

**Item No:** 3.2  
**Title:** DA/58327/2020 - 15 Lynnette Crescent East  
Gosford - Alterations and Additions to the existing  
Dwelling, Carport, Cabana, Inground swimming  
pool and retaining structures  
**Department:** Environment and Planning

**Central Coast**  
Local Planning Panel

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17 September 2020 Local Planning Panel Meeting

Reference: 011.2020.00058327.001 - D14107188  
Author: Gary Evans, Principal Health and Building Surveyor  
Scott Rathgen, Section Manager, Central Coast Building Certification North  
Approver: Brian Jones, Unit Manager, Environment and Certification

### Summary

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

The application is referred to the Local Planning Panel due to a potential conflict of interest - a joint owner of the property and is a Specified Council employee who is principally engaged in exercising functions under the *Environmental Planning and Assessment Act 1979*.

<b>Applicant</b>	Mrs TL Votano
<b>Owner</b>	Mr CJ and Mrs TL Votano
<b>Application No</b>	58327/2020
<b>Description of Land</b>	Lot 20 DP 29159 -15 Lynnette Crescent, EAST GOSFORD
<b>Proposed Development</b>	Alterations and additions to the existing dwelling, carport, cabana, inground swimming pool and retaining structures
<b>Site Area</b>	701.9 m <sup>2</sup>
<b>Zoning</b>	R2 Low Density Residential
<b>Existing Use</b>	Dwelling house
<b>Employment Generation</b>	N/A
<b>Estimated Value</b>	\$270,000

### Recommendation

- 1 That the Local Planning Panel refuse the application for the reasons detailed in the schedule attached to the report and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act.***
- 2 That Council advise those who made written submissions of the Panel's decision.***

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**Key Issues**

- The owner of the development site is a delegated staff member within Council’s Environment and Planning Directorate. Accordingly, the development application is required to be referred to the Local Planning Panel for determination;
- The proposal seeks a significant variation to the required primary road setback to permit the development. The significant variation is not supported and is considered out of character with the existing streetscape and non-compliant with relevant setback objectives of Chapter 3.1 “*Dwelling Houses, Secondary Dwellings and Ancillary Development*”;
- The proposal includes significant earthworks within the rear yard area of the allotment. The extent of the proposed earthworks and subsequent retaining, could be reduced via a more balanced level of cut and fill, thereby achieving an improved design outcome;
- Assessing staff sought to negotiate amendments to the development proposal with the applicant. Amended plan details responding to the concerns with the development, as raised by assessing staff, have not been provided by the applicant; and
- Objection to the development has been received from the adjoining landowner, which upon review, is considered to have merit.

**Precis:**

<b>Proposed Development</b>	Alterations and additions to the existing dwelling, carport, cabana, inground swimming pool and retaining structures.
<b>Permissibility and Zoning</b>	<p>The subject site is zoned <i>R2 - Low Density Residential</i> under the provisions of <i>Gosford Local Environmental Plan 2014 (Gosford LEP 2014)</i>.</p> <p>The proposed development is defined as a ‘dwelling house’ which is defined under the <i>Gosford LEP 2014</i> as;</p> <p><b>‘dwelling house’</b> means – a building containing only one dwelling.</p> <p>The use is permissible with consent of Council within the zone.</p>

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<b>Relevant Legislation</b>	<p>The following planning policies and control documents are relevant to the development and were considered as part of the assessment.</p> <ul style="list-style-type: none"> <li>• <i>Environment Planning and Assessment Act 1979 - section 4.15 (EP&amp;A Act)</i></li> <li>• <i>Gosford Local Environmental Plan 2014 (GLEP 2014)</i></li> <li>• <i>Draft Central Coast Local Environmental Plan 2018 (Draft CCLEP 2018)</i></li> <li>• <i>Gosford Development Control Plan 2013 Chapter 2.1 Character</i></li> <li>• <i>Gosford Development Control Plan 2013 Chapter 3.1 Dwelling Houses, Secondary Dwellings and Ancillary Development (Gosford DCP 2013)</i></li> <li>• <i>Gosford Development Control Plan 2013 Chapter 7.1 Carparking (Gosford DCP 2013)</i></li> </ul>
<b>Current Use</b>	Dwelling house
<b>Integrated Development</b>	No
<b>Submissions</b>	<p>The development application was notified in accordance with the provisions of the <i>Gosford Development Control Plan 2013 Chapter 7.3 - Notification of Development Proposals</i> from 13 May 2020 until 3 June 2020. One (1) written submissions was received.</p> <p>An evaluation of matters raised within this submission is included later in this report.</p>

