



Wagstaffe to Killcare Community Association Inc.

P O Box 4069, Wagstaffe, NSW 2257

E-mail: sec@wagstaffetokillcare.org.au

April 21st 2010

Gosford City Council
PO Box 21
Gosford, NSW, 2250
by email: Gosford_Lep_Submissions@gosford.nsw.gov.au

Attention: LEP 2009 SUBMISSION

WAGSTAFFE SQUARE AND B1 ZONE PROVISIONS

- **B1 zone at Wagstaffe – limits on land uses: no shop top housing or residential flat buildings (remove from DLEP 2009)**
- **FSR of 0.5:1 for Wagstaffe’s B1 zone (amend DLEP 2009)**
- **Maximum height of buildings of 8.5m for B1 zone (DLEP 2009 endorsed)**
- **Acknowledge the heritage aspects of Wagstaffe Square**
- **Minor Business Centres Policy to be incorporated in full, even if disassembled and reassembled into new sections within Part 4 of the DDCP**
- **Character Statement for Wagstaffe (DDCP Part 2 endorsed)**
- **Commercially Zoned Lots not to be amalgamated**

DLEP 2009 proposes that all existing properties around Wagstaffe Store, in Wagstaffe Avenue and Mulhall Street, remain with a business zone: in this case, B1 Neighbourhood Centre. The Wagstaffe to Killcare Community Association believes this leaves open development proposals which are inappropriate in scale and nature, in a visually sensitive, historic location. Rather than proposing a reduction in the number of B1 lots, the Association proposes that retention of the 8.5m height limit and re-insertion of the current FSR policy of 0.5:1 both appear in the next iteration of DLEP and DDCP 2009. To retain low density, small scale development lots should not be amalgamated.

Wagstaffe is a village at 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. The main business activity of the Bouddi peninsula is conducted around the intersection of Killcare Road and Araluen Drive, Hardys Bay, where 6 relatively large properties have a business zoning.

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 to Pretty Beach and Wagstaffe (Araluen Drive, Heath Road, Pretty Beach Road, Wagstaffe Avenue), with only one road access (Killcare Road, The Scenic Road) connecting those suburbs, 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. The end of the peninsula (Wagstaffe) is not a place to which Council should be trying to draw business customers.

Outside Wagstaffe Store and Hall, Wagstaffe Square itself has four corners:

- south-east: Wagstaffe Hall with public amenities, adjacent to the public wharf
- north-east: two historic cottages in a battle-axe layout fronting Wagstaffe Avenue (and the Square)
- north-west: Wagstaffe Store
- south-west: attached dual occupancy apparently subdivided

The public wharf to the east serves many locals and visitors, for fishing, playing, access to the beaches, and access to private and commercial boats and ferries.

To the north along Wagstaffe Avenue and to the west up Mulhall Street are single residences in a very low traffic, low key residential environment. Many of the dwellings at Wagstaffe are vacant for much of the year, as they are holiday homes. According to the Central Coast Social Atlas, Wagstaffe had a population of 197 in 2001, a loss of 16 from the 1996 Census. A number of home-based businesses operate in the area, but almost exclusively without signage or the provision of local services: many are principally internet-based and/or export their products or services from the local government area. Other than a part-time masseuse in Wagstaffe Avenue south of the Square, the only local commercial operation with signage is Wagstaffe Store. By the early 1980s, even Pretty Beach Store had closed due to lack of demand. Only one of two churches operating up to the 1980s remains open in High View Road, Pretty Beach. A community-based non-profit preschool operates in church premises in the same road and will move at the end of April 2010 to new premises adjacent to Pretty Beach School. The next nearest commercial premises are at Hardys Bay, at a distance of about 2.5km from Wagstaffe Square.

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 barely 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 proposes that a reduction in the floor space ratio of commercially-zoned land within Bouddi Peninsula, and at Wagstaffe in particular, should occur in light of these changing demographic and commercial factors.

Under the GPSO, 8 lots appear to have a full or split 3(a) zoning – the corner store (heritage value and listed as such in the Brisbane Water Plan of Management (1995), 3 in Mulhall Street (all with heritage value), and 4 in Wagstaffe Avenue. Part of the character of the Square arises from the heritage values of the 4 buildings just mentioned, along with the hall and the two cottages on the north-east corner of the store. Further, the historical associations of the Square remain through the public wharf and the row of very narrow blocks north-east along Wagstaffe Avenue, where boatsheds used to be located and attached (on Title) to houses built further away from the foreshore during the early European settlement period when the only local access was by boat. The forthcoming Bouddi History confirms this analysis of the cadastral pattern.

