

ITEM 7. DEVELOPMENT APPLICATION: 11 BELLEVUE STREET GLEBE

FILE NO: D/2009/1733

SUMMARY

Date of Submission: 19 October 2009

Applicant: Graham Lemnell

Architect: Graham Lemnell

Site: 11 Bellevue Street, Glebe

Summary: Alterations and additions to rear of attached terrace including new second floor balcony and extension of bedroom at basement level.

The existing dwelling and proposed additions exceed the maximum FSR control of 0.7:1 under the Leichhardt LEP 2000. The existing FSR is 1.12:1. The proposed FSR is 1.25:1 and requires a variation of 77% to the 0.7:1 standard.

The additional floor space is 15sqm or 12% above the existing GFA and is created only by excavating the basement level to provide a new bedroom and bathroom. The proposed variation of the FSR standard is supported as it does not vary significantly from existing site conditions and does not create adverse amenity impacts on neighbours. The overall bulk and scale of the dwelling is not affected as it is situated within the existing building footprint.

The departure invokes the provisions of 'State Environmental Planning Policy No.1 – Development Standards' (SEPP 1) in order to vary the development standard. As the variation exceeds a 60 per cent variation of the FSR, Council must be the determining authority.

Two submissions were received with concerns raised in regards to loss of sunlight, the existing sewerage pipe and noise during construction. The assessment in this report illustrates that no amenity impacts will be derived from the development. Privacy levels will not be altered and surrounding properties will continue to receive compliant levels of sunlight. Standard conditions of consent are also recommended.

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

- Development Controls:**
- (i) Leichhardt Local Environmental Plan 2000
(Gazetted 22 December 2000, as amended)
 - (ii) Leichhardt Development Control Plan 2000
(Adopted 18 April 2000, and in force 22
December 2000)
 - (iii) City of Sydney Notification of Planning and
Development Applications Development Control
Plan 2005 (date of commencement – 18 May
2005)
- Attachments:**
- A - Proposed Drawings

RECOMMENDATION:

It is resolved that consent be granted subject to the following conditions:

SCHEDULE 1A

Approved Development/Design Modifications/Covenants and Contributions/Use and Operation

Note: Some conditions in Schedule 1A are to be satisfied prior to issue of a Construction Certificate and some are to be satisfied prior to issue of Occupation Certificate, where indicated.

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2009/1733 dated 19 October 2009 and Statement of Environmental Effects prepared by Graham Lemnell Pty Ltd, dated October 2009 and the following drawings:

Drawing Number	Architect	Date
1	Graham Lemnell Pty Ltd	October 2009
2	Graham Lemnell Pty Ltd	October 2009

and as amended by the conditions of this consent:

- (b) In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

(2) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

- (a) The depth of the second floor rear balcony shall be reduced from 1500mm to 1200mm.

The modifications are to be submitted to and approved by Council prior to a Construction Certificate being issued.

SCHEDULE 1B

Prior to Construction Certificate/Commencement of Work/Health and Building

Note: Prior to the issue of the Construction Certificate, sufficient information must be forwarded to the certifying authority (whether Council or a private accredited certifier) illustrating compliance with the relevant requirements of the Building Code of Australia (and a copy forwarded to Council where Council is not the certifying authority). If Council is to be the certifying authority, please contact the Building Unit to discuss the requirements prior to submission of the application for construction certificate.

(3) NO DEMOLITION PRIOR TO A CONSTRUCTION CERTIFICATE

Demolition or excavation must not commence until a Construction Certificate has been issued.

(4) DILAPIDATION REPORT – MINOR

Dilapidation report/s of adjoining buildings are to be prepared by an appropriately qualified practising structural engineer and submitted for the approval of the Principal Certifying Authority:

- (a) prior to the commencement of demolition/excavation works; and
- (b) on completion of construction demolition/excavation works.

(5) ASBESTOS REMOVAL

All demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover Asbestos or "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence and removal must be carried out in accordance with National Occupational Health and Safety Commission (NOHSC): "Code of Practice for the Safe Removal of Asbestos" and the City of Sydney Asbestos Policy.