**Variations to Policies**

**Variation 1**

Clause	Clause 3.1.3.1a
Standard	The proposed carport 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 1.0 m for the proposed carport in lieu of the required average

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	primary road setback of approximately 9.2m (being 1.0 m behind the required average setback of 8.2m). This represents a variation of 8.2 m or 89%.
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**Variation 2**

Clause	Clause 3.1.6.1
Standard	No retaining wall for fill is to be within 1m of a side or rear boundary unless within 1.5m of any external wall of a dwelling.  Fill for development other than for a dwelling is to generally comply with the exempt provisions SEPP (Exempt and Complying Development Codes) 2008.
LEP/DCP	Chapter 3.1 "Dwelling Houses, Secondary Dwellings and Ancillary Development"
Departure basis	The development seeks to extend fill to the southern allotment boundary with a maximum height of 0.8m. This fill is to be retained at the boundary contrary to the provisions of Clause 3.1.6.1 and the exempt provisions of the SEPP (Exempt and Complying Development Codes) 2008.

**The Site**

The site is a single lot identified as Lot 20 DP 29159 No. 15 Lynnette Crescent, East Gosford. The site is located on the western side of Lynnette Avenue having a total area of 701.9 m<sup>2</sup>. The site contains a two storey residential dwelling with existing driveway access to Lynnette Ave (Figure 1).

The subject site is zoned *R2 - Low Density Residential* under the provisions of *Gosford Local Environmental Plan 2014 (Gosford LEP 2014)* (Figure 2).

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Figure 1: Aerial photograph of subject site with the site etched in blue.

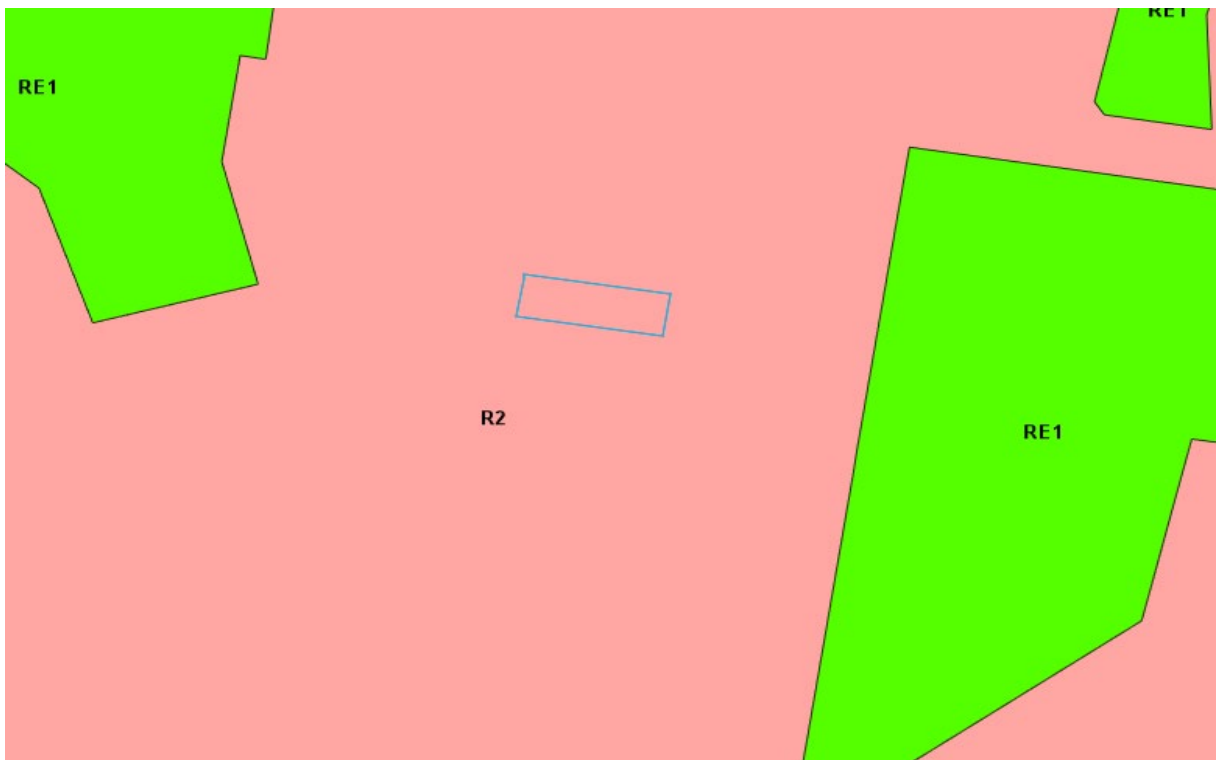


Figure 2: Extract of Gosford Local Environmental Plan 2014 zoning map with the site etched in blue.

