

ITEM 10. DEVELOPMENT APPLICATION: 245-247 RILEY STREET SURRY HILLS

FILE NO: D/2008/1505

SUMMARY

Date of Submission: 3 September 2008 and further information regarding excavation and pruning surrounding the tree was received 3 November 2008.

Applicant: Fiona Hicks

Proposal Summary: Consolidate the two existing dwellings on Riley Street to a single dwelling, including alterations and additions. Demolition of the existing garage and roller door facing Little Riley Street and the construction of a four storey dwelling and pool. It is also proposed to subdivide the site.

Summary: Four objections were received, raising concerns regarding over development of the site; the effect on the conservation area and residential amenity; and the impact of the development on the mature Brush Box tree.

The application is considered to be an overdevelopment of the site for the following reasons:

- The proposal will result in the creation of two lots below the minimum lot size requirements and has the potential for the terrace to be reverted back to two dwellings, resulting in three dwellings on the site;
- The proposal will result in an inadequate separation distance between the existing and proposed dwelling (12m required and 9.4m proposed);
- The proposed new dwelling will detrimentally impact on the streetscape and conservation area, due to the form and scale of the proposed dwelling on Little Riley Street;
- The proposed new dwelling on Little Riley Street will adversely affect the amenity of the residential building to the south, due to the height, scale and location; and
- The proposal will have an adverse effect on the health of the mature Brush Box tree.

It is therefore recommended that the proposal be refused.

Attachments:

A – Selected Drawings

RECOMMENDATION

It is resolved that consent be refused for the following reasons:

- (1) The form, scale and architectural character of the proposed rear dwelling will have a detrimental impact on the heritage conservation area and is contrary to Clause 23A of the South Sydney Local Environment Plan 1998.
- (2) The proposal will result in overdevelopment of the site and does not comply with the following performance criteria and controls of the *South Sydney Urban Design Development Control Plan 1997*:
 - (a) The proposal does not comply with the 135m² minimum site area requirement of Part F, Section 1.1, with 124.7m² and 108.2m² proposed.
 - (b) The proposal does not comply with the minimum separation distance of 12m between the new and the existing dwelling required by Part G, Section 2.2, with 9.4m proposed, resulting in adverse privacy effects.
 - (c) The proposed height, bulk and scale are inappropriate within the streetscape and are contrary to Part E, Section 2.1 and 2.3 and Part G section 2.5.
 - (d) The location, height and bulk of the proposed dwelling on Little Riley Street will result in adverse amenity effects on the neighbouring property to the south, contrary to Part F, Section 1.2.2.
 - (e) The proposed rear dwelling does not meet the requirements of Part G, Section 2.5, which provides a maximum height limit of 5.4m.
- (3) The application due to the proposed design, bulk, form and scale is contrary to Clause 10 of the *Heritage Development Control Plan 2006*, which requires development on rear lanes to be subsidiary than the development fronting the main street.
- (4) The proposed development, due to the excavation for the pool and pruning for the new dwelling will result in adverse impacts to the existing Brush Box tree at 245 Riley Street, which is unacceptable.
- (5) The proposed development does not respect the historical subdivision layout of the locality and does not make a positive contribution to its surroundings, which is contrary to Part E, Sections 1.1 and 1.2 of the *South Sydney Development Control Plan 1998*.
- (6) The proposed conversion of the two terrace dwellings into one is contrary to the objectives of the *City of Sydney Heritage Development Control Plan 2006*, particularly Part 4, which encourages the restoration and conservation of heritage buildings.

BACKGROUND

The Site and Surrounding Development

1. The subject sites are located at 245 and 247 Riley Street, Surry Hills, and are legally described as Lots A and B in Deposited Plan 443295. The land is zoned 'No.10 –Mixed Uses' within the South Sydney Local Environmental Plan 1998, and is included within the Reservoir Street and Fosterville Conservation Area.
2. The site is located on the western side of Riley Street and obtains rear access via Little Riley Street. The total site area is 232.7m². The site falls 1.5m from Riley Street to Little Riley Street.

