

# **Attachment A**

**Independent Assessment Report  
Prepared by External Planning Consultant**

**Development Application: 34 Charles Street, Forest Lodge****File No:** D/2018/734**Summary**

|                            |  |
|----------------------------|--|
| <b>Date of Submission:</b> | 3 July 2018  |
| <b>Applicant:</b>          | Jeff Karskens Designer   |
| <b>Architect:</b>          | Jeff Karskens Designer   |
| <b>Developer:</b>          | Ms Amanda Allen and Mr Adrian McKeown  |
| <b>Owner:</b>              | Ms Amanda Allen and Mr Adrian McKeown  |
| <b>Cost of Works:</b>      | \$207,763.17   |
| <b>Zoning:</b>             | R1 General Residential. Attached dwellings are permissible with consent.                               |
| <b>Proposal Summary:</b>   | Alterations to the existing two storey attached terrace dwelling including a two storey rear addition. |

The application is referred to the Local Planning Panel for determination as the landowner to which development consent is sought is a member of City staff who is principally involved in the exercise of council's functions under the Environmental Planning and Assessment Act 1979.

The application was notified for a period of 14 days from 11 July to 26 July 2018. In response to the notification period, no submissions were received.

**Summary Recommendation:** The development application is recommended for approval, subject to conditions.

**Development Controls:**

- (i) Sydney Local Environmental Plan 2012 (Gazetted 14 December 2012, as amended)
- (ii) Sydney Development Control Plan 2012 (in force on 14 December 2012, as amended)
- (iii) State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

- Attachments:**
- B. Recommended Conditions of Consent
  - C. Selected Drawings

### **Recommendation**

It is resolved that consent be granted to Development Application No. D/2018/734, subject to the conditions set out in Attachment B to the subject report.

### **Reasons for Recommendation**

The application is recommended for approval for the following reasons:

- (A) The proposal is consistent with the development standard and zone objectives of the Sydney Local Environmental Plan 2012 in that it presents a compliant building height, bulk and scale of development.
- (B) The proposal is acceptable with respect to the objectives and controls contained within the Sydney Development Control Plan 2012 in that it presents a development that does not detract from the contributory nature of the original building within the heritage conservation area and the rear addition does not present unreasonable residential amenity impacts on surrounding land uses.

## Background

### The Site and Surrounding Development

1. A site visit was carried out on 14 August 2018.
2. The site has a legal description of Lot C DP 447197 and is commonly known as 34 Charles Street, Forest Lodge.
3. The site is rectangular, with area of approximately 113.8sqm. The site has a 3.85m street frontage to Charles Street and a length of 29.55m. The site is relatively flat with a slope of 0.5m towards Charles Street. The site has a primary street frontage to Charles Street with a right of way easement along the rear boundary 0.99m wide. The proposal does not seek consent for any works in close proximity to the easement. The site is located close to the intersection of Charles Street and Ross Street. A two storey attached terrace house is contained within the site. There are no significant trees located on site or within the Council reserve immediately adjoining the site boundary.
4. Surrounding land uses are residential and education establishments (Forest Lodge Public School). The site is contained within a row of two storey terraces. Terraces on the opposite side of the street are predominately single storey with a three storey residential flat building further to the west along Charles Street. Forest Lodge Public School and associated educational buildings immediately adjoin the site's southern boundary and is located further to the east towards the intersection of Charles and Ross Streets.
5. The site is not a heritage item but is located within the Hereford and Forest Lodge Heritage Conservation Area (C33). The site immediately adjoins heritage item (I633) being the Former house "Briarbank" including interiors to the south and heritage item (I632) including Forest Lodge Public School buildings and interiors, fencing and grounds further to the east located within the Forest Lodge Public School grounds.
6. Photos of the site and surrounds are provided below at Figures 1 to 5, inclusive.



**Figure 1:** Aerial image of subject site and surrounding area



**Figure 2:** Site viewed from Charles Street



**Figure 3:** Looking west along Charles Street



**Figure 4:** Looking east along Charles Street



**Figure 5:** Viewed from carpark adjoining to the rear

## Proposal

7. The application seeks consent for alterations and additions to the existing two storey attached terrace. The proposal consists of demolition of the rear portion of the existing dwelling and construction of a new two storey addition, as follows:

- (a) *Ground Floor*

Demolition of rear portion of existing dwelling and construction of a new rear extension of an additional 3.4 metre depth from existing (3.5 metre including the overhanging roof), constructed to both side boundaries. Modifications will be made to the internal doorways and windows of the existing kitchen and dining rooms to allow access to/from the new construction.