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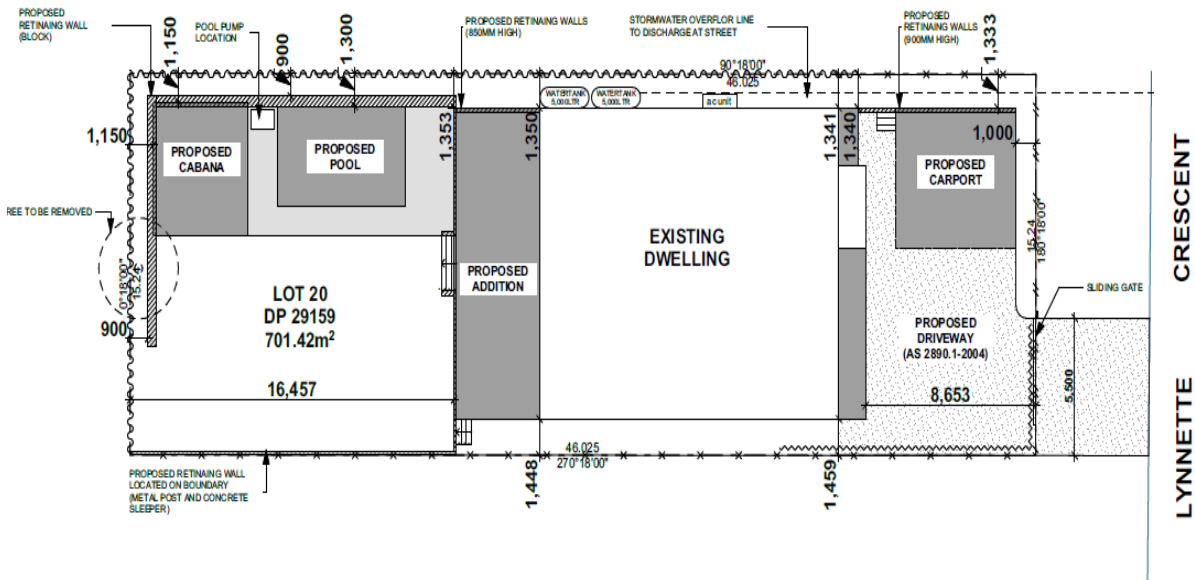
**Surrounding Development**

The subject site is surrounded on all sides by existing R2 – low density zoned residential allotments, generally containing a mixture of older style single storey dwellings interspersed with newer dwellings of single and two storey design and associated ancillary development. Of varying distances to the east, west and south are RE2 Recreation zoned lands comprising sporting fields and bushland remnants. The East Gosford commercial precinct lies approximately 1.0 km to the south west of the allotment.

**The Proposed Development**

The application submitted to Council, proposes the following works;

- Internal alterations within the upper and lower levels of the existing dwelling;
- A carport addition to the front of the existing dwelling to within 1.0 m of the site’s primary road boundary;
- An alfresco addition to the rear of the existing dwelling;
- An inground swimming pool and associated cabana;
- Levelling (cutting and filling) of the rear allotment and provision of retaining wall structures up to a maximum 0.8 m in height.



