

Director City Planning Report No. CP79/17



Subject: 8 Norton Street, Kingsford (DA/703/2016)

Folder No: DA/703/2016

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Proposal: Alterations and additions to the existing dwelling including new first floor, construction of carport to western side of dwelling with associated works.

Ward: West Ward

Applicant: JWC Group

Owner: Mr H L Tjioe and Mrs W K Tjioe

Summary Recommendation: Approval



Development Application Executive summary report

The application is referred to Council for determination at the request of Councillors Stavrinou, D'Souza, Seng and Veitch.

1. Proposal

The application is seeking approval for alterations and additions to the existing dwelling including new first floor level containing 4 bedrooms, living room, new kitchenette, two new bathrooms, rear unroofed deck and front balcony, construction of carport to the western side of dwelling with associated works.

Amended plans have been received by Council on 5 October 2017 to address concerns relating to the height and length of the building, use of the first floor level due to the kitchenette area, rear setback and privacy. As a result the wall height was reduced by 450mm to the eastern elevation by changing the roof form from a pitched roof profile to a low pitch gable roof profile and the kitchenette was changed to a study room.

The assessment is based on the amended plans received by Council on 5 October 2017.

2. Site description & surround sites

The subject site is located on the northern side of Norton Street, between Fern Street and Seaview Street and is known as Lot 4 in DP 309724 at Norton Street, Kingsford.

The site is rectangular in shape with a frontage width to Norton Street of 12.19 metres, a depth of 32.67 metres to the eastern side boundary and a depth of 33.025 metres to the western side boundary. The site is generally flat across the depth of the boundary and has a drop of 1.28 metres towards the rear and a cross fall of 1.54 metres from east to west across the width of the boundary.

The subject site is currently occupied by a single storey dwelling house. Adjoining the site to the east are three properties which contain two storey dwelling houses. To the west of the site adjoins a single storey dwelling house and to the rear the site adjoins a single storey dwelling.

The locality is predominantly occupied by a mix of residential development comprising of one and two storey dwelling houses and semi-detached dwellings. In close proximity of the site to the rear is the NSW University site.

3. Submissions

The owners of adjoining and likely affected neighbouring properties were notified of the proposed development in accordance with the Randwick Comprehensive DCP 2013. The following submissions were received as a result of the notification process:

- ***6 Kennedy Street, Kingsford (Clare Findlay – Urban Planning Services & Solutions Zane – Land Use Planning Services have both been engaged to prepare submissions on behalf of the owner's)***
- ***8 Kennedy Street, Kingsford (In addition to the owners submission, Solutions Zane – Land Use Planning Services has been engaged to prepare submission on behalf of the owner's)***

Issue	Comment
<p><u>Apparent attached dual occupancy and or a boarding house</u></p> <p>The proposed development appears to have the form of an attached dual</p>	<p>Noted and amended plans have been received replacing the use of the room from a kitchenette to a new study room. A condition is also included which states</p>

Issue	Comment
<p>occupancy and or a boarding house development despite the description as alterations and additions to the existing dwelling house.</p>	<p>that the premises must only be used as a single residential dwelling and must not be used for dual or multi-occupancy purposes.</p>
<p><u>Zone Objectives</u> The proposal is inconsistent with several of the key zone objectives and is unsuitable in the low density residential context.</p>	<p>The proposed alterations and additions to the existing dwelling is permissible in the R2 zone which applies to this site. Subject to conditions, it is considered that the proposed development is consistent with the objectives that are relevant because it is sympathetic to the existing residential environment and built form and would not have an unacceptable impact on the amenity of residents.</p>
<p><u>Built form and Scale</u> The proposed development includes a built form that does not satisfy DCP objectives of section 3 Building Envelope or 4.1 Building Design.</p> <p>The adoption of a skillion roof form results in excessive wall heights of nearly 8m on the eastern side boundary which interfaces with the rear of 6 & 6 Kennedy Street. This is contrary to Clause 3.2(ii) of the RDCP 2013 which nominates a maximum wall height of 7m.</p>	<p>The proposed FSR and height of the development is considered to be generally compatible with the size and scale of other similar dwelling house development within the immediate area and will not detract from the established attributes of the residential area and streetscape.</p> <p>Amended plans have been received lowering the height of the development by 450mm, this will result in the development complying with the external wall height control of 8m for sloping sites.</p> <p>Refer to Key Issues below under Sub-section 3.2 - External Wall Height which explains why the development is considered to be a sloping site.</p>
<p><u>FSR</u> The proposal will constitute an excessive bulk, height, scale form and massing as viewed from the objectors properties.</p> <p>The proposed FSR currently excludes the existing outbuilding from the FSR calculation. If this area is included the may render the development to be non-compliant with the allowable FSR maximum.</p>	<p>The proposed development complies with the FSR & height of building standards in the LEP 2012 and also meets the side setback and built form controls in DCP 2013. The scale and mass of the proposed development complement the desirable future streetscape character and achieve a suitable urban design outcome that is generally consistent in scale and built form of other dwelling houses in the immediate streetscape.</p> <p>The FSR calculation has been checked as defined under the LEP 2012 and Council is satisfied the proposed development is</p>