The rear extension will accommodate a family room, kitchen and bathroom/laundry.

A bifold door (2.4 metre high and 2.2 metre wide) and adjacent window is to be installed to the south elevation, providing access to the rear yard.

Construction materials are fibre cement cladding, colorbond steel roof and flashing, and aluminium windows and doors.

Landscaping works to the rear yard include recycled brick steps, paving and garden beds.

- (b) *First Floor*

Demolition of south facing wall of existing dwelling and construction of a new rear extension of an additional 4.4 metre depth from existing.

New bedroom and bathroom to be constructed, with a bay window to be installed to the bedroom to the rear facing south elevation and a recessed window to the east elevation. The bathroom will use the existing window to the east elevation.

The breezeway (minimum width 900mm) to the eastern boundary is maintained and a glazed roof installed.

Two new windows (with projecting window frames / privacy screens) to be installed to the east and south elevations, with existing window on eastern elevation retained for the bathroom.

Construction materials are colorbond steel cladding, roof and flashing, with metal framed windows.

8. The application seeks to extend the common boundary wall to the rear along the shared boundary with 32 Charles Street. Owner's consent has been obtained from the neighbour to extend the party wall.
9. The proposal will result in an increase in gross floor area from 83sqm to 116sqm (additional 33sqm).
10. Plans of the proposed development are provided below at Figures 6 to 9, inclusive and a full set of plans is provided at Attachment B.