A heritage study was undertaken for Council in 1996, then used partly as background to the development of DCP 159 – Character Statement (Wagstaffe). The heritage study was entitled Special Character Assessment and Development Guidelines, and was prepared by Schwager Brooks and Partners Pty Ltd (Sydney). The reasons for the study follow.

This study has been prepared to identify special qualities of the Wagstaffe Point and Pretty Beach area and allow these qualities to be defined and protected. The study was undertaken partly in response to a recent court case and several development applications involving dual occupancy submitted for land at Wagstaffe Point. Concern was raised at relatively remote areas being subject to dual occupancy development. ... Other consideration (sic) include the identification of the area in the Brisbane Water Plan of Management (October 1995) as a future Heritage Conservation Area (op. cit., p. 1).

... The area is basically low key with a strong sense of village and community activity. ... It is an area of long casual days, forgetting about the main stream problems of life in the city. A place to relax and recuperate (ibid.).

... The existing buildings reflect this character and are largely low scale cottages of vernacular design and construction utilizing simple lightweight building materials. ... The primary objective of this study is to provide guidelines to retain this special atmosphere within subdivision and development proposals. It is not the intention to prohibit development in the area, but to allow reasonable development provided that the unique qualities are not reduced or harmed. (op. cit., p. 2).

The study concluded that the area from Wagstaffe Point to Pretty Beach had local and regional aesthetic, social, cultural and scientific significance under the Burra Charter and NSW Department of Planning's heritage classifications (op. cit., p. 10). The resultant guidelines for the management of change (p. 12) included the following:

- amalgamation of small residential lots in order to create larger new development should be avoided
- detached dual occupancies are preferred to attached dual occupancy (existing character)
- attached dual occupancies should be discouraged
- existing pattern of buildings and open space (including front and rear setbacks) should be retained
- all building development details should be consistent with the existing properties.

The study's Figure 9 is of the store, labeled "an example of a modest commercial scale in the community". This is consistent with the general assessment of scale in the suburbs.

Subsequent to that study, DCP 159 was prepared, with the heart of Wagstaffe split between Precincts 1, 5 and 6. The Square is in Precinct 6, with the commercially-zoned lots (other than the store) being in the other two Precincts. The first two cottages adjacent to the north-east side of the Square are in Precinct 6 Village Centre, so Precinct 1 (the waterfront properties northwards) will not be considered further.

Precinct 6 Village Centre

Desired Character

This should remain a low-intensity village centre, accommodating a limited number of local shops and businesses, located next to a foreshore reserve and community hall, and serving the local community as well as holidaying visitors.

The scale and design of new building works should protect the scenic qualities of foreshores that are visible from neighbouring suburbs and from Brisbane Water. The design of public areas should accommodate vehicle and pedestrian traffic that is generated by existing shops as well as the foreshore reserve and jetty that are highly accessible. Any trees that are visually-prominent should be retained.

The nature of activities accommodated, plus the height, silhouette and orientation of any future building works, should preserve levels of privacy, sunlight and visual amenity that are enjoyed by neighbouring dwellings and their private open spaces, as well as recognising the scenic prominence of this location and the low-rise character of the surrounding residential area.

Future buildings should reflect features of traditional mid-Twentieth Century foreshore bungalows. In particular, external walls should be modestly-scaled, capped by gently-pitched roofs with overhanging eaves, and with the appearance of lightweight

construction that incorporates shop-front windows screened by residential style verandahs facing, plus painted wall finishes. Buildings that are larger than their

neighbours should be designed as a series of interconnected pavilions or wings that are separated by landscaped courtyards.

Along street frontages that adjoin residential properties, front gardens should be large enough for taller canopy trees and shrubs that frame or screen buildings, set behind fences that are low or partly transparent. Garages should be located to the side or the rear of dwellings, appearing as smaller secondary structures or open carports that reflect features of traditional timber-framed sheds capped by low gabled roofs with overhanging eaves.

