



6 October 2020

General Manager
Central Coast Council
49 Mann Street
Gosford NSW 2250



Dear Sir/Madam

Objection to DA59347/2020 – 2C Amethyst Avenue Pearl Beach



The Development Application notification plans and supporting documents have been reviewed. The proposed development is objected to for the reasons detailed below.

In summary, the proposed dwelling house constitutes overdevelopment of the small site, resulting in building massing to the detriment of [redacted] property. The efforts to achieve privacy screening worsen the building's bulk and scale. The affected areas of [redacted] property are the rear garden and the deck, living room and rear bedroom of the eastern elevation – refer to **photo 1** on the following page. The DA submission mistakenly assumes that by siting the development against the western elevation of 6 Pearl Parade this somehow facilitates the proposed building height and scale – refer **photo 2** on the following page. The proposed development, however, is beyond the capacity of the small site and would result in development which will dominate the rear part of [redacted] property and the rear areas of the adjoining properties – refer **illustration 1** on page 3.

With a site area of only 236.2 square metres, the site is 57% less than the required 550 square metre site area for subdivision. While it is an historical fact that the site exists and subdivision is not proposed, the importance of this difference is that the scale of development proposed on such a small site should be appropriately commensurate. The proposed development is **not** commensurate with the limited site area and will detrimentally affect [redacted] property and the other adjoining and adjacent properties. Furthermore, the proposed development is not in character with the desired built form and scale for Pearl Beach, as set out in part 5.10 of the Gosford DCP.

1. Unreasonable height profile for two level construction

The 1704mm separation between the two floors, nominated for kayak storage, substantially and unnecessarily increases the building height. A floor to floor separation of 200mm would be structurally sufficient.

The increased building height is evident on all four elevations. It will increase overshadowing of the rear elevation ground floor deck of 6 Pearl Parade.



Photo 1: Deck on rear elevation of 19 Diamond Road. Dining room and kitchen are behind the deck and the master bedroom on the left-hand side.



Photo 2: Existing rear elevation profile of 2C Amethyst Avenue, with 6 Pearl Parade in the background. Photo taken from 21 Diamond Road.

2. Proposed 1st floor rear deck and associated perimeter walls

The 1.8 metre high screen walls around the 42.9 square metre rear elevation first floor deck further add to bulk and height. Generally heights between 1.5 – 1.6 metres are sufficient to prevent overlooking, being at or slightly above average eye-height. The deck itself is unnecessarily large, extending to both sides of the building and given that ground level private open space is available between the western elevation and the boundary with [REDACTED] [REDACTED]. The 42.9 square metre area does not include the deck area to the east of the proposed new floor area.

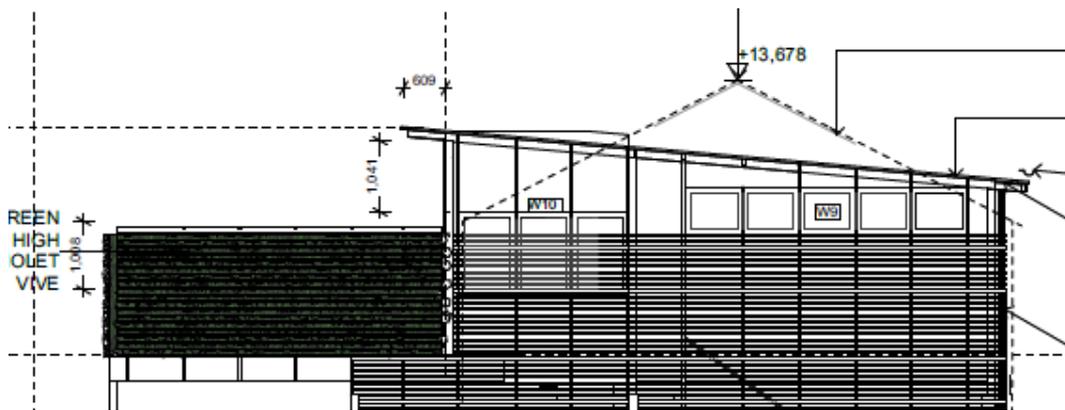


Illustration 1: Proposed height profile against 6 Pearl Parade. The proposed roof line will extend half way up the gable of 6 Pearl Parade.

3. Confusion over the proposed development – what specific use?

The size of the 1st floor deck as well as the facilities proposed on both levels call into question the potential use as two separate dwellings. This appears to be the case, based on the following points:

- i. The access to the 1st floor is external to the ground floor floor area. This is a clear indication of proposed separate use between the two levels. If single occupation is proposed, the separate access, represents poor design. Furthermore, the access door to the ground floor, located at the rear of the car space, also represents poor design in terms of legibility to the street and inconvenience for the residents.
- ii. The submitted Statement of Environmental Effects (SEE) (page 7) comments that secondary dwellings are permissible with consent and further mentions the “principal dwelling”. The SEE does not discuss the permissibility of a single dwelling house. The clear implication here is that the proposed development is for two separate attached dwellings, one above the other, as a dwelling house with an accompanying secondary dwelling. From the Notification plans, it is unclear which dwelling is the principal dwelling and which the secondary dwelling.

