

# CHAPTER 5.10 PEARL BEACH RESIDENTIAL DEVELOPMENT

## 5.10.0 INTRODUCTION

Pearl Beach has a special character. It has widely recognised scenic beauty: the beach itself, the headlands, the view of Broken Bay, the surrounding hills of Brisbane Water National Park.

The distinctive asset of Pearl Beach is its natural environment. Within the village is an abundance of trees and shrubs - in the reserves, in the streets and on the private properties, and softening the visual impact of structures on the natural environment. It also has a profusion of bird life within the village. The overall effect is one of natural beauty.

The tree canopy is the intrinsic unifying feature of the area and it is critical that it be maintained.

Pearl Beach is the only village wholly within the area classified by the National Trust of Australia as the Broken Bay Entrance Landscape Conservation Area, and the unique character of Pearl Beach should therefore be protected. Uncontrolled development will lead to buildings which dominate the landscape at the expense of the natural environment.

Pearl Beach is a vital part of the Central Coast coastal character and the retention of its qualities contributes to the unique characteristics of the Central Coast which are highly valued by both residents and visitors.

## 5.10.1 RELATIONSHIP TO OTHER CHAPTERS AND POLICIES

Of particular concern are the visually prominent areas such as the beachfront, the Green Point headland and the steeplands.

In February 1989, the Pearl Beach Progress Association presented to Gosford City Council the document entitled "Pearl Beach Plan of Management". The document was prepared after comprehensive survey by consultants with contributions by members of the Pearl Beach community, and with wide community consultation. The Plan of Management included many recommendations relating to preserving the special character of Pearl Beach, including the recommendation that there should be a Development Control Plan (DCP) for the area. In June 1990, Council, by resolution adopted as policy several of the recommendations made in the Plan of Management, including that:

"Council, when considering development applications, have regard to the building bulk of developments as it affects the visual amenity of the street, reserves, neighbours, the general balance between vegetation cover and built form."

This chapter of the DCP which provides specific controls for Pearl Beach enables Council to implement that policy.

In the event of any inconsistency between this chapter and any other chapters in this DCP, policies and codes that may apply to this village of Pearl Beach, this chapter will prevail unless otherwise specified in this chapter or in the other chapters, policies and codes.

## 5.10.2 AIMS OF THIS CHAPTER

The aims of this chapter are:

- To maintain, improve and, where necessary, restore the natural character and the important built environment of Pearl Beach

- To ensure that further development is consistent with the unique qualities and character of Pearl Beach as a significant feature of the Central Coast.

### **5.10.3 OBJECTIVES**

The objectives of this chapter are:

- To ensure that property owners and authorities recognise the special landscape qualities and significance of Pearl Beach
- 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
- To conserve the pattern of vegetation, landscape quality and ecosystems
- To conserve biodiversity, and protect and enhance local indigenous wildlife populations and habitats
- To promote the landscaping of properties and encourage the planting and maintenance of native trees, particularly those indigenous to the area, and, especially, to protect existing tree cover
- To prevent buildings from intruding into the natural environment due to their bulk, height, colour and materials
- To minimise the adverse impact of development on the amenity of the area
- To encourage a high level of urban design which recognises the form and character of the important built and natural context
- To promote the principles of ecologically sustainable development
- To conserve the cultural significance of identified heritage items

### **5.10.4 LAND TO WHICH THIS CHAPTER APPLIES**

This chapter applies to all properties in the village of Pearl Beach (Figure 1).

- a The chapter applies to proposals for new buildings and to alterations and additions to existing buildings.
- b All development proposals must be prepared with consideration to all aspects of this plan.

