



Residents Group

# Bay news

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### PRESIDENT'S MESSAGE

Welcome to the April issue of Bay News. A major feature, of course, is our report on the controversial development which has created such widespread attention. We are grateful to our many members and those numerous people in the community for their efforts in helping to achieve the successful outcome. Among a number of other topics, our Rural Fire Service provides us with some timely winter safety advice and we congratulate the Killcare Surf Club on its successes in the prestigious Clean Beaches awards. It has been another busy period for the Hardys Bay Residents Group and our various sub-committees continue to work on a broad range of matters, of long and short-term consequence, which are relevant to our community's welfare. We always look forward to receiving your comments and commend our website as an ideal communication source for all local issues.

We extend a warm welcome to our many new members and wish to remind everybody that by joining now, the annual membership fee will carry through until June 30, 2011.

Sincere good wishes,  
Adrian Williams,  
President

### DEVELOPMENT JUDGEMENT APPLAUDED BY COMMUNITY

The immediate threat of an action with the potential to transform the peaceful haven of Hardy's Bay into a bustling commercial hub has passed, following the March 8 decision by the Land and Environment Court to dismiss the would-be developer's appeal.

Critics, however, are cautiously monitoring the next possible step of action to be pursued by the rejected developer, following this major setback to the plans of establishing a large 3-lot complex in Araluen Drive. The handing down of the Commissioner's verdict in the Land and Environment Court climaxed a prolonged campaign seldom matched in the local area, which created a huge outcry in the community, with two initial proposals having been knocked back by Gosford Council prior to an eventual referral by the developer to the Court.

From the outset, the proposal was seen by many as “ an extremely ambitious one “, an approach which could well have bordered on the cavalier, and when initially rejected by Council, was only tempered somewhat in the subsequent submission with what was described as “ merely cosmetic adjustments to the plan. “

And, far from establishing a bold new CBD-style business complex seemingly featured by increased traffic activity as perceived in its initial plans, the developer was ultimately confronted by a virtual “ roadblock “ of protests from members of an irate community following a number of various public meetings. These were highlighted by an on-site gathering of 200 people on March 3 attended by the Commissioner and the various legal teams who heard compelling, well-balanced addresses by representatives from the Hardys Bay Residents



*Concerned residents assemble for an on-site meeting with the legal teams at Hardy's Bay*

April 2010

Group, the Wagstaffe to Killcare Community Association and the Killcare/Wagstaffe Trust. Winding up the proceedings, the ferry “Saratoga” was commissioned by the Residents Group to provide a viewing facility for 20 enabling the Commissioner, his legal colleagues and other parties vital to the decision-making process, to step aboard and traverse the bay in evaluating the impact of the planned development from the water.

According to legal observers, the Commissioner's dismissal of the appeal will mean that the developer will be unable to build this proposed development in the heart of Hardy's Bay.

In the meantime, however, these sources submit that it seems the following general guidelines for future development may apply :

1. Any future developments within Hardy's Bay should have regard to the visual impact created on community members. Where a development within Hardy's Bay has an adverse visual impact on members, then this will be a serious issue for any developer to successfully address.

2. Consolidation of different lots to form a development proposal ( whilst not impossible ) poses particular difficulties for developers.

3. Vegetation on a proposed site targeted for development requires any developer to “have respect” for that vegetation on the site.

4. Certain development sites, because of their unique nature, often require that the proposed “built form” be subservient to the vegetation.

5. The zone of a proposed development site is not an entitlement for the development of that site in that the zoning does not automatically confer on a developer a right to build to the maximum zoning specifications of a site. Rather, the general proposition is that the zone is not an entitlement but, rather, a maximum.

6. Where a height control is in place it must generally be followed.

7. Proposed developments may be excessive in terms of “bulk and scale”. The community should be protected against any such development. To allow any developer to ignore the communities' legitimate expectations is simply not democratic and is hence wrong.

8. Vegetation loss is an important factor in any development approval. Where that vegetation loss is excessive ( having regard to the particular site proposed for development ) then that will not be permitted.

It is anticipated that the written judgment will be publicly available in due course and the Hardy's Bay Residents Group will provide its members with a more detailed case note when that judgment becomes available.

FOOTNOTE ... Members of the Hardy's Bay Residents Group would like to publicly thank their

president, Adrian Williams, for the huge amount of energy and time he spent working with Gosford Council's solicitors to achieve the recent successful decision on the development by the Land and Environment Court.

Adrian undertook the “lion's share” of the work necessary to obtain such a successful outcome. This included liaising with Council, attending meetings with the legal team, the preparation of his own evidence, harnessing the resources, keeping members updated on developments and the monitoring of, and reporting, the range of diverse issues as they evolved.

Most will be aware that nothing happens without energy and commitment. The Hardy's Bay Residents Group is fortunate in having as its president a person with Adrian's knowledge, energy, contacts and dedication. Our sincere thanks to Adrian on behalf of the community.