Council’s notification letter dated 15 September 2020 and the application under DA Tracking describe the proposed development as a “dwelling house (new)” i.e. a single dwelling. It is also noted that under the R2 zone, dual occupancy development is prohibited.

- iii. Kitchenette facilities (“a wet bar”) is proposed. Bathroom facilities will be available by way of the proposed en-suite.

The DA should not have been notified with the proposal being so unclear in this regard. Furthermore, the application should not be approved by any responsible consent authority with the proposal being ambiguous in regard to the proposed use. While any consent issued could restrict the use of the building to that of a single dwelling house, such a condition would not address the non-internal access between the two floors.

4. Unjustified retention of existing rear setback non-compliance

The retention of the footprint of the existing dwelling is co-opted into the proposed “new” dwelling description in an effort to avoid compliance with the DCP’s front and rear setback provisions (section/part 5.10.9). While it is not being suggested here that a site of only 236.2 square metres and a depth of only 15.24 metres should be forced to comply with the DCP’s 6 metre front and rear setback controls, no effort is made to improve compliance in this regard. The proposed redevelopment of the site presents the opportunity to address the rear setback non-compliance rather than ignore it. This is significant in regard to building bulk and height to the northern (rear) boundary and the view of the building from [REDACTED] property (the western elevation). Furthermore, the retention of the non-complying parts of the existing building in regard to setback controls should also be seen in the context of the proposed development not complying with the DCP’s 0.4:1 FSR control.

The existing rear setback (1.11 metres - drawing A-02) is retained as 1.106 metres on the un-numbered elevation drawing, with the result that when viewed from [REDACTED] property, the building height (towards the rear boundary) changes from 3.66 metres, (measured to the receding roof ridge – see **photo 3**) to 6.23 metres - see **Illustration 2**.

This increase in height needs to be understood in the context of:

- i. No improvement in regard to the rear setback (or overall building length);
- ii. The western elevation is 2 metres closer to the western side boundary, and
- iii. The western side elevation is unbroken rather than articulated.

The western elevation to [REDACTED] property is essentially an unbroken wall comprising different materials and finishes, with a total wall length of 13 metres. The western elevation comprises 85% of the site’s depth. The proposed development ignores rather than responds to the site’s small area and dimension limitations.



Photo 3: Existing height profile viewed [redacted] property.

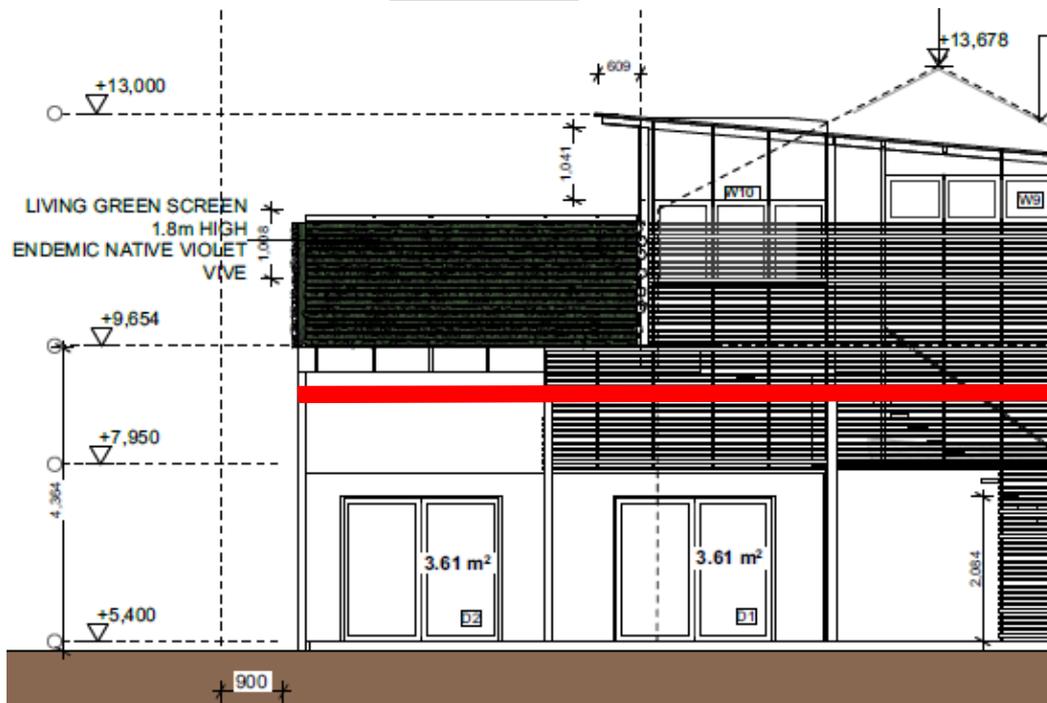


Illustration 2: Proposed height profile viewed [redacted] property. Red line approximates existing ridge height. The increase in height is also apparent against the existing height profile of 6 Pearl Parade. The site area of 6 Pearl Parade is approximately 608 square metres, compared with the 236.2 square metres of Amethyst Avenue.

