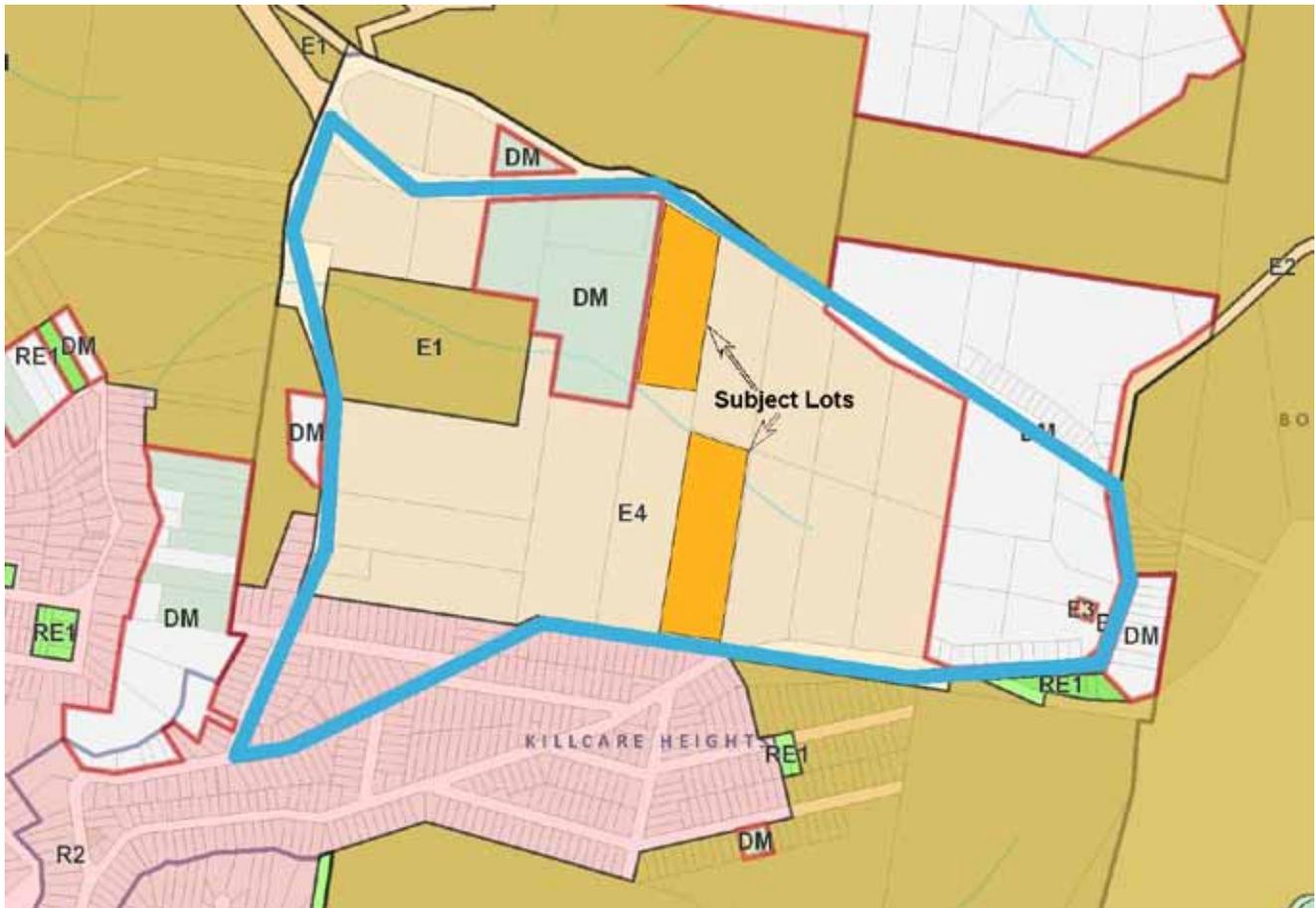
Apart from a small southerly section of residential land it is essentially a semi-rural enclave zoned E4. This zone is for land with special environmental or scenic values, and accommodates low impact residential development. Any development is to be well located and designed so that it does not have an adverse effect on the environmental qualities of the land.

