

Local Planning Panel

13 December 2023

Application details

175 St Johns Road, Glebe

D/2023/107

Applicant: JASA Projects Pty Ltd

Owner: JASA Projects Pty Ltd

Designer: Astley Homes

Consultant: Cohesive Planning

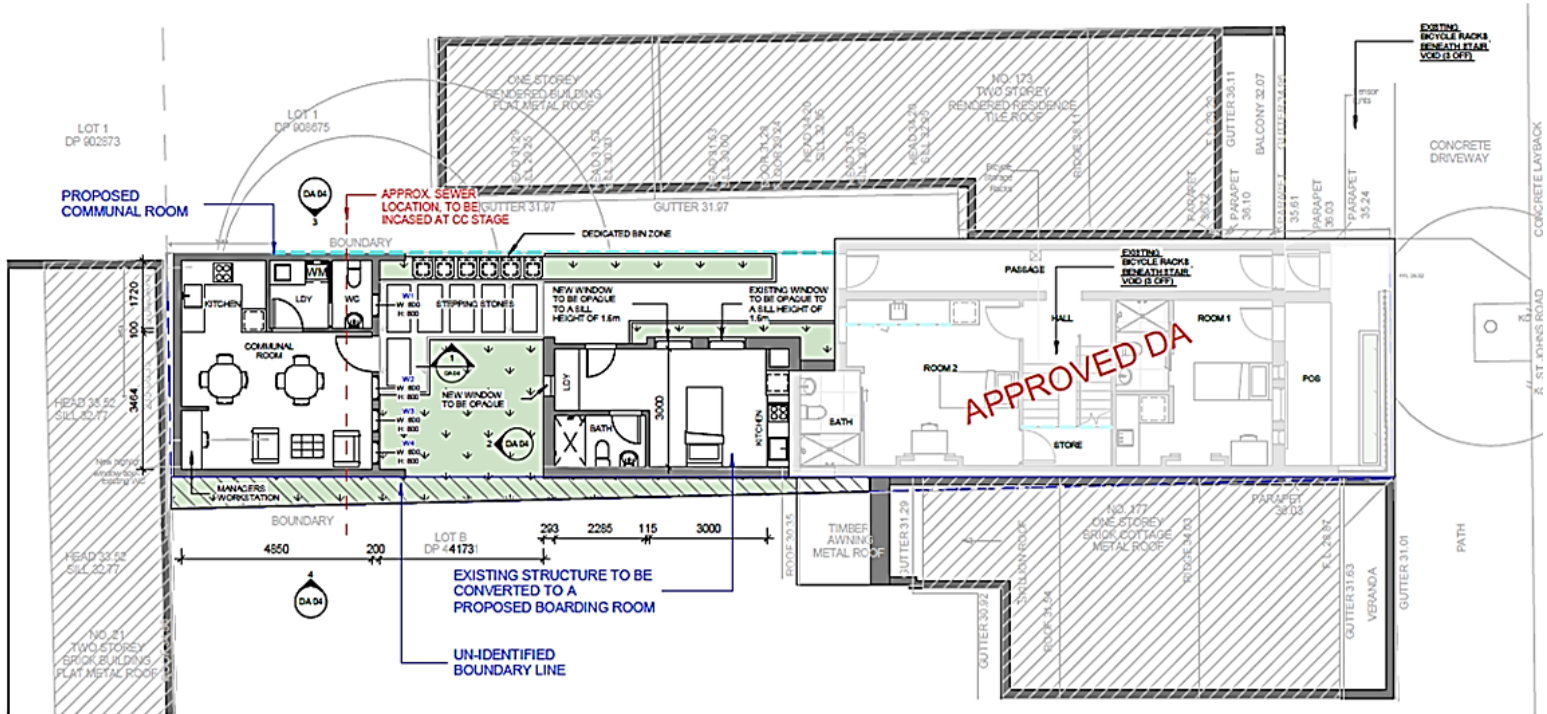
Proposal

- alterations and additions to existing boarding house (co-living housing) to convert existing communal living room to a private room
- construction of a new outbuilding containing a new communal living room, kitchen, laundry and WC