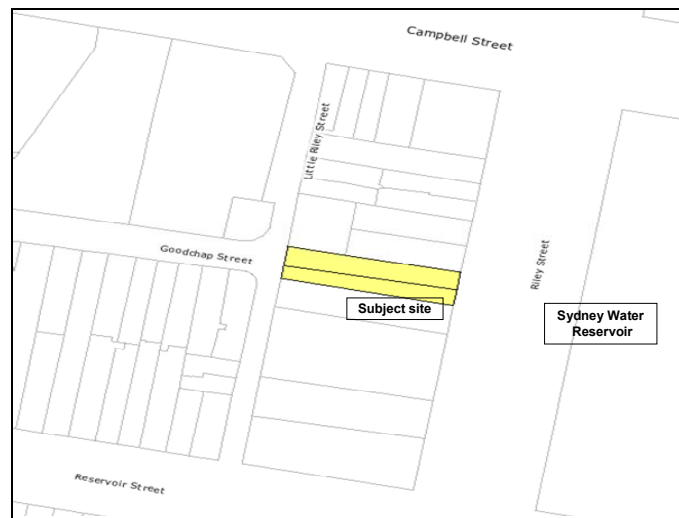


Figure 1: Location Plan

3. The site currently contains two x two-storey Georgian style Victorian terrace dwellings, setback from Riley Street, with a rendered brick facade and a shallow pitched roof clad with concrete tiles. There is a small single storey skillion wing to both terraces at the rear. 245 Riley Street has a garage, while 247 Riley Street has a roller door onto Little Riley Street.



Figure 2: Subject site as viewed from Riley Street

4. There is a mature *Lophostemon confertus* (Brush Box tree) located within the rear yard of 245 Riley Street. This tree is in good condition and health.



Figures 3: The site as viewed from Goodchap Street, with the Brush Box tree seen in the background.

Surrounding Development

5. The block that the subject site is located on is bounded by Riley, Little Riley, Campbell and Reservoir Streets, which consist of a diverse range of building forms and uses.
6. Immediately to the north of the site along Riley Street, are four x two-storey Victorian terraces. To the south is a single storey cottage that has been converted to a café and beyond that are three to four storey commercial buildings. Across Riley Street to the east is the Sydney Water reservoir site.
7. The site to the immediate south on Little Riley Street consists of a three storey residential building with a fourth floor setback. To the north is a three storey warehouse. Goodchap Street, to the west, consists of two storey residential terraces, with a single storey substation located on the corner, directly opposite the subject site.



Figure 4: View of 16a Little Riley Street (the neighbouring property to the south), showing the habitable room windows on the north facade.



Figure 5: View south along Goodchap Street from the subject site.



Figure 6: The single storey electricity substation located on the north western corner of Goodchap and Little Riley Streets.

History Relevant to this Site

8. The following development applications are considered relevant to the proposed development:
9. D/2006/330 was an application for the construction of two new infill dwellings fronting Little Riley Street, modifications to the two dwellings facing Riley Street and subdivision to create four Torrens title lots.
10. The applicant was advised that the creation of two additional dwellings would not be supported due to non-compliance with the minimum lot size, open space, and site coverage requirements of the South Sydney Urban Design DCP 1997. The application was subsequently withdrawn on 17 July 2007.
11. A further application was submitted on 21 June 2007 (D/2007/1166) for alterations and additions to the two existing terrace dwellings and the construction of a four storey dwelling fronting Little Riley Street and therefore resulting in three dwellings on the site.
12. This application was refused by Council on 3 December 2007 for the following reasons:
 - (a) the application would result in the creation of three lots substantially below the minimum lot size requirements;
 - (b) the application does not provide adequate private open space to the existing dwellings;
 - (c) the application exceeds the maximum site coverage;
 - (d) the application provides inadequate separation between the existing and proposed dwellings;

- (e) the proposed development exceeds the maximum height permissible for development on rear lanes in heritage conservation areas; and
 - (f) the proposed dwelling does not respect the bulk, scale and character of Little Riley Street.
13. The applicant appealed Council's decision to the Land and Environment Court. During the hearing the applicant amended the plans to provide for the conversion of 245 and 247 Riley Street Surry Hills into a single dwelling instead of retaining them as two separate dwellings.
14. The Court dismissed the appeal due *'to the absence of off street parking for the Riley Street dwelling.'*

