

Relevant Information for Local Planning Panel

FILE: D/2023/790 **DATE:** 28 February 2024

TO: Local Planning Panel Members

FROM: Andrew Thomas, Executive Manager Planning & Development

SUBJECT: Information Relevant To Item 5 – Development Application: 56A Allen Street, Glebe – D/2023/790

For Noting

That the Local Planning Panel note the information contained in this memo.

Background

The applicant prepared a late submission to the Panel requesting deferment of determination of the development application. The applicant states this will allow the submission of amended plans and supporting information within 4 weeks. As stated in their submission this is on the basis they “*have not been given an opportunity to see and understand concerns nor the ability to respond by amendment to the application*”. Also, their late submission asserts these concerns can be addressed and reasonably resolved. The applicant proposes an alternative proposal by incorporating 1 or 2 of the units as affordable housing.

The issues raised by the applicant are discussed below.

1. Opportunity to respond to issues.

The applicant states they have not been given an opportunity to see and understand council officers’ concerns, nor the ability to respond by amending the application.

Council response

Pre lodgement advice was sought by the applicant on 2 December 2022 (PDA/2022/264).

The proposed development involved the demolition of the existing garage and storeroom, and the construction of one two bedroom unit on the ground floor and one studio apartment on the first floor. The pre-DA development proposal was similar to the development proposed under the current development proposal. The plans are submitted in **Attachment C**.

Officers provided feedback on the proposal on 14 February 2023 (**Attachment D**). The applicant was advised that there were amenity impacts as a result of the development which related to solar impacts, private open space, overlooking, heritage, waste storage, and height and floor space ratio exceedance. Further discussion of the issues and Council Officer's response are discussed below.

Solar impacts

Officers advised the development would need to comply with Sydney Development Control Plan 2012 Provision 4.2.3.1 which requires proposed apartments and neighbouring dwellings must achieve a minimum of 2 hours direct sunlight between 9am and 3pm on 21 June onto at least 1sqm of living room windows and a minimum 50% of the required minimum area of private open space area. New development must not create any additional overshadowing onto a neighbouring dwelling where that dwelling currently receives less than 2 hours direct sunlight to habitable rooms and 50% of the private open space between 9am and 3pm on 21 June.

Shadow diagrams in elevation were submitted with the applicant's request, showing the shadow impacts between 9.00am and 12.00pm. However, 3.00pm shadow diagrams were not submitted. The shadow diagrams submitted with the request did not distinguish between the existing and proposed shadows, although it appeared that there would be an impact to the private open space of number 56 Allen Street to the south.

As discussed in the report the shadow diagrams are insufficient and do not clearly demonstrate solar access to the areas of private and common open space or living room windows for the subject site or neighbouring dwelling.

Private Open Space

The applicant was advised the proposal did not provide adequate private open space for the ground floor unit and the terrace on the first-floor unit was accessible from the shared stairway. Council officers also advised the proposal reduced the area of open space for the existing units, and the plans would need to address private and common open space areas for the existing dwellings in addition to the new dwellings.

As discussed in the report the proposed development contains insufficient private open space to the proposed ground floor unit or common open space. This issue has not been adequately addressed.

Overlooking

The original proposal included a first floor terrace and external staircase. Council officers advised that these elements resulted in overlooking of adjoining developments and was not supported.

The applicant has adequately addressed this matter in the amended design by locating the stairway within the new building.

Heritage

A request was made that Council provide feedback in regard to the refurbishment of the existing building and external facade. Insufficient information was provided to comment as the drawings lacked detail, and it was advised that it must be demonstrated that the alterations are sympathetic to the existing building and surrounding heritage conservation area. It was requested that a heritage impact statement and a detailed materials schedule be submitted.

The applicant has partially addressed the matter under the subject application as they have submitted a heritage impact statement and a schedule of colours and materials. However, as discussed in the report, the proposed building is not sympathetic to the existing building or heritage conservation area.

Waste Storage

The pre lodgement plan shows waste bins at both the Allen Street frontage and at the ground floor.

Council advised the waste storage area was inadequate and required further waste management details be provided. The waste storage area would only provide space for one bin between the ground floor unit and courtyard and blocked access to the ground floor unit.

Under the current proposal, this matter has been partially addressed. The waste storage area at Allen Street has been deleted, and a slightly larger waste storage area with separate access is proposed. The applicant noted in the waste management plan that the bins would be managed by a building caretaker, although further detail of the arrangement has not been provided. In addition insufficient space for bulky items has been provided.

Floor Space Ratio and Height Exceedance

A request was made for Council to comment on the planning merit of variations to Floor Space Ratio (FSR) and Height development standards.

Council officers stated that the FSR exceedance was significant, and the proposal results in amenity impacts to the existing units, proposed units, and neighbouring dwellings.

The applicant was advised that in this context, it was unlikely that the proposed variation would be supported.

Further information

The applicant was advised that further information was required including detailed drawings, amended shadow diagrams, a landscape plan, a waste management plan, and that plans demonstrating a minimum deep soil area of 10% with a minimum dimension of 3m.

2. The subject application

Given that the development proposed does not adequately address all of the issues previously raised, Council officers did not send a further request for information and amendments.

A letter was sent to the applicant on 22 January 2024 advising that the application was not supported due to fundamental issues with the design and noncompliance with various development standards and planning controls. The letter noted the issues raised related to height and floor space ratio exceedance, design excellence, residential amenity (solar access, private open space, common open space), stormwater, landscaping (deep soil, canopy coverage), and that Ausgrid had objected to the development noting that the property may not have sufficient clearance to the proposed construction and may encroach the statutory clearances of nearby powerlines.

3. Amended Proposal

In response to the matters raised in Council's letter and the planning report, the applicant has submitted amended plans prepared by Antonio Caminiti, dated 22 February 2024 addressing gross floor area, private open space, deep soil and waste management.

The applicant advises that the matters raised by Council can be resolved by proposing 1 or 2 units as affordable housing, that the revised proposal will comply with the 6m height standard, that flood planning will be addressed, and that they can comply with deep soil, canopy coverage, and bicycle parking requirements.

The applicant requests that the Panel defer determination of the DA to allow amended plans and supporting information to be submitted within a period of around 4 weeks.

Council Response

Height: The plans submitted do not provide elevations and do not show the proposal complies with the 6 metre height limit .

Flooding: The applicant states the proposal will include upstand edge beams at the base of permitter walls and be supported by hydraulic/flood advice. Stormwater plans have not been submitted to assess whether this addresses the concerns raised by Council's Public Domain Unit.

The applicant has not submitted sufficient evidence to support the statement that the issues raised are able to be adequately addressed.

Landscaping and Bicycle Parking

The Sydney Landscape Code Volume 2 defines 'deep soil zones' as areas of natural ground with no obstructions above or below and relatively natural soil profiles.

The applicant states that deep soil is expected to comply. The amended plans show an additional deep soil area of 10sqm. However, it appears that there may be structures above and below the new proposed area. This includes a structure (likely a pergola as previously proposed) above the area within the Unit 5 courtyard, though this is not clearly indicated on the plans. This is unsatisfactory as it does not demonstrate compliance or that compliance could be achieved with sufficient certainty

The applicant also states that an additional tree and bicycle parking can be provided. This is not shown on the amended plans, and it is unclear how the location of these would relate to the area of common open space which is currently insufficient. This is unsatisfactory as it does not demonstrate compliance or that compliance could be achieved with sufficient certainty.

Private Open Space

The applicant has increased the area of private open space for the ground floor unit to show a minimum dimension of 4 metres.

The applicant has not addressed how the development can provide the minimum required common open space. This is unsatisfactory as it does not demonstrate compliance or that compliance could be achieved with sufficient certainty.

Solar Access

The applicant states additional solar access plans/elevations will be provided, and the form/setbacks revised to reasonably reduce overshadowing with a likely change in impact by around half.

This cannot be assessed as the applicant has not submitted sufficient information to support the proposal. It is also unclear how the applicant can achieve this outcome given that elevation and section drawings of the development have not been submitted in the amended plans. This is unsatisfactory as it does not demonstrate compliance or that compliance could be achieved with sufficient certainty.

Ausgrid

The applicant advises that the proposal will be revised to 1500mm clearance, confirmed in detail including advice from a Level 2 electrician with amended plans.

It is unclear if a 1500mm clearance would comply with Ausgrid's requirements. In the letter prepared by Ausgrid, dated 6 December 2023, it was requested that an accredited Service Provider Level 2 (ASP) Electrician to ensure that the installation will comply with the Service Rules, and an accredited Service Provider Level 3 (ASP3) to confirm that the development does maintain the statutory clearances to powerlines.

Given that many of the above issues have been raised previously and have not been addressed, it is unclear if they are able to reasonably resolved.

4. Affordable Housing

Affordable Housing was not part of the original proposal. The applicant's late submission advises the proposed amended proposal will include an element of affordable housing (1 or 2 apartments) run by a community housing provider for at least 15 years. As a result of FSR bonus for affordable housing this will help address the extent of FSR noncompliance.

Council Response

It is unclear in the applicant's letter if they propose 1 apartment or 2 apartments to be made available to a registered Community Housing Provider for rent for at least 15 years. The applicant's late submission provides no evidence or supporting material to demonstrate a suitable arrangement, interest or commitment from an affordable housing provider confirming their willingness to manage these proposed units.

Notwithstanding the provision of affordable housing there are a number of amenity issues that remain unresolved and need to be addressed.

The provisions of Chapter 2, Division 1 'Infill affordable housing' of the State Environmental Planning Policy (Housing) are relevant.

Section 21(1)(b) requires that development consent must not be granted to development under this Division unless the consent authority is satisfied that for a period of at least 15 years, the affordable housing component will be managed by a registered community housing provider (CHP).

The applicant states that the unit will be made available to a registered CHP for at least 15 years ("like St George Community Housing") but has provided no further information or evidence in respect of the engagement of a community housing provider. Given the application has not been made by or on behalf of a CHP, further evidence should be provided that there are arrangements in place with a CHP to manage the unit/s if the application were to be supported.

Should the panel defer the matter to a future meeting to allow for the applicant to demonstrate that they can resolve the matters raised in the recommended reasons for refusal, the amended proposal will require notification in accordance with Council's Community Participation Plan, 2019. A new application addressing Council's concerns will also require notification. In that context, there is likely to be limited time savings afforded to the applicant via a deferral in lieu of a determination and the submission of a new application.

Prepared by: Chelsea Thompson, Planner

Attachments

- Attachment A.** Letter from Applicant
- Attachment B.** Amended Plans Submitted by Applicant
- Attachment C.** Submitted Drawings from PDA/2022/264
- Attachment D.** Pre Lodgement Advice Letter for PDA/2022/264

Approved



ANDREW THOMAS

Executive Manager Planning & Development

Attachment A

Letter from Applicant



23 February 2024

11 Bayview Street
Bronte
NSW 2024



Local Planning Panel Members

c/- City of Sydney Council
456 Kent Street
Sydney 2000

CC: Ms. Chelsea Thompson, Assessing Officer

Re: 56A Allen Street, Glebe – DA 2023/790 – Item 5, LPP Meeting 28 February 2024

Dear Chair and Panel members

I write on behalf of the applicant for the DA, and owner of the above site.