(6) BCA - NEW BUILDING WORKS CLASS 1 AND 10 BUILDINGS

- (a) Pursuant to Clause 98 of the Environment Planning and Assessment Regulation 2000, the proposed building work must comply with the Building Code of Australia (BCA) including:
 - (i) Footings and Slabs - Part 3.2;
 - (ii) Masonry - Part 3.3;
 - (iii) Framing - Part 3.4;
 - (iv) Glazing - Part 3.6;
 - (v) Fire Safety - Part 3.7;
 - (vi) Health and Amenity - Part 3.8;
 - (vii) Safe Movement and Access (Access and Egress) - Part 3.9;

(7) COMPLIANCE WITH BUILDING CODE OF AUSTRALIA

The proposed work shall comply with the deemed-to-satisfy provisions of the Building Code of Australia (BCA). Any non-compliance may be addressed by an alternative solution, submitted as a report to the certifying authority, illustrating how the relevant performance requirements can be satisfied. A Fire Safety Engineering Brief meeting shall be conducted with Council and any other relevant party prior to formulating the Alternative Solutions.

Note: If council is not the certifying authority, a schedule or report identifying the non-complying BCA issues shall be submitted with the application for Place of Public Entertainment to Council. The schedule or report shall provide methods on how each non-compliant matter will be addressed.

(8) STRUCTURAL CERTIFICATION FOR DESIGN - BCA (ALL BUILDING CLASSES)

Prior to the issue of a Construction Certificate, structural details and a Structural Certificate for Design in accordance with Clause A2.2(a)(iii) of the Building Code of Australia (applicable to class 2-9 building) and Clause 1.2.2(iii) of Volume 2 of the BCA (applicable to Class 1 and 10 buildings) must be submitted to the satisfaction of the Certifying Authority. A copy of the certificate must be submitted to Council if Council is not the certifying authority.

(9) STRUCTURAL CERTIFICATION FOR EXISTING BUILDING - ALTERATIONS AND ADDITIONS

A qualified practising certified structural engineer (registered under NPER) must provide original structural certification to the Certifying Authority verifying that the existing structure can adequately support the proposed new loads and the structural design complies with the Structural Provisions of Part B1 (Vol 1) and Part 2.1 (Vol 2) of the Building Code of Australia prior to a Construction Certificate being issued. The proposed additional loads and/or alterations must not cause a decrease in the existing structural performance of the building including its performance under earthquake actions (AS1170.4).

Note: Where a condition of consent has been imposed under the provisions of Clause 94 of the Environmental Planning and Assessment Regulation 2000, the building (part or whole) may be required to comply fully with Part B1 of the of the Building Code of Australia including compliance with the earthquake loads standard, AS1170.4.

(10) STRUCTURAL CERTIFICATION FOR PARTY WALLS

Prior to a Construction Certificate being issued, a Structural Certificate for Design in accordance with Clause A2.2(a)(iii) of the Building Code of Australia must be submitted to the satisfaction of the Principal Certifying Authority. The Certificate must verify the structural integrity of the existing 'Party Wall(s)' as consequence of the additional loads imposed thereon by the proposal and should include a Dilapidation Report if required by the Certifying Authority. A copy of the Certificate must be submitted to Council if Council is not the Certifying Authority.

(11) GLAZING - COMPLIANCE WITH AUSTRALIAN STANDARD

All glazing materials must be selected and installed in accordance with the Building Code of Australia.

(12) BARRICADE PERMIT

Where construction/building works require the use of a public place including a road or footpath, approval under Section 138 of the Roads Act 1993 for a Barricade Permit is to be obtained from Council prior to the commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.

(13) SYDNEY WATER CERTIFICATE (QUICK CHECK)

- (a) The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped. For Quick Check agent details please refer to the web site www.sydneywater.com.au, (see Building Developing and Plumbing then Quick Check) or telephone 13 20 92.
- (b) The consent authority or a Certifying Authority must ensure that a Quick Check agent/Sydney Water has appropriately stamped the plans before the commencement of work.

(14) STORMWATER AND DRAINAGE - MINOR DEVELOPMENT

The drainage system is to be constructed in accordance with Council's standard requirements as detailed in Council's 'Stormwater Drainage Connection Information' document dated July 2006. This information is available on Council's website - www.cityofsydney.nsw.gov.au.