PROPOSAL

15. The proposed development is similar to the amended proposal provided during the hearing, and includes alterations and additions to the two dwellings fronting Riley Street to combine them into one single dwelling; demolition of the garage and roller door on Little Riley Street; construction of a four storey dwelling; and subdivision of the site. Specifically:
- (a) 245 and 247 Riley Street
 - (i) Removal of internal walls between the terraces and reconfiguration of rooms and deletion of stair access from the southern terrace;
 - (ii) Construction of a two storey rear extension;
 - (iii) A 35.7m² courtyard is to be provided to the rear; and
 - (iv) A single parking space is to be provided for the Riley Street dwelling at the ground floor of the Little Riley Street dwelling, and is to be accessed via a sunken covered walkway provided as an easement on the Title.
 - (b) Little Riley Street

Construction of a four storey dwelling consisting of:

 - (i) Single garage space facing Little Riley Street;
 - (ii) Kitchen / Living / Dining above;
 - (iii) Bedroom, study and bathroom on the first floor;
 - (iv) Bedroom and bathroom on the second floor with a deck overlooking Little Riley Street; and
 - (v) 36.7m² courtyard extending from the living area, which includes a 3.9m x 1.4m pool.
16. It is proposed to retain the 20m Brush Box tree located at the rear of 245 Riley Street, but undertake pruning for the new dwelling and excavation in the vicinity of the roots for the proposed pool.

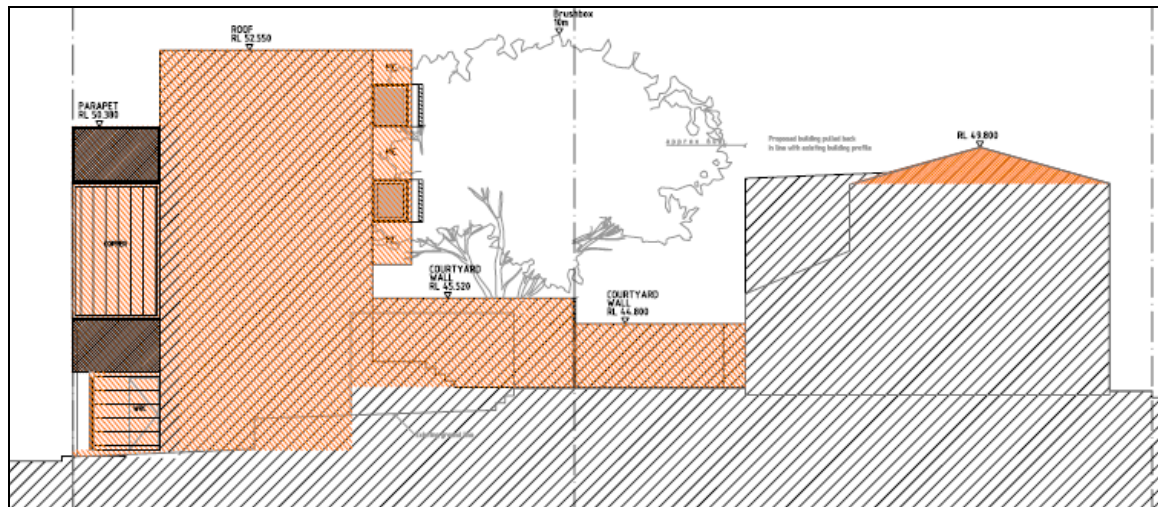


Figure 7: Cross section of the proposed development as viewed from the south

17. Further plans and elevations of the development are provided as **Attachment A**.

IMPLICATIONS OF THE PROPOSAL

Section 79C Evaluation

18. An assessment of the proposal under Section 79C of the Environmental Planning and Assessment Act 1979 has been made, including the following:

Section 79C(1)(a) Environmental Planning Instruments, DCPs and Draft Instruments

STATE ENVIRONMENTAL PLANNING POLICIES (SEPPs)

19. The proposed development is not subject to any relevant State Environmental Planning Policies.

LEPs AND DCPs

20. The following Local Environmental Plans are relevant to the proposal:

South Sydney Local Environmental Plan 1998

21. Compliance of the proposal with the LEP controls is summarised below:

Development Controls	Permissible under South Sydney LEP 1998	Proposal as assessed under South Sydney LEP 1998
Zoning Controls (Part 3)	No. 10 (Mixed Uses)	The proposed development is permissible subject to consent.

