

19 December 2005

Mr Frank Sartor MP
Minister for Planning, Minister for Redfern Waterloo
Minister for Science and Medical Research
Minister Assisting the Minister for Health (Cancer)
Level 34
Governor Macquarie Tower
1 Farrer Place
SYDNEY NSW 2000

Dear Mr Sartor

We are writing to you in response to media reports (in the Manly Daily of 17 December 2005) that you are "calling in" the proposed Oxford Falls Retirement Resort to assess it on the basis of a development of State Significance.

As you would no doubt appreciate, this has been a highly controversial development proposal, at odds with the Local Environment Plan and other instruments.

The developer has failed (twice) to get Council approval under SEPP (Seniors Living) as a way of beating the local planning laws, so is now clearly trying to beat the system again using SEPP (Major Projects).

However the basic aspects of why the plan has failed previously have not changed. It is not clear how the developer can overcome the bushfire hazards, the environmentally sensitive nature of the land or the fact that it includes parcels of land for which the owner has not given consent – among the many aspects that Warringah's Independent Hearing and Assessment panel considered were failings of the development proposal.

It is not our intent here, however, to engage in debate about the failings of this development. We are presuming that such an opportunity will arise again in the future.

Instead we are seeking reassurance about the process which is being contemplated in relation to this development.

Our assessment of the new SEPP arrangements, based on the published material on the Department of Planning website, would imply that the developer needs to make a fresh application (under the SEPP (Major Projects) provisions) and gain the Minister's approval/declaration that this would be a development of State Significance/major project before proceeding.

We would ask, however, that you consider this carefully, being mindful of the previous independent assessments of this proposal. In particular, the inclusion of land which does not have the owner's consent should be a serious consideration before giving the approval to go to the next stage.

It is also questionable if this is really a project of State Significance, given that it is in a Valley that is earmarked for "green space", lacks infrastructure and is not part of the identified growth areas for the metropolitan strategy. This is more a case of a "project of developer significance" and would appear to have your attention only because of the lauded dollar value of the project, when, in fact, the project has no real value to anyone but the developers themselves.

Urban fringe greenspace should not be seen as 'land-in-waiting' for development, and developments of so-called State Significance should not be "developer-led", especially on our greenspace fringes. Such development should be part of a wider strategy, led by the Government, such as embodied in the Metropolitan Strategy.

This development has already been considered under the "right" planning instruments – LEP and SEPP (Seniors Living) – and has been found wanting.

There is a very dangerous precedent here if speculative developers propose massive, non complying developments on cheap, rural land in order to get the dollar value over \$50 million so that it can avoid the normal development process – especially when, as a Seniors Living development, it fails under this very SEPP.

However if you decide to make your declaration (and we sincerely hope you do not), the documents on the website then outline a detailed process of assessment, which includes aspects of public consultation and input from relevant agencies. There is also the possibility of an Independent Hearing and Assessment panel which may consider the application.

We would implore you, given the controversies attached to this development application, to consider every available tool to assess this application rigorously and thoroughly – taking into account not only the technical aspects of the development, but the impact on the heritage, environment and local community – in the context of genuine public consultation. If this development proceeds, Oxford Falls valley is lost forever. This is an important decision, with significant planning and infrastructure considerations.

We also trust that you will take into account the previous assessments of this proposal, and give weight to the fact that the development has failed under every other Planning instrument it has been tested against.

The website also says that each stage will be transparent and presumably there will be a webpage that will enable us to follow this matter.

We have learnt to read media articles promoted by this developer “with a grain of salt” and have no doubt that a fair and transparent assessment is contemplated.

We would therefore appreciate your advice on the process and how and in what ways interested parties such as ourselves might have input.

Yours sincerely