

**Item No:** Addendum Report

**Title:** DA/58327 - 15 Lynnette Crescent East Gosford

**Department:** Environment and Planning

**Central Coast**  
Local Planning Panel

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Local Planning Panel

Trim Reference:

Author: Gary Evans, Principal Building Surveyor

Manager: Scott Rathgen, Section Manager Development Building Certification North

Executive: Brian Jones, Unit Manager Environment and Certification

### Summary

An application has been received for alterations and additions to the existing dwelling, cabana, inground swimming pool and retaining structures.

The development application was referred to the Local Planning Panel as a result of the owner of the property being a designated staff member involved in the assessment of development applications. The Local Planning Panel considered the matter at its meeting of 17 September 2020. The matter was deferred at the meeting pending the submission of additional information/amended plans.

The application has been examined having regard to the matters for consideration detailed in section 4.15 of the Environmental Planning and Assessment Act and other statutory requirements with the issues requiring attention and consideration being addressed in the report.

<b>Property Lot &amp; DP</b>	Lot 20 DP 29159
<b>Property Address</b>	15 Lynnette Crescent East Gosford
<b>Site Area</b>	701.9m <sup>2</sup>
<b>Zoning</b>	R2 Low Density Residential
<b>Proposal</b>	As amended – Alterations and additions to the existing dwelling, cabana, inground swimming pool and retaining structures
<b>Application Type</b>	Development Application - Local
<b>Application Lodged</b>	8 May 2020
<b>Applicant</b>	Mrs TL Votano
<b>Estimated Cost of Works</b>	\$270,000
<b>Advertised and Notified</b>	13 May 2020 – 3 June 2020 and again 30 September 2020 – 22 October 2020
<b>Submissions</b>	One (1) in relation to the original proposal. Nil in relation to the amended proposal.
<b>Disclosure of Political Interests</b>	No
<b>Site Inspection</b>	15 November 2020

### Background

The Panel considered a Planning Report on the matter at its meeting on 17 September 2020 and resolved as follows:

**Panel Decision** The Panel considered the development proposal and agreed with concerns raised by staff within the report and those raised by the adjoining landowner. Accordingly, the Local Planning Panel deferred consideration of the Development Application and resolved to invite the applicant to submit additional details and plans, as follows:

1. Deletion of the carport;
2. Move the rear southern retaining wall off the boundary by at least 900mm (the proposed height can be retained, but not increased), with appropriate details, including a cross section which identifies the relative level of the subject site to its neighbours so that the resulting height of the boundary fencing can be clearly understood;
3. Landscaping details in the setback between the southern boundary and the retaining wall to grow to a mature height of around 3m to address potential overlooking from the raised backyard.

These plans and supporting information shall be submitted to Council within 21 days of written advice to the applicant. When the documentation is resubmitted, a supplementary report by Council will be referred to the Panel as soon as practicable, for electronic determination.

**Reasons** The Panel agreed with concerns within the Council staff report. However, key concerns could be addressed by amended plans and details. While it was understood such an opportunity was provided to the applicant during assessment, the Panel was open to one last opportunity following the applicant's verbal submission to the Panel, so that aspects of the proposal which were not of concern may be approved.

### **Receipt of Amended Details**

In response to the outcome of the Panel meeting of 17 September 2020, the applicant submitted the following information on 28 September 2020:

- Amended architectural plans deleting the proposed carport structure and providing a garage addition to the front of the existing dwelling displaying a primary road boundary setback of 5.549 metres. **(Refer attachment 2)**
- Amended architectural plans altering the cut and fill levels within the rear yard area, effectively removing fill adjoining the sites southern allotment boundary. The area adjoining the southern boundary is to now be excavated and retained, with the proposed

retaining wall structure to be located 1.0 metre from the allotment boundary. **(Refer attachment 2)**

- Cross sections and 3D perspective visualisations of the rear yard area indicating proposed cut and fill levels in relation to the existing southern dividing fence. **(Refer attachment 3)**

### Neighbour Notification

The amended development plans received on 28 September 2020 were notified in accordance with Part 7.3 - Notification of Development Proposals of GDCP 2013 from Wednesday 30 September 2020, until close of business on Thursday, 22 October 2020. The adjoining landowner who had previously made submission with respect to the original development proposal, did not lodge further submission.

### Gosford Development Control Plan 2013

#### Chapter 2.1 – Character

In reviewing the amended development proposal, it is considered that the concerns raised by assessing staff, in terms of desired future character, have been addressed adequately. Accordingly, the development proposal is considered in keeping with the areas desired future character statement, albeit, with the narrowing of the proposed driveway access within the road reserve area which is discussed within the report below.