The purpose of the letter/submission is to request the Panel **defer determination** of the DA to allow amended plans and supporting information to be submitted (within a period of around 4 weeks), for subsequent determination.

In this case, such a request is reasonable and warranted for the following main reasons:

1. We have not been given an opportunity to see and understand concerns, nor the ability to respond by amendment to the application;
2. The issues of concern and reasons for the recommended refusal are able to be addressed and reasonably resolved, in a relatively timely way;
3. The proposal, as amended, will have intrinsic public benefit, including by an intention to incorporate 2 of the units as affordable housing, run by a Community Housing Provider for at least 15 years (which also significantly alters the FSR compliance issue).

In terms of addressing concerns, draft plans are attached, which will continue to be refined, intended in an open and collaborative way with Council staff.

In terms of our view of how the proposal is able and intended to be amended to address the reasons for refusal in the Council staff report, the following table provides a summary:

Issue	Summary	Intended Response/Resolution
1	FSR exceedance	<ul style="list-style-type: none"> • The proposal will include 1 unit to be made available to a registered CHP for rent (like St George Community Housing) for at least 15 years. This will be around 18% of GFA (1 of 6). Ordinarily, Clause 16 of SEPP (Housing) 2021, would allow an additional FSR of 30%, bring the FSR from 0.7:1 to 0.91:1, very close to the FSR proposed.



Issue	Summary	Intended Response/Resolution
		Further, the GFA would be reduced to either with 0.91 or very close to it.
2	Building Height non-compliance	<ul style="list-style-type: none">The revised proposal will comply with the 6m height standard.
3	Flood Planning	<ul style="list-style-type: none">The revised proposal will include upstand edge beams at the base of perimeter walls and be supported by hydraulic/flood advice.
4	Tree canopy	<ul style="list-style-type: none">Additional tree cover can be provided either within the site or in the street verge. The deep soil area is expected to comply.
5	Bicycle parking	<ul style="list-style-type: none">1 bicycle space per dwelling will be provided.
6	Heritage	<ul style="list-style-type: none">The proposal will be revised to consider concerns raised. The scale of surrounding buildings does support a two-storey form in this part of the site, although matters of detail and design will be addressed.
7	Solar Access	<ul style="list-style-type: none">Additional solar access plans/elevations will be provided and the form/setbacks revised to reasonably reduce overshadowing, with a likely change in impact by around half.
8	Electricity Requirements	<ul style="list-style-type: none">The proposal will be revised to 1500mm clearance to comply with minimum clearance. This will be confirmed in details including advice from a Level 2 electrician, with the amended plans.
9	Design outcomes	<ul style="list-style-type: none">The listed matters generally reflect issues above, which are able to be addressed and reasonably resolved.

We look forward to your consideration and opportunity to address you and answer any questions at the upcoming Panel meeting.

I am happy to discuss the matter with any Council staff prior to the meeting and am available by phone [REDACTED]

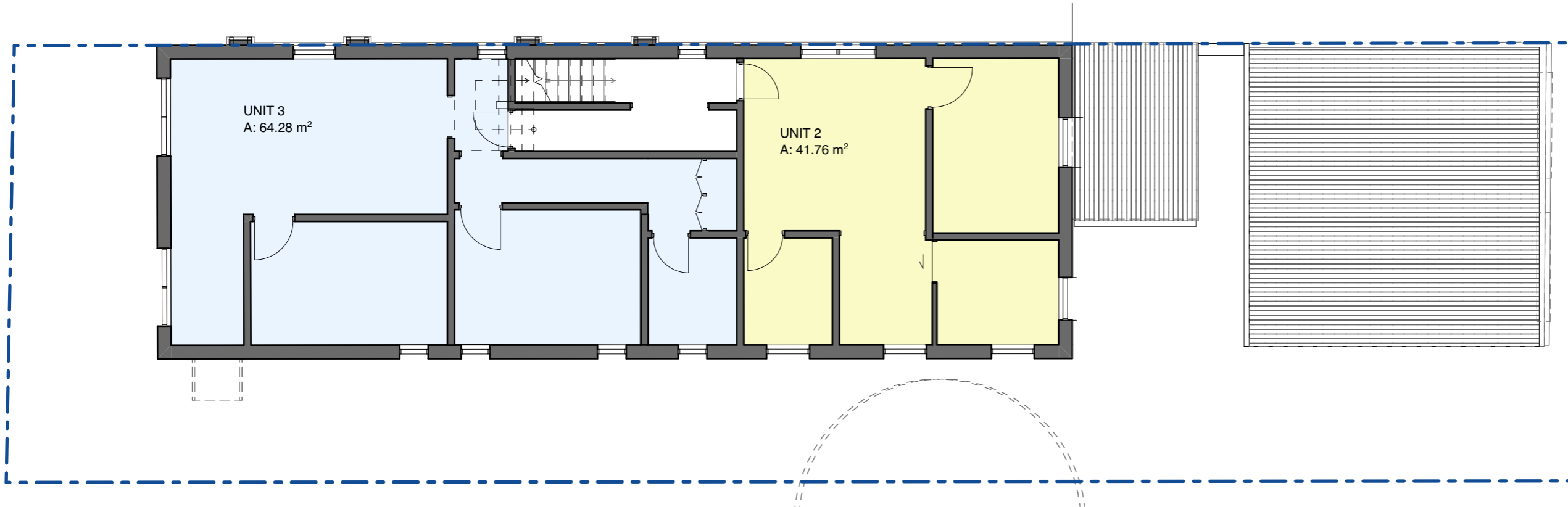
Yours sincerely

[REDACTED]

Jason Perica
Director

Attachment B

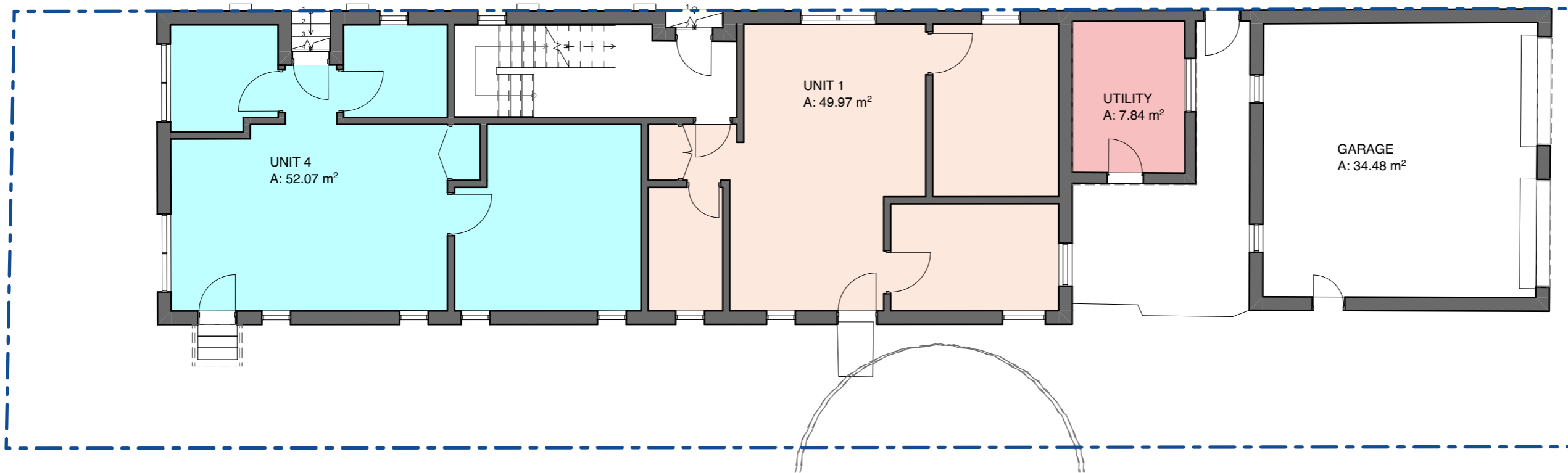
Amended Plans Submitted by Applicant



FLOOR SPACE RATIO
0.7:1 = 220.15m²

FLOOR SPACE RATIO
- EXISTING
0.69:1

1. First Floor - FSR Existing
1:100



22. FSR AREA - Existing	
Zone Name	Calculated Area
UNIT 1	49.97
UNIT 2	41.76
UNIT 3	64.28
UNIT 4	52.07
UTILITY	7.84
	215.92 m ²

21. FSR Area - Existing

SITE AREA	
Zone Name	Calculated Area
SITE	314.50
	314.50 m ²

Site Area

0. Ground Floor - FSR Existing
1:100

AMENDED DEVELOPMENT APPLICATION

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Client
R DANIELI

Project
Two Dwelling Unit Additions

56A Allen Street
GLEBE NSW
2037
Lot 34 D.P. 577989

Drawing Title:

COMPLIANCE DIAGRAMS - FSR Calculations - Existing

Site Area, Ground Floor - FSR Existing, First Floor - FSR Existing,
FSR Area - Existing

North

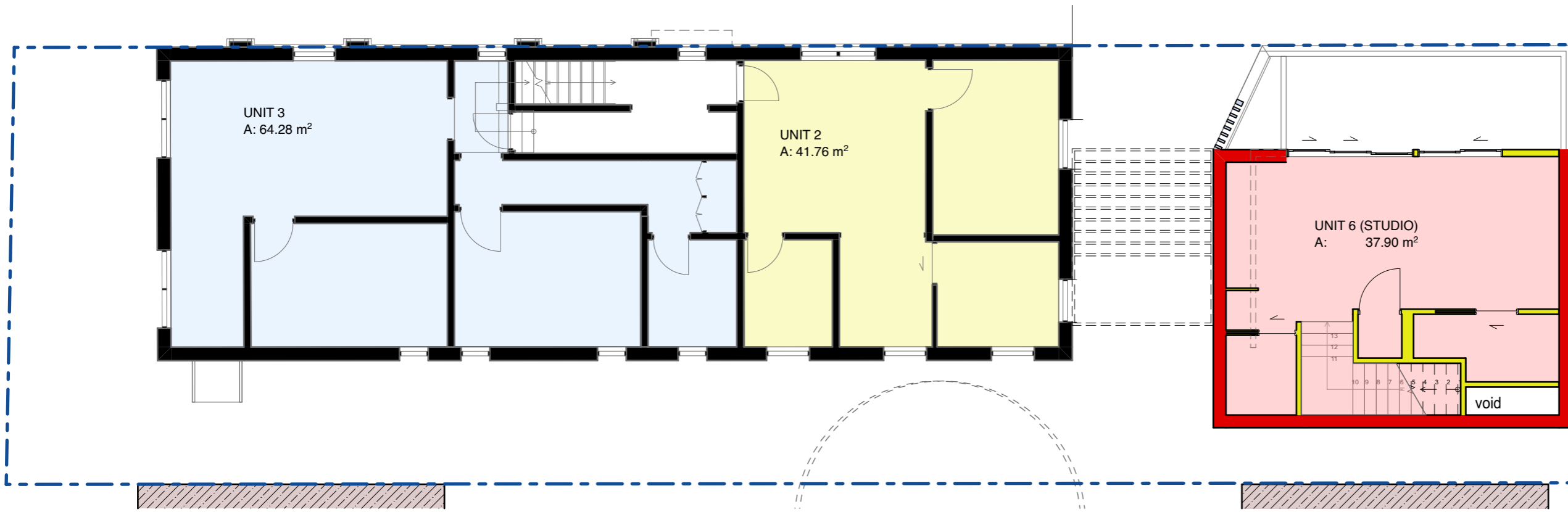


Status
FOR
APPROVAL

Scale
1:100
Date
22/2/2024

@A3
Project No. 2305
Drawing No. 2305.02.1
Revision No.

