

[REDACTED]

26 July 2022

Erin Murphy
Senior Development Planner
Development Assessment South
Central Coast Council
PO Box 20 Wyong NSW 2259

Dear Erin,

Re: Section 8.2 Review of DA 61540/2021 Determination for Shop Housing & Commercial Premises at No 1-3 Alfred Street and 315 West Street, Umina Beach NSW 2257

We write again on behalf of [REDACTED]
[REDACTED] Umina Beach following receipt of a notification letter for the above Section 8.2 Review application. This follows on from our letter of 25 June 2021 for the DA submission that was ultimately refused by the Local Planning Panel (LPP) on 9 December 2021.

Firstly, it is somewhat puzzling that a re-designed development which is visually significantly different to the prior DA-submitted and LPP-refused development can form the basis of a Section 8.2 Review application, while paradoxically exhibiting similar breaches of Council's development standards which resulted in it being refused by the LPP in the first instance.

Secondly, and notwithstanding this, we again raise the following concerns following review of the planning documents provided online:

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

- At a maximum building height of 15.663m, the re-designed development still exceeds the height limit by the same 1.413m distance that the prior LPP-refused development exceeded it by. Despite the similarly repeated reasons outlined in a Clause 4.6 variation to the development standard, it still represents the same significant variation of 9.9% to the development standard, thereby again failing to comply with this control.
- We reiterate again:
 - that while the non-complying additional height appears to have increased setbacks in a reduced top floor footprint, we believe this non-compliant additional height will still 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;
 - that given the generosity of the site area, we believe this generosity should in fact be able to reasonably support compliance with this development standard;
 - that 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 rear of the site should not be reason enough to not be able to comply with this development standard; and
 - that an argument made in enabling the breach of 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 DCP 2013 Cl. 4.2.5.2 Building Height & Cl. 4.2.5.3 Street Setbacks and Building Envelopes

- The re-designed development still exhibits the same non-compliant height of five storeys, exceeding the four storey limit of this control. An argument made that the reduced bulk of the development enables the development to have "*the appearance of a less tall building*" is completely misleading. An argument made that there is reduced scale is also disingenuous given there is still a fifth storey in the re-designed development.
- The re-designed development still exhibits non-compliances in relation to setbacks for balconies and the upper storey building envelope. Arguments made that employment of "*light weight balcony treatments*" will "*not give rise to adverse visual impact*" should not be reason enough for non-compliance with setback requirements.

[REDACTED]

The LEP and DCP building height and setback non-compliances exhibited in the re-designed development constitute the very similar non-compliances which resulted in the original DA-submitted development being refused by the LPP.

Despite exhibiting compliance with the floor space ratio with a resultant reduction in bulk, the re-designed development still breaches the building height limit, number of permissible storeys and setback requirements which will still result in excessive scale for the site, and which will adversely impact the amenity of surrounding property and set an undesirable precedent for ensuing development in the locality.

3. SEPP 65 Apartment Design Guide

- Despite providing increases in setbacks, planter box screening, physical screens, and “*blank walls to facilitate separation where possible*”, the development still exhibits areas of non-compliance in relation to physical separation of private open spaces. Framing an argument around a consolidated 3-lot irregular shaped site unable to meet full compliance and render it as “*undevelopable to the height and configuration as supported by the GLEP 2014, GDCP 2013 and both the draft and current Central Coast regional Strategy*” is not reason enough for non-compliance with the building setback and separation provisions.
- Despite providing larger balconies and increased private open space for the apartments, the development still does not provide for adequate communal open space. Framing an argument around the provision of ground floor commercial space within a business zone should not be reason enough for non-compliance with this provision.

4. Statement of Environmental Effects - Part ‘6.4 Site Isolation’

- We also make it clear again that the owner’s representative has never attempted contact with the owner of [REDACTED] in neither letters or calls, to “*discuss options for the redevelopment of the site collectively and options for development as a stand alone site*”.
- This the same false statement made by the applicant in the previous SEE for their prior DA submission, in which they also did not make any attempt to contact the owner [REDACTED]
- Additionally, the applicant has not provided any “*schematic massing f=diagram for 311-313 West Street...as part of their submitted plans which illustrates that the site [REDACTED] retains significant and reasonable development potential in its own right as a stand alone site*” - and therefore, we do not have any understanding of the claim by them that “*consideration has been given to the future development potential of [REDACTED]*”
- This is the same false statement made by the applicant in the previous SEE for their prior DA submission, in which they also did not provide diagrams in support of presumptuous claims.
- [REDACTED]

We are grateful for your consideration of these matters above regarding the proposed Section 8.2 development, and we look forward to your reply.

Should you wish to discuss, please do not hesitate to call on 0413 722 554.