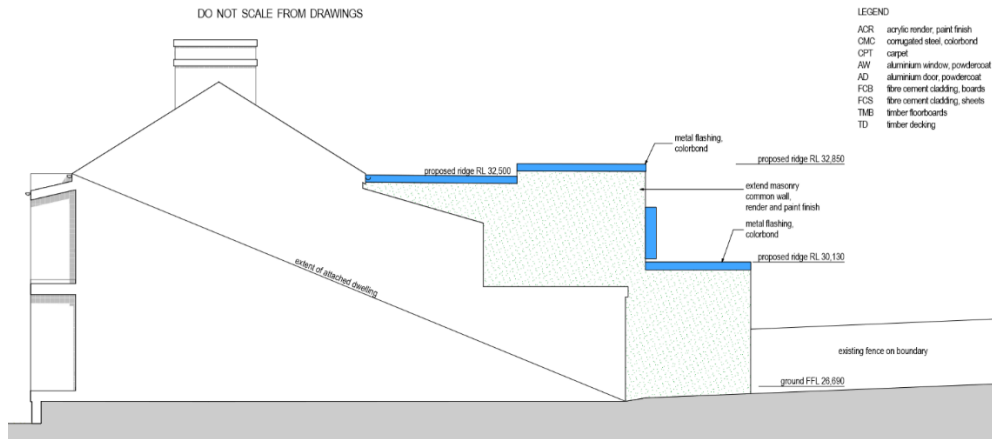


Figure 6: Proposed development - west elevation

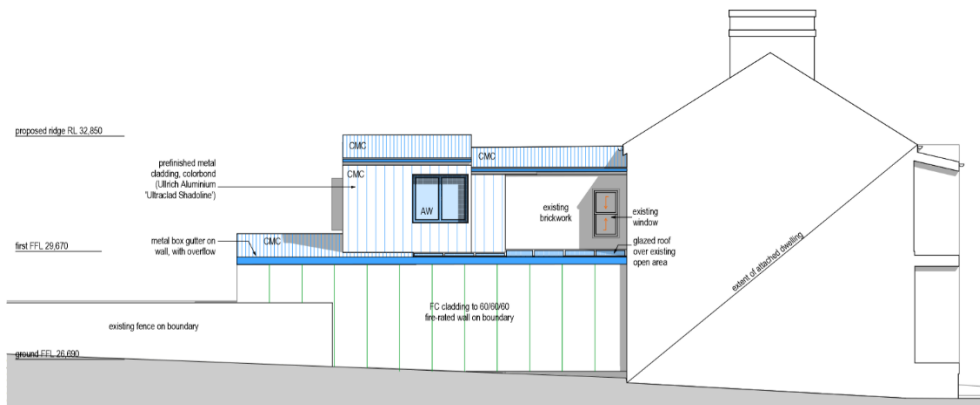


Figure 7: Proposed development - east elevation

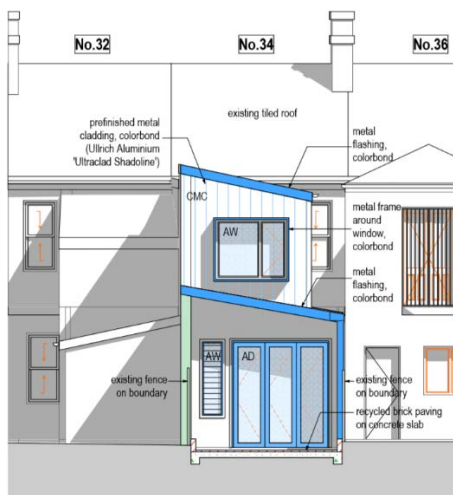
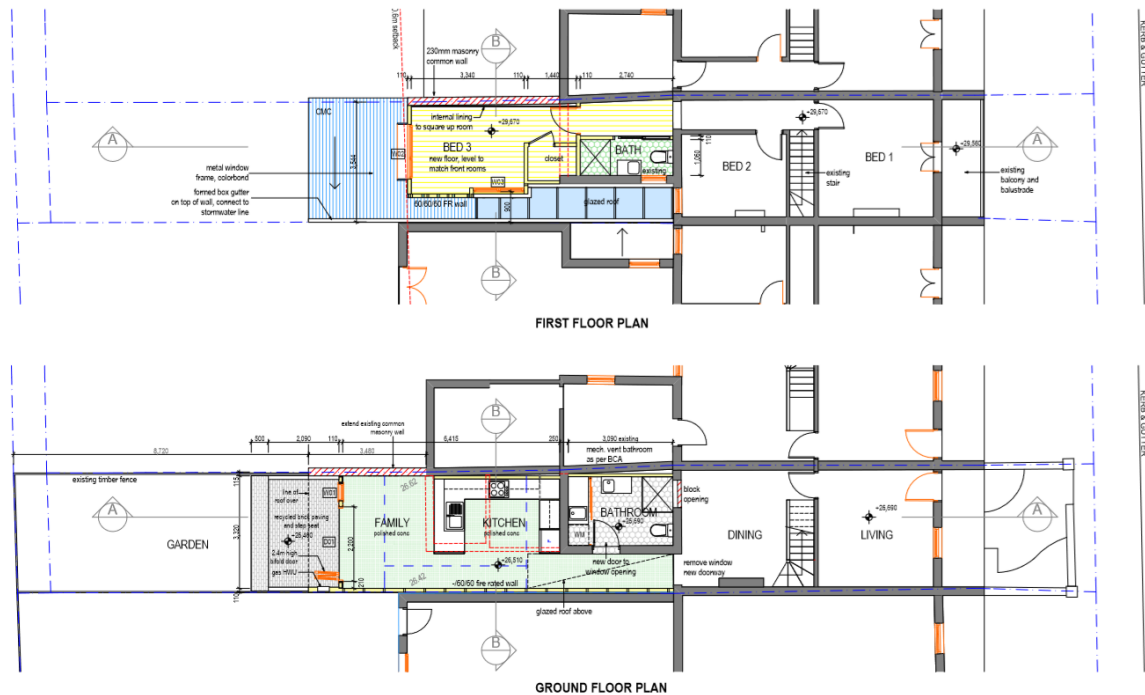


Figure 8: Proposed development - south elevation





**Figure 9:** Proposed development - floor plans

## History Relevant to the Development Application

11. There are no previous development applications that are relevant to the application.

## Economic/Social/Environmental Impacts

12. The application has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979, including consideration of the following matters:
- Environmental Planning Instruments and DCPs;
  - Likely impacts of the development;
  - Suitability of the site for the development;
  - Any submissions made; and
  - The public interest.

## State Environmental Planning Policy No 55—Remediation of Land

13. The aim of SEPP 55 is to ensure that a change of land use will not increase the risk to health, particularly in circumstances where a more sensitive land use is proposed. The likelihood of encountering contaminated land on the subject site is considered to be low given the nature of the works with limited soil disturbance and that the site appears to have been continuously used for residential purposes.