Development Controls	Permissible under South Sydney LEP 1998	Proposal as assessed under South Sydney LEP 1998
Heritage Conservation (CI 22 to 27)	Development is to satisfy certain heritage requirements.	The proposed form, scale and architectural character of the proposal does not satisfy these provisions as it is considered that the proposal will detract from the conservation area and streetscape.

Strategy for a Sustainable City of South Sydney

22. One of the principal objectives of the LEP as stated in Clause 7 is to implement the goals and objectives contained in the Strategy for a Sustainable City of South Sydney. Clause 8 also provides that in assessing any development application that the Council must take into consideration the goals and objectives of the Strategy as they relate to the proposed development.
23. In order to realise the main goal of the strategy, a number of detailed strategies were developed and are grouped under sub-goals of Environment, Land Use and Transport, Character and Identity, Community Well-Being and City Management. An assessment of the development application reveals that it fails to meet the goals of the above strategies. These issues are dealt with in detail in the issues section of this report, where relevant to the proposal.

South Sydney DCP 1997

24. Compliance of the proposal with the DCP controls is summarised below:

Matter to be Considered	Compliance	Comment
PART B: URBAN DESIGN PRINCIPLES		
Urban Form Section 2	*	Does not comply The proposal does not provide an appropriate form or design to terminate the view corridor of Goodchap Street.

Matter to be Considered	Compliance	Comment
PART E: ENVIRONMENTAL DESIGN CRITERIA		
Site Analysis/Layout Section 1.1 and 1.2	*	Does not comply The application is not considered to provide a suitable or compatible response to the characteristics of the site, including the subdivision pattern of the locality, vegetation, form, height and scale and does not make a positive contribution to the surrounding area.
Private Open Space Section 1.4	✓	Complies 45m ² is required for each site, with 44.8m ² proposed for the Riley Street dwelling and 36.7m ² proposed at ground level for the Little Riley Street dwelling and a 9.3m ² upper level deck also proposed.
Landscaping Section 1.5	✓*	Able to comply The landscaping provided on either site does not meet the minimum requirement of 50% soft/porous landscaping. The dwelling on Riley Street will provide only 36.3% soft landscaping and the dwelling on Little Riley Street will only provide 45.5% soft landscaping.
Parking, Access and Servicing Section 1.6	*	Does not comply The proposed car parking takes up the majority of the site frontage along Little Riley Street and is considered to adversely affect the streetscape. The proposed car parking space for the Riley Street dwelling is contrived and considered to be difficult to access.
Storm Water Drainage Section 1.7	✓	Complies The proposal is capable of achieving satisfactory storm water drainage.

Matter to be Considered	Compliance	Comment
<p>Site Facilities Section 1.9</p>	<p>*</p>	<p>Able to comply The applicant has not indicated on the plans, where the garbage area will be located.</p>
<p>Building Envelope Section 2.1</p>	<p>*</p>	<p>Does not comply The proposed dwelling aligns itself with the top floor of the residential building to the south of the site and steps down towards 12-14 Little Riley Street. However, as the site terminates the view of Goodchap Street, which consists of two-storey residential terraces, the proposed scale of the building envelope is considered to be too dominant within the streetscape.</p>
<p>Floor Space Ratio Section 2.2</p>	<p>✓</p>	<p>Complies The maximum FSR for the site is 2:1. The proposed dwelling will have a total FSR of 1.22:1, while the existing terraces will have a total FSR of 1.24:1.</p>
<p>Height and Scale Section 2.3</p>	<p>*</p>	<p>Does not comply The maximum height for the site is 12m, with the new dwelling having a proposed height of 11.5m. Notwithstanding the above, Part G, section 2.5 provides a maximum height of 5.4m, which the proposal exceeds. In addition, the City of Sydney Heritage DCP 2006 requires that development on rear lanes should be subsidiary in bulk, scale and design.</p>
<p>Setbacks Section 2.4</p>	<p>*</p>	<p>Does not comply The proposal does not provide side setbacks and will obstruct the northern windows of the residential building at the rear of 249 Riley Street, therefore restricting light and ventilation to the habitable windows of this property.</p>

