



Wagstaffe to Killcare Community Association Inc.

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Attention: LEP 2009 SUBMISSION

B1 NEIGHBOURHOOD CENTRE, HARDYS BAY

- **FSR of 0.5:1 not 0.75:1 for Hardys Bay B1 zone (amend DLEP 2009 and/ reinstate Minor Business Centres Policy)**
- **Maximum height of buildings of 8.5m for B1 zone (DLEP 2009 endorsed)**
- **Acknowledge the heritage aspects of Old Killcare Store, Araluen Drive, Hardys Bay**
- **Character Statement for Hardys Bay and Killcare (DDCP Part 2 endorsed)**

DLEP 2009 proposes that all existing properties around the Killcare Road/Araluen Drive intersection, Hardys Bay, remain within a business zone: in this case, B1 Neighbourhood Centre.

Hardys Bay is near the end of a long peninsula, which itself is separated from other villages such as MacMasters Beach and Empire Bay/Bensville by Bouddi National Park and associated natural features, including a major bushland and coastal ridgeline and escarpment. The main business activity of the Bouddi peninsula is around the intersection of Killcare Road and Araluen Drive, Hardys Bay, supplemented by the small Wagstaffe Store, 2.5km to the north-west.

Although the peninsula is currently connected to Ettalong and Palm Beach by a private ferry service which is vulnerable to siltation of the estuary, there is only one road access (Killcare Road, The Scenic Road) connecting Wagstaffe, Pretty Beach, Hardys Bay and Killcare to the two roads which exit the peninsula (Wards Hill Road and The Scenic Road). In bushfire or major storms, and with predicted sea level rise, the peninsula is very isolated and vulnerable. It is a low key destination, not a through route.

At Hardys Bay, some of the commercially-zoned land has been developed for apartments, 3 lots are undergoing a redevelopment proposal, and others struggle to retain commercially-viable businesses, especially between Easter and October. This suggests that commercial shopfront activities within the Bouddi Peninsula are marginally viable. The opening of the Liberty Service Station at Empire Bay was expected to significantly affect within the Bouddi Peninsula daily shopping purchases for supplies such as milk, bread, takeaway meals (including hot chicken) as well as other staples, in addition to petrol purchases. Consistent with submissions believed to have been made to Council at that time, that impact has occurred following approval of those commercial premises, but no resultant change in commercial zoning within the peninsula has been made.

This submission suggests that a reduction in development potential of the commercially-zoned land within Bouddi Peninsula should occur in light of these changing demographic and commercial factors.

At Hardys Bay there were 8 commercially-zoned lots, which have been partly consolidated (north-eastern side) down to 6 lots – two on the eastern side of Killcare Road and 4 on the western side. Apartments/townhouses have been developed on the consolidated block, which is immediately adjacent to the historic Old Killcare Store and to single residences to the east. The Store now contains 3 businesses – 2 cafes and an architect’s office, while land uphill has recently been developed with 5 shops on 2 levels.

On the western side of Killcare Road are 4 lots with houses and business/retail premises. A DA for 3 of the lots in common ownership (the westernmost ones) has recently failed. The proposal combined a large residential flat building (uphill) with commercial uses at the street frontage and private and public parking underneath. The proposal failed at appeal on two principal bases: character and tree removal. Although there is some local demand for and no supply of spacious apartment living, the scale and style of the proposal led to its refusal. Continuation of the possibility of a similar proposal is contrary to the interests of this community, as determined by the Court in this case.

The Wagstaffe to Killcare Community Association believes the B1 proposal of the DLEP 2009 leaves open development proposals which are inappropriate in scale and nature, in a visually sensitive holiday location.

On the south-east corner of the intersection, 8 businesses operate on a single block, with only 8 parking spaces under the uphill building (invisible to the public and not signposted). This parking provision appears to significantly breach DCP 111 where 7 retail businesses require 1 space per 30 sq m and 1 commercial business requires 1 space per 40 sq m. The floor area of the 2 buildings appears to be significantly greater than 250 sq m, by >200%.

Council is well aware of the furore, amenity and safety issues surrounding the inadequate traffic and parking arrangements at this intersection, which is additional to and separate from the efforts to improve the foreshore of Hardys Bay generally. The “no stopping” zone outside Old Killcare Store is always used illegally by its delivery vehicles, and other vehicles regularly park there or use it as a “no standing” zone – both contrary to the law. This is dangerous and inconvenient to others, given the poor sightlines around the Old Killcare Store (built to its two street frontages), footpath dining with umbrellas, large pots with pot plants, barriers, tables and chairs, the lack of a pedestrian crossing in either road, the cross-traffic turns into and from the Killcare general store (Killcare Road/ Araluen Drive), the narrowness of the roadway with its concrete pedestrian island and the unregulated crossing of the local flock of ducks! In addition, it is the turn left (west) from Killcare Road into Araluen Drive which carries through traffic to the next 2 suburbs, therefore that is not the side where an intensification of development should occur.

The foreshore in this area is composed of fill, with a >1m seawall to retain it. The foreshore is barely landscaped and the southern side of Araluen Drive is informal, generally without kerb and gutter or formal connections for pedestrians to the adjacent property frontages. Araluen Drive is the only access for 4 suburbs – Killcare (Hardys Bay Extension area), Hardys Bay, Pretty Beach and Wagstaffe. On the northern side of the road, parallel parking occurs along the length of Araluen Drive, extending in both directions towards Heath Road and Fraser Road during holiday seasons. The southern side is highly constrained by parking zones, private driveways and garages, broken edges and potholes and almost no parallel parking opportunities. Only one moving vehicle can pass safely along the road in the immediate area. These traffic and pedestrian arrangements have been unsatisfactory for some years.