**Figure 3: The proposed site plan**

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Figure 4: The proposed eastern (street) elevation

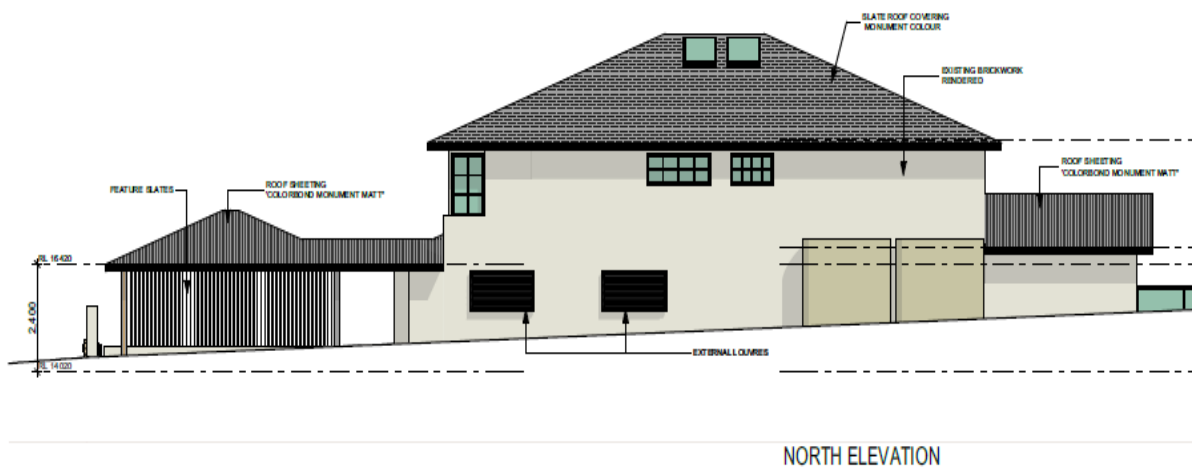
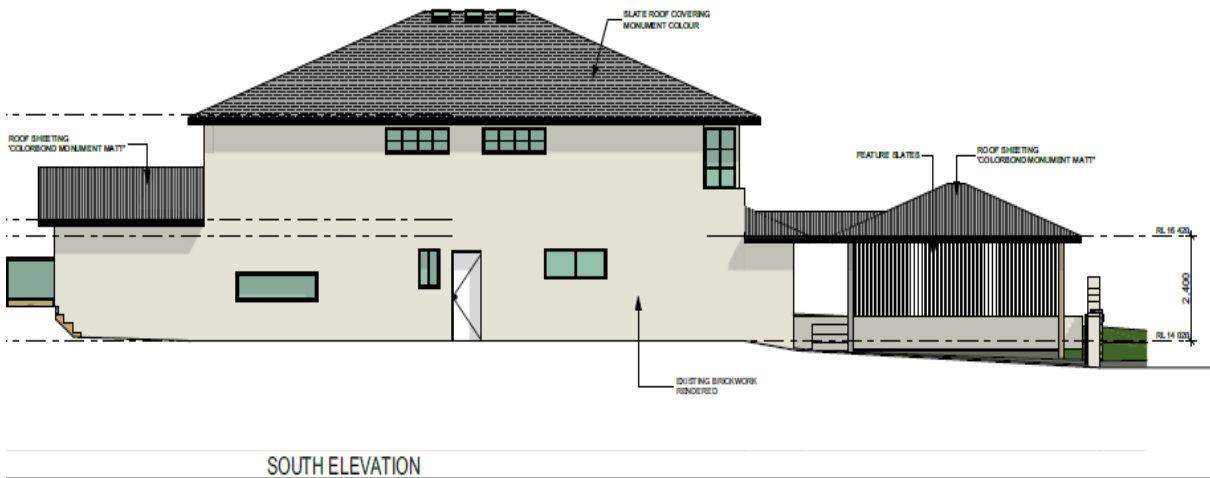


Figure 5: The proposed northern elevation



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**Figure 6: The proposed southern elevation**

**History**

There is no history of note in relation to the current development proposal.

**Assessment:**

Having regard for the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979 and other statutory requirements, Council's policies and Section 10.7 Certificate details, the assessment has identified a number of issues which are elaborated upon within the report. Any tables relating to plans or policies are provided as an attachment.

**Provisions of Relevant Instruments/Plans/Policies:**

**State Environmental Planning Policy (Building sustainability Index) BASIX 2004**

A compliant BASIX certificate achieving the State Governments Energy Efficiency targets has been provided in support of the application.

**Gosford Local Environmental Plan 2014**

Permissibility

The subject site is zoned *R2 - Low Density Residential* under the provisions of *Gosford Local Environmental Plan 2014 (Gosford LEP 2014)*. The development proposal is permissible in the zone with consent however, it is inconsistent with the objectives of the zone which are as follows:



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**Zone R2 Low Density Residential - Objectives of zone**

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To ensure that development is compatible with the desired future character of the zone.
- To encourage best practice in the design of low-density residential development.
- To promote ecologically, socially and economically sustainable development and the need for, and value of, biodiversity in Gosford.
- To ensure that non-residential land uses do not adversely affect residential amenity or place demands on services beyond the level reasonably required for low-density housing.