Plot Date: 22/2/2024 9:46 pm



FLOOR SPACE RATIO
0.7:1 = 220.15m²

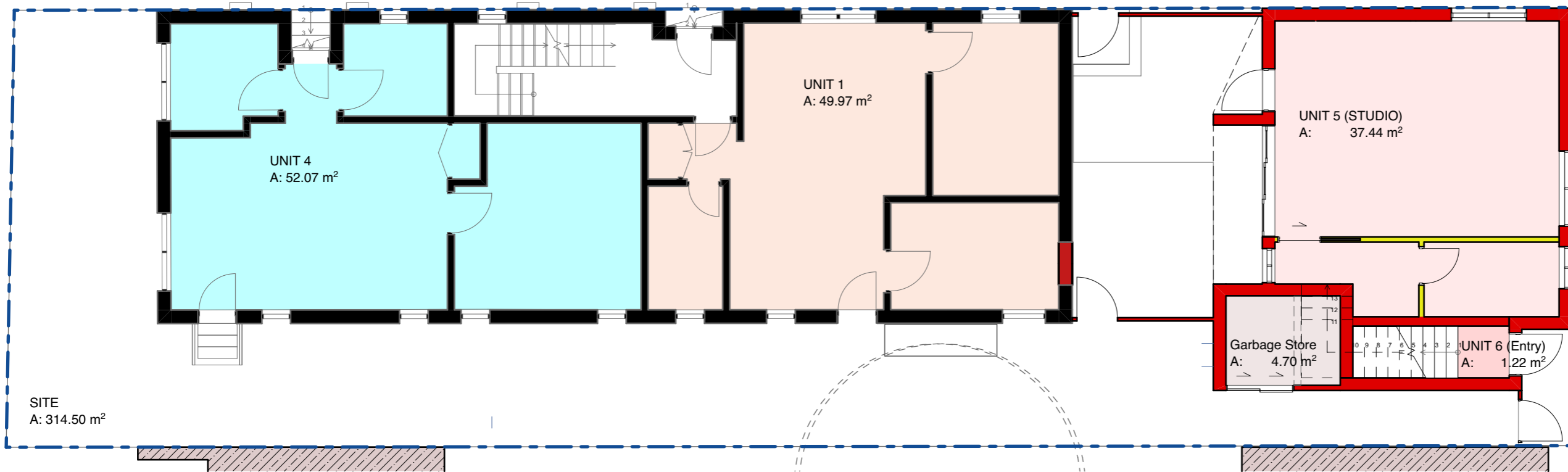
FLOOR SPACE RATIO
- EXISTING
0.69:1

FLOOR SPACE RATIO
- PROPOSED
0.92:1

1.

First Floor - FSR Proposed

1:100



21. FSR AREA - Proposed	
Zone Name	Calculated Area
Garbage Store	4.70
UNIT 1	49.97
UNIT 2	41.76
UNIT 3	64.28
UNIT 4	52.07
UNIT 5 (STUDIO)	37.44
UNIT 6 (Entry)	1.22
UNIT 6 (STUDIO)	37.90
	289.34 m ²

21A. FSR Area - Proposed

SITE AREA	
Zone Name	Calculated Area
SITE	314.50
	314.50 m ²

SITE
A: 314.50 m²

Ground Floor - FSR Proposed

1:100

Site Area

AMENDED DEVELOPMENT APPLICATION

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Two Dwelling Unit Additions

56A Allen Street
GLEBE NSW
2037
Lot 34 D.P. 577989

Drawing Title:

COMPLIANCE DIAGRAMS - FSR Calculations - Proposed

Ground Floor - FSR Proposed, First Floor - FSR Proposed, FSR Area - Proposed, Site Area

North



Status
FOR
APPROVAL

Scale
1:100

@A3

Project
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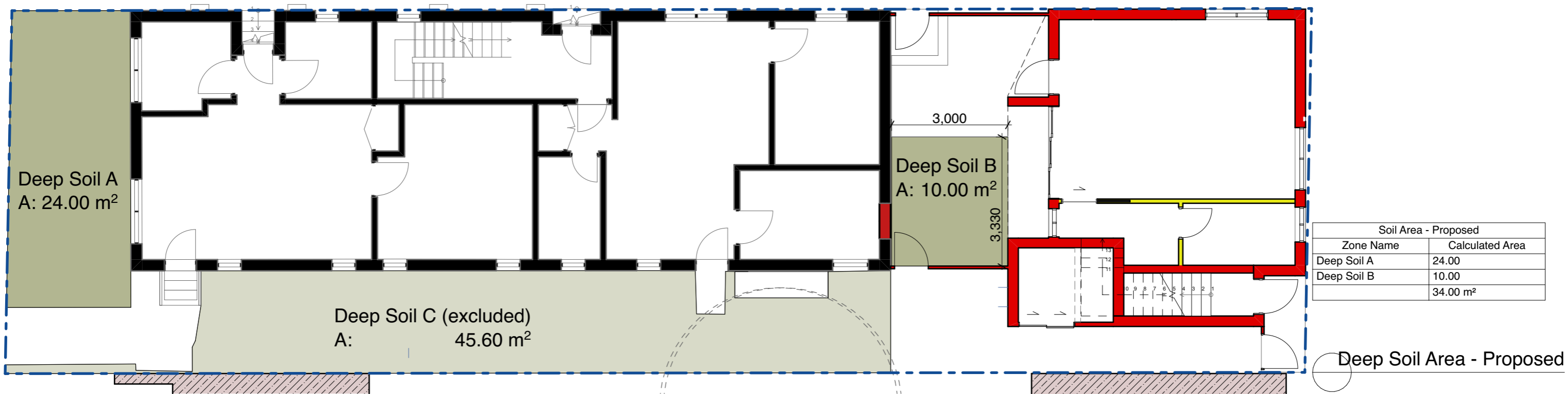
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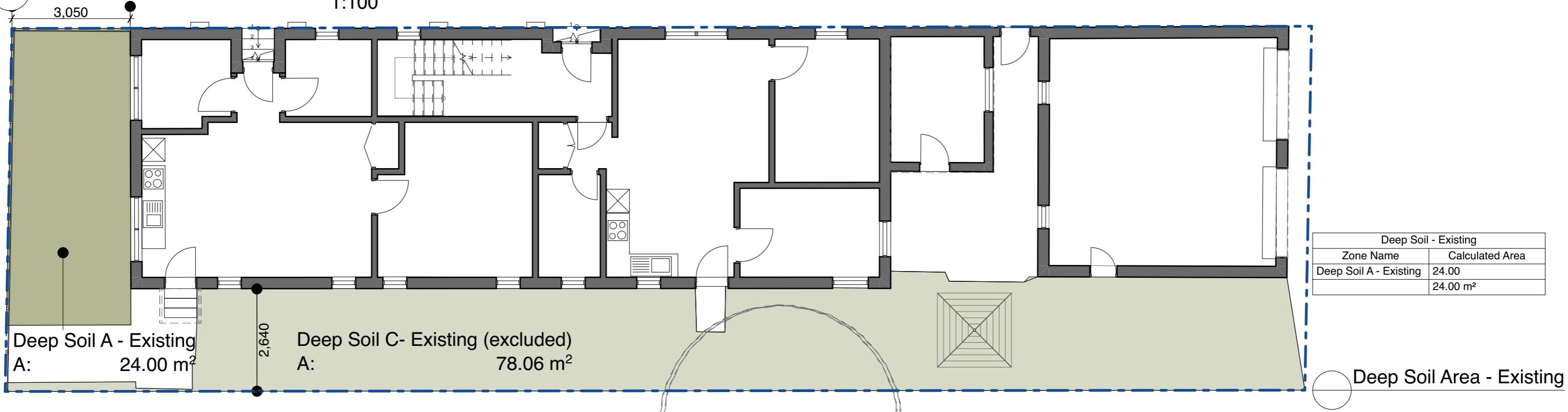
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No.

2305 2305.02.2
22/2/2024 9:46 pm



0. Deep Soil Calculations - Proposed
1:100



0. Deep Soil Calculations - Existing
1:100

AMENDED DEVELOPMENT APPLICATION

Drawing Title:
COMPLIANCE DIAGRAMS - Deep Soil Area Plan

Deep Soil Area - Existing, Deep Soil Calculations - Existing, Deep Soil Calculations - Proposed, Deep Soil Area - Proposed

North



Status
FOR
APPROVAL

Scale
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Date
22/2/2024

Project No.	Drawing No.	Revision No.
2305	2305.02.3	

Plot Date: 22/2/2024 9:46 pm

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
Nominated Architect
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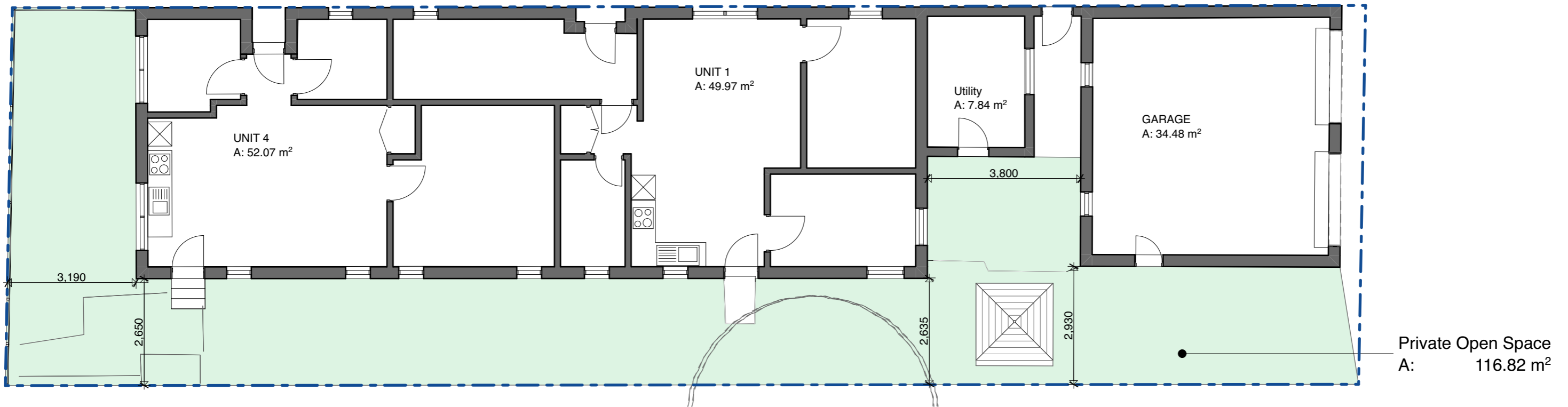
Client
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
Project
Two Dwelling Unit Additions