(15) WASTE AND RECYCLING MANAGEMENT - MINOR

The proposal must comply with the relevant provisions of Council's *Policy for Waste Minimisation in New Developments 2005* which requires facilities to minimise and manage waste and recycling generated by the proposal.

SCHEDULE 1C

During Construction/Prior to Occupation/Completion

(16) HOURS OF WORK AND NOISE – OUTSIDE CBD

The hours of construction and work on the development must be as follows:

- (a) All work, including building/demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg. loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.30am and 5.30pm on Mondays to Fridays, inclusive, and 7.30am and 3.30pm on Saturdays, with safety inspections being permitted at 7.00am on work days, and no work must be carried out on Sundays or public holidays.

- (b) All work, including demolition, excavation and building work must comply with the *City of Sydney Building Sites Noise Code* and Australian Standard 2436 - 1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites".

(17) USE OF APPLIANCE OF A HIGHLY INTRUSIVE NATURE

This development consent does not extend to the use of appliances which emit noise of a highly intrusive nature (such as pile - drivers and hydraulic hammers) or are not listed in Groups B, C, D, E or F of Schedule 1 of the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites". A separate application for approval to use any of these appliances must be made to Council.

(18) PROTECTION OF STREET TREES DURING CONSTRUCTION

All street trees adjacent to the site not approved for removal must be protected at all times during demolition and construction, in accordance with Council's Tree Preservation Order. Details of the methods of protection must be submitted to and be approved by Council prior to the issue of the Construction Certificate and such approval should be forwarded to the Principal Certifying Authority. All approved protection measures must be maintained for the duration of construction and any tree on the footpath which is damaged or removed during construction must be replaced.

(19) VEHICLE CLEANSING

Prior to the commencement of work, suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site. It is an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters.

(20) LOADING AND UNLOADING DURING CONSTRUCTION

The following requirements apply:

- (a) All loading and unloading associated with construction must be accommodated on site.
- (b) A Works Zone is required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- (c) The structural design of the building must permit the basement and/or the ground floor to be used as a loading and unloading area for the construction of the remainder of the development.

- (d) If, during excavation, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.
- (e) In addition to any approved construction zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level.

(21) NO OBSTRUCTION OF PUBLIC WAY

The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by Council to stop all work on site.

SCHEDULE 2

The prescribed conditions in accordance with Clause 98 of the Environmental Planning and Assessment Regulation 2000 apply to the development.

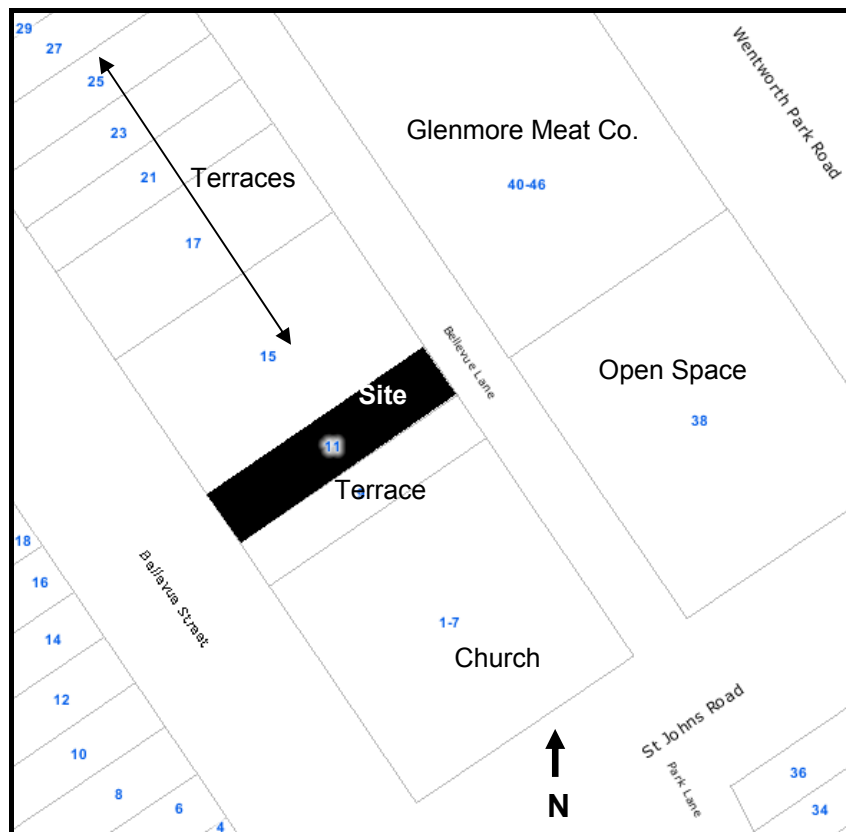
- Clause 98 Compliance with *Building Code of Australia* and insurance requirements under the *Home Building Act 1989*
- Clause 98A Erection of signs
- Clause 98B Notification of *Home Building Act 1989* requirements
- Clause 98C Conditions applying to use of buildings at places of public entertainment
- Clause 98D Conditions applying to use of land as drive-in theatre
- Clause 98E Conditions relating to shoring and adequacy of adjoining property