Recommendation

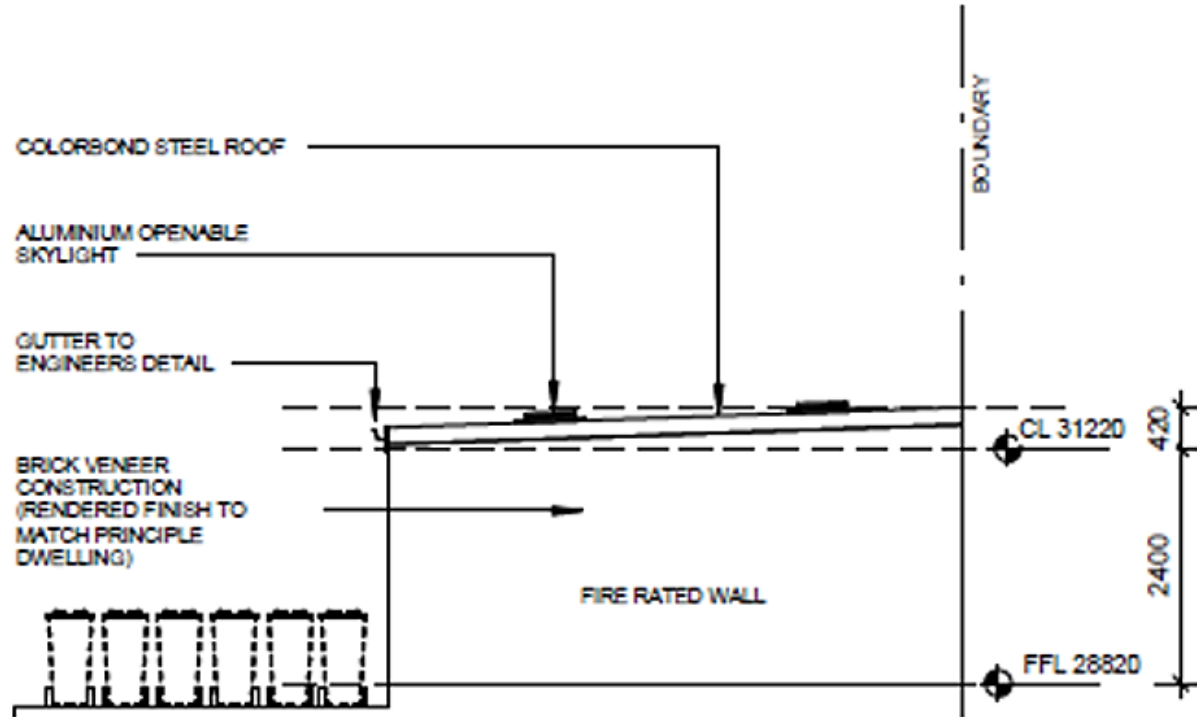
- refusal

Proposal



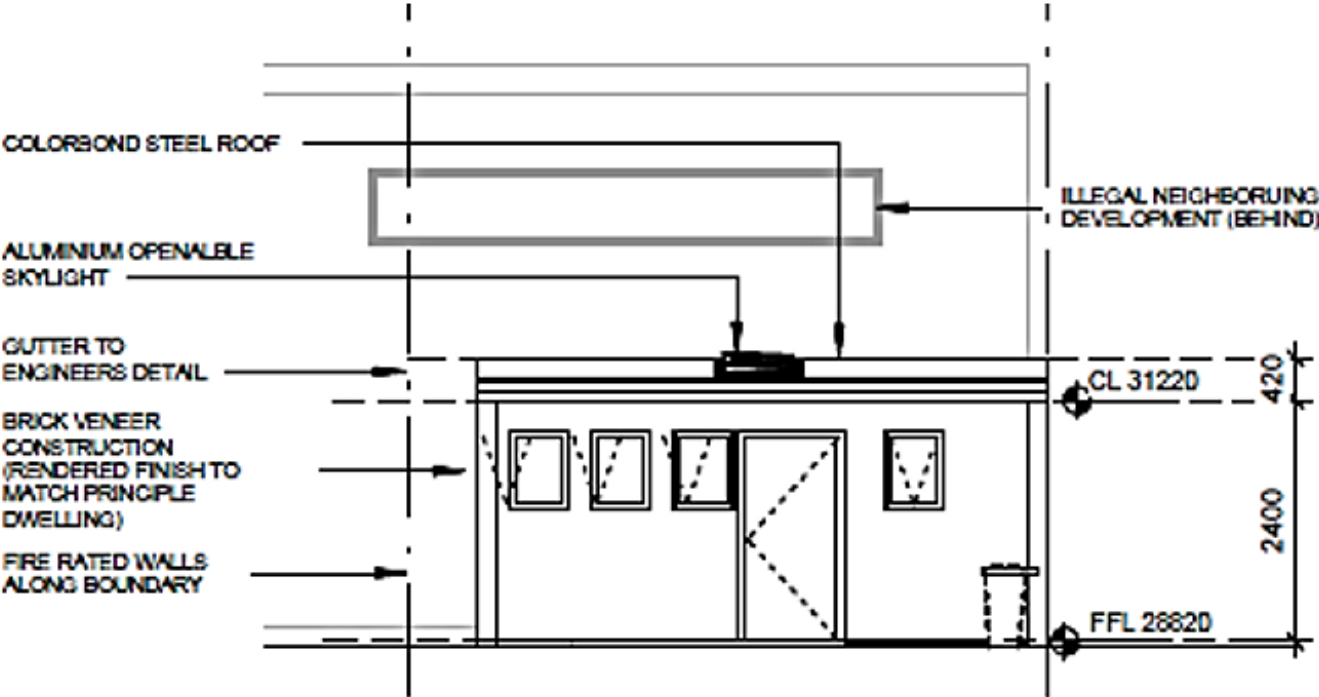