56A Allen Street
GLEBE NSW
2037
Lot 34 D.P. 577989

Private Open Space - Existing	
Zone Name	Calculated Area
Private Open Space	116.82
	116.82 m ²

 Private Open Space - Existing



 Ground Floor - Private Open Space - Existing
1:100

AMENDED DEVELOPMENT APPLICATION

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56A Allen Street
GLEBE NSW
2037
Lot 34 D.P. 577989

Drawing Title:

COMPLIANCE DIAGRAMS - Private Open Space - Existing

Ground Floor - Private Open Space - Existing, Private Open Space - Existing

North



Status
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Project No.

2305

Plot Date:

Date
22/2/2024

Drawing No.

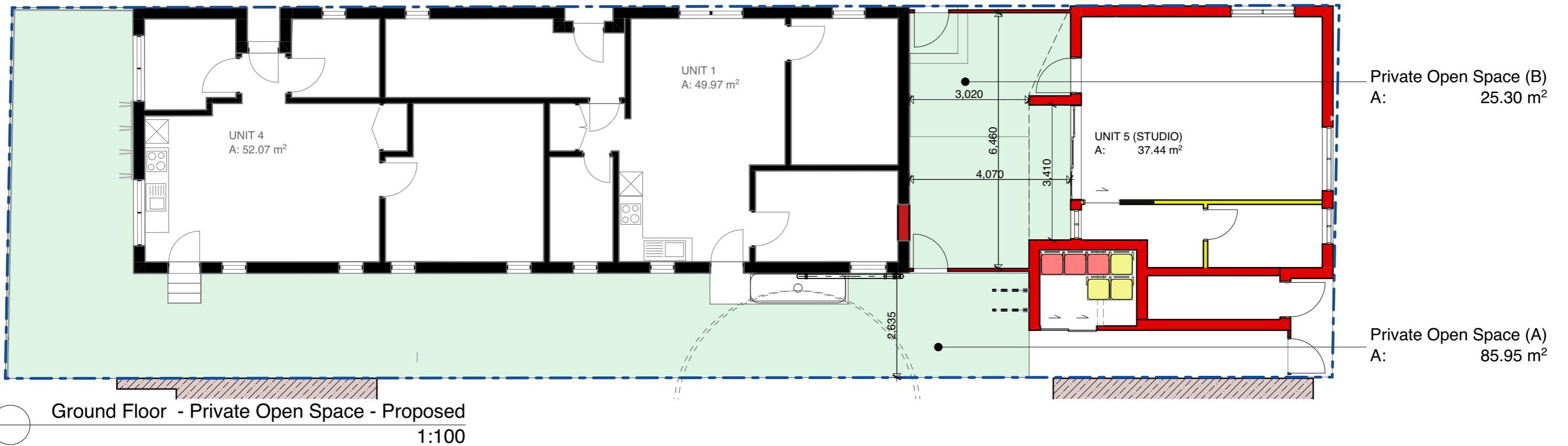
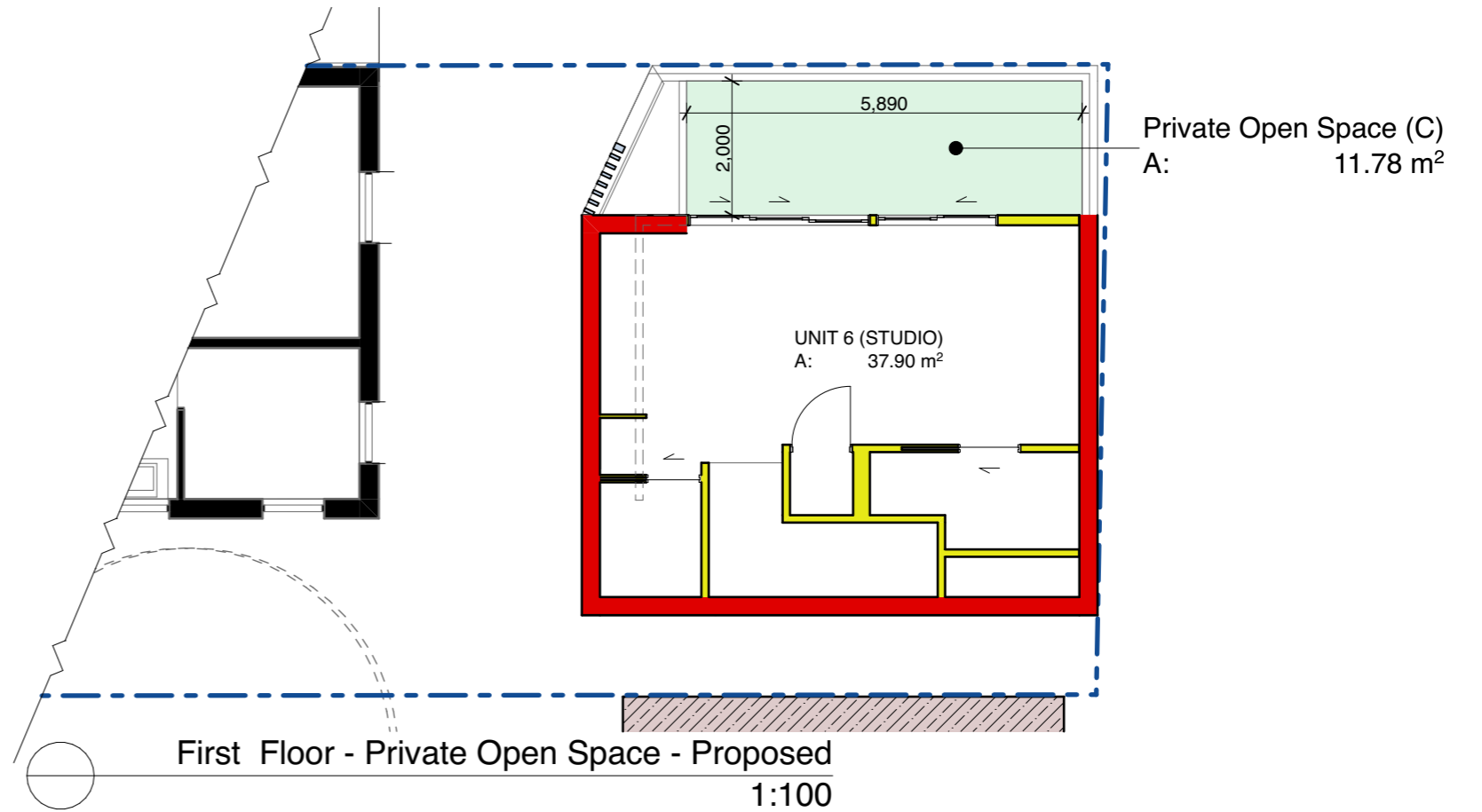
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Private Open Space - Proposed	
Zone Name	Calculated Area
Private Open Space (A)	85.95
Private Open Space (B)	25.30
Private Open Space (C)	11.78
	123.03 m ²

○ Private Open Space - Proposed



AMENDED DEVELOPMENT APPLICATION

Drawing Title:

COMPLIANCE DIAGRAMS - Private Open Space - Proposed

Ground Floor - Private Open Space - Proposed, First Floor - Private Open Space - Proposed, Private Open Space - Proposed

North



Status FOR APPROVAL

Scale 1:100

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Project No.

2305

Plot Date:

Date 22/2/2024

Drawing No.

2305.02.5

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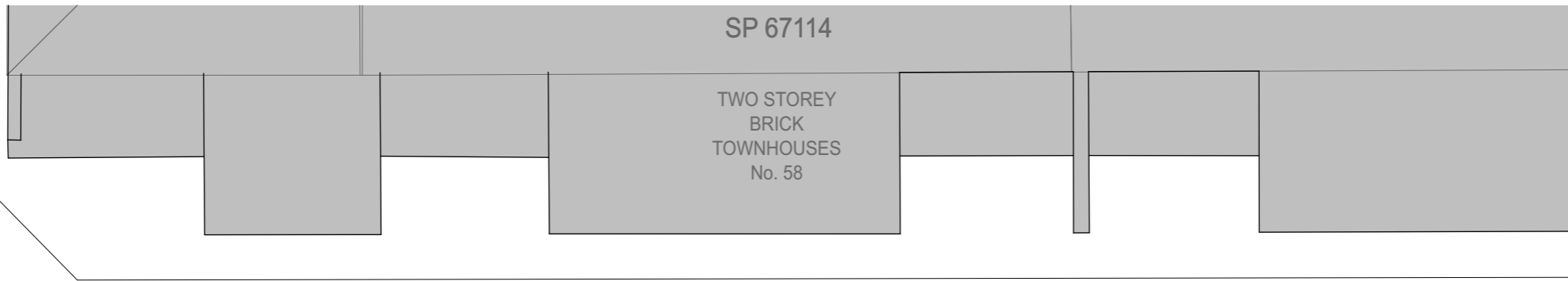
Client