Refer to the NSW State legislation for full text of the clauses under Division 8A of the *Environmental Planning and Assessment Regulation 2000*. This can be accessed at: <http://www.legislation.nsw.gov.au>

BACKGROUND

The Site and Surrounding Development

1. The site is rectangular with an area of 122.7m², a primary street frontage of 5.0m to Bellevue Street and secondary street frontage of 5.03m to Bellevue Lane. The site is located on the eastern side of Bellevue Street, between its intersections with Lyndhurst Street to the north and St Johns Road to the south.
2. A site Location Plan is provided below.



Plan 1: Location Plan

3. The site comprises a three storey Victorian style terrace on a steep sloping block that falls from the street frontage to Bellevue Lane at the rear. Due to its siting the terrace appears as a single storey terrace from Bellevue Street. However, the ground floor is situated below street level while the first floor façade faces Bellevue Street.
4. The site is not a heritage item but is located within the Glebe Conservation Area.
5. Adjoining the site to the north is No. 13 Bellevue Street which appears as a two storey terrace from the street frontage falling to the rear to three levels. Adjoining the site to the south is No. 9 Bellevue Street which is a three storey terrace. As viewed from Bellevue Lane the rear of all neighbouring properties are also 3 storey terraces.
6. Due to the nature of the topography of the site and the existing trees it is difficult to view the subject site and adjoining properties from Bellevue Lane.

7. Photographs of the existing site are provided below.



Figure 1: Bellevue Street elevation (ground floor below street level and first floor façade facing street)



Figure 2: Bellevue Lane elevation



Figure 3: View looking north along Bellevue Lane

History of Development Applications Relevant to this Site

8. The following development application is considered relevant to the proposed development:
 - (a) Consent was granted on 28 April, 1999 (D/1998/650) for alterations and additions to the existing residence to create an attic space and dormer to the rear and modification of existing internal stairs.

PROPOSAL

9. The proposal includes:

BASEMENT

- Excavate to provide 2400mm ceiling height for new bedroom and bathroom;
- Increase floor space by 15m² to accommodate new bedroom and bathroom; and
- New rear French doors.

GROUND FLOOR

- New rear timber bi-folding doors;
- Internal alterations and additions including new kitchen cupboards and demolition of internal brick walls; and
- Reconfiguration of internal and external stairs.

