

christopher polly architect

25 June 2021

Robert Eyre
Central Coast Council
Gosford Office:
49 Mann Street
GOSFORD NSW 2250

Dear Robert,

Re: Development Application No 61540/2021 for Proposed Shop Housing & Commercial Premises at No 1-3 Alfred Street and 315 West Street, Umina Beach NSW 2257

We write on behalf of Pyocrest Pty Ltd, the owner of the adjacent property located at 311-313 West Street Umina Beach following receipt of a notification letter for the above development application dated 25 May 2021.

We have reviewed all the planning documents provided online in relation to proposed development at the above address, and raise the following concerns relating to fundamental non-compliances with Council's planning controls:

1. Gosford LEP 2014 Clause 4.3 Height of buildings allows a maximum height of 14.25m

- At a maximum building height of 15.663m, the proposed development exceeds the height limit by 1.413m thereby failing to comply with this control. Despite the numerous reasons and justifications outlined in a Clause 4.6 variation to the development standard, it still represents a significant variation of 9.9% (or 10% as noted elsewhere) to the development standard;
- While it is appreciated that the non-complying additional height of the development is somewhat setback in a reduced top floor footprint, we believe this non-compliant additional height will result in an overdeveloped scale for the site, which will adversely impact the amenity of surrounding property and set a precedent for ensuing development in the locality;
- Given the generosity of the site area as stated on numerous occasions within the Statement of Environmental Effects, we believe this generosity should in fact be able to reasonably support a compliance with this development standard;
- An overarching argument made in support of maintaining a single storey "pedestrian-friendly" presentation to West Street while consolidating the bulk and scale to the northward 'rear' of the site should not be reason enough to not be able to comply with this development standard;
- An argument made in enabling the height limit to assist with the viability of the development should also not be reason enough for the non-compliance with this development standard.

2. Gosford LEP 2014 Clause 4.4 Floor space ratio allows a maximum floor space ratio of 1.8:1

- The proposed development provides a non-compliant total gross floor area of 2,646.84m², and despite the various reasons and justifications outlined in a Clause 4.6 variation to the development standard, inclusive of a stated "very minor" 3.8% variation to the development standard, it still exceeds the maximum permissible gross floor by 97.14 m² – arguably the size of an additional 3 bedroom unit;
- While the non-complying additional floor area of the development is part of a consolidated floor space consideration in a smaller top floor footprint at the 'rear' of the site, we believe this non-compliant floor area will result in additional bulk and scale, which will also set a precedent for ensuing development in the locality;
- Again, given the generosity of the site area as stated on numerous occasions within the Statement of Environmental Effects, we believe this generosity should in fact be able to reasonably support a compliant gross floor area for the development.

The combination of the additional gross floor area and additional height appear to draw focus to the top floor of the proposed development, with both non-compliances cumulatively resulting in an overdeveloped scale and bulk for the site. Again, given the generosity of the site, we believe this site area could reasonably facilitate compliance with these development standards – to assist in minimising impacts on the amenity of surrounding property, while averting setting a precedent for ensuing development in the locality.

3. Gosford DCP 2013 Clause 4.2.5.2 Building Height

- The proposed development provides blank East-facing and West-facing walls extending to the rear corners of the West Street retail building, which we believe exceed the permissible maximum external wall height of 12.75m;
- While both walls appear to have stepped profiles in elevation, more than half the length of both walls in plan are in excess of the permissible maximum external wall height;

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ABN 93 293 642 361 NOMINATED ARCHITECT: C POLLY, ARB NO. 7150
17 HAROLD STREET NEWTOWN NSW 2042
612 9516 5994
0413 722 554
mail@christopherpolly.com
christopherpolly.com

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- Notwithstanding this non-compliance, both walls appear to not have any material articulation to assist in achieving an appropriate human scale along the boundary edges, resulting in adverse scale and visual impacts to the immediate adjoining properties at 311-313 West Street and 323-325 West Street.

Council's LEP and DCP provisions are in place to provide a framework of compliance to guide desired development in the local area, and to maintain and improve amenity on subject and neighbouring sites. However, the inability of the proposed development to reasonably comply with Council's broad-stroke numeric controls of FSR and height to manage bulk and scale demonstrates a proposed overdevelopment for the site, which will result in amenity impacts to surrounding property.

Additionally, and with reference to part '6.4 Site Isolation' of the Statement of Environmental Effects, we also make it clear that the owner's representative has never attempted contact with the owner of 311-313 West Street (Pyocrest Pty Ltd) to discuss options for the development of their property at 311-313 West Street. This is a disingenuous statement. Also, given there are no architectural plans provided in Council's online portal, we do not have any understanding of the applicant's consideration given to the future development potential of 311-313 West Street, while also seeming presumptuous to assume that 311-313 West Street would retain "reasonable development in its own right".

We are grateful for your consideration of these concerns above regarding the proposed development, and we look forward to your reply. Should you wish to discuss, please do not hesitate to call on 0413 722 554.

Yours sincerely,



Christopher Polly
Director

Delivered as attachment to online submission