



## Wagstaffe to Killcare Community Association Inc.

P O Box 4069, Wagstaffe, NSW 2257

E-mail: [sec@wagstaffetokillcare.org.au](mailto:sec@wagstaffetokillcare.org.au)

April 28, 2010

Gosford City Council  
PO Box 21, Gosford NSW 2250  
by email: [Gosford\\_LEP\\_submissions@gosford.nsw.gov.au](mailto:Gosford_LEP_submissions@gosford.nsw.gov.au)

Attn: **DLEP 2009 SUBMISSIONS**

### **FORESHORE ZONING - HARDYS BAY MARINA**

DLEP 2009 proposes that the sea floor of Hardys Bay be zoned W2 Recreational Waterways and that the adjacent south-eastern foreshore be zoned mostly RE1 Public Recreation.

**The Association believes the proposed mapping at the marina in relation to W2 and RE1 creates a number of inconsistencies. The proposed rezoning of part of an existing block may open the way for future changes that are not possible under the existing zoning. We argue therefore that the mapping should revert to pre-DLEP status.**

The inconsistencies referred to are in the Hardys Bay Marina block. The W2 zoning has been extended shoreward over that section of the block previously zoned 6(a) (Open Space (Recreation)). That proposal cuts the public recreation strip which extends along that length of the Hardys Bay south-eastern foreshore. That entire strip, currently has a 6(a) zoning and, apart from this aberrant section, has been appropriately zoned RE1 in the DLEP. This Association is certain that there is no public pressure to change the zoning or land use of this portion of the Hardys Bay Marina block.

In comparing the application of W2 to other similar jetties around Brisbane Water, we note that all W2 boundary lines stop at the foreshore – none project shoreward across the foreshore's zoning. Examples are the Point Clare Coastal Volunteers' complex, Booker Bay (with its marina and significant on-shore marine facilities), Ettalong, Patonga, Gosford Sailing Club Pt Frederick (with its marina), Caroline Bay foreshore, Lintern Channel Davistown, Kincumber Broadwater and Cockle Channel Empire Bay (with its marina). Even the controversial Koolewong Boathouse is zoned RE1. In all those instances, RE1 or the relevant on-shore zoning has remained. Only the off-shore components - the jetties, marinas and associated boat ramps have been zoned W2.

**No instances, other than Hardys Bay, have been found where W2 is continued onshore.**

We argue therefore there is no reason for the RE1 zone at Hardys Bay to be interfered with by the on-shore extension of W2 as the DLEP proposes.

DLEP 2009 states:

### ***Zone W2 Recreational Waterways***

#### ***1 Objectives of zone***

- *To protect the ecological, scenic and recreation values of recreational waterways.*
- *To allow for water-based recreation and related uses.*
- *To provide for sustainable fishing industries and recreational fishing.*

#### ***2 Permitted without consent***

*Environmental facilities; Environmental protection works; Moorings*

#### ***3 Permitted with consent***

*Boat sheds; Car parks; Food and drink premises; Function centres; Kiosks; Marinas; Markets; Water recreation structures*

#### ***4 Prohibited***

*Canal estate development; Industries; Multi dwelling housing; Residential flat buildings; Seniors housing; Warehouse or distribution centres; Any other development not specified in item 2 or 3*

The Association does not object to the provisions within W2, but **does object to the proposed extension of a waterway zoning over land, and particularly the diminishing of a continuous strip of public land for public recreation.**

In contrast, DLEP 2009 states:

### ***Zone RE1 Public Recreation***

#### ***1 Objectives of zone***

- *To enable land to be used for public open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*
- *To identify areas suitable for development for recreation, leisure and cultural purposes.*
- *To ensure development is compatible with the desired future character of the area covered by this zone.*
- *To ensure the long term protection and enhancement of land that is in the Coastal Open Space System and ensure Coastal Open Space System land is managed for environmental sustainability.*

#### ***2 Permitted without consent***

*Environmental facilities; Environmental protection works*

#### ***3 Permitted with consent***

*Caravan parks; Car parks; Child care centres; Community facilities; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Restaurants; Roads; Water recreation structures*

#### ***4 Prohibited***

*Any development not specified in item 2 or 3*

Whilst some of the permissible uses in RE1 are not appropriate in this immediate location, generally the objectives are correct and any DA for inappropriate yet permissible uses would fail, given the characteristics of the land and its tight relationship with the private marina and road.