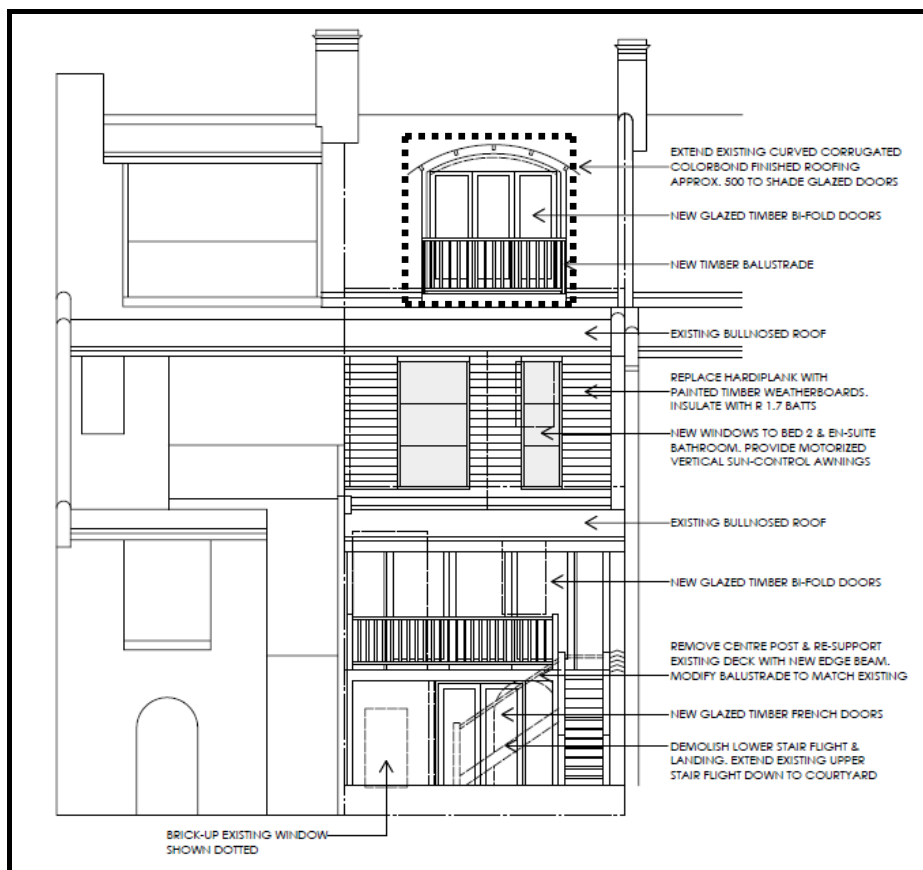
FIRST FLOOR

- Internal alterations and additions including relocating bedroom door and new wardrobes;
- New rear bedroom and ensuite windows with external retractable awnings; and
- Lower new rear bedroom ceiling height.