It is considered that the development proposal, given the positioning of the substantial carport within the primary road setback area, will have significant visual impact upon the existing streetscape in Lynnette Crescent.

Further, the extent of the fill in the rear yard area and subsequent retaining wall structure located upon the southern allotment boundary, may cause amenity impacts to the adjoining dwelling to the south of the site, when considering the overall height of the proposed retaining wall and 1.8m high boundary fencing.

Accordingly, the proposal is considered to be inconsistent with the stated objectives of the R2 residential zone, relating to the development being compatible with the desired future character for the area, impact upon residential amenity and best practice design.

**Draft Central Coast Local Environmental Plan 2018 (Draft CCLEP 2018)**

A review of the Draft Central Coast Local Environmental Plan 2018 (Draft CCLEP 2018) which was exhibited until 27 February 2018, indicates that the subject site retains its low density R2 residential zoning, with dwelling houses remaining permissible with the consent of Council.

Height of Buildings

Clause 4.3(2) applies to the height of buildings on any land. The proposed building is not to exceed the maximum height shown for the land on the Height of Buildings Map in order to achieve the following objectives:

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- to establish the maximum height limit for buildings to enable the achievement of appropriate development density,
- to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,
- to ensure that the height of buildings protects the amenity of neighboring properties in terms of visual bulk, access to sunlight, privacy and views.

The subject allotment is mapped as having a maximum building height of 8.5m with the proposed development having a lesser building height of 7.6m therefore being compliant.

Floor Space Ratio

Clause 4.4(2) applies to the maximum floor space ratio for a building on any land. The proposed building is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map in order to achieve the following objectives:

- to ensure that the density, bulk and scale of development is appropriate for a site,
- to ensure that the density, bulk and scale of development integrates with the streetscape and character of the area in which the development is located,
- to facilitate development in certain areas that contributes to economic growth.

The subject allotment is mapped as having a maximum floor space ratio of 0.5:1 with the proposed development proposing a lesser floor space ratio of 0.39:1 therefore being compliant.

Acid Sulphate Soils

Clause 7.1 applies to development that has the potential to disturb, expose or drain acid sulfate soils. In this regard, the allotment is mapped as being potentially affected by Class 5 acid sulfate soils. Class 5 acid sulfate soils are affected as follows: -

<b>Class of land</b>	<b>Works</b>
1	Any works.
2	Works below the natural ground surface. Works by which the water table is likely to be lowered.
3	Works more than 1m below the natural ground surface. Works by which the water table is likely to be lowered more than 1 m below the natural ground surface.

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|---|---|
| 4 | Works more than 2m below the natural ground surface. Works by which the water table is likely to be lowered more than 2 m below the natural ground surface.   |
| 5 | Works within 500m of adjacent Class 1, 2, 3 or 4 land that is below 5m Australian Height Datum and by which the water table is likely to be lowered below 1m Australian Height Datum on adjacent Class 1, 2, 3 or 4 land. |

In this case, the subject site is located within 500m of an adjacent land that is impacted by potential class 2 acid sulfate soils, with this area being located below R.L 5m Australian Height Datum. The proposal, however, given the relative minor nature of the works, is not considered to impact the water table and accordingly, no further consideration of this issue is warranted.

#### **Gosford Development Control Plan 2013**

##### Chapter 2.1 – Character

Chapter 2.1 - Character applies to the development application. The chapter sets out the 'existing' and 'desired' character for each precinct and requires that character be considered in the assessment of any development application.

The subject site is located within the East Gosford Open Parklands character precinct. The existing East Gosford Open Parkland Hillside character statement includes:

- Residential neighbourhoods that are situated on gentle to moderate slopes cleared of their original vegetation, planted with shrubs and small trees creating a leafy but open parkland character.
- A variety of medium sized allotments face streets with narrow pavements that are flanked by wide turfed edges extending across gardens without fences.
- Newer brick and tile buildings of single or double storey construction, which are sited close to the neighbours and have broad street facades that are often dominated by wide garages.

