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RE: DA2019/0076 - 1 Pitt Road NORTH CURL CURL NSW 2099

In general it would appear that the developer/architect has done little to modify and reduce the bulk of the building from the initial DA2018/1711. A slight decrease in overall height has been achieved by reducing the ceiling height of each of the three stories by 100mm to 2600mm and further excavating to include more of the dwelling below the existing ground level.

Part B - Built Form Controls

B1 - Wall Heights

Max height to ceiling 7.2m and max height 8.5m

The elevations indicate 3 floors with 2.6m ceiling heights (down from 2.7m on the previous DA).

From the Right Side Elevation it is clear that the building exceeds the 7.2m maximum wall height as the uppermost glazed extended section becomes the effective ceiling of that living area. The max wall height is exceeded by over 700mm due to this upper wall extension of the lower built form. It is submitted that a condition be imposed to remove this upper extension so the dwelling more naturally steps down the slope and does not exceed the maximum permitted wall height.

The maximum wall height is also greater than permitted on the large steel sections over the rear deck. These 320mm thick steel sections above the deck add hugely to the visual bulk on the side and rear facades. It is submitted that it would be reasonable to apply a condition that the maximum wall height be respected and the steel sections be removed so the building again naturally steps down the slope to the rear deck with no section above floor level.

The rear elevation indicates significantly more excavation in comparison to the original DA. The result is that the Rear Elevation shows a southern facade height of over 10m - creating a huge rectangular bulk when viewed from 44 and 46 Robertson Road and dwellings to the south and south west of the proposal.

The effect of the height and bulk of the building and the wall heights exceeding the maximum permitted has a large impact on the amenity of the surrounding buildings especially those adjacent on Robertson Road. Views are significantly compromised and the visual impact is unreasonable.

B3 - Side Boundary Envelope

Built form must fit within an envelope extending 5m from ground level and then at 45 degrees. The elevation drawings and 3D renders clearly show a section of the third floor of the rear mass on both left and right facades extending beyond the permitted envelope.

Again the sheer size and bulk of the building as a result of extending beyond the permitted building Controls has a significant impact on surrounding properties particularly 42 Robertson Road. As was the case with the first DA the developer has pushed every section to maximise the proposal's floor area seemingly without reference to the building controls or any

sympathetic design toward the surrounding community. The immense bulk of the proposal mean the dwelling would dominate the immediate area and have unreasonable impacts on the views and amenity of residents of 42 Robertson Road and others. It is proposed that limiting the proposal to two levels on the rear building bulk would enable the building to meet the required building controls, flow more naturally down the slope of the site and be far more sympathetic to surrounding dwellings.

B9 - Rear Boundary Setbacks

Minimum rear setback of 6m to be free of any above or below ground structures

The Application proposes a built shade structure over an in-ground pool off the southern rear boundary. The built structure's vertical wall is only 2m from the rear boundary. In addition the below ground pool appears to extend within the 6m required rear setback. There is not a permitted exception to the Control that would allow this significant reduction in rear setback. Again the developer has seemingly disregarded the building Controls to maximize the built environment on the subject site. As was the case with the first lodged DA to my knowledge the developer has not had any discussions with surrounding neighbours and as a result the proposed design appears to have no regard to both the Controls and amenity of surrounding residents.

Part D - Design

D6 - Access to Sunlight

According to the shadow diagram submitted with the proposal the solar impacts will be significant on both 42 and 44 Robertson at 3pm on 21 June effective shading 100% of the private open space. Notwithstanding this impact it appears that the proposal will meet the Control as 50% of the two residences POS is in sunlight for 3 hours between 9am and 12pm.

D7 - Views

Reasonable Sharing of Views

It is accepted that a redevelopment of the subject site would likely impact the views to adjoining properties on Robertson Road. What is not acceptable is that the sheer bulk of the proposed building extending beyond the acceptable height and envelope will have an unreasonable impact on the views of 42 Robertson Road as well as other surrounding residences.

It is submitted that appropriate conditions be applied to the DA to ensure the proposal sits within the maximum allowed extents and addresses the bulk and mass requirements of D9 below.

D8 - Privacy

From the elevations provided it would appear that there will be significant opportunity for occupants of the proposed dwelling to overlook the private outdoor space of neighbouring residents particularly those of 42 Robertson Road. As well as a reduction in the overall height and bulk of the proposal a more thoughtful design in terms of glazing would assist in reducing the privacy impacts of the proposal.

There are multiple banks of fixed glazing as seen on the Left Side Elevation that will create unreasonable overlooking and impact on the amenity and enjoyment of the private open space of the residents of 42 Robertson Rd and surrounding dwellings. Midway along the building bulk on the eastern facade is a bank of six windows that appear to be approximately 6m in total height. Similarly off the rear deck on the eastern facade there are two banks of three windows arranged vertically. This extensive glazing will allow residents of the proposal to directly overlook the private outdoor area of 42 Robertson Road from each level. It is submitted that significant controls should be applied to glazing on the eastern facade to more reasonably limit the potential for overlooking.

D9 - Building Bulk

As described above the design intention of the proposal is seemingly to maximise the built form as far as possible and even beyond that permitted by maximum height, setback and bulk controls.

In terms of the specific Requirements of the D9 Control:

1. Setback progressively increased.

The setback of the proposed buildings rear and side setbacks is relatively constant on all three levels and extended roofline to the third level. There is no progressive setback at all on the Left Side elevation and only minor on the Right Side around the front and rear decks. There appears no attempt to step back the building for each additional level to reduce the actual and perceived bulk.

3. On sloping land the height and bulk is to be minimised.

The proposed building in no way attempts to reduce the height and bulk of the building as it extends down the natural slope of the subject property. The proposal steps down once from the front bulk to the rear by less than 1m but the rear bulk then steps up again with the addition of the extended roofline to the same height.

Rather than a legitimate split level dwelling on the downward slope the proposal increases from two stories at the uphill front building bulk to three stories at the rear of the property. The result means there is no natural step down of the building bulk as it progresses down the slope.

Proposed excavation of the rear bulk to accommodate the three story section has been increased from the previous proposal.

It is submitted that a more reasonable approach would be to continue with a two level dwelling as it steps down the slope which would significantly reduce the overall bulk and mass of the building and the impact on surrounding neighbours. This would assist in the proposal meeting this and the other Controls as well as being more sensitive to the natural slope of the property and surrounding properties.

4. Building Height and Scale

As noted at B1 and B3 the height and scale of the proposal appears completely at odds with the intention and requirements of the building controls. As per 3 above it is submitted that the proposed design be rejected by Council and the developer be required to ensure the proposed building steps down the natural slope of the property by maintaining a maximum of two levels to reduce the building height and scale to an appropriate and reasonable level.

As it stands the proposed building design does not in any way address the requirements of the D9 control to minimise the building bulk and minimise the proposal's visual impact from neighbouring properties.