Issue	Comment
	under the FSR standard.
<p><u>Streetscape</u> The alterations and additions is completely out of odds with the aesthetic of the existing built structure and will have a negative impact on the streetscape.</p>	<p>The alterations and additions are not considered to cause a negative impact on the streetscape as the proposed external materials and finishes are considered to be generally consistent with other dwelling houses in the immediate vicinity.</p>
<p><u>Solar access and Overshadowing concerns</u> The proposed development does not satisfy the DCP objectives in section 5.1 Solar Access and Overshadowing.</p> <p>Due to the east west orientation of the properties in Kennedy Street, the objector's properties rely principally on afternoon sunlight to achieve the required solar access to their principle private open spaces at the rear of the site.</p>	<p>Refer to Key Issues below under Sub-Section 5.1 - Solar Access and Overshadowing which address this issue.</p> <p>It is considered that the proposed development provides a built form outcome that is of commensurate in height and scale with neighbouring development and complies with the provisions of the DCP. As discussed below under the Key Issues section, the proposal is considered acceptable.</p>
<p><u>Visual and acoustic privacy concerns</u> The proposed development does not satisfy the DCP objectives in Section 5.3 Visual Privacy.</p> <p>The proposed windows on the first floor addition will have the capacity for direct cross-viewing into the living areas of the objector properties at no.'s 6 & 8 Kennedy Street.</p> <p>Both the lower and upper level balconies will also have privacy impacts onto these objectors' properties.</p>	<p>Refer to Key Issues and Areas of Non Compliance section of this report which addresses privacy impacts via conditions.</p>
<p><u>Private open space</u> The proposed private open space is inadequate, particularly should the site be intended for more than single occupancy.</p>	<p>Refer to Key Issues below under Sub section 2.4 - Landscaping and Permeable Surfaces which address this issue.</p>
<p><u>View loss impacts</u> The volume and non-compliant height of the proposal would significantly change the outlook and view from the rear of their properties at no.'s 6 & 8 Kennedy Street.</p>	<p>Refer to Key Issues below under Sub section 5.6 – View Sharing which address this issue.</p>
<p><u>Economic impacts</u> Reduced property value do to impacts from the development.</p>	<p>This issue is not considered to be a planning related matter, which can be addressed under Section 79C of the EP&A Act.</p>

Issue	Comment
<p><u>Parking</u></p> <p>The application proposed the equivalent of two separate dwellings – one with 2 bedrooms and the other with 4 bedrooms. Should it be intended to be used as a dual occupancy, the proposal would require three spaces as opposed to two for a single dwelling. The proposal only provides one car space which is significantly deficient and consequently likely to negatively impact upon the availability of on-street parking.</p> <p>In addition to the above the site currently has a home business operation in the area marked as 'storage room' on the plan. The operation of this home business coupled with the proposed development will further exacerbate existing parking issues in the locality.</p>	<p>Refer to comments made by Council's development Engineers in relation to the car parking space and driveway.</p>

4. Key Issues

4.1 Development Control Plan 2013 - Part C1 – Low Density Residential Sub-section 2.4 - Landscaping and Permeable Surfaces

Objectives

- *To ensure landscaped areas are effectively distributed on the site to achieve a visual balance between building structures and open space.*
- *To provide privacy screening between dwellings.*
- *To retain and provide for canopy trees and large shrubs to contribute to the establishment of vegetation corridors across the locality.*
- *To assist with stormwater infiltration and reduction of overland flow.*

For a site area of 400m² a minimum of 25% of the site area must be provided on the site as deep soil permeable surface. The site currently does not meet this control requirement. The proposal has provided loose gravel to the new hard stand car spaces and driveway which is along the western side of the boundary to improve deep soil permeable surface area on the site.