The desired future East Gosford Open Parklands character statement includes the following relevant points:

- Retain existing ground levels along all boundaries.
- Avoid the appearance of a continuous wall of development along any street.
- Locate new buildings behind front setbacks that are similar to their surrounding properties.
- Emphasise a leafy garden character by gardens and street verges planted with taller trees, avoiding wide driveways and tall fences.

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- All dwellings should display a traditional street address with verandahs or decks and living rooms or front doors that are visible from the roadway.
- Avoid wide garages that would visually dominate any front façade or block views from the dwelling to the street.



***Figure 7: Detailing a photo montage of the development proposal when viewed from the street frontage.***

As shown in the photomontage in Figure 7 above, and within figures 8-10 below, the proposal creates a significant visual impact when viewed from the street frontage and the adjoining dwelling to the north. In this regard, the development proposal is not considered to meet the relevant desired future character statements relating to the maintenance of existing setbacks displayed by surrounding development, avoidance of wide dominant garages and driveways and provision of a "traditional" street address.

Accordingly, the proposal is not considered to have been designed to reflect the East Gosford Open Parklands desired future character statement and as such, the development proposal is not supported.

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***Figure 8: Detailing the existing Lynnette Cr streetscape looking north***



***Figure 9: Detailing the existing Lynnette Cr streetscape looking south***



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**Figure 10: Detailing the existing setbacks of adjoining development**

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	1m	No
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

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3.1.4.3 - Private open space areas	<p>Minimum 24m<sup>2</sup></p> <p>Minimum dimension 3m</p> <p>Maximum gradient 1:50</p>	<p>Well In excess of 24m<sup>2</sup></p> <p>Well in excess of 3m</p> <p>Level</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
3.1.5 – Car parking and access	<p>2 spaces if 4 or more bedrooms</p> <p>Parking to be located behind the primary road setback</p> <p>Maximum driveway width 4m at the street crossover</p>	<p>4 including the proposed carport structure</p> <p>Carport forward of the primary road setback</p> <p>5.5m</p>	<p>Yes</p> <p><i>No* see note</i></p> <p><i>No* see note</i></p>
3.1.6.1 - Earthworks	<p>Maximum 1m fill</p> <p>No retaining wall for fill is to be less than 1m from boundary</p> <p>Fill not associated with dwelling to be max 0.6m and setback 1m from boundary</p>	<p>0.8m</p> <p>On boundary</p> <p>0.8m/on boundary</p>	<p>Yes</p> <p>No</p> <p>No</p>
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 street	To street	Yes



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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

*Note: The variations required by Clause 3.1.5 are considered within and in conjunction with Variation 1 relating to the proposed primary road setback for the carport structure.*

**Variation 1**

The proposal seeks a significant variation to the required primary road average setback to permit the development, noting that without the proposed carport structure, the proposal would be compliant with required setback controls. The proposed carport structure seeks a reduced setback of 1.0m in lieu of the required 9.2m (being 1m behind the required average setback of the adjoining dwellings).

In considering this setback variation, assessment of the proposed development against the relevant objectives of Chapter 3.1 is required. Chapter 3.1 objectives relating to setbacks states:

- *To ensure that setbacks are compatible with adjacent development and complements the character, streetscape, public reserve, or coastal foreshore;*
- *To ensure the visual focus of a development is the dwelling, not the garage;*
- *To protect the views, privacy and solar access of adjacent properties;*
- *To maintain view corridors to coastal foreshores and other desirable outlooks;*
- *To maintain the scenic and environmental qualities of natural waterbodies and their foreshores and respond to site attributes such as topography;*
- *To provide deep soil areas sufficient to conserve existing trees or accommodate new landscaping;*

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- *To provide appropriate articulation of facades and horizontal elements reduce the appearance of bulk and provides visual interest to the building and subsequent streetscape where they face a street frontage/s.*

In reviewing the proposal against these objectives, the following commentary is provided:

- The proposed carport, given its minimal setback to the primary road boundary, is considered to be inconsistent with the setback pattern displayed by adjacent development. This inconsistency is considered to have the potential to detrimentally impact the streetscape character within Lynnette Ave as indicated previously within the report.
- The proposed carport structure, given its minimal primary road setback in conjunction with the significant garage door opening of the attached garage, will result in a development that is considered to be visually obtrusive and dominating when viewed from the street frontage.

Staff sought to negotiate an appropriate outcome with the applicant regarding the proposed primary road setback for the carport structure. The applicant agreed to minor changes to the development to address the significant departure from the primary road setback controls. These changes included an increase of 0.36m to the primary road setback (1.36m) and a reduction in roof pitch for the carport structure.