5. Questionable structural capacity to support a floor above.

The existing fibro clad building, with its pitched metal roof, is highly likely to be of timber frame construction. It is not explained in the application how the retained building frame will allow for support of the additional floor, with a wall/roof height of 4.3 metres at the southern (street) end and a wall/roof height of 4.98 metres at the northern end.

To avoid the possibility of a future modification application seeking retrospective approval for the reconstruction of the ground floor to provide adequate structural support, Council should require the application to be supported by either a report from a licensed builder or a structural engineer, confirming that the proposal as submitted can be constructed.

6. Proposed visual privacy and visual bulk reduction measures

The slatted timber screen is notated on the western elevation as "30 x 30mm". The size of the individual slats is not important in privacy terms but rather the size of the gaps between the slats. To ensure a high level of visual privacy, it is recommended that the gap between the individual slats should be no greater than 25mm, thereby being consistent with the gap size in lattice. This should either be confirmed to Council by the applicant or conditioned by Council. A 25mm gap between the slats would be suitable to obstruct sight lines in either direction. It is also recommended that Council condition any consent issued in this regard to the effect that, for the life of the development, the slatted timber screen is to be maintained, including necessary replacement of slats and maintenance of the screen frame, to ensure that the 25mm gap between the slats is maintained. Council will be aware that thin timbers can deteriorate due to weather effects.

The owner of 19 Diamond Road is also concerned regarding the sill level of the three W10 windows. The concern is that if the timber slatted screen were found by the occupants to block too much natural light to the rooms behind, there could be pressure to remove the slatted screen in front of these windows. The preference here is for the three W10 windows to be the same configuration and sill level as the five W9 windows i.e. highlight windows, so that any future potential problems can be avoided.

Concern is also held in regard to the proposed living green screen of the walls around the 1st floor terrace. It is unclear whether the perimeter wall frame is solid or whether the associated visual privacy is to be achieved by way of the plants only, on an open style frame. Secondly, if the plant(s) were to fail to thrive, what fallback privacy measure can the adjoining owners be assured of?

7. Unjustified FSR variation

The reasons put forward in part 8 of the submitted SEE attempting to justify the proposed FSR variation are inadequate and fail to justify the non-compliance.

Reasons 2, 4 and 6 relate to the applicant's personal circumstances and clearly are not relevant to the proper consideration of a development standard and the question of compliance.

Reasons 1 and 2 claim that *the additions and the existing structure are articulated*. They are not. The wall of the western elevation facing [REDACTED] property is uniform in its north-south plane, as the hardwood slatted screen will stand outside the stairs to the 1st floor.

The claim in point 5 that there will be no privacy impact on the property to the west is disagreed with. The excessively large 1st floor deck is likely to have an aural privacy impact on the private open space of [REDACTED] property. The construction of excessively high and resultant bulky perimeter walls for the proposed deck does not represent a suitable design solution. The claim that the proposal “facilitates design excellence” is clearly unsupported. It does not.

8. Conclusion

The development proposal should not be supported for the numerous reasons put forward in this objection. The proposal fails to support the special character of Pearl Beach which part 5.10 of the DCP seeks to both protect and maintain. Specifically, the proposed development fails in regard to objectives (b) and (f) of part 5.10.3 of the DCP:

- “(b) *To ensure that land is used and developed in a way that is compatible with and respects the natural and built character of Pearl Beach,*
and
- (f) *To prevent buildings from intruding into the natural environment due to their bulk, height, colour and materials.”*

9. Suggested changes for any new proposed development

Given the site’s small area and limited dimensions, the 1st floor should be considered in the form of room-in-roof additions, with a north facing dormer opening onto a small balcony. The sloping roof planes would provide the balcony with its perimeter walls, finished to a height which provides visual privacy looking both in and out and assists in making unclear from the outside the actual size of the balcony.

This type of design would reduce the building’s bulk and scale and provide a built form much more consistent with the small site size. It would also provide a building form more in keeping with the local area.

The size of the 1st floor deck should be reduced to decrease the building’s proposed bulk and scale, with the ground level private open space (approximately 81 square metres) providing

sufficient area, in keeping with the Pearl Beach character.

Please feel free to contact me if you wish to discuss any aspects of this objection.

Yours faithfully