DDEP Chapter 2 reinforces this view. The Chapter for Killcare refers to this precinct as "Cottage Foreshores".

## **Killcare 1: Cottage Foreshores**

### **Desired Character**

*These areas should remain low-density residential foreshores where new buildings complement the scenic and architectural qualities of surviving early Twentieth Century cottages that remain highly-distinctive elements of Gosford City's identity.*

*Ensure that new structures complement the siting and informal scenic character displayed by traditional foreshore cottages. Surround all buildings with gardens that retain existing trees and also accommodate clusters of new shady trees to provide distinctive backdrops facing both waterways and streets. Maintain waterfront setbacks that are similar to neighbouring properties.*

*Prevent the appearance of a continuous wall of buildings along any street or waterway by providing at least one wide side setback, or by stepping front and rear facades to create deep courtyards that are planted with shady trees.*

*Avoid disturbing natural landforms, and for properties that are floodprone, elevate habitable floors with low-impact construction such as suspended floors and decks rather than extensive landfilling. Facing the waterfront, avoid terraces, fences or outdoor structures that would disrupt the desired informal landscape setting, or compromise the privacy and amenity enjoyed by neighbouring dwellings. On properties with a direct waterfrontage, ensure that new jetties are traditional white-painted timber piers, and that boatsheds are modestly-scaled by reflecting both the form and features of traditional timber-framed sheds. Maintain the informal qualities of streets that are flanked by shady trees, with wide verges and no kerbing.*

*In order to reflect the modest character of traditional early Twentieth Century cottages, minimize the scale and bulk of all new buildings and extensions. Use simple pitched roof forms such as hips, gables or skillions, with wide eaves and gentle pitches to minimise the height of ridges.*

*Use stepped floorplans or divide floorspace into linked pavilion structures that are capped by individual roofs and flanked by landscaped courtyards. Any facades that are taller or longer than those of traditional cottages should be screened by a combination of extra setbacks from the ground storey, stepped forms, wide balconies and verandahs. Preferably, provide parking in open carports or as detached garages that are screened by shady trees. For dual occupancy developments in particular, street and waterfront facades should have asymmetric designs in order to suggest the appearance of a traditional cottage.*

*To complement the scale and design character of traditional cottages, a "light-weight appearance" is preferable for all visible facades. For example, incorporate large windows, timber-framed balconies or verandahs, plus painted finishes and some sheet or board cladding rather than extensive plain masonry. Also, each new dwelling should display a traditional "street address" with verandahs and living rooms or front doors that are visible from the street, and avoid wide garages that would dominate any frontage.*

This 'Desired Character' does not anticipate the opening up to W2's permissible uses in this precinct.

**It is also inappropriate that a general State wide action to standardize on zonings should be used to specifically alter part of one block of land.** The block currently has split zonings and these should still apply in the new nomenclatures.

## **Mapping Discrepancies**

In the course of examining mapping in the area adjacent to the foreshore end of the marina block, together with a physical inspection of the area, it became apparent that the mapping is misleading. The strip of RE1 zoning appears to extend approximately seven (7) metres from 'Araluen Drive' to the foreshore end of the marina block. However, on closer inspection of the mapping in conjunction with physical inspection, it becomes clear that the RE1 boundary actually starts in the middle of Araluen Drive and not at the edge. Thus approximately six of the seven metres is actually bitumen road surface leaving only one (1) metre of RE1 between the road edge and the boundary of the marina block.

### **This reinforces our arguments for rejecting W2 zoning and retaining the 6(a) (RE1) zoning.**

We append extracts from the relevant GCC maps to which we have added notations to clearly highlight the boundaries.

**SUMMARY:** The prospect of private interests gaining rights over public land through the exercise of permissible land uses within W2 is unacceptable to this Association. As custodian of public assets in perpetuity, Council must not permit the diminution of the public's rights over the foreshore by proceeding with this change from RE1 to W2 on foreshore land. Consistent with the current zoning, the whole existing strip of land zoned 6(a) adjacent to Araluen Drive should be zoned RE1, for public recreation, irrespective of any possible error in the mapping exhibited with this DLEP.