*Note: Certain minor works and activities may be carried out as exempt development (i.e. without need for consent of any type). Other works and activities may be carried out as complying development, in which case a complying development certificate is required. Applicants are advised to consult with the Council's policies on exempt and complying development and under the Environmental Planning and Assessment Act, State Environmental Planning Policy (SEPP) (Exempt and Complying Development Codes) 2008. Amendments may occur to the planning instrument and to the policies on exempt and complying development from time to time and therefore applicants are advised to consult with Council or the State Government website for SEPPs to obtain the up-to-date information.*

The notes within this plan are provided to assist with interpretation. They do not form part of the approved plan and may be changed and added to from time to time.



**Figure 1** Pearl Beach

## 5.10.5 PROTECTION OF NATURAL VEGETATION AND FAUNA

### OBJECTIVE

To protect and preserve natural vegetation and fauna, particularly the Koala, within and surrounding the Pearl Beach village, specifically to prevent the degradation of natural vegetation resulting from development due to:

- pollutants enriching the natural soils and waterways
- invasion of weeds into bushland
- mechanical disturbance of soils and vegetation
- damage or loss of natural features
- erosion of soils and sedimentation of streams

### REQUIREMENTS

- a An Erosion and Sediment Control Plan is to be lodged with development applications as required in accordance with the Erosion and Sedimentation requirements of Council. .
- b The wildlife habitat of the Koala is to be protected, particularly the Grey Gum (*Eucalyptus punctata*), which is the Koala's principle source of food.
- c In assessing a Development Application, Central Coast Council will take into consideration the following matters:
  - i There will be a minimal loss of Koala habitat and density of Grey Gum (*Eucalyptus punctata*) in accordance with *State Environmental Planning Policy (Biodiversity and Conservation) 2021*;
  - ii The level of significance of the habitat for Koalas is to be assessed;
  - iii The threat to the Koala habitat which may result from the development. This is particularly relevant when the site abuts protected bushland areas;
  - iv Assess the likelihood of Koalas moving through a subject site and its potential as a habitat linking area. The proposal should not result in a barrier to potential Koala movement;
  - v Preferred Koala trees are to be used in landscaping.

## 5.10.6 TREE COVER

### OBJECTIVE

To ensure any development proposal will retain or replace existing tree cover to ensure the predominant landscape quality of the locality is maintained.