R DANIELI

Project

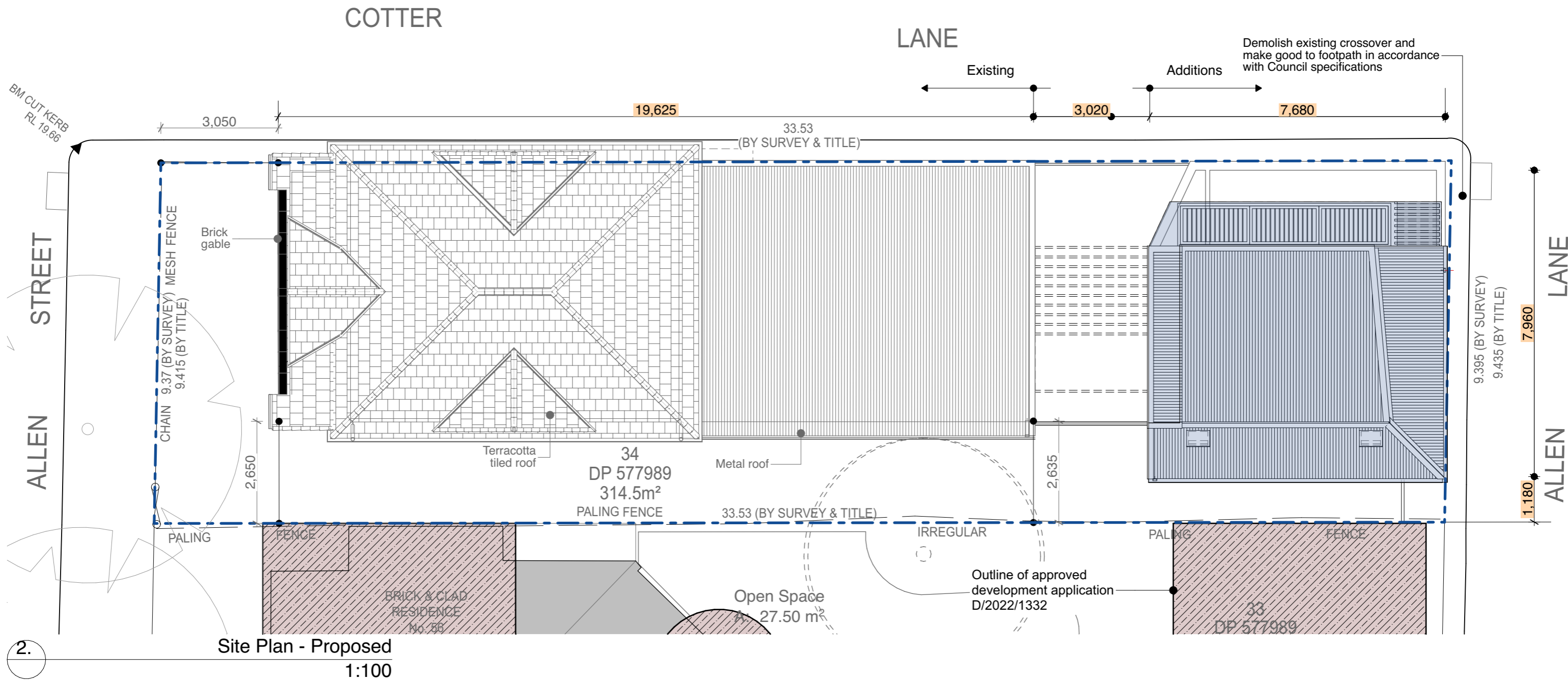
Two Dwelling Unit Additions

56A Allen Street
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2037
Lot 34 D.P. 577989



- Brick ● Red
- Roof Tiles ● Orange
- Concrete ● Dark green
- Tile ● Purple
- Fibre cement / cement render ● Light green
- Glass and glass bricks ● Light blue
- Sandstone / natural stone ● Light brown
- Timber ● Yellow
- Steel, galvanised iron ● Dark blue
- Existing ● Black / Dark Grey

Colour Code - DA



AMENDED DEVELOPMENT APPLICATION

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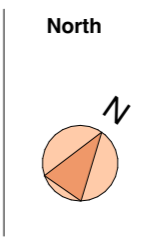
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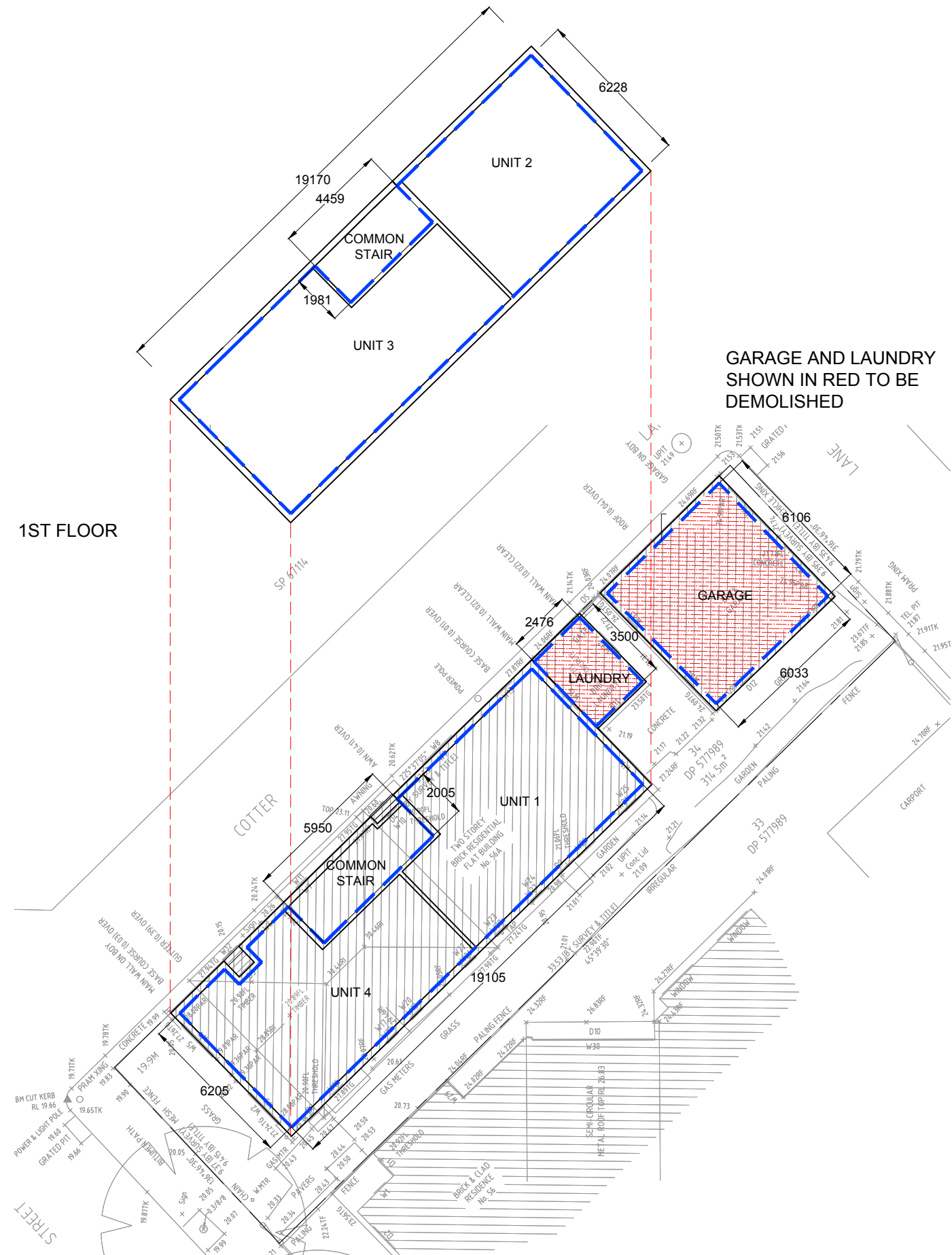
Drawing Title:
 PLANS - PROPOSED - Site Plan
 Site Plan - Proposed, Colour Code - DA



Status FOR APPROVAL	Scale 1:100 @A3	Date 22/2/2024
Project No. 2305	Drawing No. 2305.04.1	Revision No.
Plot Date: 22/2/2024		9:46 pm

Attachment C

Submitted Drawings from PDA/2022/264



EXISTING FLOOR AREA GROUND FLOOR

1:200

56A ALLEN STREET - FSR CALCULATION			
EXISTING BUILDING			PROPOSED 1X 2BED (70SQM), 1 X STUDIO (40SQM)
GROUND FLOOR MAIN BUILDING	106.5		106.5
GROUND FLOOR LDY	8.7		DEMOLISHED
GROUND FLOOR GARAGE	36.8		DEMOLISHED
FIRST FLOOR MAIN BUILDING	110		110
ADDITIONAL APARTMENTS			110
GROSS FLOOR AREA (SQM)	262		326.5
SITE AREA	314.5		314.5
FSR. 1:X	0.83		1.04
DCP 1:X	0.7		
ADDITIONAL FLOOR AREA PROPOSED (SQM)			64.5

NOTES:

- AREAS ARE CALCULATED TO THE INSIDE FACE OF EXTERNAL WALLS
- CALCULATION INCLUDES GARAGE AND COMMON LAUNDRY
- CALCULATION EXCLUDES COMMON CIRCULATION AREAS

FOR REVIEW

MARCH Co.

The McGarry Architecture Company Pty Limited
B205, 3 Brennan Street, Alexandria, NSW 2015
Jane McGarry NSW ARB# 10215