proposed ground floor plan

Proposal



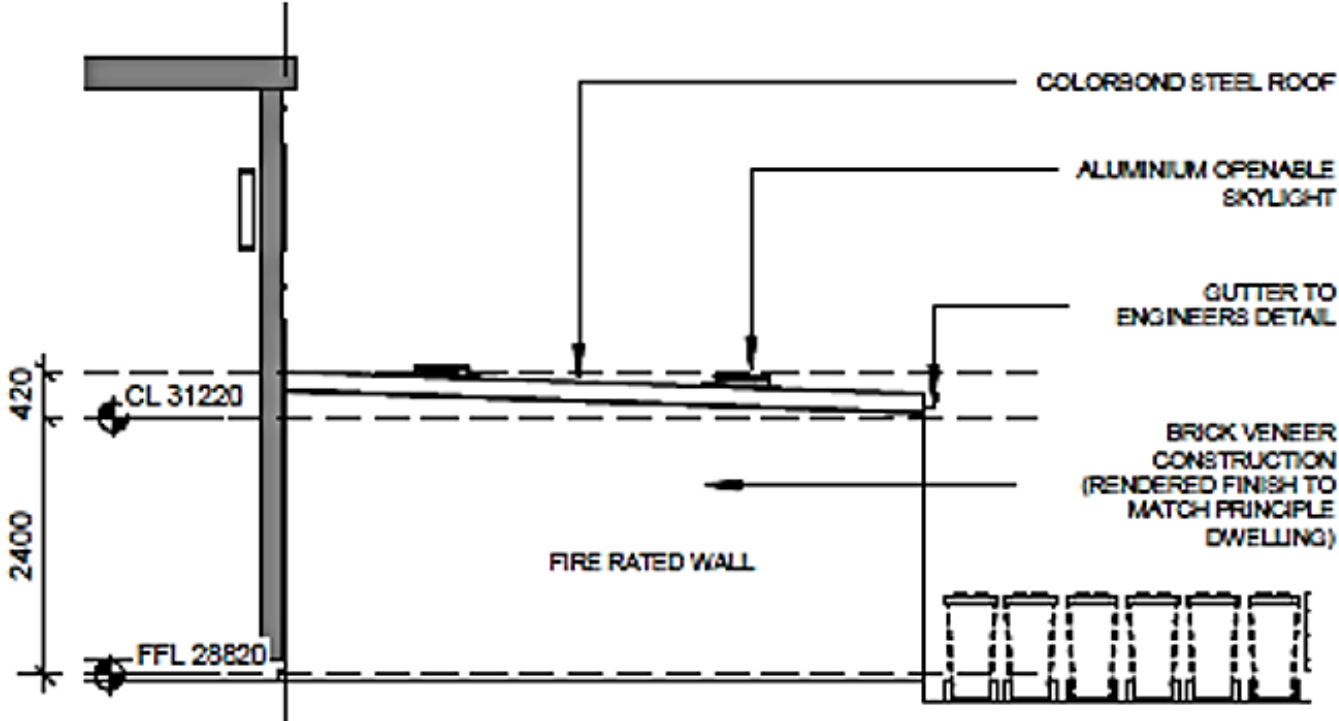
north elevation of proposed new outbuilding