## **R.F.S. OFFERS TIMELY ADVICE FOR THE WINTER MONTHS**

“Thankfully, the fire season in our area was relatively quiet, due mainly to coastal rainfall,” reports a satisfied Steve Farrell, the Killcare Wagstaffe Rural Fire Brigade captain, reflecting on a period in which initial predictions had strongly suggested otherwise.

“However,” he cautions, “as most of the State sustained hot and dry conditions consistent with the earlier forecasts, we can't afford to be complacent and will continue to use the next few months, depending on weather conditions, to work within Bush Fire Management Committee directions to maintain the hazard reduction program in our district which may result in fire trail work and low intensity burning .

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“As we move into the cooler months,” he added, “now is the time when we ask... IS YOUR HOME WINTER-FIRE SAFE?”

Steve advises that the Rural Fire Service recommends this simple safety checklist to help keep homes fire safe this winter, stressing that it is extremely important that everyone in the household observes the following safety advice:

Most importantly, have an adequate number of suitable smoke alarms installed throughout your home and make sure that you test them regularly.

Ensure you and all your family know two safe ways out of every room in your home.

Have a written home escape plan in case of fire and practice it regularly.

Never ever leave cooking unattended.

If you have a fireplace in your home make sure the chimney is clean.

If you have a fireplace always place a screen in front of it when in use.

Check electric blankets for damage or frayed cords before placing on the bed.

Take care to keep curtains, tablecloths and bedding away from portable heaters.

Keep wet clothing at least 1 metre from heaters or fireplaces and never leave unattended.

If you use a clothes dryer make sure you clean the lint filter each and every time you use it.

Always extinguish candles or any other open flames before going to bed.

Store matches or lighters in a secure place not accessible to young children.

## ‘CLEAN BEACHES’ AWARDS TO KILLCARE ....

Killcare Surf Club has enjoyed successes in the prestigious Clean Beaches Awards for the 2009-2010 season.

The club received the premier acknowledgment in the Central Coast section of the Resource and Recovery category and shared first place with Wamberal in the Sydney Water Conservation category.

As a leading club in the two respective Central Coast divisions, Killcare advanced to the State awards and was 'Highly Commended' - or placed

second - in the Resource and Recovery division which recognises “outstanding accomplishment in resource recovery and management and displays evidence of community, business and/or local government initiatives in promoting resource recovery, managing waste materials and reducing packaging to protect our coastal environment.”

According to Killcare officials, an important factor in the judging process involved the club's recycling of all the cooking oil from its kiosk for bio-diesel purposes.

A major contributor to Killcare's high achievement, with Wamberal, in the Central Coast's Sydney Water Conservation sectional category, was the fact that both clubs possess 100,000-litre rainwater storage tanks on their premises.

The statewide Clean Beaches competition supports and encourages projects which protect and enhance these environments and indicate a high level of community involvement and partnerships, providing recognition to people who care for their community and the general coastal environment.

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## ERIC PEARSALL REMEMBERED ....

More than half a century of fond memories came flooding back when Hardys Bay residents gathered to acknowledge Eric Pearsall's contribution to the local community in witnessing the unveiling of a commemorative bench in his honour.



*Marj Pearsall and the commemorative seat*

The large attendance assembled in early February on the grassy banks of the foreshore in Araluen Drive at a spot where Eric, who died in November, 2008, aged 94, frequently relaxed to admire the beautiful views of his beloved bay.

The idea of establishing a special seat in his memory was inspired by Susan Johnston - a neighbour - and the family of Eric and his widow, Marj, and the necessary council endorsement for its placement was subsequently pursued by members of the Hardys Bay Residents Group.

Eric was born in Yass and raised at Rye Park in the NSW central west. As a young man, he worked with his father on various properties in the district and, after he and Marj married, they spent various periods at Warriewood and Dee Why in Sydney before purchasing the house at Hardys Bay over 50 years ago which was essentially, at that time, a popular weekend for the Pearsall family and friends.

Throughout their long association with the area, Eric and Marj won countless friends through their close interests and involvements with church and community affairs.

The February commemorative bench celebration in Araluen Drive, with special guest Marj and her family, was a moving one and confirmed the high regard in which Eric was held. Poems were read out in his honour and a speaker observed that “ Eric always displayed a genuine interest in the welfare of others, a rare quality in today's society.”

And the plaque on the seat, no doubt, summed it up with the inscription : “ Eric Pearsall, 1914 - 2008. Over 50 Years in Hardys Bay. Eric loved the bay and was loved by everyone”.

## LETTER

As a consequence to 'The Decision', our resident brush turkeys, the newly-arrived whip bird and the sulphur-crested cockatoo squadron wish to thank the Hardys Bay Residents Group and associated persons, the Land and Environment Court and “ those trees “ for saving their Araluen Drive playground from extinction.

Marilyn,  
Hardys Bay.

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