

Gwandalan/Summerland Point Action Group Inc

PO Box 5120 Gwandalan NSW 2259

Phone 0407 007 672 Email gwandalanland@westnet.com.au

4th February, 2011

Director, Strategic Assessment,
Department of Planning,
GPO Box 39,
SYDNEY NSW 2001

Dear Sir / Madam,

Re: **Gwandalan residential subdivision Project Application MP 10 – 0205**

We act on behalf of the residents of Gwandalan and Summerland Point and advise that we are against this proposal.

In September, 2009 our group was successful in the Land and Environment Court of having the concept plans declared invalid based on apprehended bias relating to the “Land swap bribe”. We did not take this action lightly but felt we had to highlight some of the injustices shown towards small communities with developers being able to dictate what they want and not being prepared to listen to the communities. While the court challenge was based on a “technicality” it has to be remembered that under Part 3A you can only make challenges based on the process, not the merits of any proposal.

As well as the apprehended bias issue, we were concerned about the way the Gwandalan project was added to Catherine Hill Bay another village approximately 17 kms away. This was because the landowner / developer was not happy with the decision, by Wyong Council in 2006, to delay the rezoning of their land at Gwandalan until after 2011. We were also concerned about this development being included in the Lower Hunter Regional Strategy even though Gwandalan is part of the Central Coast. The larger Coal and Allied development in Gwandalan is a major cause of concern as well.

In this instance our Court challenge did not go far enough because the land had already been rezoned and that rezoning is still applicable to this land. It is however still linked to Catherine Hill Bay by the zoning and is therefore a State Significant Site.

SEPP 71 – CONSIDERATIONS:

Since the current proposal is set back over 100 metres from the Lake foreshore it has been noted that the applicant believes they are not subject to SEPP 71. Because of this and the fact that the value of this development is only \$16M (not the required \$50M) we believe that the proposal should not be decided on by the Minister for Planning, but assessed by a Joint Regional Planning Panel in conjunction with Wyong Council.

In relation to the SEPP 71 requirement for “*new opportunities for public access to and along coastal foreshores*” the applicant advises that the public has gained approximately 1.8 km of lake foreshore. This is of little use to the people of Gwandalan who would either have to access this area by boat or drive over 12 km to Nord’s Wharf once roads to the waterfront are made on the

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“Offset land” by DECC. This land cannot be claimed as being an offset to the Gwandalan development. We believe the intention of this requirement for public access is to create or improve access **in the area immediately near** the proposed development.

STORMWATER MANAGEMENT:

In the stormwater management report it is stated that *the proposed constructed wetland will be a feature for surrounding residents*. Does this mean that the area will be open to the public as say a picnic area? What are the safety issues around this?

This wetland is to be constructed on land which is zoned 7B Environmental Protection and owned by the proponent. Who will maintain the wetland area and is access to be readily available? What would happen if the land is sold and ownership changes? Is it legal / acceptable to have the drainage going into Environmentally protected areas?

KEY THREATENING PROCESSES:

This includes the removal of hollow bearing trees; clearing of native vegetation; removal of dead wood and dead trees; predation by Feral Cats; alteration to the natural flow regimes of rivers and streams.

All of the above things will occur on this development site due to the small lot sizes, or in the northern area where lots are larger, the asset protection zones would remove much of the vegetation. Domestic cats if allowed to roam, would be a great risk to native birds and animals, and we suggest that ownership of cats is restricted in these areas, particularly near the Point Wolstoncroft recreation area.

The developer has said these things would be compensated by the “Offset” land but once again we point out that this is on the other side of Crangan Bay and has no value to the people of Gwandalan.

THE CONCEPT PLAN:

Most of the lots are small (550 sq metres) which would not allow for the retention of hollow bearing trees as recommended in the Ecological assessment.

*Mature and / or hollow-bearing trees should be retained wherever feasible and with regards to public safety within the development framework, **particularly within Gwandalan Development Lands where there are no offsets immediately adjacent to the site.***

Road 5 is a 6m wide laneway which runs at the back of houses in Kanangra Drive. We are not sure if these houses will face the Laneway or Kanangra Drive. If they face the Laneway they will overlook the backyards of the homes opposite which we assume will face Road 4. We believe this laneway would be a security risk to homes on Roads 4 and 5 and it would be a better option to have a slip road along the fence line with houses facing Kanangra Drive and the lots back to back. If they are already to face Kanangra Drive as suggested in the Development Control Plan then access would be via their backyards and housing plans would need to be done accordingly.

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There is no link between this development and the current homes in Gwandalan. This area is completely isolated from the main area of Gwandalan and this concept plan shows the only access being via the 3 accesses to Kanangra Drive which then means all traffic has to go past the school and through the intersection at Orana Avenue.

It would be sensible if access (pedestrian and bicycle) could be obtained through one of the residential properties fronting Billabourie or Garema Roads. This would also give current residents a reason from visiting the new area. (This may require the purchase of a property.)

STAGING:

The concept plan shows 3 stages, with stage 3 being for future development. Does this mean that the developer is unsure how well these lots will sell?

We believe that Stage 1 should be in the Southern part of the estate, not along Kanangra Drive and the border to Point Wolstoncroft. This northern area is very remote from the rest of Gwandalan with no other homes in the area. It is essential that the clearing of bushland should also coincide with the staging so that large tracts of bushland are not cleared at one time.