Proposal



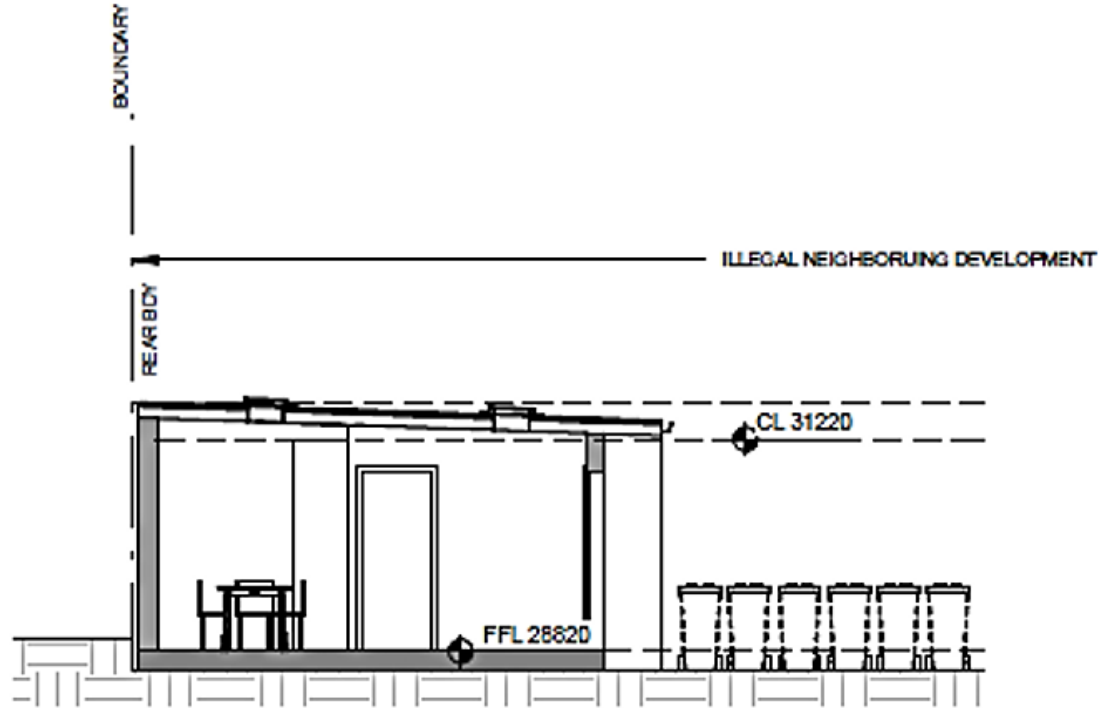
east elevation of proposed new outbuilding

Proposal



south elevation of proposed new outbuilding

Proposal



long section of new communal living room in proposed outbuilding

Notification

- exhibition period 2 to 31 March 2023
- 209 owners and occupiers notified
- 5 submissions received

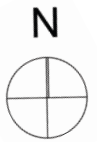
Submissions

- outbuilding being built to the side and rear boundaries
- structural integrity of neighbouring buildings
- height of the new outbuilding
- reduction in deep soil, soft landscaping and tree canopy cover
- overshadowing
- non-compliances with common living room and common open space size requirements
- discrepancies in submitted documentation

