



## Wagstaffe to Killcare Community Association Inc.

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April 21, 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)

### Attention: DLEP 2009 SUBMISSIONS

#### ZONING FOR CLOSED/UNFORMED SECTION OF ARALUEN DRIVE HARDYS BAY/PRETTY BEACH KNOWN AS 'THE DOGTRACK'

For the purpose of this submission we define 'The Dogtrack' as:

**'All the foreshore area bounded at the eastern end by the formed part by of Araluen Drive adjacent to No 188 and at the western end by the Boat Ramp near the intersection of Heath Road & Pretty Beach Road, Pretty Beach (near the boat ramp), on the southern side by the northern boundaries of properties situated between Heath Road and Araluen Drive and on the northern side by Brisbane Water low water mark'.**

The Association has examined the zoning maps for all the Brisbane Water Foreshore areas in the LGA and notes the following :

With some exceptions all waterfront areas that are not privately owned, (R zoned residential) with direct waterfront access, are zoned RE1 Public Recreation or one of the E zonings. To council's credit Brisbane Water is a 'swathe' of green around the waterfront of Brisbane Water.

'The Dogtrack' is **one** of the exceptions mentioned above. The Association believes that this anomaly should be corrected by rezoning 'The Dogtrack' to RE1 Public Recreation.

**Therefore, and for the reasons outlined below the Association requests that 'The Dogtrack' be rezoned to RE1 (Public Recreation) under DLEP 2009, where roads are also a permitted use. This, together with the separately requested RE1 zoning of Hardys Bay western foreshore, will give a continuous waterfront recreation zoning around Hardys Bay consistent with current community usage.**

DLEP 2009 proposes that 'The Dogtrack' as defined above becomes zone R2 Low Density Residential.

Local expectations are quite definite that after Heath Rd was widened to be the connecting road that the 'The Dogtrack' was to be zoned as recreational. This expectation is strongly reinforced by the attached statement by Mr Richard Green, Director of Taylor Thomson

Whiting, who was involved in the abandonment of plans to build the Araluen Drive to Pretty Beach extension and subsequent upgrading of Heath Rd. This is now the opportunity for this zoning change to be completed.

The objectives and permitted/prohibited uses in R2 are as follows.

### **Zone R2 Low Density Residential**

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

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure development is compatible with the desired future character of the areas covered by this zone.*
- *To encourage best practice in the design of low density residential development.*
- *To promote ecologically, socially and economically sustainable development and the need for and value of biodiversity in the local government area.*
- *To ensure that non-residential land uses do not adversely affect residential amenity or place demands on services beyond the level reasonably required for low density housing.*

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

*Home occupations; Recreation areas*

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

*Bed and breakfast accommodation; Boat sheds; Boarding houses; Child care centres; Community facilities; Dwelling houses; Educational establishments; Group homes; Home-based child care; Home industries; Hospitals; Neighbourhood shops; Places of public worship; Roads; Secondary dwellings; Seniors housing*

#### **4 Prohibited**

*Any development not specified in item 2 or 3*

We understand that the road was formally opened under the Roads Act and has been allocated a Reserve number. We are not aware that the road has been formally closed under the Act.

We are also aware that under the Department of Planning's directions, minor roads are to be zoned in common with an adjacent zone, rather than generally having a unique "road" zone.

Although roads are a permitted use within the R2 zone, the Association objects to the application of a residential zone to a road which has been informally closed and made available to pedestrians, cyclists and as a designated dog exercise area. The road can be used during emergencies as an alternative to Heath Road – the chains at each end are simply cut or unlocked. The relevant section of Araluen Drive was, until the 1980s, the main road, with Heath Road as an alternative.

The Association believes that there is no place for any of the land uses shown above as permitted with or without consent, other than "roads". The desired prohibition in that area includes boat ramps and community facilities.