In accordance with the definition of deep soil permeable surfaces, areas occupied by loose gravels upon soil at the ground level of the site can be included as deep soil permeable surface area and therefore, with the addition of a condition which requires the part of the new hard stand carspace to be converted into deep soil planting area the proposal will meet the objectives and controls for Landscaping and Permeable Surfaces.

The proposed development is for a single dwelling on the site. Part C1, Sub-section 2.5 requires the provision of at least 6m x 6m of continuous private open space for a site area of approximately 400m². Whilst it is noted that the proposal does not provide 6m x 6m of continuous private open space to the rear of the site, the proposal does meet the objectives of the control for the following reasons:

- The development offers 1 continuous private open space with dimension of approximately 6m x 3m and a sunroom with the dimensions of approximately

6m x 3m both located to the rear of the site have north facing aspects. These areas are capable of providing sufficient recreation facility for the occupants of the site.

- The existing swimming pool and paved area can also be used for recreational activity.

Subject to a condition which requires the deep soil planting to be increased at the front of the property, the landscaping and permeable surfaces on the site will comply with the objectives of the control.

Sub-section 3.2 - External Wall Height:

Objectives for the external wall height control include ensuring the provision of interesting roof forms which are compatible with the street and the minimisation of bulk in order to limit overshadowing, privacy and visual amenity impacts.

The maximum building height of the dwelling is 8.49m, which complies with the 9.5m maximum height standard set out in the RLEP 2012. The DCP stipulates that the maximum external wall height must not exceed 8m for sloping site. The subject site has a fall from the east to the west of approximately 1.28m and therefore, is considered to be a sloping site. The proposed development has a maximum external wall height of 7.74m which complies with this control. In addition to the above, the development is setback 1.2m from eastern side boundary and 2.67m from the western side boundary which complies with the setback control in the DCP and is not considered to result in any unreasonable amenity impacts on the neighbouring properties and streetscape.

Sub-section 3.3 - Setbacks

Objectives

- *To maintain or establish a consistent rhythm of street setbacks and front gardens that contributes to the character of the neighbourhood.*
- *To ensure the form and massing of development complement and enhance the streetscape character.*
- *To ensure adequate separation between neighbouring buildings for visual and acoustic privacy and solar access.*
- *To reserve adequate areas for the retention or creation of private open space and deep soil planting.*
- *To enable a reasonable level of view sharing between a development and the neighbouring dwellings and the public domain.*

Controls

- i) *The minimum rear setback must be 25% of allotment depth or 8m, whichever is the lesser.*

Note: Rear setback controls do not apply to corner allotments.

- ii) *Provide increased rear setbacks over and above the aforementioned minimum requirements, or demonstrate that this is not required, having regard to the following matters:*
 - *Existing predominant rear setback line in the subject urban block.*
 - *The need to achieve reasonable view sharing with the neighbouring dwellings and the public domain.*
 - *The need to adequately protect the privacy and solar access to the neighbouring dwellings.*

- iii) *Garages, carports, outbuildings, swimming or spa pools, above-ground water tanks, and unroofed decks and terraces attached to the dwelling may encroach upon the required rear setback, in so far as they comply with other relevant provisions of this DCP.*
- iv) *For irregularly shaped allotments, or allotments with the longest boundary abutting the street or the rear adjoining neighbour (that is, the frontage width being longer than the site depth), the rear setback will be assessed on merit having regard to demonstration of the following:*
- *Compatibility with the existing development pattern in the subject and adjoining urban blocks.*
 - *Provision of adequate private open space with dimensions compliant with the requirements of this DCP.*
 - *Potential impacts on the neighbouring dwellings in terms of solar access, privacy and view sharing.*

The proposed ground floor additions and new first floor level are setback 9.651m from the rear boundary. A new rear ground floor elevated balcony is proposed to replace the existing which is setback 6.561m from the rear boundary and does not comply with the control.