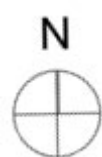
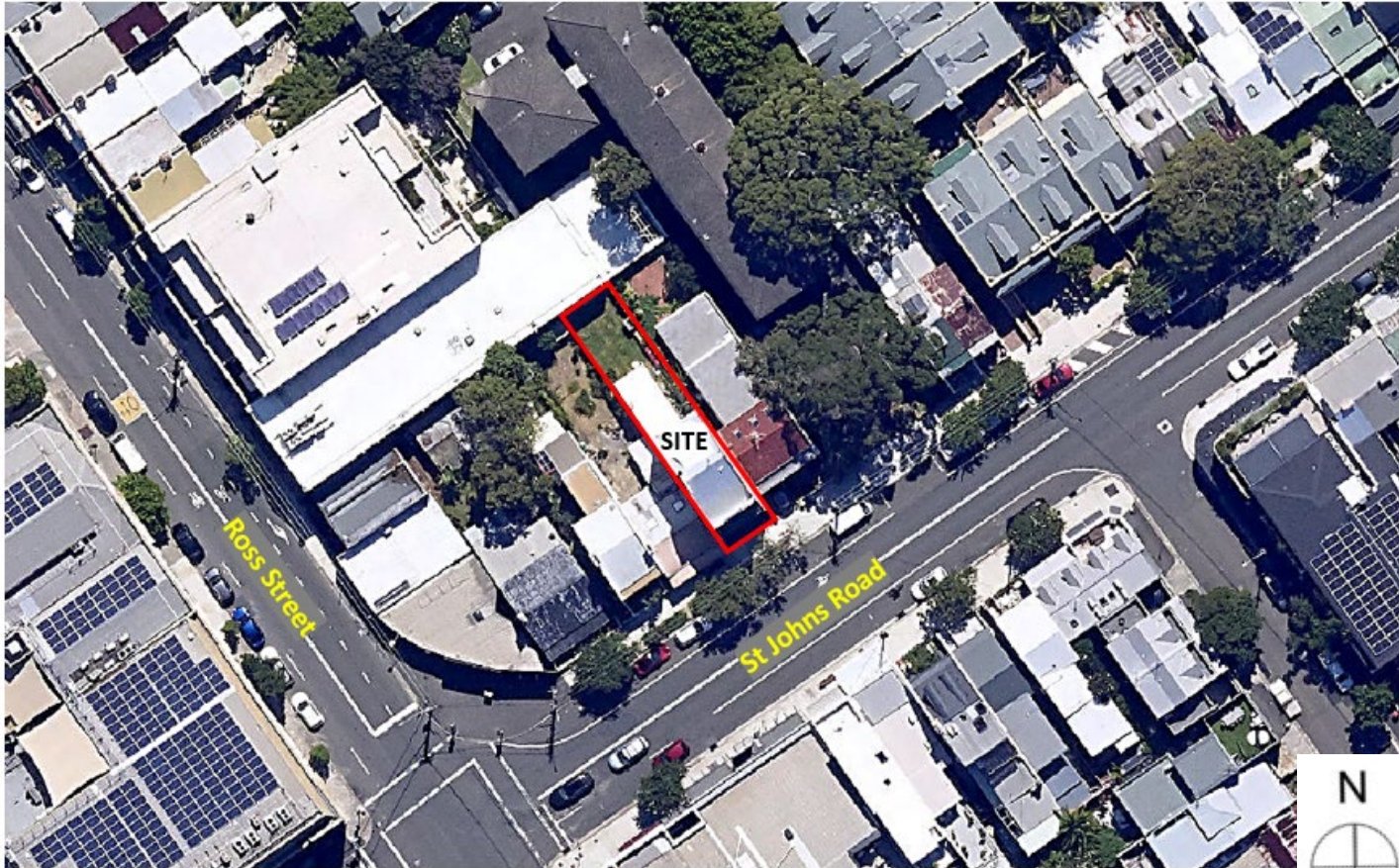
Submissions