A character assessment was undertaken for Council in 1996, then used partly as background to the development of DCP 159 – Character Statement (Pretty Beach). The 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 Wagstaff 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 Wagstaff 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.).*

Among the recommendations for Precinct 3 (essentially the centre and eastern side of the suburb, including the whole length of the dog track and adjacent residential area of Heath Road) is the following:

#### *LANDSCAPE*

*Natural landscape features such as mangroves and native bush should be protected.*

*The existing foreshore reserve between the mangroves and the boundary line of properties along Heath Road should be retained. No through sealed road should be allowed in this area so that the environmental qualities can be retained (op. cit., p. 32).*

Further, the Association wishes to prevent the possibility at any future time of the loss of a valued, low key, well-used, public recreation facility in an ecologically sensitive strip, immediately adjacent to Brisbane Water. The Association sees no justification for the possibility of low density residential uses (or other permissible R2 uses) being countenanced in that location, from a public perspective.

This waterfront land links a Public Reserve to the east (Araluen Drive, Hardys Bay between its formed eastern end and the creek adjacent to the Heath Road intersection) with a waterfront road (Pretty Beach Road) to the west.

The objectives and permitted/prohibited uses in RE1 are as follows.

### **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*

NOTE: Comparing it with other waterfront strips, this section of Araluen Drive should be zoned RE1 Public Recreation. Comparable land uses and locations include Gosford waterfront, north of Dane Drive, waterfronts at Green Point, Saratoga, Davistown, Kincumber (Broadwater waterfront), Bensville, Empire Bay, Woy Woy (Brick Wharf Road

area), Terrigal, Wamberal, Avoca, Copacabana beaches, Avoca, Wamberal and Cockrone lagoons, and elsewhere. In particular, the southern extension of Remembrance Drive, Wamberal is now beachfront and will never be a road: an even more extreme example of RE1 than Araluen Drive, yet it too is zoned RE1. There is no apparent reason for this Araluen section of closed road to be zoned R2.

**Yours faithfully**

**Graeme Anderson**  
**President**

Attachment 1: Supporting letter, Taylor Thomson Whiting / Engineers  
Attachment 2: Dogtrack Location Map.

Taylor Thomson Whitting (NSW) Pty Ltd Consulting Engineers ACN 113 578 377  
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15<sup>th</sup> January 2010

Wagstaffe to Killcare Community Association  
32 Fraser Road  
Killcare NSW 2257

Attn: Richard Harper  
Vice President

**DOG WALKING TRACK  
ARALUEN DRIVE EXTENSION**

Dear Richard,

It was interesting to hear of the proposed 'enhancement' of the foreshore at Hardy Bay. I do not see the advantage of any upgrade of the junction of Araluen Drive and Heath Road, as Araluen Drive is never to be extended to Pretty Beach. We were involved when this was considered previously. The previous proposal to extend the Araluen Drive to Pretty Beach was defeated and the council upgraded Heath Road. The road is now widened to take the traffic load.

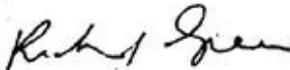
Any enhancement to the foreshore should be minimal to try and preserve the village atmosphere.

Also, the land on the foreshore including the so called "dog track" was to be rezoned to Public Reserve from Residential 2(a) after the Heath Road widening was completed. It is disappointing that this has not been followed thru, and this mistake has been repeated on the Draft LEP 2009.

This is not a suburb of Sydney and the traffic load is minimal. The parking should be limited so that the car does not overcrowd the foreshore.

The Council should realize that Killcare is one of the few areas of the Sydney Beach scene that remains relatively low key compared to Avoca and Terrigal.

Yours faithfully,  
**TAYLOR THOMSON WHITTING (NSW) PTY LTD**



**RICHARD GREEN**  
Director

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TaylorThomsonWhitting

Structural  
Civil  
Traffic  
Facade  
Engineers

**TTW Group**

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D Cardan BE(Hons) MEng Sc MIE Aust  
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- Associates**  
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Attachment 2: Dogtrack Location Map