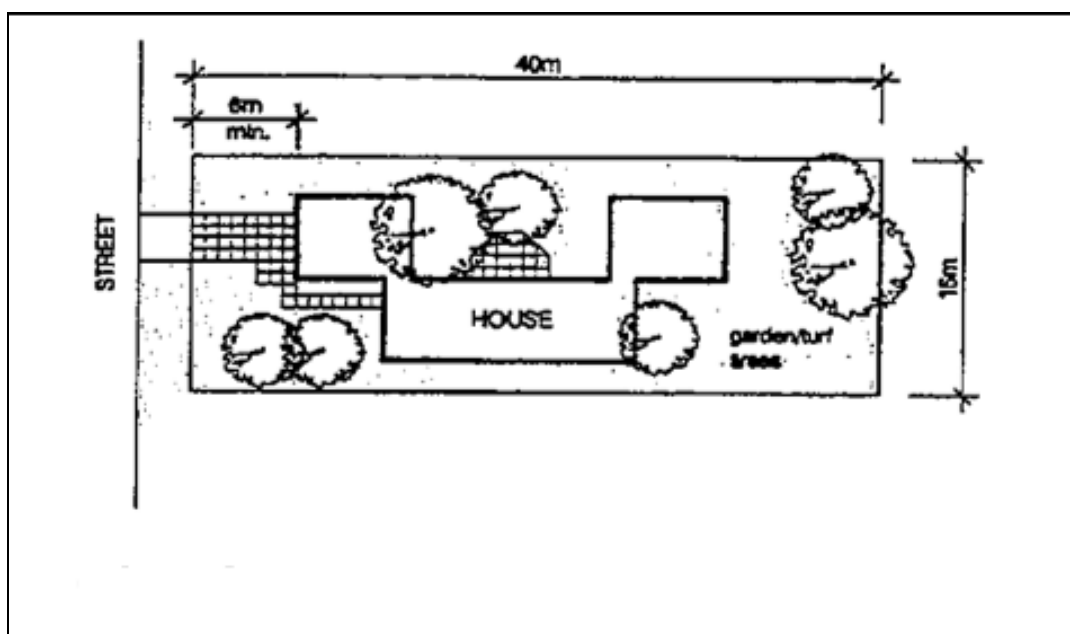
### REQUIREMENTS

- a Development on a site should be located so as to retain as many existing trees on the site as practicable.
- b Where an application for development involves removal of a tree, consideration should be given to the relocation or redesign of such proposals on the development site or neighbouring lot to ensure the preservation of trees. In this regard, it should be noted that threats to feeder root system of large trees will require an impact report from an arborist.
- c Where trees are removed by building works, replacement planting of indigenous species with similar growth potential will be required.

## 5.10.7 SITE DEVELOPMENT

### OBJECTIVES

- To maintain the natural character of the locality by reserving a significant portion of the site for landscaping. Prominence to be given to the natural environment over the built environment
- To minimise intrusion of buildings into the landscape by distributing landscaped areas in such a way as to screen and break up the bulk of the buildings. Take account of appearance from the street, from surrounding properties, public places and surrounding National Park (Figure 2)
- To retain sufficient unsurfaced area for site absorption of rain water to minimise the effect of run-off on neighbouring properties, on the creek systems and ultimately on the frontal dune and the beach itself



**Figure 2** Building design to screen and break up the bulk of the buildings

## REQUIREMENTS

- a Site coverage is not to exceed 40% of the total site area.
- b The open space area shall not be less than 50% total site area.
- c The floor space ratio of the development on the land is not to be more than 0.4:1 where not otherwise identified in *Central Coast Local Environmental Plan 2022*.
- d A balance between hard surfaces and soft landscaping areas is necessary to maintain the bushland character of the area. Hard surfaces should therefore be kept within the range of 10% of the site area.
- e The maximum site coverage is limited to 300m<sup>2</sup> on any site.

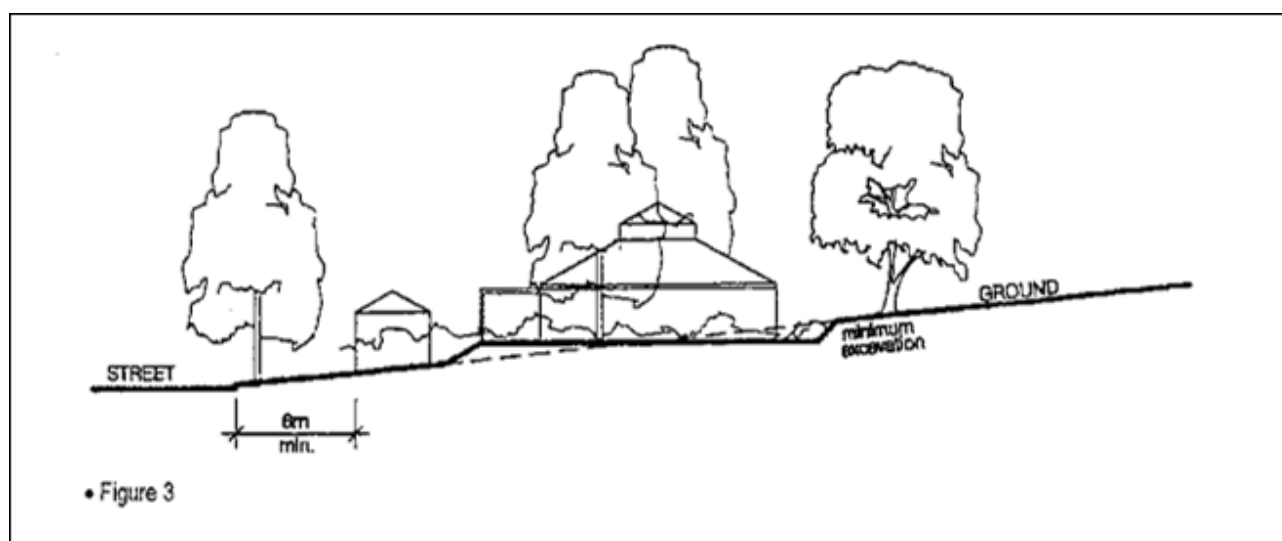
Figure 2 illustrates the application of these criteria.