Note: This Association is making a separate submission requesting that the waters of Hardys Bay and Pretty Beach Bay be zoned as W1 instead of W2 as we believe that the natural and scenic values in this area are best protected by the objectives of W1 zone.

Yours faithfully

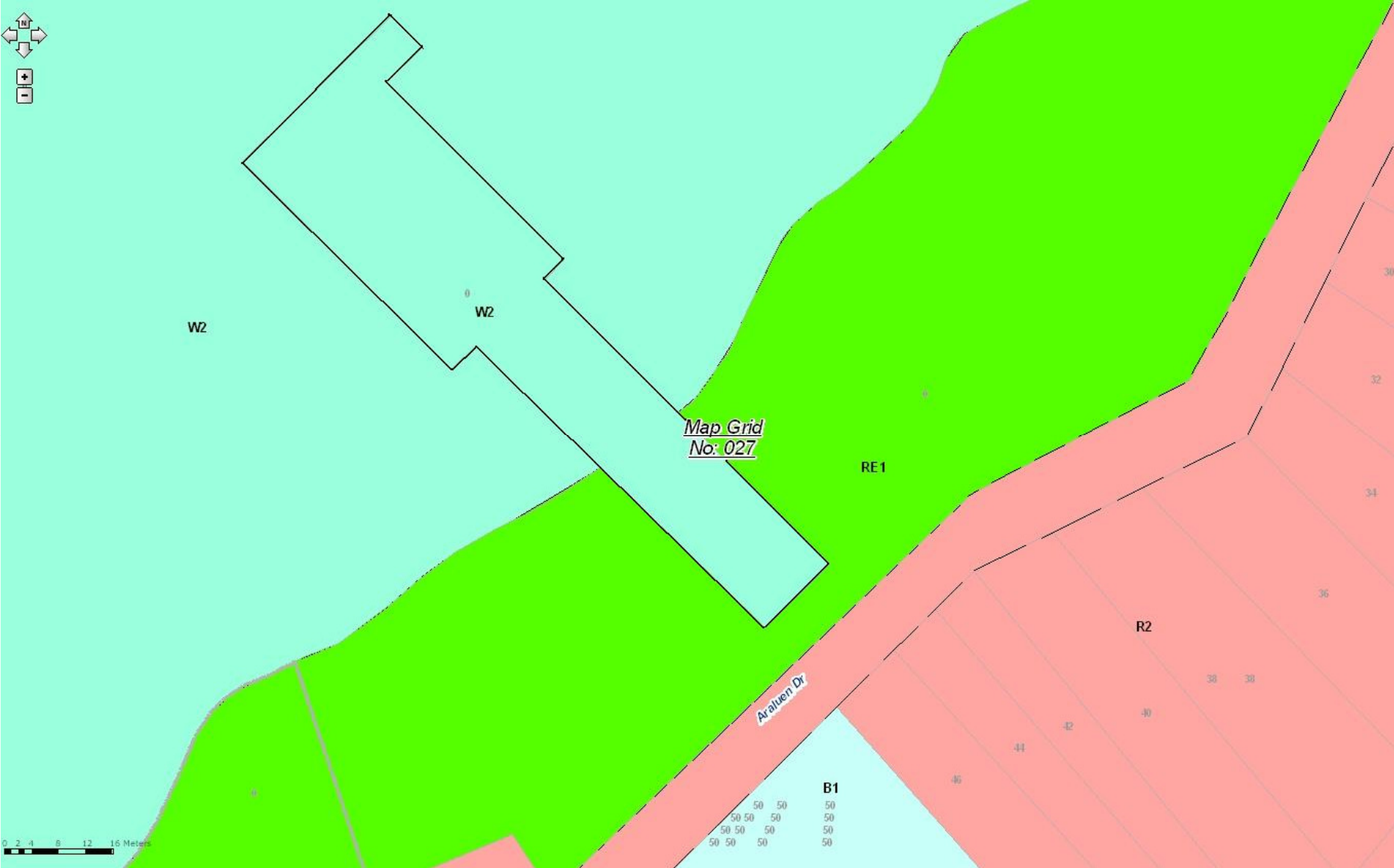
Graeme Anderson  
President

#### Attachments:

1. Extract from GCC DLEP Zoning Map
2. Extract from GCC DLEP Zoning Map overlaid with actual road edge
3. Extract from current GCC Zoning Map
4. Extract from GCC Aerial Photography Map overlaid with Marina Block boundary