Project Name and Address

ALLEN STREET APARTMENTS
56a ALLEN STREET
GLEBE
NSW 2037

A REVISED CALCS 7.11.22

Project 22- 001

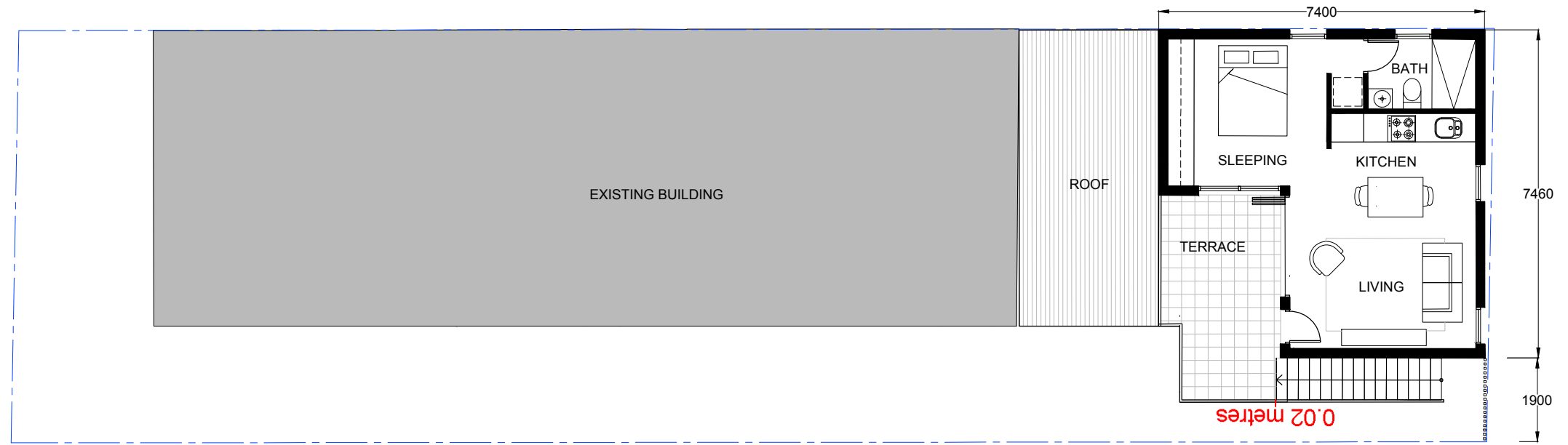
Date 18.11.2022

Scale As Noted

Sheet

SK-01.B

AREA CALCULATIONS



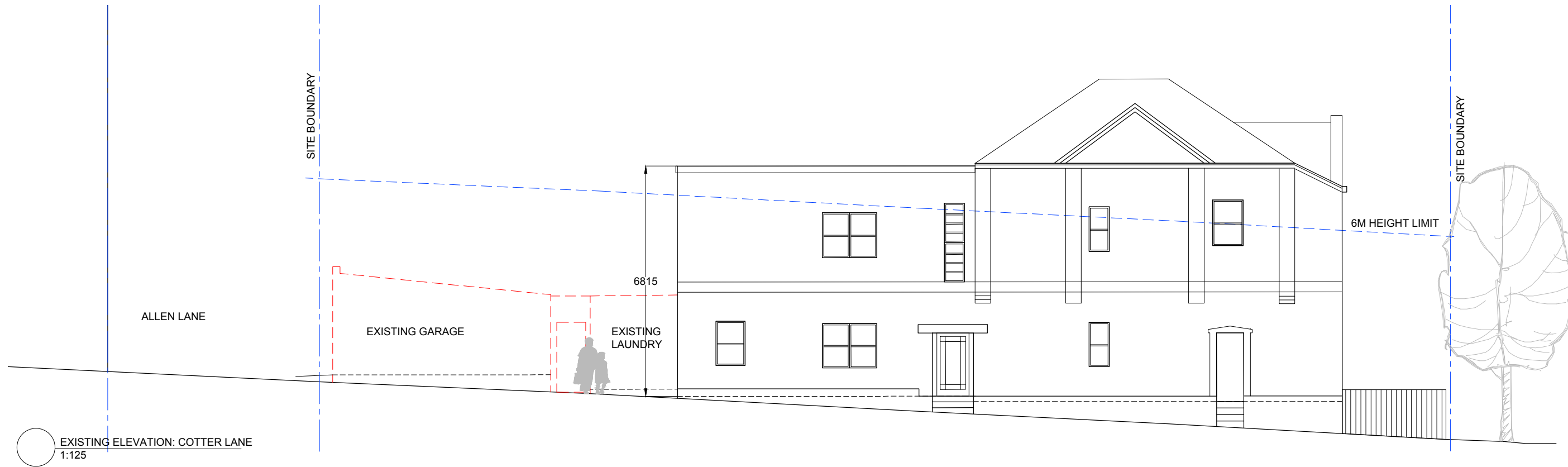
STUDIO APARTMENT
INTERNAL AREA = 40SQM

PROPOSED FIRST FLOOR PLAN
1:125

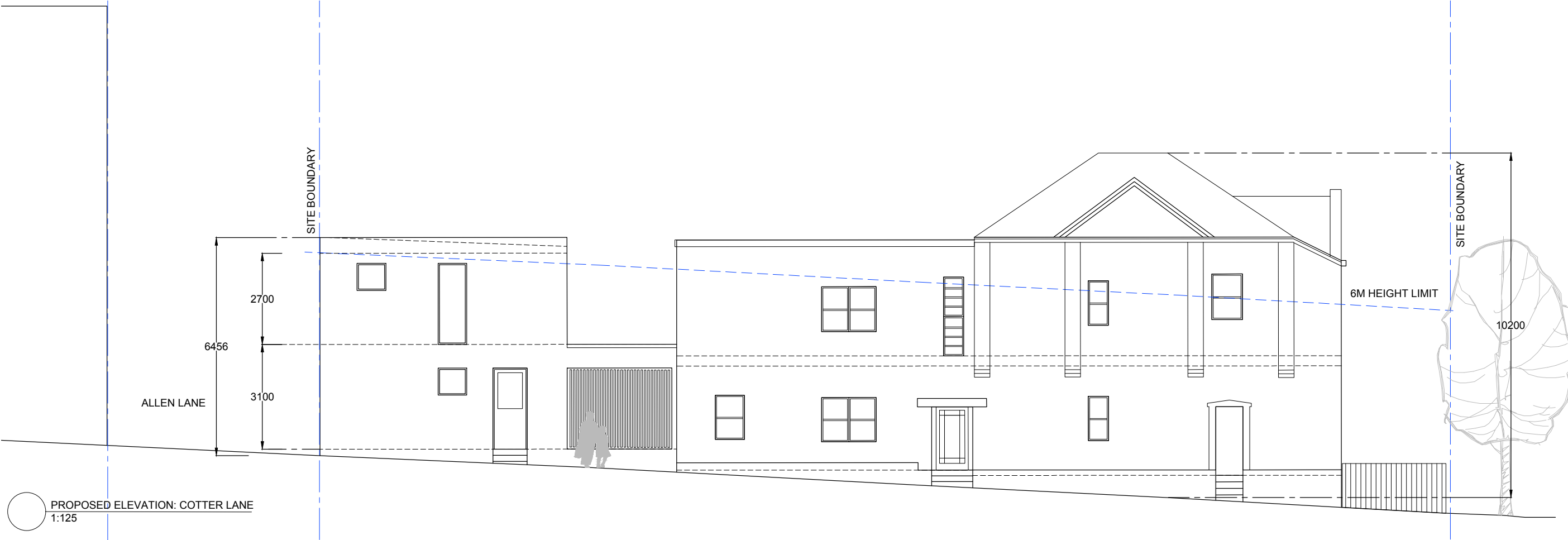


TWO-BED APARTMENT
INTERNAL AREA = 70SQM

PROPOSED GROUND FLOOR PLAN
1:125



EXISTING ELEVATION: COTTER LANE
1:125



PROPOSED ELEVATION: COTTER LANE
1:125

Fri Nov 18 13:10:39 2022. For coordination

MARCH Co.

The McGarry Architecture Company Pty Limited
B205, 3 Brennan Street, Alexandria, NSW 2015
Jane McGarry NSW ARB# 10213