#### Chapter 3.1 – Dwelling Houses, Secondary Dwellings and Ancillary Development

Clause	Requirement	Proposed	Compliance
3.1.2.1 - Building height	8.5m by virtue of LEP mapping	7.6m	Yes
	Maximum 2 storeys	Two storeys	Yes
3.1.2.2 – Site coverage	Maximum 50%	39%	Yes
3.1.3.1a – Front setback (carport)	1m behind Average setback of adjoining dwellings being – 9.2m	5.549	<b>No</b>
3.3.3.1b – Rear setback	0.9m	1.150m	Yes
3.1.3.1c – Side setback	1.075m given building height	1.340m minimum	Yes
3.1.3.3.2 – Garage door articulation	Maximum 60% of building width – 7.5m	5.5m	Yes
3.1.4.3 - Private open space areas	Minimum 24m <sup>2</sup>	Well In excess of 24m <sup>2</sup>	Yes
			Yes

	Minimum dimension 3m Maximum gradient 1:50	Well in excess of 3m Level	Yes
3.1.5 – Car parking and access	2 spaces if 4 or more bedrooms  Parking to be located behind the primary road setback  Maximum driveway width 4.0m at the street crossover	2.0  5.549m  5.0m	Yes  Yes  <b>No</b>
3.1.6.1 - Earthworks	1.0m cut if located less than 1.0m from allotment boundary  3.0m cut if located in excess of 1.0m from allotment boundary  Maximum 1.0m fill  No retaining wall for fill to be located within 1.0m of boundary	1.0m  1.3m  0.95m  In excess of 1.0m	Yes  Yes  Yes  Yes
3.1.6.2 – Retaining walls	To be designed by a structural engineer	Structural plans submitted	Yes
3.1.6.3 - Drainage	To be disposed of to the street	To street	Yes
3.1.7.2 - Outbuildings	Maximum area of 75m <sup>2</sup>	23m <sup>2</sup>	Yes
3.1.7.4 – Swimming pools	Be located behind the primary road setback or rear yard	In rear yard area	Yes

	Comply with side and rear setbacks	In excess of 0.9m	Yes
	Pump located to minimise noise	Appropriately located	Yes
3.1.7.5 - Fencing	Fencing to be maximum 1.2m height	1.2m	Yes
	Fence opening for vehicle access to comply with AS2890.1	Yes	Yes
	Fence located within 1.5m of primary road boundary to have 25% open above 0.9m	Yes – open construction	Yes
	Fencing to be high quality materials	Rendered masonry/decorative steel	Yes

### Variation – Primary Road Setback Variation

Clause	Clause 3.1.3.1a
Standard	The proposed garage addition is required to be located a minimum of 1.0m behind the average primary road setback displayed by the nearest two dwelling houses located within 40m of the site.
LEP/DCP	Chapter 3.1 "Dwelling Houses, Secondary Dwellings and Ancillary Development"
Departure basis	The development seeks a reduced primary road setback of 5.549m for the proposed carport in lieu of the required average primary road setback of approximately 9.2m (being 1.0 m behind the required average setback of 8.2m). This represents a variation of 3.651m or 40%.

In reviewing the amended development proposal, it is considered that the concerns raised by assessing staff, in terms of the primary road setback variation originally sought by the development, have been addressed adequately. In this regard, the amended proposal provides a

traditional appearance when viewed from the street frontage, with the garage setback consistent with that displayed by the garage located upon the adjoining allotment to the south of the site.

Additionally, the proposed garage portion, despite it being located forward of the dwelling, is not considered to be dominating, nor is it the visual focus of the development.

Accordingly, the required primary road setback variation sought by the amended development proposal is supported.

### **Variation - Driveway Width**

As has been indicated to the applicant, the maximum permitted driveway width within the road reserve area is to be 5.0m. The submitted amended architectural plans indicate a driveway width in excess of this requirement. In reviewing the submitted amended development plans, it is noted that the driveway width extends beyond the proposed fence opening in a southerly direction. Accordingly, the driveway width could be narrowed in order to address the required maximum 5.0m width.

In order to address this therefore, a condition of consent approval will be applied requiring that the driveway width within the road reserve, be limited to a maximum 5.0m width.

### **Draft Conditions of Consent**

Draft conditions of consent have been prepared and are included as **Attachment 4**.

### **Conclusion**

This application has been assessed against the heads of consideration of Section 4.15 of the *Environmental Planning & Assessment Act 1979* and all relevant instruments and policies. The potential constraints of the site have been assessed and it is considered that the site is suitable for the proposed development. Subject to the imposition of appropriate conditions, the proposed development is not expected to have an adverse social or economic impact. It is considered that the proposed development will complement the locality and meet the desired future character of the area.

Accordingly, the application is recommended for **approval** pursuant to Section 4.16 of the Environmental Planning and Assessment Act.

### **Attachments**

1. Central Coast Local Planning Panel report 17 September 2020. D14107188
2. Amended architectural plans. D14268204
3. Cross sections and 3d perspectives rear yard. D14268203
4. Draft conditions of consent D14275655