The new unroofed deck area above the existing store room is setback approximately 6.1m to 6.2m from the rear boundary and also does not comply with the control. No objections are raised in relation to the new rear elevated ground floor balcony as it is replacing an existing balcony and the boundary fence to the western side is sufficient in height to provide reasonable levels of privacy between the properties.

However, in relation to the unroofed deck area above the existing store room this may cause additional privacy concerns and in order to meet the rear setback control it is recommended that the depth of the deck be reduced to 1.2m. Privacy screens are to be provided to the eastern and western sides of this deck to maintain reasonable levels of privacy between the subject and neighbouring properties.

Subject to the above condition, the proposed rear setback of the development is considered acceptable and will comply with the control.

Sub-section 5.3 - Visual Privacy

Objective

- *To ensure development minimise overlooking or cross-viewing to the neighbouring dwellings to maintain reasonable levels of privacy.*

Controls

- i) *All habitable room windows must be located to minimise any direct viewing of existing habitable room windows in adjacent dwellings.*
- ii) *The windows to the living areas must be oriented away from the adjacent dwellings where possible. In this respect, they may be oriented to:*
- *Front or rear of the allotment;*
 - *Side courtyard.*
- iii) *Where a balcony, deck or terrace is likely to overlook the private open space or windows of the adjacent dwellings, privacy screens must be installed in positions suitable to mitigate the loss of privacy.*

Subject to conditions, it is not expected that the proposed development will result in any unreasonable adverse privacy impacts to the neighbouring properties. The new window and door openings to the southern and northern elevations will predominately overlook the street and rear yard of the subject site, respectively.

The following windows may cause potential overlooking impacts to the neighbouring properties private living areas and rear yards and for this reason a condition is included requiring these windows to have minimum sill heights of 1.6m above floor level, or alternatively, the windows are to be fixed and be provided with translucent, obscured, frosted or sandblasted glazing below this specified height:

- New Living room windows (W2-11 & W2-12) to the western elevation on the first floor level; and
- Stair case window (W2-13) to the western elevation.

Frosted glazing is proposed to the new awning hung windows on the first floor level to the eastern elevation. To ensure these windows when open do not cause overlooking impacts to the neighbouring properties, a condition is included restricting the windows to open outwards only sufficiently to allow airflow, and not to intrude on privacy.

Balconies

The proposed balcony on the first floor level to the southern elevation is located to the front of the dwelling and will primarily overlook the streetscape. However, in relation to the unroofed deck area above the existing store room to the rear of the dwelling this may cause additional privacy concerns and therefore, it is recommended that a condition be included which requires the deck to be reduced to a maximum depth of 1.2m and privacy screens be provided to a height of 1.6m to the eastern and western sides of the deck.

Sub-clause 5.1 - Solar Access and Overshadowing

Objectives

- *To ensure new dwellings and alterations and additions are sited and designed to maximise solar access to the living areas and private open space.*
- *To ensure development retains reasonable levels of solar access to the neighbouring dwellings and their private open space.*
- *To provide adequate ambient daylight to dwellings and minimise the need for artificial lighting.*

Controls

Solar access to proposed development:

- A portion of the north-facing living area windows of proposed development must receive a minimum of 3 hours of direct sunlight between 8am and 4pm on 21 June (in so far as it does not contradict any BASIX requirements).*
- The private open space of proposed development must receive a minimum of 3 hours of direct sunlight between 8am and 4pm on 21 June. The area covered by sunlight must be capable of supporting passive recreation activities.*

Solar access to neighbouring development:

- A portion of the north-facing living area windows of neighbouring dwellings must receive a minimum of 3 hours of direct sunlight between 8am and 4pm on 21 June.*

- ii) *The private open space of neighbouring dwellings must receive a minimum of 3 hours of direct sunlight between 8am and 4pm on 21 June. The area covered by sunlight must be capable of supporting passive recreation activities.*

- v) *Existing solar panels on neighbouring dwellings, which are situated not less than 6m above ground level (existing), must retain a minimum of 3 hours of direct sunlight between 8am and 4pm on 21 June. Where the neighbouring dwellings do not contain any solar panels, direct sunlight must be retained to the northern, eastern and/or western roof planes of neighbouring dwellings, which are at least 6m above ground level (existing), so that future solar panels capturing not less than 3 hours of sunlight between 8am and 4pm on 21 June may be installed.*

A submission was received from the neighbouring properties at no.'s 6 & 8 Kennedy Street objecting to the development on the grounds that it will cause additional overshadow impacts in the afternoon to their principle private open spaces which is located at the rear of their property.

