

Item No: Addendum Report
Title: DA 57145/2019- 93-95 Henry Parry Drive, Gosford
– Demolition and Residential Flat Building
Department: Environment and Planning

**Central
Coast Local
Planning
Panel**

Local Planning Panel Meeting

Reference: F2020/02502-
Author: Robert Eyre, Principal Development Planner
Manager: Ailsa Prendergast, Section Manager Development South
Executive: Andrew Roach, Unit Manager Development.

Summary

An application has been received to demolish the existing dwelling houses and construct a residential flat building containing 34 units and 41 basement car parking spaces.

The application is required to be reported to the Local Planning Panel for determination due to;

- The variation to height. The proposed development results in a variation to maximum height of buildings applicable to the site under the provisions of State Environmental Policy (Gosford City Centre) 2018 (SEPPGCC 2018) by more than 10%.
- The proposed residential flat building is subject to the provisions of State Environmental Planning Policy No 65 (Design Quality of Residential Flat Buildings) (SEPP65).

The Local Planning Panel considered the matter at its meeting of 1 October 2020. The matter was deferred at the meeting pending the submission of amended plans to increase deep soil planting at the front of the site, the provision of communal open space on level 5, and an amended clause 4.6 submission for height variation.

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.

Applicant	Djogo Family Holdings Pty Ltd
Owner	Djogo Family Holdings Pty Ltd
Application No	DA57145/2019
Description of Land	Lots 6 and 7 DP:28807. 93-95 Henry Parry Drive, Gosford.
Proposed Development	Demolition of 2 existing dwellings and construction of a residential flat building.
Site Area	1,154.3m ²
Zoning	B4 Mixed Use
Existing Use	Two (2) Dwelling houses

Employment Generation	No
Estimated Value	\$9,860,896.00

Background

The Panel considered a Planning Report on the matter at its meeting on 1 October 2020 and resolved as follows:

Panel Decision

- 1 The Local Planning Panel defer consideration of the proposal to allow the applicant to submit the following within two weeks of the Panel's decision:**
 - Amended plans that provide for additional deep soil planting preferably in the south west corner of the site.**
 - Amended plans that relocate the communal open space to level 5. The communal open space should be landscaped and have an area that is equal to 25% of the site area.**
 - An amended clause 4.6 request.**
- 2 That Council approach the Roads and Maritime Service to consider measures in Henry Parry Drive to provide for left in/left out traffic to/from the site only.**

Reasons

1 The proposal does not satisfactorily comply with the communal open space and deep soil planting requirements under the Apartment Design Guidelines (ADG) and State Environmental Planning Policy No 65 (Design Quality of Residential Flat Buildings).

2 Road safety.

Receipt of Amended Details

In response to the outcome of the Panel meeting of 1 October 2020, the applicant has submitted the following information on 15 October 2020:

- Amended architectural and landscape plans that provide additional deep soil planting in the south west corner of the site and an additional communal area on level 5.
(Refer attachments 3 and 4)

- An amended clause 4.6 submission addressing the height variation due to the communal open space on level 5. **(Refer attachment 2)**

The applicant advises;

"The amendments include the following.

- *Provision of a communal open space area at Level 5 with access provided from the stair and lift accessing this floor level. A 1.8m high wall will be provided between the area and the adjoining private open space areas.*
- *Deletion of 3 carparking spaces (one at each of the 3 parking levels and the front south western corner of the development being moved back to accommodate a deep soil landscaped area. This requires the amendment to the layout of unit LG1 and the balcony to unit G2.*

I have prepared an updated 4.6 objection in relation to the height requirements of the SEPP as the proposed 1.8m high wall to the communal open space at level 5 is above the 18m height applicable to the site.

This communal open space at Level 5 has an area of 64.9m². This area is in addition to the existing communal open space area at the rear of the building that has an area of 51.8m². This provides a total area of 116.7m² or 10.1% of the site. The ADG requires that communal open space of 25% of the site should be provided. The Objective 3D of the ADG is;

An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping

Whilst there is a shortfall in the communal open space provided on the site it is considered that the proposed communal open space provide is sufficient to cater for the needs of the occupants of the development and be consistent with Objective 3D-1 of ADG (minimum 25% of site area), on the following grounds.

- *The proposal generally complies with the design guidance requirements of 3D of the ADG.*
- *There are two separate areas provided which allows for residents to recreate separately.*
- *The use of the two separate areas will provide optimum use depending on weather and season with the area at the rear being shaded and partly covered and the area on the roof having access to direct sunlight.*
- *The proposed communal open space has minimum dimensions in excess of the minimum of 3m and the area at roof level provides extensive views of Brisbane Water.*
- *The area at the rear provides opportunity for landscaping and is adjacent to a deep soil landscaped area.*
- *There are extensive public recreation areas available within close walking distance of the proposed development around the foreshore of Brisbane Water which includes passive and active recreation areas, bicycle and walking paths and a swimming pool.*

In relation to the deep soil landscape area the ADG requires a total of 15% of the site area with a minimum dimension of 3m. This requires a total area of 174m² to be provided. The amended

proposal now provides for 201.2m². However, 176.8m² has a minimum dimension of 2m which does not meet the minimum requirements. Additional deep soil area has been provided on the south western corner of the building by the deletion of 3 carparking spaces (one space from each of the 3 parking levels and by moving the front corner of the building back. This allows for an opportunity to plant a large tree as indicated on the amended landscape plan.

The subject site adjoins a road reserve to the east of the site. A road will not be constructed in the road reserve due to the topography of the land. There are numerous trees within the road reserve that will provide screening to the proposal from the east. The driveway to the existing dwelling at 93 Henry Parry Drive is located within the road reserve. The owner would be happy to accept a condition of consent requiring the driveway to be removed and the area being landscaped to include a minimum of 5 large trees of a suitable species. This would further screen the building from the east”.

Neighbour Notification

The proposed development was notified in accordance with Gosford Development Control Plan 2018 from 19 September 2019 to 14 October 2019 and three (3) submissions were received. The issues raised in public submissions were addressed in the Planning Report considered by the Panel on 1 October 2020.

It is the view of Council Officers that the amended plans/revised details submitted on 15 October 2020 are minor and do not require re-notification. As provided by Clause 1.10 of the *Gosford City Centre development Control Plan 2018* minor amendments do not require re-notification.

Amended Draft Conditions of Consent

The draft conditions have been updated to:

- Reflect the amended architectural and landscape plans and Clause 4.6 submission.

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 Report 1 October 2020.
2. Amended Clause 4.6 submission D14241627.
3. Amended architectural Plans D14241627.
4. Amended landscape plans D14244039
5. Amended draft conditions of consent D14204638.