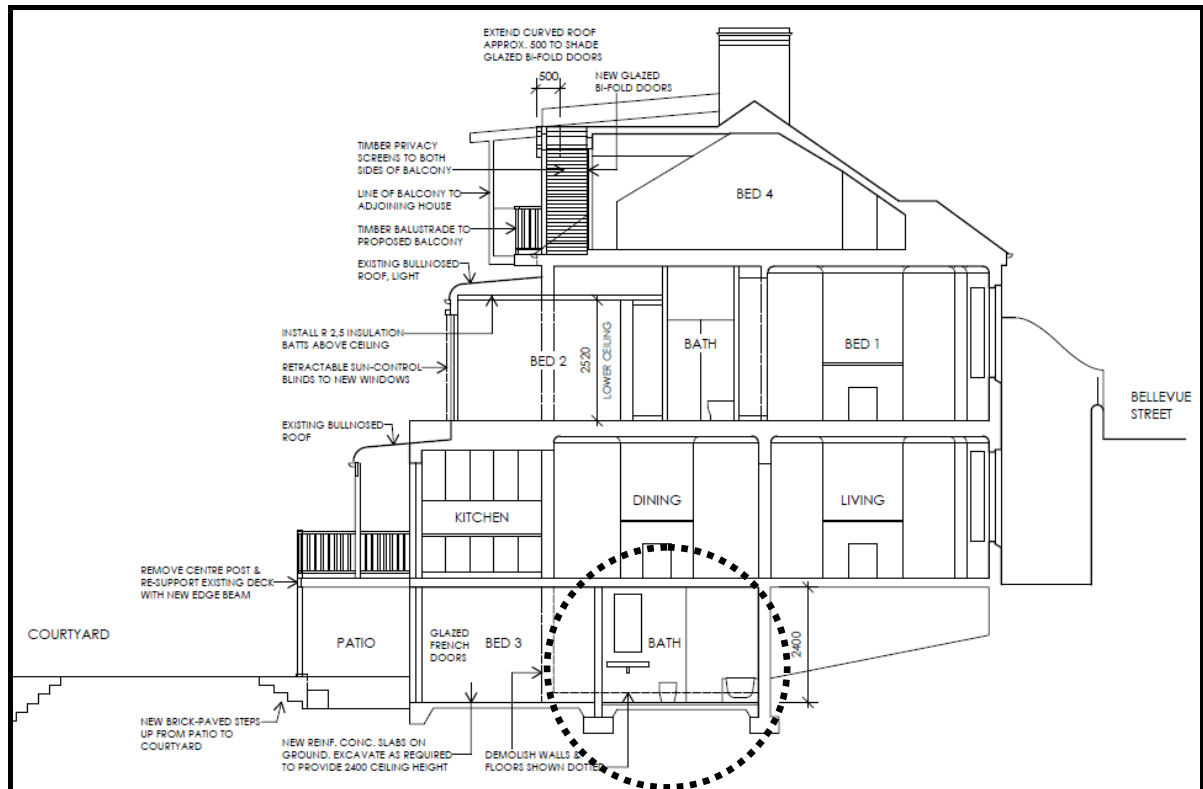
SECOND FLOOR

- New rear balcony with glazed bi-folding timber doors;
- Extend existing rear dormer roof 500mm to provide shade to new bi-folding doors; and
- New internal stud framed wall.

10. The rear elevation and section of the development are provided below.



Plan 2: Rear elevation (location of proposed balcony shown dashed)



Plan 3: Proposed Section (location of proposed additional floor space shown dashed which is created through excavating and does not increase the overall bulk of building).

IMPLICATIONS OF THE PROPOSAL

Section 79C Evaluation

11. 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) and REGIONAL ENVIRONMENTAL PLANS (REPs)

12. The proposed development is subject to the following State Environmental Planning Policies.

SEPP 1 – Development Standards

13. The applicant is required to submit an “objection”/justification under SEPP No. 1 to vary development standards under Clause 19(2) – Floor Space Ratio. The variation of the standard is supported in this instance (refer to issues section of report – “Floor Space Ratio”).

SEPP 55 – Remediation of Land

14. The site history indicates a history of residential development; therefore it is unlikely that the site is contaminated. In accordance with SEPP 55 Council is able to conclude that no further assessment of contamination is necessary.

LEPs and DCPs

Leichhardt Local Environmental Plan 2000

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

COMPLIANCE WITH LEICHHARDT LEP 2000

Part 4 - Housing

Development Controls	Permissible under Leichhardt Local Environmental Plan 2000	Proposal as assessed Leichhardt Local Environmental Plan 2000
Zoning (CI 17-18)	Residential	The proposed development being for the purposes of a residence is permissible with consent.
Floor Space Ratio (Cl. 19 (2)) (Site Area = 122.7m²)	0.7 : 1	1.25: 1 (SEPP 1 Variation required as 77% over the development standard). Refer to issues section of report.

Part 3 – Heritage Conservation – Cl. 15-16

16. The site is not listed as a Heritage Item under Schedule 2 of the Plan but is located within a Conservation Area.
17. The proposed development does not adversely affect the heritage significance of the Conservation Area (refer to issues section of report – “Heritage”).

COMPLIANCE WITH THE LEICHARDT DCP 2000

Part A – St. Phillips Distinctive Neighbourhood - Suburb Profile

18. The subject site is situated within the St. Phillips Distinctive Neighbourhood. The proposed works are consistent with objectives of the neighbourhood and will not impact upon the character of the site, row or streetscape.

Part B – Residential Development

19. Compliance of the proposal with DCP Part B is summarised below:

Matter to be Considered	Compliance	Comment
Building Form, Envelope and Setting Part B1.2	✓	Complies: The proposal does not increase the overall bulk of the dwelling. Refer to issues section of report.
Elevation and Materials Part B1.5	✓	Complies: The proposal is complementary to the scale, form and appearance of the existing building. Refer to issues section of report.
Solar Control – External Window Shading Part B2.2	✓	Complies: The proposal provides the new rear glazed doors of the existing attic room with external window shading.
Solar Access – Residential Amenity and Energy Efficiency Part B3.1	✓	Complies: The proposal does not result in an unacceptable impact on the solar access of the neighbouring properties or the subject site. Refer to issues section of report.
Private Open Space Part B3.2	✓	Complies: Not altered.
Visual Privacy Part B3.3	X ✓	Can Comply: The recommended condition of consent to restrict the depth of the balcony from 1500mm to 1200mm will ensure that the proposal does not create any adverse visual privacy impacts. Refer to issues section of report.
Acoustic Privacy Part B3.5	X ✓	Can Comply: The recommended condition of consent to restrict the depth of the balcony from 1500mm to 1200mm will ensure that the proposal does not create any adverse acoustic privacy impacts. Refer to issues section of report.