- subject site
- submitters

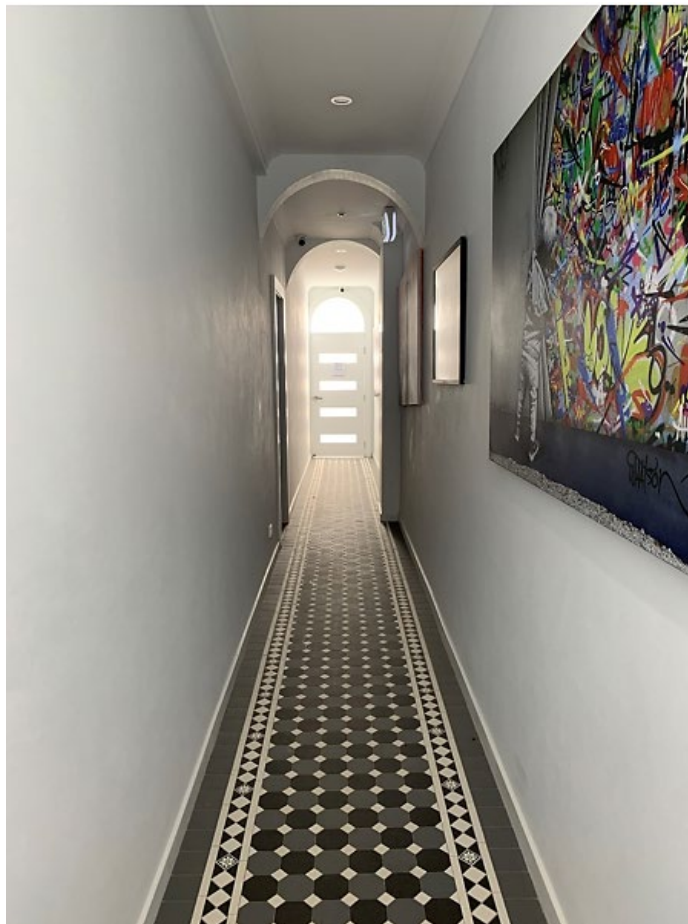


Site





St Johns Road elevation



view from front door to back door to rear yard



view from back door to front door



northwest elevation and rear wing of existing terrace



northeastern facade of rear wing and rear yard beyond



view to northwest end of existing common room in rear wing



view to southeast end of existing common room in rear wing



view to rear of adjacent dwelling to northeast at 173 St Johns Road





view to adjacent commercial building fronting Ross Street

SEPP (Housing) 2021

	control	proposed	compliance
non-discretionary development standards			
fsr	1.5:1 + 10% (1.65:1)	1.35:1	yes
communal living area	min. 34sqm min. dim. 3m	20.58sqm	no
communal open space	min. 20% site area min. dim. 3m	7% (12.6sqm excl. path/pavers)	no
		11% (20.4sqm incl. path/pavers)	
car-parking	0.2 spaces per room	0 spaces	no

SEPP (Housing) 2021

	control	proposed	compliance
standards for co-living			
room size	12sqm to 25sqm	12.6sqm	yes
min. lot size	min. 800sqm	180.6sqm	no
mng'r's space	appropriate workspace to be provided for the manager	workspace provided in communal living room	yes
bathroom, laundry, kitchen	adequate bathroom, laundry and kitchen facilities to be provided	adequate bathroom, laundry and kitchen facilities are provided	yes

SEPP (Housing) 2021

	control	proposed	compliance
standards for co-living (continued)			
room capacity	2 person max.	new room for 1 person	yes
motorbike and bicycle parking	adequate and bicycle parking to be provided	no additional bicycle parking proposed	no

SEPP (Housing) 2021

	control	proposed	compliance
matters for consideration			
solar access	3hrs to communal living area between 9am-3pm at midwinter	3hrs sun to skylight of communal living room	yes
character	design is consistent with desired character of area	inconsistent with DCP character statement as it does not demonstrate high quality design	no
no subdivision	subdivision not permitted	no subdivision proposed	yes

Sydney LEP 2012

	control	proposed	compliance
zone	Zone R1 General Residential	co-living housing	permitted with consent
height	12m	2.89m to top of new outbuilding	yes
fsr	1.65:1	1.35:1	yes

Sydney LEP 2012

	control	proposed	compliance
exceptions to development standards	<p>written justification must be submitted to support variations of development standards:</p> <ul style="list-style-type: none">• communal living area (40% under provision)• communal open space (65% under provision)• carparking (100% under provision)• min. lot size (77% undersized)	no written justification has been submitted	no