The applicant declined to provide any altered development plans indicating the suggested amendments and accordingly, the assessment of the application has been undertaken utilising the originally submitted plans.

The minor changes proposed by the applicant were considered of little value and failed to address the concerns with the development as raised by staff.

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***Figure 11: Detailing a photomontage of the side elevation of the proposed carport structure provided by the applicant***

**Variation 2**

The proposal seeks a variation to permitted fill amounts within the rear yard area. The proposal seeks to extend fill 0.8m in depth to the southern allotment boundary, with this fill to be retained at the boundary line.

In considering this variation, assessment of the proposed development against the relevant objectives of Chapter 3.1 is required. Chapter 3.1 objectives relating to earthworks states:

- *To accommodate development on a site without the need for excessive excavation and fill or construction of high retaining walls adjacent to site boundaries;*
- *To ensure that building designs conform to natural land forms and site constraints;*
- *To manage stormwater discharge in a manner that minimises impacts on adjoining properties or public land;*
- *To ensure that the amenity of adjoining residents and the streetscape is not adversely affected; and*

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- *To restrict the siltation of waterways and erosion of land disturbed by the development.*

In reviewing the proposal against these objectives, the following commentary is provided:

- Whilst a detailed engineered stormwater management concept plan has been provided in support of the proposal, which is considered adequate to cater for and prevent the diversion of any surface run-off, the provision of fill to the allotment boundary is not supported;
- The proposed fill amount is excessive when considering that a more balanced cut and fill ratio could easily be provided for in the proposed design, therefore reducing required fill amounts;
- The positioning of the retaining wall on the southern allotment boundary is inconsistent with the objective of minimising the provision of excessive fill amounts and subsequent retaining structures on the allotment boundary;
- The combined height of the proposed retaining wall in combination with a 1.8m high dividing fence, is considered to impact upon the solar access and general amenity of the adjoining property to the south of the site. It should be further noted that a submission from the adjoining landowner has been received with respect to this issue.

As with the primary road setback variation listed above, staff sought to negotiate the issue of the proposed fill and subsequent retaining wall height and location with the applicant. The applicant agreed to a minor change decreasing fill to a depth of 0.6m (increasing cut by 0.2m). However, the applicant maintained that fill should be retained at the southern allotment boundary, rather than providing a boundary setback of 1.0m as requested by assessing staff.

The applicant declined to provide any altered development plans indicating the suggested amendments and accordingly, the assessment of the application has been undertaken utilising the originally submitted plans.

The minor change proposed by the applicant were considered of little value and failed to address the concerns with the development as raised by staff.

Chapter 6.3 - Erosion Sedimentation Control

Appropriate erosion/sedimentation control measures could form condition of consent however, refusal of the development proposal is recommended.

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#### Chapter 6.4 - Geotechnical Requirements for Development Applications

The allotment is mapped as being subject to medium landslip risk. In this regard, the allotment is relatively flat and displays no evidence of landslip. Accordingly, it is considered that no further information from a geotechnical perspective is required to support the development proposal at development application stage.

However, given other issues identified within this report, refusal of the application is recommended.

#### Chapter 6.6 - Preservation of Trees or Vegetation

The proposal does not require the removal of any native vegetation.

#### Chapter 6.7 – Water Cycle Management

The proposal includes the provision of water tanks for collection and re-use totaling 10,000L capacity. The provisions of these tanks exceed the capacity for on-site storage and re-use as required by the Water Cycle Management Chapter.

#### Chapter 7.1 Carparking

Chapter 7.1 - Carparking applies to the development application. The purpose of this chapter is to ensure that sufficient and well-designed on-site provisions for carparking are achieved for developments.

The minimum standard for carparking for this development is for two spaces, one of which is to be setback a minimum of 6m from the frontage of the site. This requirement is achieved by the garage associated with the dwelling.

The additional parking area within the proposed carport is beyond the minimum standards of this control and therefore is not necessary to accommodate vehicles on the site. It is considered that the requirements of this chapter have been complied with.

#### **Likely Impacts of the Development:**

##### **Built Environment**

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The proposed carport structure, given its substantial size and minimal setback to the primary road boundary, is considered to be inconsistent with the existing built environment in proximity to the site and as such, the development is not supported.