14. On this basis, the site is considered suitable in its present state for the proposed residential development and no further investigations of contamination are considered necessary. Routine investigations for asbestos material are to be undertaken as part of the demolition and construction process and any found materials are to be disposed of in accordance with the relevant WorkCover and EPA guidelines.

### **Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Deemed SEPP)**

15. The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of the above SREP.
16. The Sydney Harbour Catchment Planning Principles must be considered in the carrying out of development within the catchment. The key relevant principles include:
  - (a) protect and improve hydrological, ecological and geomorphologic processes;
  - (b) consider cumulative impacts of development within the catchment;
  - (c) improve water quality of urban runoff and reduce quantity and frequency of urban run-off; and
  - (d) protect and rehabilitate riparian corridors and remnant vegetation.
17. The site is within the Sydney Harbour Catchment and eventually drains into the Harbour. However, the site is not located in the Foreshores Waterways Area or adjacent to a waterway and therefore, with the exception of the objective of improved water quality, the objectives of the SREP are not applicable to the proposed development. The development is consistent with the controls contained with the deemed SEPP.

### **State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004**

18. The BASIX Certificate has been submitted with the development application.
19. The BASIX certificate lists measures to satisfy BASIX requirements which have been incorporated in the proposal. A condition is recommended ensuring the measures detailed in the BASIX certificate are implemented.

### **Sydney LEP 2012**

20. The site is located within the R1 General Residential zone. The proposed use is defined as an attached dwelling and is permissible.
21. The relevant matters to be considered under Sydney Local Environmental Plan 2012 for the proposed development are outlined below.

## Compliance Tables

| <b>Development Control</b>              | <b>Compliance</b> | <b>Comment</b>  |
|---|-------------------|---|
| 4.3 Height of Buildings                 | Yes               | A maximum height of 9m is permitted.<br>A height of 6.2m is proposed.   |
| 4.4 Floor Space Ratio                   | Yes               | A maximum FSR of 1.25:1 is permitted.<br>An FSR of 0.9:1 is proposed.   |
| 5.9 Preservation of trees or vegetation | Yes               | The proposal is acceptable in terms of tree preservation as the proposal will have no impact on any trees.  |
| 5.10 Heritage conservation              | Yes               | The subject site is located within a heritage conservation area and adjacent to local heritage items to the south and east. The proposal has been reviewed by Council's Heritage Specialist and is generally considered acceptable given the context, and is able to achieve the objective of conserving the significance of the conservation area. |

| <b>Part 6 Local Provisions - Height and Floor Space</b> | <b>Compliance</b> | <b>Comment</b>   |
|---|-------------------|--|
| Division 4 Design excellence                            | Yes               | The proposal exhibits design excellence and will complement the existing form of buildings within the heritage conservation area and will further contribute to its character. |

| <b>Part 7 Local Provisions - General</b>              | <b>Compliance</b> | <b>Comment</b>   |
|---|-------------------|--|
| Division 1 Car parking ancillary to other development | Yes               | A maximum of 2 car parking spaces are permitted.<br>No car parking spaces are proposed.  |
| 7.14 Acid Sulphate Soils                              | Yes               | The site is identified as containing class 5 Acid Sulphate Soil. The proposal will require only minor soil disturbance and would not require consent for the works under the clause. |

**Sydney DCP 2012**

22. The relevant matters to be considered under Sydney Development Control Plan 2012 for the proposed development are outlined below.

**2. Locality Statements – Forest Lodge**

The subject site is located in Forest Lodge. The proposed alterations and additions to the attached terrace house are considered to be in keeping with the unique character of the area as a small scale residential area characterised by a fine grain 'single house' scale.

| <b>3. General Provisions</b>             | <b>Compliance</b> | <b>Comment</b>   |
|--|-------------------|--|
| 3.2 Defining the Public Domain           | Yes               | The proposal maintains the existing street address, providing a direct line of sight to the entry of the building and providing passive surveillance to the street.  |
| 3.6 Ecologically Sustainable Development | Yes               | The proposal will not have unacceptable impacts on the environment and satisfies BASIX requirements.   |
| 3.7 Water and Flood Management           | Yes               | The site is not identified as being on flood prone land.   |
| 3.9 Heritage                             | Yes               | The existing building is located within a Heritage Conservation Area and immediately adjoins local heritage items (Forest Lodge Public School and the Former house "Briarbank"). The proposed works are located to the rear only and sit well below the ridgeline of the existing dwelling. The rear building line is consistent with other terraces in the row. |
| 3.14 Waste                               | Yes               | A condition has been recommended for the proposed development to comply with the relevant provisions of the City of Sydney Code for Waste Minimisation in New Developments 2005.   |