Sydney DCP 2012

	control	proposed	compliance
bicycle parking	1 bicycle parking space is to be provided	none proposed	no
waste management	bulky waste area required	none proposed	no
deep soil	min. deep soil of 15% of site area to be provided	28% existing 11% proposed	no

Sydney DCP 2012

	control	proposed	compliance
room sizes	min. 18sqm	17sqm, but satisfies SEPP requirements	no
daylight access	windows equal to 10% of floor area of bedroom	no info provided	no
class 3 buildings	each bedroom to satisfy fire safety requirements for class 3 buildings	not addressed	no
communal kitchen areas	min. area of 6.5sqm 2 sinks 2 stovetop cookers	3.83sqm 1 sink 1 stovetop cooker	no

Sydney DCP 2012

	control	proposed	compliance
communal living room size	min. 16.25sqm min. dim. 3m	20.58sqm >3m	yes
solar and daylight to communal living rooms	min. 2hrs sun to 50% of windows between 9am-3pm on 21 June	inadequate info, but satisfies SEPP requirements	no
communal open space (COS)	min. 20sqm min. dim. 3m	12.6sqm (excluding path/pavers)	no
		20.4sqm (including path/pavers)	yes

Sydney DCP 2012

	control	proposed	compliance
solar access to COS	2hrs of sun 50% of the COS	16% (2sqm) to 33% (4.2sqm) of the COS area 9-11am	no
private open space (POS)	30% of bedrooms to have POS	1 of 8 rooms with a balcony (12.5%)	no
bathroom, laundry and drying facilities	communal bathrooms if ensuites not provided to all rooms	all rooms have ensuites	yes
	communal laundry and drying facilities if not provided in rooms	all rooms have laundry facilities	yes

Sydney DCP 2012

	control	proposed	compliance
amenity, safety and privacy	layout is to promote amenity, safety and privacy for subject and neighbouring dwellings	proposal addresses safety and privacy non-compliances with bedroom, communal living and open space requirements undermine amenity	partly complies
plan of mngmnt (PoM)	PoM to be submitted that specifies management details	PoM does not reflect the subject proposal	no

Issues

- variations to non-discretionary development standards
- application of standards for co-living housing

Variations to non-discretionary development standards

Proposal contravenes non-discretionary development standards in the Housing SEPP -

- communal living area – 40% under provision
- communal open space – 65% under provision
- car-parking – 100% under provision

Variations to non-discretionary development standards

- Council officers raised these issues with the Applicant
- In response the Applicant submits –
 - non-discretionary development standards are not minimum requirements but rather matters subject to a merit assessment
 - consent may be granted even if the numerical standards are not met

Variations to non-discretionary development standards

- Council officers consider the Applicant's submission as follows -
 - S4.15 of the Act states if a proposal does not comply with a non-discretionary development standard, then LEP cl. 4.6 may be applied to allow flexibility in the application of that development standard
 - LEP cl. 4.6 states consent must not be granted unless the consent authority has considered a written request to justify any such variation of a development standard
 - written justification not submitted, consent cannot be granted

Application of standards for co-living housing

- Proposal seeks a 77% variation of the minimum lot size development standard of 800sqm
- Council officers raised this issue with the Applicant
- In response the Applicant submits –
 - S69(3) of the Housing SEPP states that the development standards do not apply to applications for 'minor alterations or additions'
 - this is meant to be read as 'minor alterations' or 'additions'. It is not meant to be read as 'minor alterations or minor additions'

Application of standards for co-living housing

- the Applicant submits –
 - the proposal is for additions, which do not need to be minor to enliven s69(3) and to render the development standards inapplicable
 - subsequently a cl.4.6 request is not necessary and is not submitted
- Council officers consider the Applicant's submission as follows –
 - the Applicant's reading of s69(3) of the Housing SEPP is incorrect
 - were this flawed interpretation applied it would open a loophole that would thwart SEPP objectives to ensure a reasonable level of amenity for residents

Application of standards for co-living housing

- Council officers consider the Applicant's submission as follows –
 - written justification in accordance with LEP cl. 4.6 has not been submitted, as such consent cannot be granted

Recommendation

- refusal