### 5.10.7.1 Site Disturbance

- a Site disturbance must be kept to an absolute minimum, trees and ground cover vegetation must be retained and further erosion control measures may be required by Council.
- b Developments that extensively change natural ground levels, erase natural topography and vegetation, or disrupt natural water run-off and require costly soil stabilisation measures will not be approved.
- c Council will refuse an application where it considers excessive site disturbance may result.
- d Buildings and driveways will be sited and designed to keep site disturbance to a minimum (Figure 3).
- e Earthworks shall be no more than one metre cut or one metre depth of fill.
- f Restoration of all site disturbances will be required prior to occupation of buildings.

### 5.10.7.2 Erosion Control

Details of erosion and sedimentation control measures are to be provided in accordance with Council's requirements.



**Figure 3** Avoidance of site disturbance – limiting cut and fill

## 5.10.8 STREETScape

### OBJECTIVE

Development including fences shall be unobtrusive when viewed from the street, and be compatible with the character and the scale of any building to be retained on the site and residential development in the immediate vicinity

### REQUIREMENTS

Special consideration must be given to areas of visual prominence such as the beachfront, where highly reflective materials should be avoided, and external materials and colours are by virtue of their prominence, an integral component of the landscape

- a Fences, if required, need to be low profile and unobtrusive
- b Development will be compatible with the classification by the National Trust of Australia of the Pearl Beach Village as part of the Broken Bay Entrance Landscape Conservation Area
- c The size and shape of development, the extent of cut and fill, the type and colour of building materials, the design of roofs (in terms of materials, colour, pitch, etc.) and the amount and type of landscaping:
  - i are to be compatible with the character and scale of surrounding residential development;
  - ii do not intrude or otherwise impact upon the natural landscape, particularly on the beachfront, hillsides, headlands and on ridgetop locations and adjoining public reserves.
- d Textured face brick is to be avoided.

## 5.10.9 BUILDING SETBACKS AND BUILDING LINES

### OBJECTIVES

To locate development on a site so as to:

- maintain reasonable and adequate separation between buildings
- provide sufficient area of soft landscaping
- enhance streetscape quality
- retain an impression of openness and space between built elements
- maintain the residential amenity of the locality

### REQUIREMENTS

- a The building line will be a minimum of six metres from the street and rear boundaries except in the case of a corner block where it will be six metres from the primary street boundary, two metres from the secondary street boundary and subject to Section 5.10.20 of this chapter.
- b No carports or garages will be built in the setbacks from the street or streets, so as to ensure an adequate area for planting and screening of houses.
- c A dwelling house with a building height of up to 3.8m and any carport, garage, balcony, deck, patio, pergola, terrace or verandah that is attached to the dwelling house must have a setback from a side boundary of at least the following:

- i 1m, if the lot has an area of at least 450m<sup>2</sup> but less than 900m<sup>2</sup>;
  - ii 1.5m, if the lot has an area of at least 900m<sup>2</sup> but less than 1500m<sup>2</sup>;
  - iii 2.5m, if the lot has an area of at least 1500m<sup>2</sup>.
- d A dwelling house with a building height of more than 3.8m and any carport, garage, balcony, deck, patio, pergola, terrace or verandah that is attached to the dwelling house must have a setback from a side boundary of at least the sum of:
- i the amount of the setback specified for the relevant sized lot in subclause 5.10.9b(iii);
  - ii an amount that is equal to one-quarter of the additional building height above 3.8m.
- e Buildings, tennis courts, swimming pools, garages, carports and other major building elements shall not be erected between any building line set by Council and a public road.
- f Council may vary setbacks from boundaries to address a particular contingency to meet the chapter's objectives, such as established tree preservation.