The shadow diagrams submitted demonstrate that solar access to the principal outdoor recreation space to the rear yard on the subject site will still receive a minimum of 3 hours of direct sunlight between 8am and 4pm on 21 June.

Whilst it is noted that there will be additional overshadowing impacts in the afternoon to the objector's properties as a result of the proposed development, the additional overshadowing impacts when compared to the existing are not significant and the neighbouring property at no. 6 Kennedy Street will still receive a minimum of 3 hours of direct solar access to at least 50% of the rear yard in the afternoon. In relation to the neighbouring property at no. 8 Kennedy Street the shadow diagrams below demonstrates that majority of the yard in the afternoon is already overshadowed by the existing development due to its east west orientation and when taking this into consideration the development will not be resulting in any unreasonable additional impacts.

In addition to the above, the proposed development complies with the maximum FSR and height building standards under the LEP 2012 and complies with the setback and external wall height controls for sloping sites in the Randwick DCP 2013.

The proposed development will not be impacting north facing living area windows and private open spaces of neighbouring dwellings.

Also, the development will not impact on any future solar collectors and the application is considered to be acceptable in this regard given general compliance with the DCP controls.

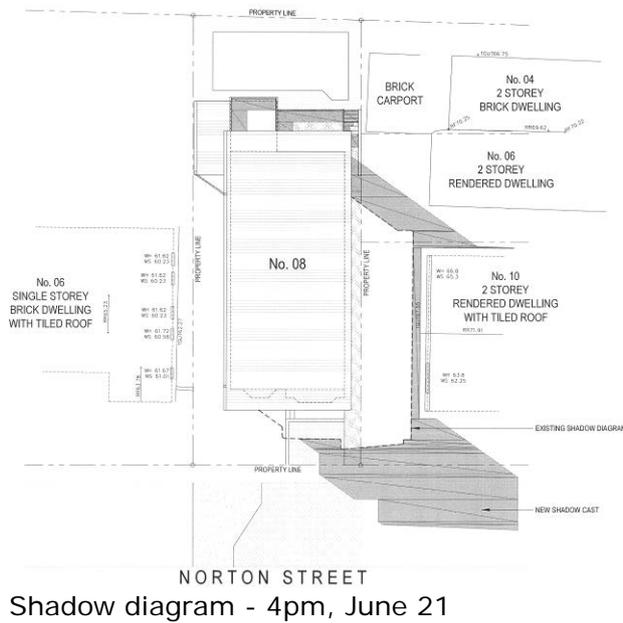
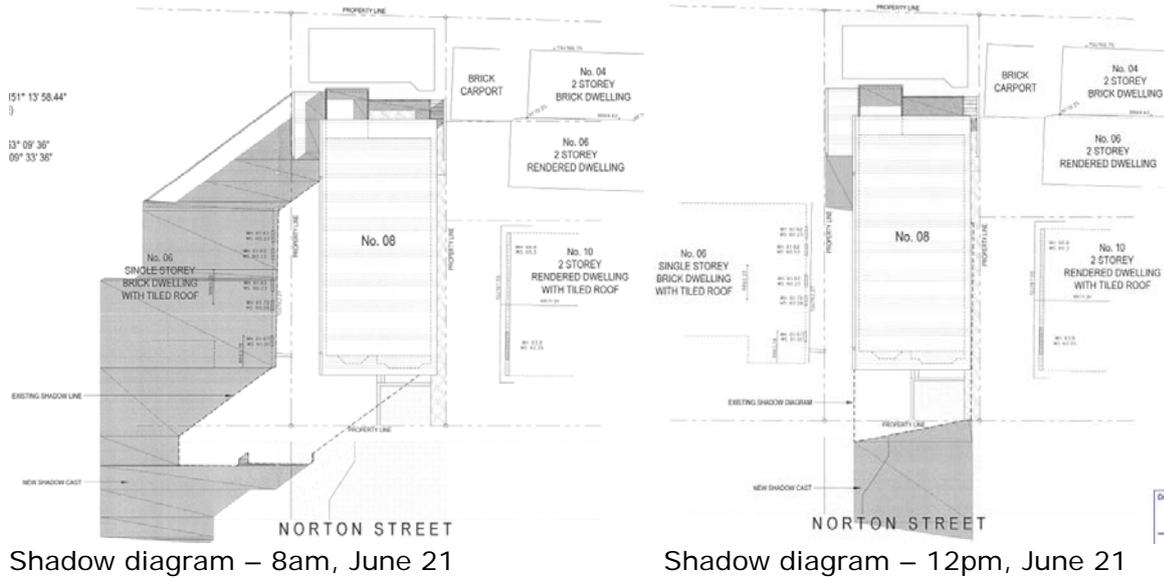