Matter to be Considered	Compliance	Comment
<p>Façade Treatment Section 2.5</p>	<p>✓</p>	<p>Complies The proposed façade articulation of the new dwelling is acceptable.</p>
<p>Heritage and Conservation Section 3</p>	<p>✘</p>	<p>Does not comply The proposed new dwelling, due to its dominance within the streetscape, is not considered to enhance or protect the character of the conservation area.</p> <p>In addition, the design provides an inappropriate transition to the adjacent building to the north or the terrace dwellings lining Goodchap Street.</p> <p>Refer to the issues section of this report.</p>
<p>Visual and Acoustic Privacy Section 4.1</p>	<p>✘</p>	<p>Does not comply The proposed dwelling is to be located 9.4m from the rear of the existing terraces on Riley Street. It is noted that although a privacy screen is proposed, the new dwelling is elevated and will result in direct overlooking of the private open space and habitable rooms of the existing terraces.</p> <p>Refer to the issues section of this report.</p>
<p>Safety and Security Section 4.2</p>	<p>✘</p>	<p>Does not comply The full width garage proposed for the new dwelling prevents the activation of Goodchap and Little Riley Streets. In addition, it does not provide an adequate transitional space around the entry of the dwelling, which could be provided through use of verandahs or courtyards.</p>

Matter to be Considered	Compliance	Comment
<p>Energy Efficiency Section 5.1 to 5.3</p>	<p>✓ x</p>	<p>Able to comply The applicant has provided a BASIX Certificate demonstrating that the proposed rear dwelling achieves the state government's sustainability objectives. However; the Certificate does not include an energy efficiency assessment of the existing dwelling.</p>
<p>PART F: DESIGN CRITERIA FOR SPECIFIC TYPES</p>		
<p>Single Dwelling Houses Section 1 to 1.4.4</p>	<p>x</p>	<p>Does not comply The applicant proposes to construct an additional dwelling at the rear of the two lots, providing a site area of 108.2m² for the new dwelling and 124.7m² for the existing dwelling, which is below the required lot size of 135m².</p> <p>In addition, the height and scale of the proposed dwelling is considered inappropriate within the streetscape and will result in adverse amenity effects on the site itself and the neighbouring properties.</p> <p>Refer to issues section of report.</p>

Matter to be Considered	Compliance	Comment
PART G: SPECIAL PRECINCTS		
Residential Development on Rear Lanes Section 2 to 2.7	*	<p>Does not comply The proposed dwelling only provides for a 9.4m separation distance from the existing dwellings. This distance is inadequate and result in adverse privacy effects between the two dwellings habitable rooms and open space.</p> <p>In addition, the new dwelling exceeds the maximum length of 7m, is not setback 1.2m from the rear lane and exceeds the maximum height of 5.4m, which results in adverse amenity effects to the adjacent residential building to the south.</p>

City of Sydney Heritage Development Control Plan 2006

Matters to be considered	Compliance	Comment
Heritage Conservation Areas and Heritage Streetscapes Sections 4 and 7	*	<p>Does not Comply The proposed development does not adequately respond to the character of the surrounding conservation area or provide an appropriate transition to the neighbouring property to the north.</p>
Development on Rear Lanes Section 10	*	<p>Does not Comply The proposed dwelling presents as a four storey building which is out of character with the adjoining development along the laneway, which with the exception of 16A Little Riley Street and the rear of 145 -151 Campbell Street, the lane is characterised by modest two storey dwellings and three storey warehouse style buildings.</p>

South Sydney DCP 11: Transport Guidelines for Development

25. DCP 11 sets out maximum car parking levels in order to reduce traffic congestion and reduce reliance on private vehicles in the city. A maximum of two spaces would be required.
26. The applicant is proposing to provide two car parking spaces under the Little Riley Street dwelling. One of these spaces is to be dedicated to the dwelling on Riley Street and is to be accessed via a sunken covered access and provided on the Title as an easement. This access is considered to be contrived and complicated and not an efficient use of space.

ISSUES

27. The issues identified in the above instruments/policies as non-complying or requiring further discussion in the abovementioned tables are discussed in detail below:-