## 5.10.10 BUILDING STYLES

### OBJECTIVES

To protect and promote:

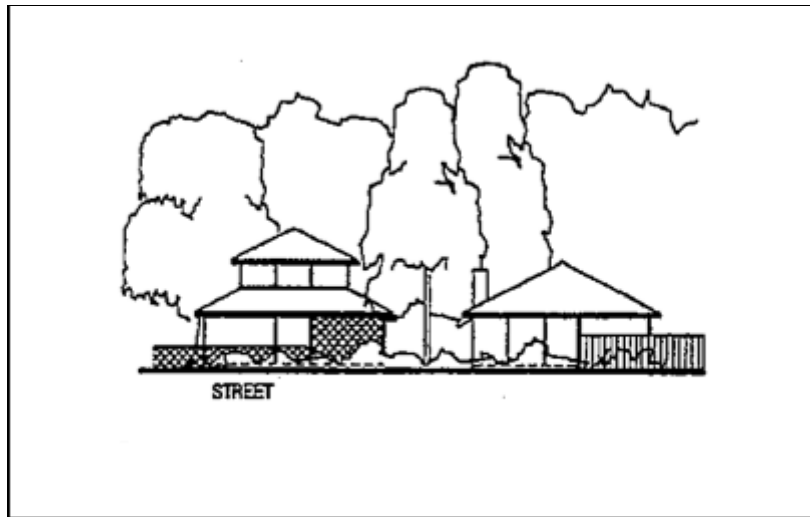
- compatibility with the scale and character of development in Pearl Beach
- the streetscape amenity
- a sympathetic standard of building design

### REQUIREMENTS

- a The form of new buildings shall harmonise with existing development in Pearl Beach as a whole in respect of size, shape and configuration.
- b Buildings should be articulated by breaking up the building mass to reduce their apparent size. The incorporation of verandahs and other outdoor living areas is an appropriate means to reduce building bulk and contribute to the character of Pearl Beach.

#### 5.10.10.1 Sympathetic Development

- a Proposed development should not disrupt the streetscape or the unity of a group of buildings or cause loss of built heritage and environmental amenity such as adjoining owners' privacy and sunlight (Figure 4).
- b New work shall respect view corridors and the scale and form of existing buildings in the street.



**Figure 7:** Proposed development should not disrupt the streetscape

## 5.10.11 EXTERNAL MATERIALS, COLOURS & FINISHES

### OBJECTIVES

- To protect and promote the streetscape character
- To protect and promote compatibility with the natural environment
- To protect and promote avoidance of undue glare

### REQUIREMENTS

- a External materials, colours and finishes of new development to complement the natural environment by a limited use of masonry construction and predominant use of materials sympathetic to the natural environment.
- b Avoid expanses of highly reflective, brightly coloured materials.
- c Relieve paved outdoor areas by planting or other landscaping.
- d Surfacing of driveways, car parking areas and other paved areas shall not dominate the street presentation of a development in scale, selection of material or colour.
- e All external surfaces of a development shall present a unified concept in respect of materials.

Council may impose requirements in relation to materials, colours and finishes as a condition of consent.

## 5.10.12 PRIVACY

### OBJECTIVE

To ensure development is sited and designed to minimise the potential for overlooking neighbours' habitable rooms and recreational areas and provide a reasonable level of privacy.

### REQUIREMENT

- a Where the objective is not fully achievable due to site or design constraints, and overlooking is unavoidable, sympathetic screening is required.