| 4. Development Types<br><br>4.1 Single dwellings,<br>terraces and dual<br>occupancies | Compliance | Comment  |
|---|------------|--|
| 4.1.1 Building height   | Yes        | A maximum of two storeys is permitted.<br><br>The proposed development is two storeys in height.   |
| 4.1.2 Building setbacks   | Yes        | The front setback to Charles Street remains unchanged.<br><br>The rear setback aligns with the predominant rear building line within the terrace group, in particular it has approximately the same rear setback as recent approvals at 26 and 28 Charles Street (D/2016/591 and RD/2016/1704/A respectively). Refer to Figure 10.   |
| 4.1.3 Residential amenity   | Yes        | The proposed development will have acceptable residential amenity.<br><br>The proposal allows for solar access to the subject site and adjacent dwellings in accordance with the solar access provisions of the DCP.<br><br>The site is less than 150sqm in size and is not required to provide a minimum amount of deep soil planting.<br><br>The proposed development allows for 31.5sqm of primary private open space at ground level meeting the minimum requirement of 16sqm and minimum dimension of 3m, and is directly accessible from the living area.<br><br>Visual privacy is acceptable given that there are no windows to the west elevation and minimal windows to the east with projecting window frames / privacy screens to be installed. |

| 4. Development Types<br><br>4.1 Single dwellings,<br>terraces and dual<br>occupancies | Compliance | Comment   |
|---|------------|---|
| 4.1.4 Alterations and additions   | Yes        | The proposed rear addition does not project beyond the predominant rear building alignment in the terrace group, and in particular it does not extend further than recent approvals at 26 and 28 Charles Street (D/2016/591 and RD/2016/1704/A respectively). Refer to Figure 10. The proposal is of an appropriate scale and appearance in relation to the existing building and the row of terraces. The profile and form of the original building remains discernible. |
| 4.1.9 Car parking   | Yes        | No car parking currently provided on site. The proposal does not seek to create any parking as part of the proposal.  |

#### Existing first floor rear building alignment



**Figure 10:** Existing first floor rear building alignment including approved first floor rear additions at No. 26 and 28, proposed first floor addition shown in blue

**Other Impacts of the Development**

23. The proposed development is capable of complying with the BCA.
24. It is considered that the proposal will have no significant detrimental effect relating to environmental, social or economic impacts on the locality, subject to appropriate conditions being imposed.

**Suitability of the Site for the Development**

25. The proposal is of a nature in keeping with the overall function of the site. The premises are in a residential surrounding and amongst similar uses to that proposed.

**Internal Referrals**

26. The conditions of other sections of Council have been included in the proposed conditions.
27. The application was discussed with the Heritage and Urban Design Specialists; Building Services Unit and Surveyors who advised that the proposal is acceptable subject to the recommended conditions.

**External Referrals****Notification, Advertising and Delegation (No Submissions Received)**

28. In accordance with Schedule 1 of the Sydney DCP 2012, the proposed development is required to be notified. As such the application was notified for a period of 14 days between 11 July 2018 and 26 August 2018. No submissions were received.

**Public Interest**

29. It is considered that the proposal will have no detrimental effect on the public interest, subject to appropriate conditions being proposed.

**S7.11 Contribution**

30. The development is exempt from the provisions of the City of Sydney Development Contributions Plan 2015 as the development is for the alterations and additions to an existing dwelling.

**Relevant Legislation**

31. The Environmental Planning and Assessment Act 1979.

**Conclusion**

32. The proposed development is consistent with the development standards and zone objectives of the Sydney Local Environmental Plan 2012 in that it presents a compliant building height, bulk and scale of development.
33. The proposal is acceptable with respect to the objectives and controls contained within the Sydney Development Control Plan 2012 in that it presents a development that does not detract from the contributory nature of the original building within the heritage conservation area and the rear addition does not present unreasonable residential amenity impacts on surrounding land uses;
34. Accordingly, the proposal is recommended for development consent subject to the draft conditions listed in Attachment B.

**GRAHAM JAHN, AM**

Director City Planning, Development and Transport

Report prepared by: Helena Miller, Independent Planner, MG Planning Pty Ltd