Heritage and Urban Design

28. The extent of the proposed demolition work to the existing dwellings is considered to have a negative impact on the terraces themselves, as all internal original building elements are being removed, with a large proportion of the original fabric to be lost. Although large, the new first floor rear addition to these terraces is considered to be acceptable, as it will not be seen from the streetscape and will be located below the main ridgeline.
29. The proposed dwelling to be located on Little Riley Street is much larger than the existing dwellings on Riley Street. It is considered that the proposed dwelling will dominate the streetscape of Little Riley and Goodchap Streets and fails to respect the character of the surrounding area. It provides an inappropriate transition to the adjacent building to the south and those two storey terraces that line Goodchap Street. In addition, it will be visually prominent as it terminates the view line of Goodchap Street.
30. Part 10 of the Heritage DCP 2006 requires that development on rear lanes should be subsidiary in bulk and scale and simpler in detail than the development on the main frontage. Whilst it is recognised that the neighbouring properties along Little Riley Street are two to four storeys, as previously mentioned it is considered that the proposal will dominate the existing terraces and the streetscape.
31. Whilst the proposed façade articulation is considered to be an improvement from previously submitted schemes, the architectural character is inappropriate within the streetscape and does not contribute to the character of the area. In addition, the building form, particularly the top deck provides an intrusion onto Goodchap Street. This element is considered to be unacceptable and contrary to 7.1 of the Heritage DCP 2006.
32. The provision of a double garage on Little Riley Street is considered to be a negative element, which dominates the streetscape and prevents its activation, this is contrary to Part 12 of the Heritage DCP 2006.

Minimum Lot Size and Subdivision Requirements

33. Part F 1.1 of the South Sydney Urban Design DCP states that the minimum site area for dwellings is 230m². However, depending on the context of the site, the minimum lot size can be reduced to 135m².
34. The applicant states that the proposed site area for each dwelling being 124.7m² and 107.8m² is consistent with the prevailing lot sizes in the locality and 'is an appropriate response to the site's dual frontage'.
35. It is recognised that there are some smaller lots along Little Riley Street and the existing lots are currently below the minimum lot size.
36. Whilst being below Council standards may be acceptable in some instances, the applicant has not demonstrated that the current proposal is an appropriate response to the site characteristics, as discussed throughout this report.
37. It should also be noted that the applicant in previous applications had proposed to retain the two terrace houses fronting Riley Street as separate dwellings, thus creating three lots from the existing two lots. If this was to occur, the resultant lots would range in size from 57m² – 106.5m², which would be unacceptable.
38. The proposed subdivision does not respond to the historic pattern of the area as required by Part E, Section 1.1, which seeks to ensure that proper consideration of the characteristics of the site and its context are undertaken.

Amenity

39. The proposal is considered to result in substandard accommodation for both dwellings, with the two dwellings to be located 9.4m from each other, which is contrary to Clause 2.4 of the South Sydney DCP 1998, which seeks a distance of 12m between opposite habitable rooms.
40. The proposed dwelling does not provide a side setback from the southern boundary and will therefore obstruct the north facing habitable room windows of 16a Little Riley Street, restricting light and ventilation to these rooms, resulting in substandard accommodation. While it is noted there is no easement on the Title to protect these windows, Part G, Sections 2.1 and 2.5 of the South Sydney DCP 1998 provide for a maximum height of 5.4m and a depth of 7m for buildings on rear lanes, of which the proposal exceeds both.
41. As previously stated, prior applications have sought to retain the Riley Street dwellings as two separate terraces. If this was to occur, the private open space for these dwellings would be approximately 15.4m², which would be unacceptable.

Trees

42. There is a mature Brush Box Tree located in the middle of 245 Riley Street. Pruning and excavation will be required for the construction of the new dwelling and the pool. The tree is in good health and is considered to contribute to the character of the area.

43. The installation of a lap pool within 1.2m of the existing tree and the root zone will have an adverse effect on the health of the tree and Council's Tree Management officer has recommended that the pool be redesigned or deleted. The overall suitability or need for a pool to be built under the shade of a large native tree is also questioned.
44. Council's Tree Management officer has also advised that there is likely to be future problems, such as potential structural damage to the foundations of the pool due to new root growth in this area. In addition, due to the overshadowing created by the tree, it is also likely that a high level maintenance will be required to reduce the amount of leaves and seed capsules that will accumulate in the pool due to its proximity to this tree.
45. Extensive pruning is required to provide clearances for the proposed building, which is also likely to detrimentally impact on the future health of the tree.

Section 79C(1)(b) Other Impacts of the Development

46. The proposed development will not result in any significant additional impacts other than those already identified and discussed above.

BCA Matters

47. The BCA Classification of the building is Class 1 and 10.
48. The development is capable of satisfying the requirements of the BCA without significant modification.