## 5.10.13 VIEWS

### OBJECTIVE

To maintain, within reason, the views and outlook of existing buildings

### REQUIREMENTS

- a Design and site development to adopt the principle of shared view corridors and within reason protect views enjoyed by existing buildings.
- b Particular regard shall be given to roof design to minimise environmental impact.

## 5.10.14 SOLAR ACCESS

### OBJECTIVE

Development should not unreasonably reduce solar access to living and recreational areas on adjacent properties.

### REQUIREMENTS

- a Development shall maintain a reasonable level of sunlight to neighbours' living and recreational space between 9.00am and 3.00pm during the winter solstice, 22 June.
- b Site design shall consider building orientation of living and recreational areas and the use of solar energy collectors.

## 5.10.15 NOISE

### OBJECTIVE

Development will be designed so that noise levels from outside sources and within buildings minimise transmission to adjacent buildings

### REQUIREMENTS

- a Noise level, measured at any point of the boundary of a site, shall not exceed 5dBA above background noise level.
- b Development shall be designed to achieve separation of noise sources from noise sensitive areas.
- c Use may be made of screen barriers or noise mitigation techniques, to Council's approval.

## 5.10.16 CONSTRUCTION CONTROLS

### OBJECTIVE

To minimise disturbance to neighbours and the environment during construction

### REQUIREMENTS

- a Prepare sites for development in an orderly and environmentally sensitive manner. Refer to Council's Tree and Vegetation Management DCP Chapter with regard to vegetation removal.
- b Avoid the compaction of tree surrounds on site during construction.

- c Provide protection to existing trees retained to avoid construction damage.

## 5.10.17 LANDSCAPING & STORMWATER

### OBJECTIVES

- To ensure the predominant landscape quality of the village is maintained and enhanced and decrease stormwater run-off by the inclusion of soft landscaped areas. Retention and planting of indigenous species will include trees, shrubs, ground covers, herbs, ferns and monocotyledons
- To ensure the natural environment is not threatened by development
- To avoid curb and guttering

### REQUIREMENTS

- a Landscaped areas are to be effectively distributed on the site to minimise the dominance of buildings.
- b Existing trees and trees proposed to be removed are to be indicated in the Development Application.
- c A Landscape Concept Plan is to be submitted with each Development Application showing proposals for achieving an informal softening on buildings and paved areas generally and the screening of the development from the side and rear boundaries and particularly from the street.
- d Stormwater is to be directed into the sandplain where this is possible to do so. Sites in steeplands may be required to adopt a different method of disposing stormwater.
- e Street drainage shall be accommodated with shallow spoon drains and groundcover.

#### 5.10.17.1 Plant Species Indigenous to Pearl Beach

- a A general use of the plant species native to Pearl Beach is encouraged. A list of such species is as follows:
- i Palms (not suitable for planting beneath wires)
    - *Livistona australis* (Cabbage Tree Palm)
  - ii Canopy trees (not suitable for planting beneath wires)
    - *Angophora costata* (Sydney Red Gum)
    - *Eucalyptus botryoides* (Bangalay)
    - *Corymbia maculata* (Spotted Gum)
    - *Eucalyptus paniculata* (Grey Ironbark)
    - *Eucalyptus robusta* (Swamp Mahogany)
    - *Angophora floribunda* (Rough Barked Apple)
    - *Eucalyptus punctata* (Grey Gum)
  - iii Small trees
    - *Allocasuarina torulosa* (Rose or Forest She Oak)
    - *Banksia integrifolia* (Coastal Banksia)