Colour schemes and commercial signs should promote a modestly-scaled and distinctive local centre, rather than corporate sponsorship.

Co-ordinated improvements along the street and throughout the foreshore reserves should maximise recreation opportunities and pedestrian safety, as well as accommodating existing high levels of visitors and traffic. Existing landmark trees should be protected. The size of parking areas should be retained, incorporating traffic calming devices and dedicated pedestrian crossings at key locations, plus barriers to protect adjoining picnic areas from traffic. Future park structures, including shelters, furniture and playground equipment, should be designed or selected according to a consistent waterfront village theme. (DCP 159, p. 13)

The following excerpt is from DLEP 2009, which is followed there by a long list of prohibited uses.

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

The Schwager Brooks study refers to the isolation of Wagstaffe and to questions about the desirability, good town planning practice or even common sense in permitting a more dense population in such a remote community. Predicted sea level rise (which will soon cut Pretty Beach Road, the only access) and the increased risk of bushfire hazard in the Wagstaffe and Pretty Beach areas reinforce these points. Although the provisions of B1 zone will apply across the local government area, in Wagstaffe's case residential flat buildings or shop top housing should not be permitted. For the future, therefore, this submission therefore records the opposition of the Wagstaffe to Killcare Community Association to those two land uses, should an application be made to Council for the Wagstaffe area.

For consistency and to limit the bulk of any future development on the commercially-zoned land which is adjacent to residential R2, the floor space ratio should remain at 0.5:1, as that is the FSR which currently exists in the Minor Business Centres Policy for Wagstaffe (and other small centres). This standard is also consistent with both the Schwager Brooks report and DCP 159 (as proposed within DDCP 2009 Chapter 2).

There are two ways for this to occur. (1) The DLEP's FSR map for Wagstaffe (027/ FSR) could specify that the FSR in the B1 zone at Wagstaffe be 0.5:1. (2) To reinforce that standard, the Minor Business Centres Policy (D6.33) should also be incorporated into the DDCP, which would bring the existing FSR of 0.5:1 for Wagstaffe's commercial area into the DDCP. As the latter solution reflects the status quo numerically, the Association requests the Policy's incorporation into the DDCP.

As an aside, the Minor Business Centres Policy has not been incorporated in toto into DDCP Part 4 (where it appears to belong) or any other section. All its provisions are worth preserving at DCP level, rather than (as proposed) leaving some of them as a presumable Policy from which many of the objectives and requirements have nevertheless been scattered within various Parts of the DDCP.

Returning to the question of B1 FSR at Wagstaffe, and 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 in B1 at Wagstaffe to 0.5:1 is a more fail-safe and consistent way of achieving all the aims that Council has espoused about this unique locality. This approach achieves economic and social objectives, while protecting the aesthetics of a highly scenic and historic area at the dead-end of Bouddi Peninsula.

In addition, while the Association accepts shop top housing in the B1 zone elsewhere, it does not accept them in Wagstaffe (where they are currently excluded under the Character Statement), nor does it accept residential flat buildings. In this locality neither form of development is a necessary part of a business zone, as the drivers of mixed use in other business zones include 400m proximity to schools, public transport and jobs. Those activities are very low key in this locality, so the rationale for medium density of any sort cannot be sustained here. "Residential flat buildings" and "shop top housing" should therefore be prohibited land uses in the B1 zone in this locality and are indeed excluded from the Character Statements for the village precinct.

In relation to building height, the Association supports Council's limit of 8.5m on the height of buildings in the Wagstaffe area (excluding the community hall). In a low key, low density and isolated community, larger buildings cannot be justified and there are arguments in the Association's other submissions against any encouragement of more dense development. Therefore the combination of 0.5:1 FSR in B1 and a maximum height throughout the suburb of 8.5m achieves objectives which are consistent with the Association's and Council's goals and also with DCP 159/ DDCP Part 2.

The Association also supports the current Character Statement in rejecting shop top housing or residential flat buildings. The Statement suits the area and should be an integral part of applications' preparation and assessment. We have been heartened by the recent Hardys Bay decision which relied heavily on that area's Character Statement. We therefore seek no changes to the Wagstaffe Character Statement, particularly in relation to residential flat buildings and shop top housing (both being disallowed), and would resist any attempt by others to alter it.

Yours faithfully
Graeme Anderson

President