Section 79C (1) (c) Suitability of the site for the development

49. The site is suitable for the proposed development. Site suitability has already been discussed in the table/issues section above

Section 79C (1) (e) Public Interest

50. The proposed development is generally consistent with the relevant controls. In this regard it is considered that the proposal will have no detrimental effect on the public interest, subject to appropriate conditions being imposed on any consent.

POLICY IMPLICATIONS

51. Not applicable to this report.

PUBLIC CONSULTATION

Section 79C(1)(d)

Advertising and notification

52. Adjoining and nearby owners and occupiers of buildings were notified of the proposal and invited to comment. In addition, notices were placed on the site and the proposal was advertised in the daily press in accordance with the provisions of the City of Sydney Notification of Planning and Development Applications Development Control Plan 2005.

53. Four submissions were received. The grounds for objection are summarised as follows:

- (a) Overdevelopment of the site, including bulk and scale, as the proposed dwelling will overwhelm the existing terraces and the character of the streetscape. In addition, the proposed design is unimaginative and does not respect the streetscape and the character of the area, particularly as it terminates the view corridor of Goodchap Street.

Comment: The proposed development is considered to result in over development of the site and is inconsistent with the scale of buildings specified in the City of Sydney Heritage Development Control Plan 2006 for rear lane development in heritage conservation areas.

The proposed rear dwelling does not provide an appropriate response to the character of the conservation area.

- (b) The proposed development does not comply with various controls, including site coverage, minimum lot sizes, private open space and minimum separation distances.

Comment: The proposed lots are below the minimum lot size requirement and separation distance between dwellings, which will result in adverse amenity impacts. On this basis the application is recommended for refusal.

- (c) Inadequate parking for the site and the parking that is to be provided is not practical. It is also likely that the car park will be relinquished in the future to the new dwelling.

Comment: The proposed car parking space for the Riley Street dwelling appears to be contrived and complicated. The car parking space would be registered on the Title and an application would be required to amend it.

- (d) The existing tree is likely to die with the proposed works.

Comment: Council's Tree Management officer has reviewed the proposal and considers that the construction of the pool and proposed pruning works will have a detrimental impact on the health of the tree.

- (e) Overshadowing of the courtyards and the tree, providing a constantly damp and dark unusable area.

Comment: The applicant has provided shadow diagrams showing that the proposed courtyards will receive sufficient daylight. However, it is noted that due to the location of the tree, the proposed pool will be in constant shade.

- (f) Noise created from the proposed deck and its flow on effect down Goodchap Street.

Comment: There is potential for noise from the deck. However, the use of the site is residential and should not be excessive.

- (g) There is a historic stream that flows under Riley Street and the proposed swimming pool, may cause the ground to subside.

Comment: due to the depth of the pool there is unlikely to be any impact on any stream that may run below the site. However, there is concern that the growth of the roots of the tree may affect the pool structure.

- (h) The proposed dwelling will adversely block the existing 'breezeway', which allows openness to Little Riley and Goodchap Streets.

Comment: It is considered that the height of the proposed dwelling is inappropriate within the streetscape, particularly at the end of Goodchap Street.

- (i) The relocation of the power pole will hinder vehicle access, particularly emergency vehicle access.

Comment: The power pole would be required to be relocated to ensure that emergency vehicle access was possible.

INTERNAL REFERRALS

54. The application was referred to Council's:

- (a) Specialist Surveyor;
- (b) Heritage Architect;
- (c) Urban Designer;
- (d) Building Services Unit;
- (e) Health Unit; and
- (f) Tree unit

55. The recommendations of other units have been taken into consideration as part of the assessment of the application.

RELEVANT LEGISLATION

56. The Environmental Planning and Assessment Act 1979, Heritage Act 1977.

CONCLUSION

57. Although a similar proposal has been previously considered by Court, we do not agree with this ruling and it is considered that the current proposal would result in over development of the site.

58. The proposal will result in detrimental impacts on the amenity of the future occupiers of the site and neighbouring properties, the character of the streetscape and heritage conservation area and result in adverse impacts on the tree, which is an important feature within the area. As it stands, the proposal is considered to represent over development of the site and is contrary to Council's policies.
59. Given the above, the proposal is recommended for refusal.

GIOVANNI CIRILLO

Director City Planning and Regulatory Services

(Bridget Boyes, Specialist Planner)