- Banksia serrata (Saw Banksia)
  - Clerodendrum tomentosum (Hairy Lolly Bush)
  - Elaocarpus reticulates (Blueberry Ash)
  - Syzygium oleosum (Blue Lilly Pilly)
  - Syzygium paniculatum (Magenta Lilly Pilly)
  - Hakea dactyloides (Finger Hakea)
  - Leptospermum polygalifolium (Lemon Scented Tea Tree)
  - Leptospermum laevigatum (Coastal Tea Tree)
- iv Monocotyledons
- Lomandra longifolia (Spiny Headed Mat Rush)
  - Dianella caerulea (Blue Flax Lily)
  - Xanthorrhoea resinifera (Spear Grass Tree)
- v Herbs
- Viola hederacea (Native Violet)
  - Hydrocotyle laxiflora (Stinking Pennywort)
  - Hibbertia vestita (Hairy Guinea Flower)

## 5.10.18 ALTERATIONS & ADDITIONS

### OBJECTIVE

Alterations and additions shall comply with the objectives and controls contained in this plan

### REQUIREMENTS

- a Alterations and additions to existing structures shall comply with the controls in this plan with regard to height, setbacks, floorspace and built-upon area.
- b Where existing buildings are inconsistent with the controls in this chapter, Council may consent to the application where Council is of the opinion that the work is not inconsistent with the aims and objectives of this plan, particularly in respect of ensuring minimisation of the adverse effects on the amenity of surrounding properties.

## 5.10.19 CAR PARKING

Off street car parking shall not take priority over other provisions of this chapter.

## 5.10.20 SUPPLEMENTARY PROVISIONS

### OBJECTIVE

To prescribe those matters which need to be taken into account for development in the defined areas in addition to matters which apply generally throughout this chapter.

### 5.10.20.1 Beachfront Properties in Coral Crescent

- a The provisions of this sub-section apply to Lots 260 to 290 inclusive in Coral Crescent.
- b Properties in a Restricted Development Area and any development on them will be subject to the requirements of that area.
- c Council when considering the establishment of building lines for these properties will give due regard to coastal erosion, structural stability, visual amenity of the beach and views from surrounding will be used as a basis for considering coastal erosion and structural stability.
- d A structure must not be closer to the beachfront boundary than Council's adopted building line or 50 year hazard line, whichever is most landward as outlined in the 'Broken Bay Beaches Coastal Management Plan', Issue 3, adopted in August 1999 or as revised by more recent Coastal Management reviews endorsed by Council. Additionally, where dwellings are set back from the beachfront further than the beachfront boundary, no structure shall be closer to the beachfront than the setback of dwellings in that vicinity.
- e In applying the last mentioned provision, (d) regard shall be had to the setback generally of the dwellings in the vicinity, not only to the setback of the dwellings in the vicinity closest to the beachfront boundary. "Structure" includes any building, structure, carport or driveway, terrace, deck, pergola, verandah or balcony (whether covered or not, at or above ground level) swimming pool or tennis court, but does not include paving at the natural level of the dune.

### 5.10.20.2 Steep Land Properties in Green Point Road, Crystal Avenue, Pearl Beach Drive, Jade Place, Onyx Avenue and Beryl Boulevarde

- a The provisions of this sub-section apply to:
  - i Lots 513-519 Green Point Road;
  - ii Lots 523-554 Crystal Avenue;
  - iii Lots 106-113 Pearl Beach Drive;
  - iv Lots 1-16 DP 239908 Jade Place;
  - v Lots 75-77 Onyx Avenue;
  - vi Lots 4-37 Beryl Boulevarde.
- b These properties are on steep lands and any development on them will be subject to special requirements.
- c Council when considering Development Applications on these properties will give regard to:
  - i building bulk as it affects the visual amenity of the street, reserves, neighbouring properties and particularly the general balance between vegetation cover and built form;
  - ii site disturbance, access and erosion control in relation to the topography of the particular site to ensure minimum disturbances as a result of the building activity.
- d The external materials, colours and finishes of buildings on these properties and especially their roofs, will need to blend with the surrounding tree and bushland cover on the steeplands so as to conform to the scenic and environmental values referred to in the National Trust's Broken Bay Entrance Landscape Conservation Area.