DLEP 2009 states:

Zone B1 Neighbourhood Centre

1 Objectives of zone

- *To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.*
- *To allow for increased residential population within neighbourhood centres where land is not required to serve local needs.*

- *To ensure development is compatible with the desired future character of the areas covered by this zone.*
- *To promote ecologically, socially and economically sustainable development.*
- *To ensure local nodes and neighbourhood centres are recognised as small scale centres that provide a range of services and facilities commensurate with their local population catchment and development is at a scale appropriate to meet local needs.*
- *To encourage residential development as either standalone development or as part of a mixed development within local nodes and neighbourhood centres, whilst retaining opportunities for retail and service activities to serve the population in the immediate locality.*

2 Permitted without consent

Home occupations; Recreation areas; Roads

3 Permitted with consent

Boarding houses; Business premises; Child care centres; Community facilities;

Dwelling houses; Neighbourhood shops; Residential flat buildings; Shop top housing; Any development not specified in item 2 or 4

4 Prohibited

(a long list)

The DLEP imposes a maximum height of buildings of 8.5m. Floor space ratio is 0.75, more generous than the surrounding residential land uses. While the height is acceptable, the FSR should be reviewed downwards to 0.5:1 in order to prevent further bulky proposals such as that which was recently refused. The character of the area (as detailed below) reflects the height and lower FSR, so the B1 lots should have equivalent restrictions.

In addition, the Association rejects residential flat buildings in the B1 zone. In this locality they are not a necessary part of a business zone, as the drivers of mixed use in other business zones include easy pedestrian access to schools, public transport and jobs. Those activities are very low key in this locality, so the rationale for apartments cannot be sustained.

There is a direct interaction between any intensification of development around the Killcare Road/ Araluen Drive corner (as currently permitted and proposed under DLEP 2009) and the continuing and worsening traffic and pedestrian problems in the same location. Council will enable better traffic and parking management by slightly reducing the development potential. In addition, future Consents for that area must require sufficient on-site parking with access at a distance from the intersection itself.

DCP 159 has deliberately separated the 3 western lots in Araluen Drive from the corner shop, including those 3 within a residential character assessment "Woodland Hillside". This was challenged during the recent Court case and the author confirmed under cross examination that it was a deliberate professional judgement about the nature of the immediate area and its desired future character. The DCP defines the rest of the 3(a) land on both sides of the intersection as "Village Centre". DDCP 2009 has the same pattern.

Killcare 5: Village Centre

Desired Character

This should remain a low-intensity centre that services primarily residents from the surrounding suburb but also includes some shop-top accommodation, where the civic-and-urban design quality of a neighbourhood landmark is enhanced by new development that encourages street activity.

Promote on-street activity by maximising the continuity of shop-windows facing all street frontages within the "village", and incorporate awnings, colonnades or balconies in all buildings as shelter for pedestrian frontages.

Ensure that new developments (including alterations to existing buildings) do not dominate their predominantly low-rise residential surroundings, and maximise the amenity of all pedestrian frontages.

Facing the street, shop-front facades should have a zero setback and a maximum height of one storey, with any taller storey set back behind terraces or balconies to maintain a modest, pedestrian-friendly scale as well as the current level of midday sunlight that is available along the footpath. Also ensure that the height and siting of new buildings preserve current levels of privacy, sunlight and visual amenity that are enjoyed by neighbouring dwellings and their private open spaces.

Adapt features of traditional mainstreet shopping villages to reflect the established pattern of low-density suburban dwellings. Buildings should be designed to maximise the number of retail tenants along all street frontages. Avoid the appearance of a continuous wall of development or uniform building heights along any street, and vary both the shape and height of all visible facades, with roofs and parapet heights that step from one building to the next, and any street corners that are emphasised by taller forms. Roofs should be simple hips, gables or skillions without elaborate articulation, gently-pitched to minimise the height of ridges, and flanked by wide eaves that shade upper-storey terraces as well as disguising the scale of exterior walls. In general, the walls of all upper storeys should be screened by an extra setback plus a balcony or a verandah. Adjacent to any detached dwelling, wider allotments also should provide a landscaped setback from the side boundaries.

Disguise the scale and bulk of new buildings. All visible facades should employ extensive windows that are shaded by lightly-framed balconies, verandahs or exterior sunshades, plus painted finishes and some board or sheet cladding rather than expanses of plain masonry. Side and rear facades should match the design quality of the street frontage.

Provide shopper parking at the kerbside, and locate any additional off-street parking behind shops with unobtrusive vehicle entrances that minimise disruption to shopfronts and their associated pedestrian activity. Screen driveways and outdoor parking courtyards by hedges and shady trees. Contribute to co-ordinated street improvements that include dedicated pedestrian crossings, footpaths, landscaping and lighting to provide safe and secure settings for informal social interaction. Building colour schemes and commercial signs should be coordinated and limited in size and number to promote the identity of this local centre, rather than emphasising corporate sponsorship.

Rather than relying on a merit-based argument in response to unique DAs in the future, the Association considers that a reduction in the FSR and height at Hardys Bay to accord with the DDCP Chapter 2 provision is a more fail-safe and consistent way of achieving all the aims that Council has espoused about this locality. These numerical standards will also serve as protection for the historic Old Killcare Store, whose character is central to the ambience of this important urban corner. This approach therefore achieves economic and social objectives, while protecting the aesthetics of a highly scenic area on Bouddi Peninsula.

In addition, as one residential flat complex is already available locally for that purpose, further "residential flat buildings" should be excluded under DLEP 2009 from the B1 zone in this location.

The Association supports retention of the Character Statement (DDCP 2009 Part 2) for Hardys Bay in its entirety. No change should be made to the current mapping or description of the desired character, in particular.

**Yours Faithfully,
Graeme Anderson,
President WTKCA**