Figure 1: Existing and proposed shadow diagrams

Sub-section 5.6 - View Sharing

The objectives of the view sharing control are as follows:

- To acknowledge the value of views to significant scenic elements, such as ocean, bays, coastlines, watercourses, bushland and parks; as well as recognised icons, such as city skylines, landmark buildings / structures and special natural features.
- To protect and enhance views from the public domain, including streets, parks and reserves.
- To ensure development is sensitively and skilfully designed to maintain a reasonable amount of views from the neighbouring dwellings and the public domain.

Controls

- i) The location and design of dwellings and outbuildings must reasonably maintain existing view corridors or vistas from the neighbouring dwellings, streets and public open space areas.
- ii) In assessing potential view loss impacts on the neighbouring dwellings, retaining existing views from the living areas (such as living room, dining room, lounge and kitchen) should be given a priority over those obtained from the bedrooms and non-habitable rooms.
- iii) Where a design causes conflicts between retaining views for the public domain and private properties, priority must be given to view retention for the public domain.
- iv) The design of fences and selection of plant species must minimise obstruction of views from the neighbouring dwellings and the public domain.
- v) Adopt a balanced approach to privacy protection and view sharing, and avoid the creation of long and massive blade walls or screens that obstruct views from the neighbouring dwellings and the public domain.
- vi) Clearly demonstrate any steps or measures adopted.

View loss assessment

Two submission were received in relation to view loss from 6 & 8 Kennedy Street which adjoins the eastern side boundary of the subject site.

The views in question are across the side boundary of the subject site and are obtained from the rear of these properties. The views to the south west are of Botany Bay and Mascot and along the western boundary to the north are district views. There are no valuable iconic or ocean views that are obtained across the western side boundary from these adjoining properties in question.

The views obtained from no. 8 Kenneday Street are restricted due to existing vegetation and existing building and there is no evidence to suggest that outlook surrounding this property is of any value.

The image below in figure 2 demonstrate that the view looking due west to the subject site from the ground floor rear living area at no. 6 Kennedy Street will be partially lost. Some of the views to the north west will be retained.

Figures 3 & 4 demonstrate that the view over the subject site from the first floor bedroom at no. 6 Kennedy Street will be retained.

Given that the views are not iconic and are mainly district views the impacts associated with the proposed development are not unreasonable and will meet the objectives of the view sharing control.

In addition to the above, the proposed development complies with the LEP numerical control standards in relation to building height and FSR. Furthermore, the proposed development satisfies the relevant objectives and controls of the DCP with regard to Building Envelope and Building Design.

The proposed development has been carefully configured to achieve a satisfactory level of view sharing between the site and the neighbouring properties through the design. Accordingly, the resultant view loss impact is justified.