- e In respect of lots 523 to 554, the rear building line will be limited by AHD contour determined by Central Coast Council.

### **5.10.20.3 Foreshore Properties in Green Point Road and Gem Road**

- a The provisions of this sub-section apply to:
- i Lots 496-505 DP 14592 Green Point Road
  - ii Lots 1, 2 and 3 DP 513623 Green Point Road
  - iii Lots 6, 7 and 8 DP 25850 Green Point Road
  - iv Lots 1, 3 and 5 DP 539401 Green Point Road
  - v Lots 490 to 493 DP 14592 Gem Road
- b These properties are in a Restricted Development Area and any development on them will be subject to the requirements of that area.
- c Council when considering the establishment of building lines for these properties will give due regard to the protection and retention of the existing vegetation, especially the Spotted Gums (*Corymbia maculata*) to the views and visual amenity from the beach and Broken Bay and to the retention of views from neighbouring properties.

### **5.10.20.4 Properties Adjoining the Lagoon in Diamond Road, Beryl Boulevard, Coral Crescent and Agate Avenue**

- a The provisions of this sub-section apply to:
- i Lots 1-21 DP 224575 Diamond Road;
  - ii Lots 230-234 Beryl Boulevard;
  - iii Lots 239 and 248-259 Coral Crescent;
  - iv Lots 1-8 DP 224576 Coral Crescent;
  - v Lots 200-204 Agate Avenue.
- b These properties are adjacent to the Pearl Beach Lagoon. This is a recognised important wetland area and passive recreation resource within the village.
- c Council when considering development applications on these properties will give due regard to the protection and retention of the existing vegetation especially to paperbark trees (*Melaleuca quinquenervia*), to the visual amenity from the lagoon and to the setback of structures from the lagoon to avoid encroachment on the natural habitat.

### **5.10.20.5 Flood Prone Land**

- a The provisions of this sub-section apply to land identified in the *Green Point Creek Floodplain Management Plan 1991* and the *Middle Creek Floodplain Management Plan 2008* being located in the floodway or as flood prone land.
- b When considering development applications on these properties, Council will give due regard to the requirements set out in the *Green Point Creek Floodplain Management Plan 1991* and the *Middle Creek Floodplain Management Plan 2008*.

*Note: This section should be read in conjunction with the DCP Chapter on Floodplain Management*

### **5.10.20.6 Bushfire Prone Land**

- a The provisions of this sub-section apply to land in Pearl Beach adjacent to the surrounding National Park and bushlands which is assessed on the basis of density of the adjacent bushland, the topography of the area, the aspect of the site and the slope of the site as having a high fire hazard potential.
- b In considering development applications in bush fire prone land, Council may require the following to reduce ground fuel and incorporating fire-resistant species:
  - i the use of fire retardant materials;
  - ii the installation of fire retardant screens over windows;
  - iii the installation of roof sprinklers and independent water tank support systems;
  - iv the submission of a landscaping plan appropriate to the particular site and fire hazard;
  - v applicants are advised to study the recommendations in *Australian Standard AS3959, "Construction of Buildings in Bushfire Prone Areas"*.

### **5.10.20.7 Street Formations**

Council will retain the existing street formations and establish appropriate hydraulic section for road side drainage systems and stabilise the channel by:

- a forming suitable cross sections and grades, minimise tree removal and vegetate drainage channels
- b using hard structures in the channel base to prevent scouring on steeper non-mowable locations
- c where appropriate, establishing road side traps to localise silt flow.

### **5.10.20.8 Environment**

- a That the open character of the beach reserve be maintained, existing structures to be retained with further structures not to be considered and planting confined to dune restoration
- b that informal boat access should be maintained with vehicles excluded from the beach and/or park, there should be no construction of a formal launching map
- c that at the time of repairing of the Mt Ettalong Water Reservoir, the colour be discussed with the Pearl Beach Community.