Project Name and Address

ALLEN ST APARTMENTS
56A ALLEN STREET
GLEBE
NSW

Project

22-004

Date

18.11.2022

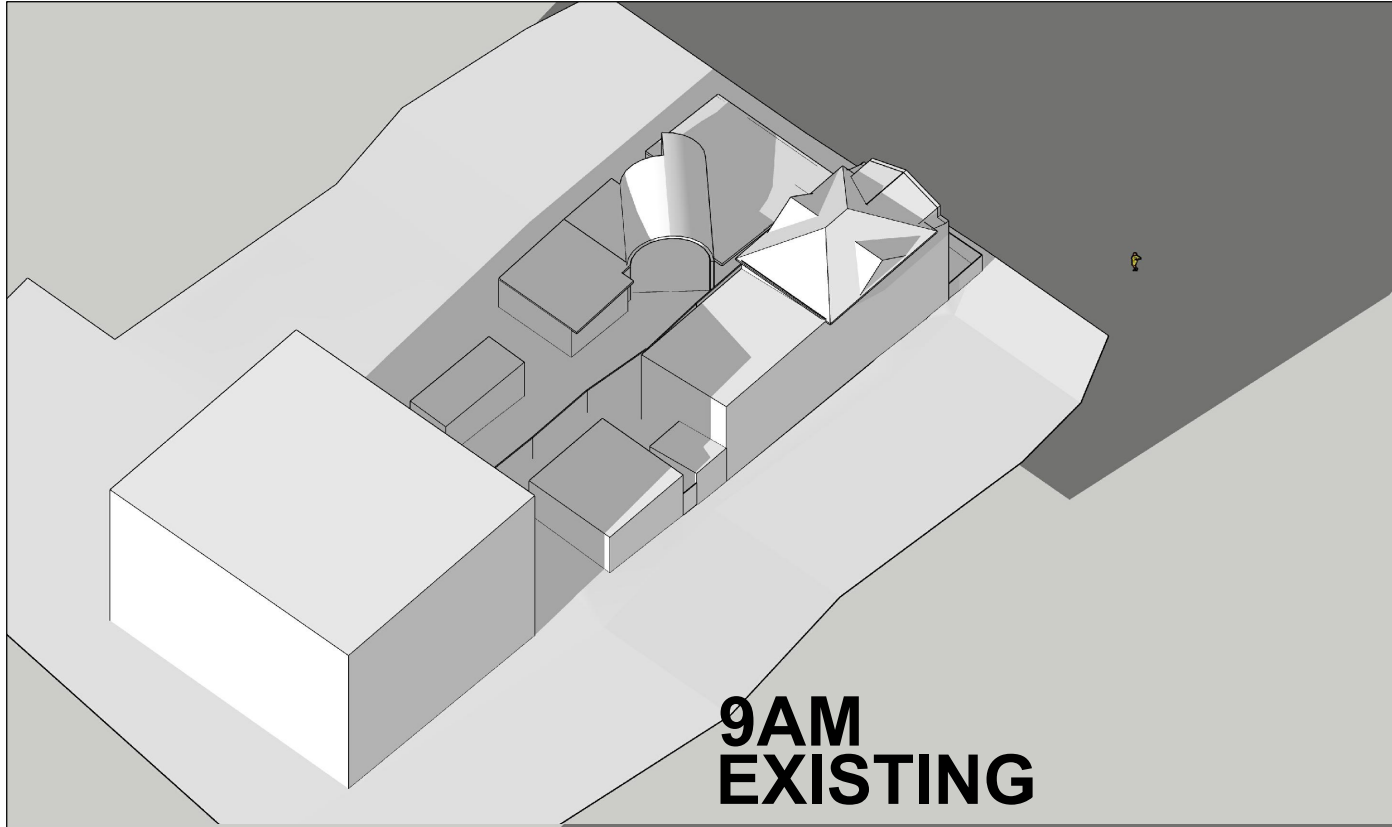
Scale

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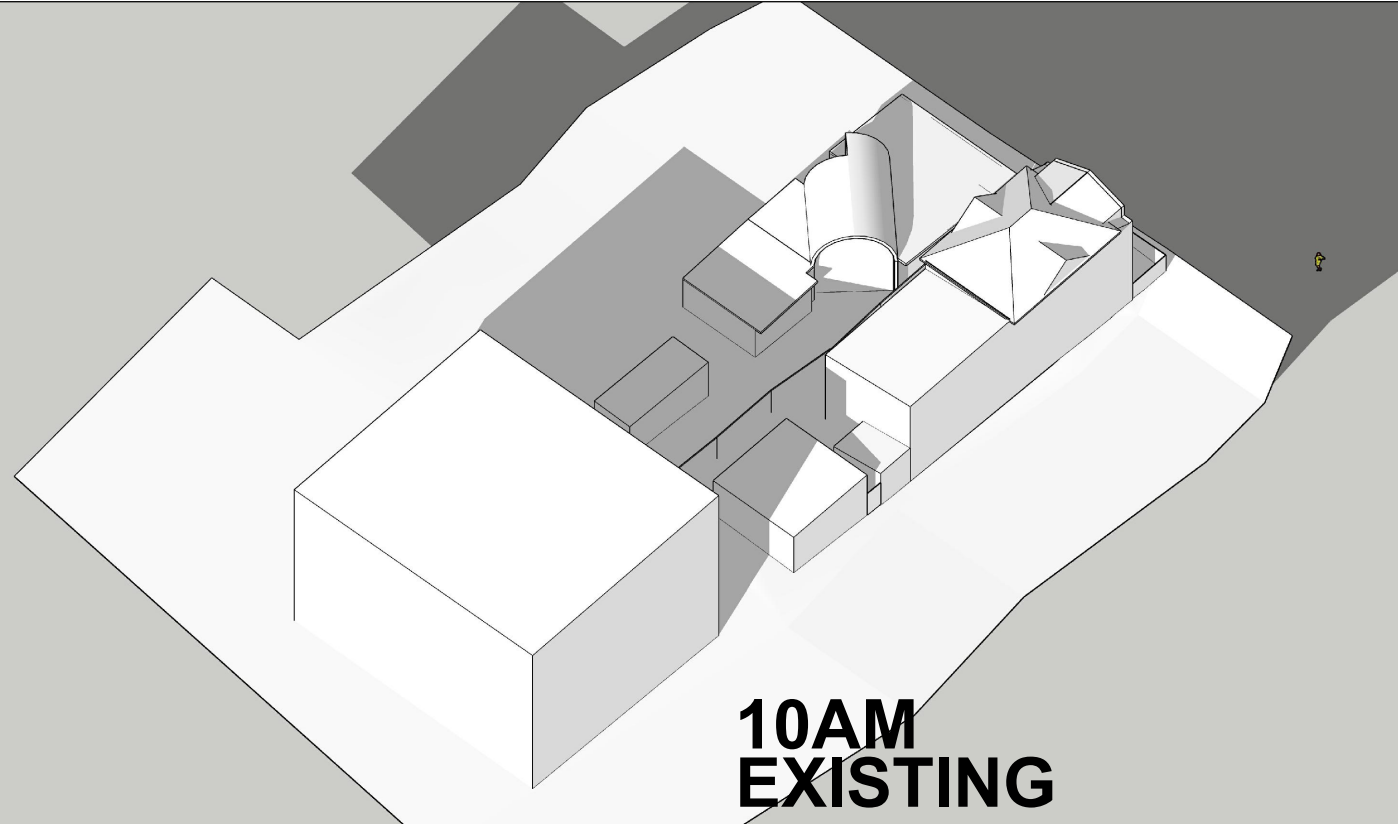
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SK-02A

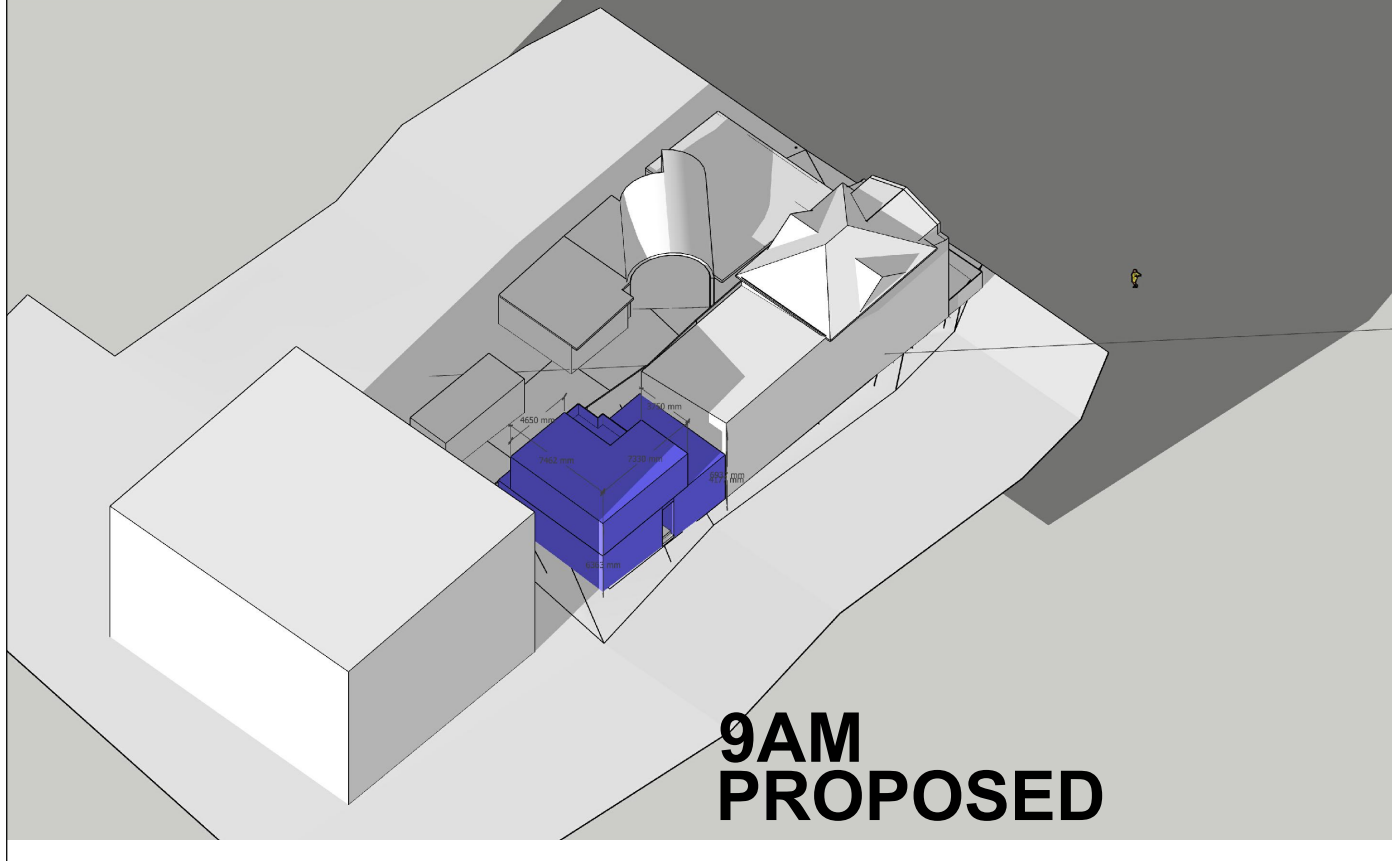
ELEVATIONS



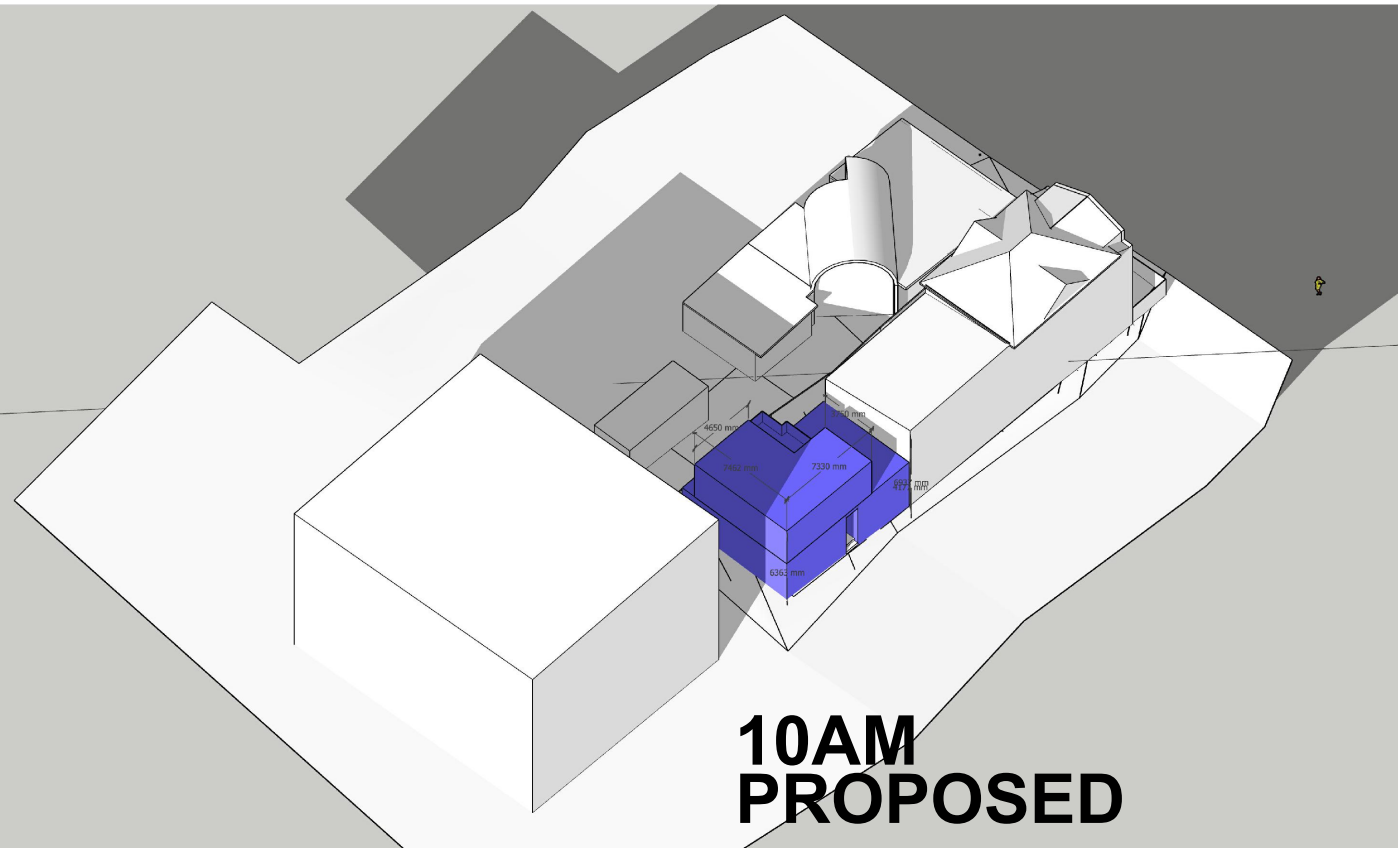
**9AM
EXISTING**



**10AM
EXISTING**



**9AM
PROPOSED**



**10AM
PROPOSED**

Fri Nov 18 13:25:36 2022. For coordination

MARCH Co.