Matter to be Considered	Compliance	Comment
Alterations and Additions to Existing Dwelling Houses Part B4.1	✓	Complies: The proposed alterations and additions are sympathetic to the existing dwelling. Refer to issues section of report.

Issues

20. The issues identified in the above instruments/policies as requiring further discussion in the abovementioned tables are discussed in detail below:

Floor Space Ratio / Built Form

21. The maximum floor space ratio and proposed increase is described in Figure 4 below:

Maximum Floor Space ratio Development Standard LEP	Existing	Proposed
0.7:1	1.12:1 (138m ²)	1.25:1 (153m ²) Increase of 15m ² (12%)

Figure 4: Table illustrating variation to FSR control.

22. The above table illustrates the increase of 15m².
23. The additional 15m² of proposed floor space to the basement level will not affect the overall bulk of the dwelling as it is situated within the existing building footprint.
24. The proposed changes to the rear façade of the terrace are sympathetic to the streetscape as there is no predominant style. The existing terraces backing onto Bellevue Lane vary in style, scale and height. The roof types also vary with a range of skillion and pitched roofs with differing materials. The proposal is considered acceptable as it would not detract from the presentation of the laneway.
25. The site is not a heritage item but is located within a Heritage Conservation Area. Due to the nature of the topography and the existing trees, the proposed changes to the rear of the terrace can partially be seen from Bellevue Lane. The proposal would not compromise the heritage significance of the conservation area.
26. The proposal is sympathetic to the existing setbacks on adjoining properties. The proposed rear addition does not extend beyond the rear building alignment of No. 9 Bellevue Street which can be seen from Bellevue Lane as shown in Figure 5 below and will therefore not affect the bulk and scale of the dwelling as viewed from the laneway.