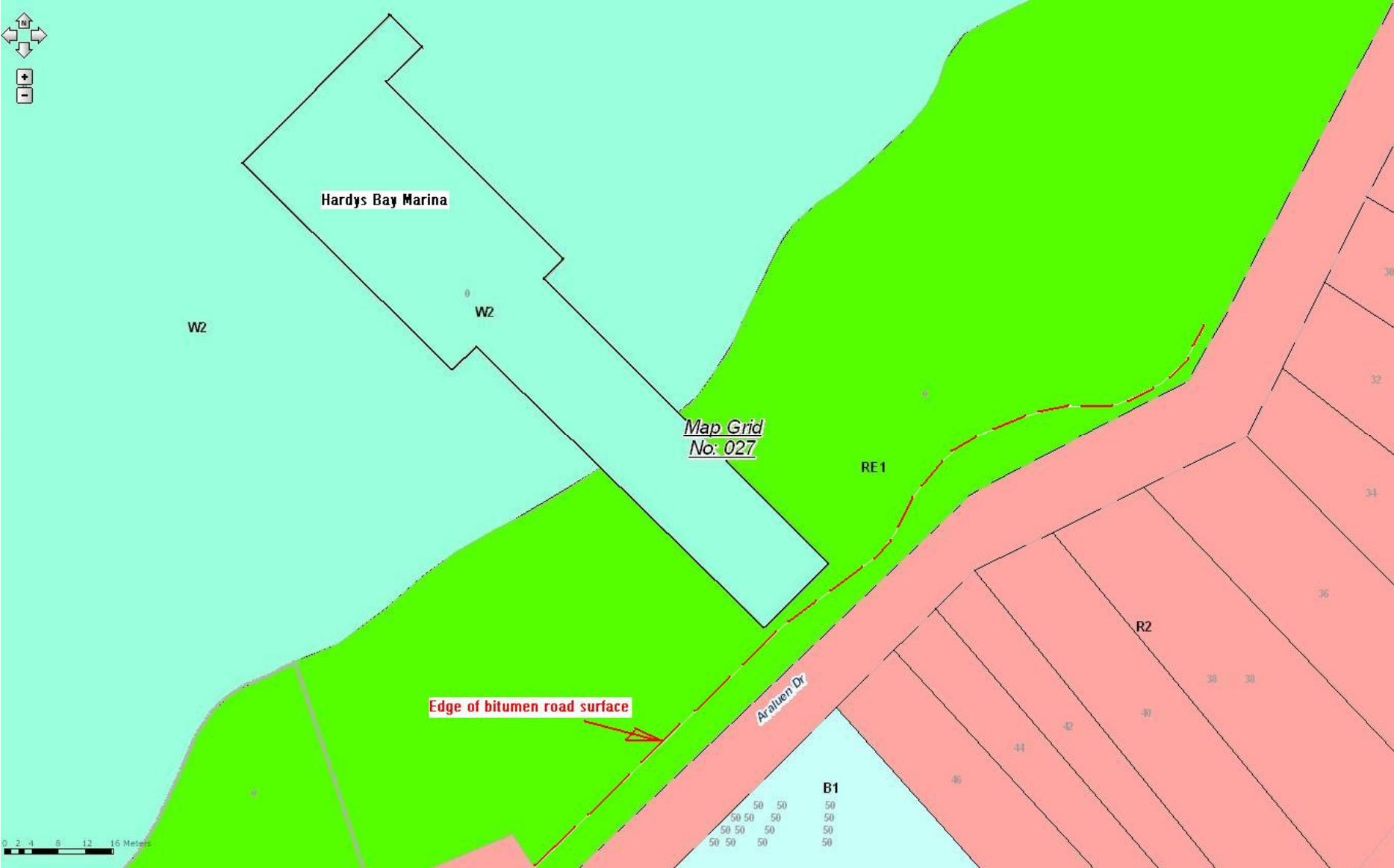
**Attachment 1**

**Extract from GCC DLEP Zoning Map**



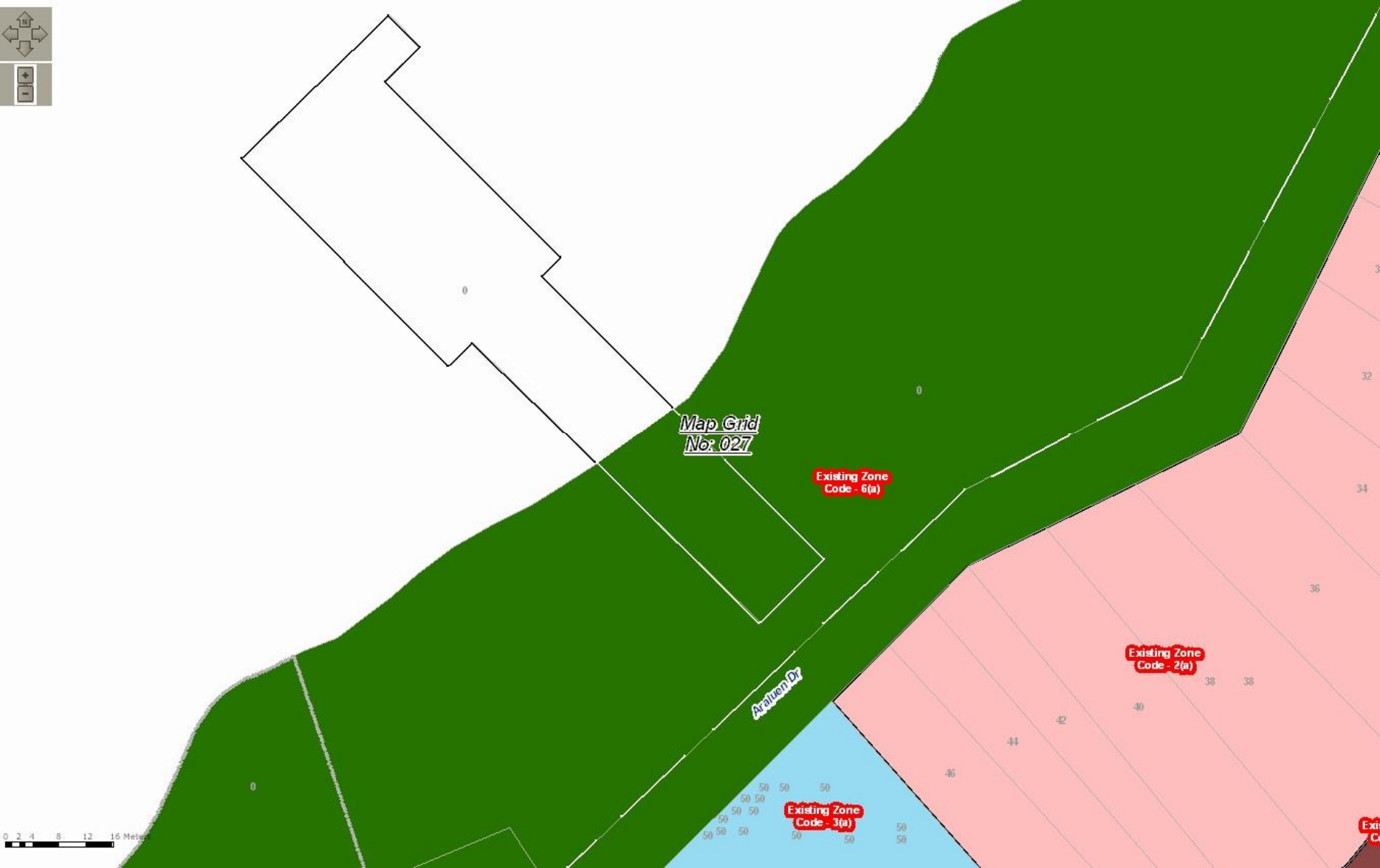
**Attachment 2**

**Extract from GCC DLEP Zoning Map overlaid with actual road edge**



**Attachment 3**

**Extract from current GCC Zoning Map**





**Attachment 4**

**Extract from GCC Aerial Photography Map overlaid with Marina Block boundary**