The triangle is surrounded by Bouddi National park except where it abuts residential land (zoned R2). It contains a small section of National Park on its Western edge and several smaller sections of Council reserve, which are part of the Coastal Open Space System (COSS) whose zoning status in the new LEP has been deferred.

It contains the upper part of the catchment for Mudflat Creek, the largest creek on the Bouddi peninsula that runs through the environmentally important and ecologically sensitive Fletchers Glen rain forest

area and whose mouth is in Hardy's Bay. The Council has recently spent more than \$1,000,000 in a study, a management plan and remediation works at the mouth of this creek. These did not take into account the increased run-off and sedimentation that this proposal would incur.

The soils of the triangle are predominantly a laterite loam. This soil type does not exist anywhere else on the peninsula. Laterite loam is a concretion of iron and aluminium oxide, tends to a reddish colour and is very deficient in nitrogen and phosphorus. Despite this, much of the triangle was cleared and the red, lateritic loam was used for vegetable growing, which required requiring heavy manuring from the concurrently operating poultry farming.



There has been a recent application by Coast and Country to use a Schedule 1 process to allow a substantial variation in the permitted use on two blocks in the triangle, both adjacent to the Bells resort. The initial application was for 50 residences spread over the two blocks.

The Trust opposes any increase in residential density in the triangle :

Land use and character

The land in question is zoned E4 and has a semi-rural character. This implies large blocks and low density development. The current statutory minimum block size is 4 hectares. The lots in question are already below this minimum (3.2 and 2.8).

The proposal involves a dramatic change to the character of the land with blocks ranging from 600 sq m to 2100 sq m. This would be in direct contradiction to the objectives of the E4 zoning and the Council's biodiversity strategy which states "*Environmental zoned lands need to be retained with current minimum lot area standards to enable the lot sizes to allow sufficient space for land uses to occur without the loss of biodiversity.*"

There is absolutely no evidence of community pressure for an increased density of residential density in the triangle or a change in the semi-rural nature of the land in the triangle.

Roads and traffic

The impact that increased residential density in the triangle would have on local traffic is, on its own, sufficient reason to reject it.

There are two substantial issues:

1. The intersection between Maitland Bay Drive and Wards Hill Rd is one of the most dangerous on the Central Coast. From Maitland Bay Drive, the visibility of Wards Hill Rd is extremely limited in either direction particularly of traffic coming up the hill towards Killcare. Traffic turning into Wards Hill Rd from Maitland Bay Dr. must essentially take a chance on there being no oncoming traffic. Every resident of the peninsula who drives has had a close shave with someone taking this chance as they drive up Wards Hill Rd and approach this intersection. It is only the comparatively low volume of traffic making this turn that prevents this being a scene of tragedy requiring major intervention.

All extra traffic arising from increased residential density will make this turn regularly as it is the shortest way to everywhere outside the Peninsula except for MacMasters Beach.

2. The triangle is effectively beyond walking distance to any major amenity. All trips to local shops, cafes, churches, community halls and restaurants will be done by car. There is already insufficient parking to cope with weekend and holiday traffic. There is no easy solution to solve this problem. More parking will seriously impact the village feel of Wagstaffe and Killcare shops and any proposals to do this are likely to meet with substantial community opposition.

The Process

The application process has been tainted by possible conflicts of interest. The initial Planning Application occupied 50 pages of the Council minutes when first presented to Council on April 28 2015. This application must have involved considerable Council resources.

The CEO of Council, Mr. Paul Anderson, is the partner of the manager of the applicants company, Coast and Country. He had to declare a pecuniary interest when the matter came before Council. Two other councilors declared a significant non-pecuniary interest as the CEO of Bells was their campaign manager.

The initial proposal aimed to avoid the need to rezone the land by using a Schedule 1 to gain an exception to the minimum lot size and use a community title to divide the land into smaller blocks. Schedule 1 should only be used if it can be demonstrated the proposed land use is appropriate on the particular parcel of land, but not generally within the zoning. This is clearly not the case in this proposal.

The application has been withdrawn and some consultation between the owners and community groups, including the Trust, has begun. At this stage it looks likely that it will be resubmitted in some form in the near future. The Trust will be very active in being a part of the process. There will be an update on recent developments at the AGM.