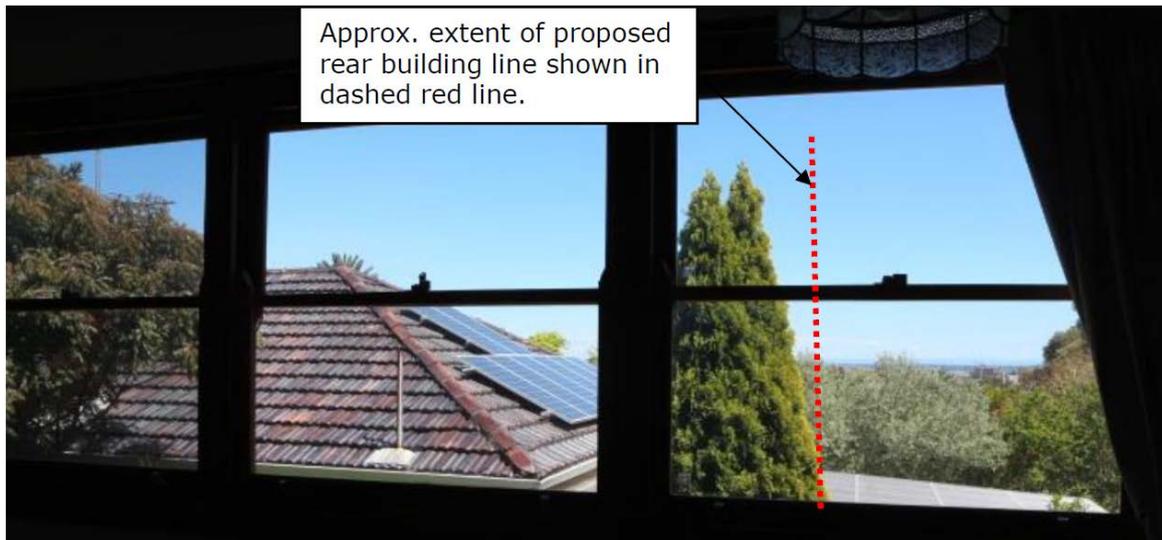


Figure 2: View looking due west to the subject site from the ground floor rear living area at no. 6 Kennedy Street. (Photo taken by Solution Zane)



Figure 3: View over subject site from the first floor bedroom at no. 6 Kennedy Street.



Figure 4: Panoramic view from first floor bedroom at 6 Kennedy Street including distant views of Botany Bay which is shown in blue area. (Photo taken by Solution Zane)

Relationship to City Plan

The relationship with the City Plan is as follows:

- Outcome 4: Excellence in urban design and development.
- Direction 4a: Improved design and sustainability across all development.

Financial impact statement

There is no direct financial impact for this matter.

Conclusion

The site is located within Zone R2 - low Density Residential under Randwick LEP 2012. The proposal is consistent with the aims of the LEP and the specific zoning objectives, in that the development will deliver dwelling house, which will protect the amenity of the adjoining dwellings and is compatible with the desired future character of the locality.

The proposal complies with the relevant objectives and controls contained in Comprehensive DCP for Low Density Residential.

Subject to conditions, the proposal will not result in significant adverse impacts upon the amenity of the surrounding properties in terms of solar access and privacy. An adequate level of amenity will be retained for the surrounding residents and the public domain.

The application is therefore recommended for approval subject to the attached conditions of consent.

Recommendation

That Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/703/2016 for alterations and additions to the existing dwelling including new first floor, construction of carport to western side of dwelling with associated works, at No. 8 Norton Street, Kingsford, subject to the following non standard conditions and the standard conditions contained in the development application compliance report attached to this report:

Amendment of Plans & Documentation

2. The approved plans and documents must be amended in accordance with the following requirements:
 - a. The new rear deck on the first floor level above the existing store room shall be reduced to a maximum depth of 1.2m. Privacy screens having a height of 1.6m (measured above finished floor level) shall be provided to the eastern and western sides of this deck.

Privacy screens must be constructed with either:

 - Translucent or obscured glazing;
 - Fixed lattice/slats with individual openings not more than 30mm wide;
 - Fixed vertical or horizontal louvres with the individual blades angled and spaced appropriately to prevent overlooking into the private open space or windows of the adjacent dwellings.
 - b. The following windows must have a minimum sill height of 1.6m above floor level, or alternatively, the window/s are to be fixed and be provided with translucent, obscured, frosted or sandblasted glazing below this specified height:
 - New Living room windows (W2-11 & W2-12) to the western elevation on the first floor level; and
 - Stair case window (W2-13) to the western elevation.
 - c. The new awning hung windows along the eastern elevation on the first floor level shall open outward only sufficiently to allow airflow, and not to intrude on privacy.

Council Driveway Design

- d. The driveway and carspace width at the front of the building alignment shall have a width of 3.5m from the western side boundary as the paved area in front of the ground floor western bay window does not meet the minimal length requirements for an off-street car space. The remaining portion of the front yard shall be converted to deep soil area to improve storm water infiltration and the visual amenity at the front of the property.

A paved pathway area having a maximum width of 1.2m may be provided directly adjacent the bay window to connect with the front steps.

Details of compliance shall be included in the construction certificate documentation.

Attachment/s:

Nil