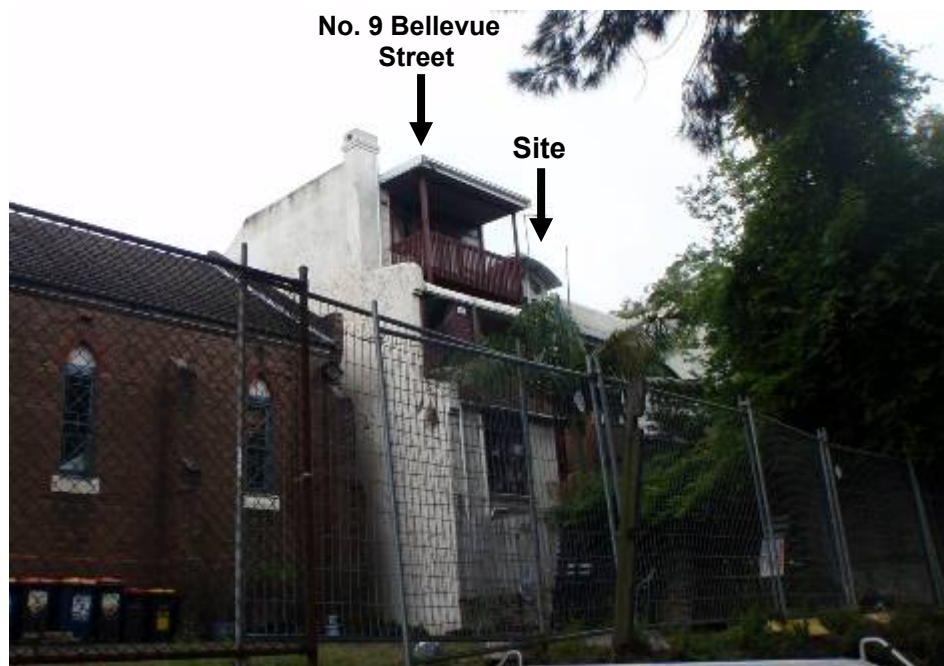


Figure 5: Bellevue Lane street alignment

27. The proposed second floor rear balcony to the attic room is 1500mm by 2600mm with timber privacy screens to both sides. A condition of consent is recommended to reduce the depth of the balcony from 1500mm to 1200mm. The balcony is located off a low-trafficable bedroom. The balcony is positioned to over look roof tops and tree canopies. Its siting and orientation, the proposed screening devices and recommended conditions of consent to reduce the depth of the balcony will ensure that the proposal will not create any adverse visual or acoustic privacy impacts.
28. The applicant has submitted shadow diagrams describing impacts of the winter solstice at 9am, 12noon and 3pm. The diagrams indicate that the rear balcony of No. 9 Bellevue Street will receive a minor increase in overshadowing at 3pm. The proposal is considered acceptable as it will not result in an unacceptable impact on the solar access reaching principal living area windows and private open space of neighbouring properties.

SEPP No.1 Objection / Justification

29. The purpose of the standard in accordance with Clause 13 (General Objectives) and Clause 17 (Housing) is to ensure that the proposed works are compatible with the surrounding environment in terms of bulk, scale, amenity and streetscape, whilst preserving the character of the building, conservation area and heritage items.
30. The assessment contained in this report demonstrates that compliance with the development standard is unreasonable and unnecessary in the circumstances of this case.
31. It is with the same reasoning that the variation can be supported when assessed against the Lord Mayoral Minute dated 2004. The non compliance will not create any adverse impacts on the amenity of surrounding neighbours.

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

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

BCA Matters

33. The BCA Classification of the building is Class 1a.
34. The proposal is capable of satisfying the requirements of the BCA without significant modification.

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

35. The site is suitable for the proposed development.

Section 79C(1)(e) Public Interest

36. 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

37. Not applicable to this report.

FINANCIAL IMPLICATIONS/SECTION 94 CONTRIBUTIONS

Section 94 Contributions

38. The development is not subject to a Section 94 Contribution.

PUBLIC CONSULTATION

Section 79C(1)(d)

Notification and Advertising

39. 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.
40. As a result two submissions were received. The grounds for objection are summarised as follows:
- (a) Concerns that plumbing from existing sewerage pipe will be effected during construction

Comment: A standard condition of consent has been recommended to ensure the applicant is aware of the location of services.

- (b) Noise concerns from proposed excavation and hours of construction

Comment: Standard conditions of consent are recommended to restrict the hours of work and require all work to comply with the City of Sydney Building Sites Noise Code and Australian Standard 2436.

- (c) Overshadowing concerns

- (d) Insufficient documentation of overshadowing

Comment: The applicant submitted shadow diagrams showing the proposed overshadowing. As discussed earlier in the report, the additional overshadowing is minor and is considered acceptable as it will not result in an unacceptable impact on the solar access reaching principal living area windows and private open space of neighbouring properties.

EXTERNAL REFERRALS

INTEGRATED DEVELOPMENT

41. The proposal is not Integrated Development.

INTERNAL REFERRALS

42. The application was referred to Council's:

- (a) Specialist Surveyor;
- (b) Heritage Architect;
- (c) Urban Designer; and
- (d) Building Services Unit.

43. The proposed rear balcony to the existing attic room was supported by Council's Heritage Architect in view of the precedent of the neighbouring rear balcony (No. 9 Bellevue Street) and due to its limited visibility.

RELEVANT LEGISLATION

44. The Environmental Planning and Assessment Act 1979; Heritage Act 1977.

CONCLUSION

45. The proposal is supported as it does not create any adverse privacy impacts to neighbouring properties and does not detract from the heritage significance of the area.

46. The SEPP 1 variation is supported as it would vary little from current conditions by creating an additional 15m² within the basement level to accommodate for a new bedroom and bathroom which does not affect the overall bulk and scale of the existing dwelling as the building footprint remains the same.

GRAHAM JAHN

Director City Planning and Regulatory Services

(Marearna Andreou, Planner)