**Access and Transport**

The site is well served by the existing roadway and is also well served by public transport.

**Context and Setting**

The subject site lies within a traditional low density residential area, generally comprising allotments containing single dwellings and associated ancillary development. The existing streetscape within Lynnette Ave in proximity to the site, displays development that maintains a consistent setback pattern to the primary road boundary, providing an open streetscape vista.

The design of the development proposal, which incorporates a substantial carport with minimal setback to the primary road boundary, is considered inconsistent with the areas context and setting. Accordingly, the development is not supported.

**Natural Environment**

The subject site does not contain any threatened species or habitat with the development not requiring the removal of any significant vegetation. Accordingly, the proposal is considered satisfactory in relation to impacts on the natural environment.

**Suitability of the Site for the Development:**

A review of Council's records has identified that the site is impacted by constraints including risk of landslip and potential acid sulphate soils. As has been demonstrated, these constraints are not considered to render the site unsuitable for the proposed development.

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**Figure 12: Indicating landslide mapping with the site etched in blue**

***Whether the proposal fits in the locality***

The subject area in proximity to the site, displays a traditional low density residential environment. Given the variations required by the development, with particular emphasis on the proposed carport, it is considered that the proposal is out of character and inconsistent with the nature of the locality.

**Any submission made in accordance with this Act or Regulations**

**The Public Interest: (s4.15(1)(e)):**

**Submissions**

The development application was notified to adjoining landowners from 13 May 2020 to 3 June 2020 in accordance with *Gosford Development Control Plan 2013 Chapter 7.3 - Notification of Development Proposals*. One (1) submission was received during notification period. The issues raised within the public submission are detailed below:

1. Concerns regarding pecuniary interest given that the applicant is a designated staff member.

*Comment:* The development proposal, given that the property owner is a designated employee involved in the assessment of development applications, is required to be determined by the Local Planning Panel.



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3.1.6.1 Concerns regarding incompatibility of proposed carport with the existing open streetscape.

*Comment:* Agreed. As has been indicated within the report, the proposed substantial carport structure located within the proposed primary road setback, is considered to be visually obtrusive when considering the existing setback pattern within Lynnette Ave in the proximity of the site. Further, the proposal will require a substantial variation to the primary road setback controls as required by Chapter 3.1 and fails to address the areas desired future character statement.

### **Submissions from Public Authorities**

The application was not required to be referred to any public authorities.

### **Internal Consultation**

The application was referred internally in relation to the proposed vehicle access crossing. This referral required that a maximum vehicle access crossing width of 5.0m be displayed (in lieu of the indicated 5.5m).

As with other amendments requested by assessing staff, the applicant declined to provide amended development plans indicating the requested change.

The applicant indicated that the proposed driveway width complies with the provisions of AS2890.1-2004 *Parking facilities Off-street car parking*.

### **Ecologically Sustainable Principles:**

The proposal has been assessed having regard to ecologically sustainable development principles and is considered to be consistent with the principles.

The proposed development is considered to incorporate satisfactory stormwater, drainage and erosion control and is unlikely to have any significant adverse impacts on the environment and will not decrease environmental quality for future generations. The proposal does not result in the disturbance of any endangered flora or fauna habitats and is unlikely to significantly affect fluvial environments.

### **Climate Change**

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The potential impacts of climate change on the proposed development have been considered as part of the assessment of the application.

This assessment has included consideration of such matters as potential for more intense and/or frequent extreme weather conditions including storm events, bushfires, drought and flood as well as how the proposed development may cope / combat / withstand these potential impacts.

The development proposal is not considered to be impacted by potential climate change.

**Other Matters for Consideration:**

Nil matters.

**Conclusion:**

This application has been assessed under the heads of consideration of section 4.15 of the Environmental Planning & Assessment Act 1979 and all relevant instruments and policies. Upon completion of this assessment, given that substantial variations are sought by the development, with these variations demonstrating non-compliance with both the stated objectives of Chapter 3.1 and the areas desired future character statement, it is considered that the site is unsuitable for the proposed development, with the application unable to be supported, noting the unwillingness of the applicant to amend the proposal to address the concerns with the development raised by staff.

Accordingly, refusal of the development is recommended.

**Attachments**

- |          |   |           |
|----------|---|-----------|
| <b>1</b> | Draft Reasons for Refusal                 | D14107403 |
| <b>2</b> | Development Plans (Excluding Floor Plans) | D14102330 |