KANANGRA DRIVE (Alongside development land)

No mention has been made regarding the upgrading of Kanangra Drive for the full extent of this development. We believe this would be essential and should also include kerb and guttering to dispel drainage onto sites. This road currently has minimal traffic and only serves as access to the Point Wolstoncroft Sports and Recreation area. The road is currently a “bush track” with a bitumen topping. If this site is of “State Significance” then the road should be upgraded accordingly.

ACCESS INTO RESIDUE SITE:

There is no mention in the Concept plan how the current owners are to access their large home on the waterfront. Will another access be made from Garema Road or will access be made through the new estate? Will the residue lot be fenced from the new estate?

TRAFFIC REPORT:

The surveys were undertaken during the morning period 8:00 a.m. to 9:00 a.m. on Thursday 2nd November, 2006 (now over 4 years out of date) and during the afternoon peak of 3:30 p.m. to 4:30 p.m. The afternoon survey was taken outside of school hours and we recommend that a new survey be done during the hours of 2:30 p.m. to 3:30 p.m. outside the school. i.e. Kanangra Drive and Orana Road intersections.

This is one of the most dangerous corners in Gwandalan as many people fail to give way for vehicles turning right from Kanangra into Orana even though there is signage, and the new estate will only make things worse. The traffic survey does not mention the roundabout at Kanangra Drive and Summerland road in conjunction with the proposed Coal and Allied development. This roundabout conducts all traffic into and out of the area and between Gwandalan and Summerland Point. If both developments are approved and the roundabout becomes four ways with increased traffic it will become a major hazard to traffic flow.

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The Bus services mentioned are not correct as only 1 Service per day goes to Charlestown with no return journey to Gwandalan. The service to Wyee / Morisset is only on a trial basis and we believe has not been well patronised. The reason for this is because of the need to own a car as public transport cannot cover all the areas people want to travel to. As well as this it is slow and expensive.

SOCIAL IMPACT / INFRASTRUCTURE

It has been stated many times before about the lack of infrastructure in the Gwandalan area with all halls and the limited sporting facilities being used continually. There is no indication how any of this will be addressed by this proposal and the proposed Coal and Allied Development. **(We believe the C&A development is not appropriate for the area and should not be approved).**

DRAFT STATEMENT OF COMMITMENTS:

The developer has agreed to *enter into a Voluntary Planning Agreement with the Minister for the amount of \$902.26 per urban lot*. There is no mention how this money will be used and if any will come back to Gwandalan or the Central Coast. This is important to residents of Gwandalan because this project has been linked with Catherine Hill Bay as being in the Lower Hunter, and we believe the money could go towards infrastructure in the Lower Hunter and this would reduce infrastructure spending in the Central Coast.

It is also noted that the previous approval was modified on 16th June, 2009 to allow the proposed Pacific Highway / Kanangra Drive intersection upgrade to occur prior to the issue of a subdivision certificate for the creation of the first urban lot. The proponent was to demonstrate to the Director-General that they had reached an agreement with the NSW Roads and Traffic Authority in respect to this upgrade. Any monetary contribution would represent 31% of the costs of the upgrade. There does not appear to be any such commitment in this plan.

ECOLOGICAL REPORT:

This report states rightly *that the development will reduce the overall fragment size of the north-south vegetated corridor*. The “Offset Land” on the other side of Crangan Bay will not compensate for this loss and the cumulative effect of any approval of C&A land also has to be considered as further fragmentation.

The land has been identified as a high habitat area for the Masked Owl; Powerful Owl; Swift Parrot; Glossy Black cockatoo and the Regent Honeyeater. The Sugar Glider and Squirrel Glider and Eastern Quolls have also been seen within the site. The developer says this is all being attended to by the “offset land” but no one in Gwandalan would believe that to be true.

HOUSING NEEDS:

Because of its geographical location Gwandalan is not a favoured location for families because of lack of employment and travel constraints. Wyong shire has one of the highest youth unemployment levels in the State and this would deter families from moving here. It is not a good location for working people who have to travel.

At the 2006 Census the median weekly incomes were well below those of the rest of Australia with few people employed in high income jobs since they are not available nearby.

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Extract from 2006 Census:

In Gwandalan (Suburb), the median weekly individual income for persons aged 15 years and over who were usual residents was \$378, compared with \$466 in Australia. The median weekly household income was \$775, compared with \$1,027 in Australia. The median weekly family income was \$979, compared with \$1,171 in Australia

There are at most times over 60 homes for sale in Gwandalan which represents more than 1 years supply.

CONCLUSION:

- This site has been identified as “State Significant”. This would be the only thing in Gwandalan to have such a title and as such the project needs to be the best option available.
- We believe it should not be looked at by the Minister for Planning but assessed by a Joint Regional Planning Panel within Wyong Shire, or if this is not practical it is essential that it goes before the Planning Assessment Commission because of the implication of the “Land Bribe”.
- We have asked many question in our submission and all of these need to be addressed before any approval is given
- There will be significant environmental impacts and these are not negated by the Offset Land.
- It is hoped that this development is the last in Gwandalan because there is a lack of infrastructure in the area, and being on a narrow peninsula has only one access from the Pacific Highway.

It is hoped that this submission is looked at carefully and all matters raised are attended to. Gwandalan is a small village with a close knit community who are all hoping the Government does the right thing.

Yours faithfully,
GWANDALAN / SUMMERLAND POINT ACTION GROUP INC

K J SPENCER
President