The McGarry Architecture Company Pty Limited
B205, 3 Brennan Street, Alexandria, NSW 2015
Jane McGarry NSW ARB# 10213

Project Name and Address

**Allen Street Apartments
56A Allen Street
Glebe, NSW**

Project

22-004

Date

18.11.2022

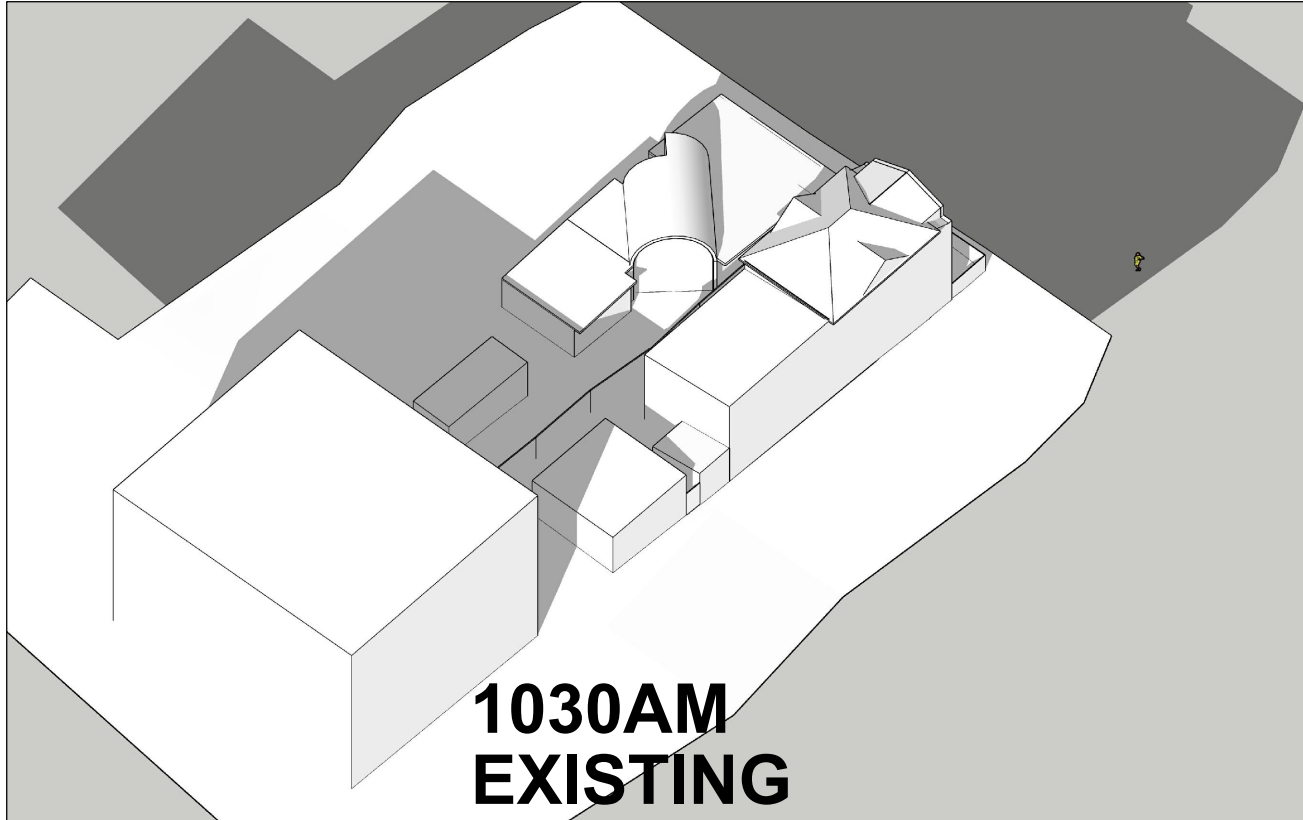
Scale

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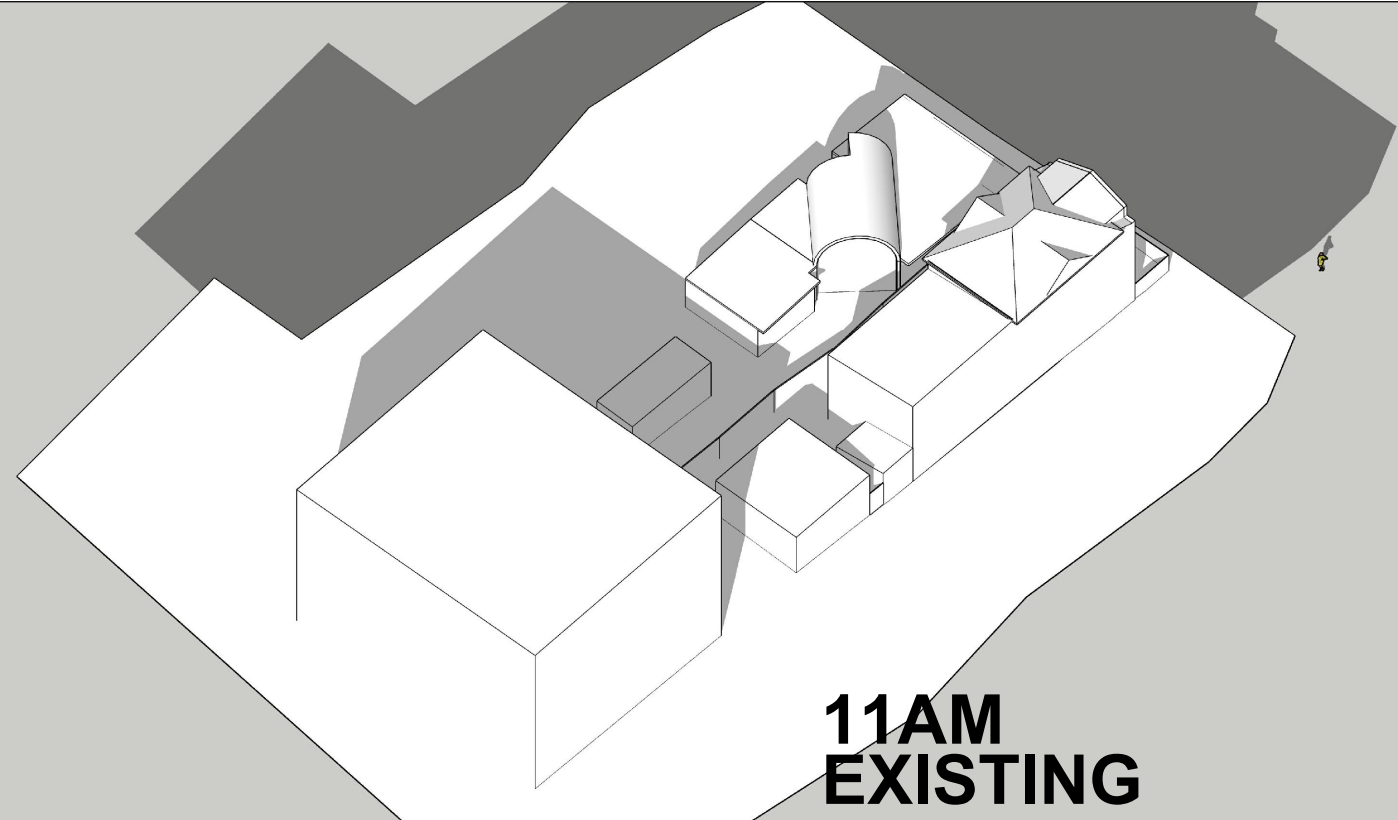
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SK-03

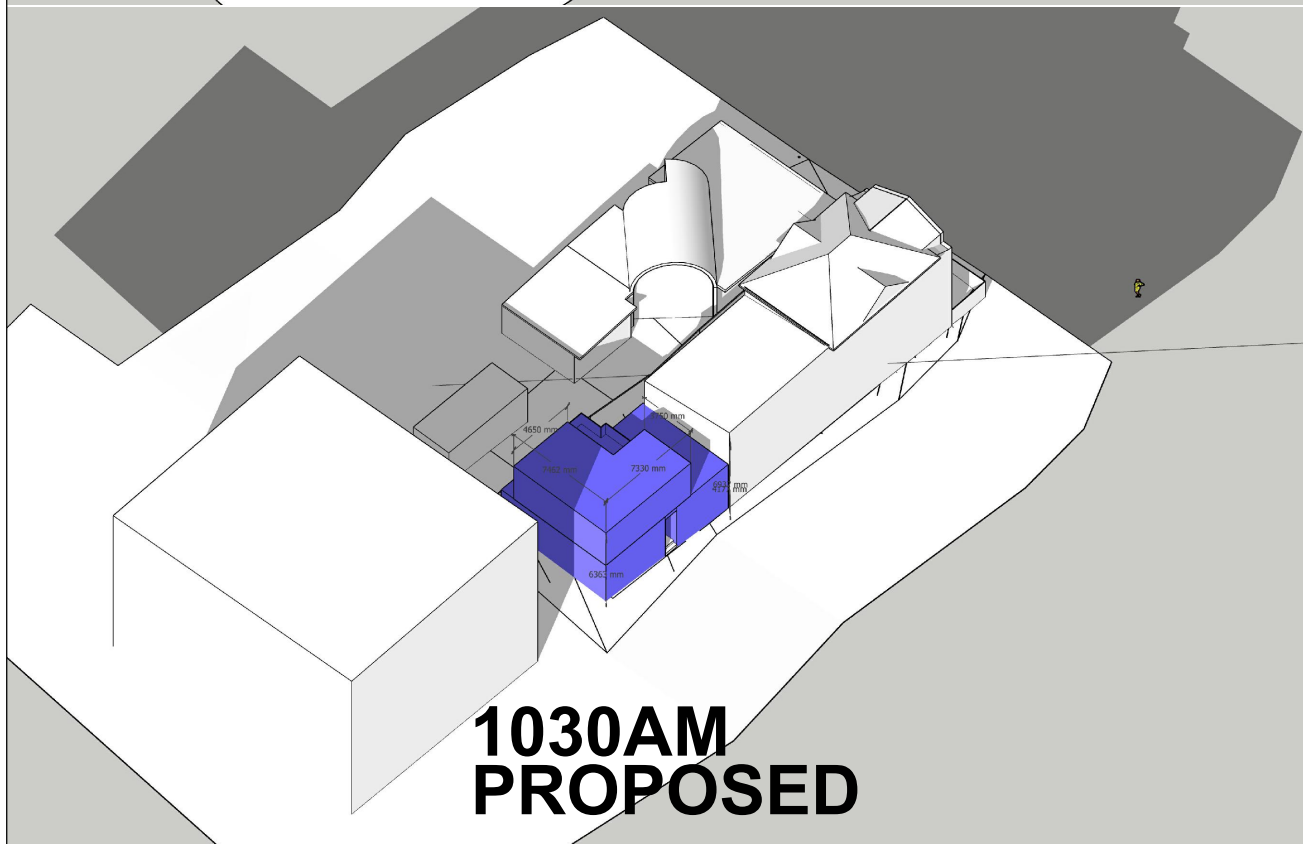
Concept Sketch



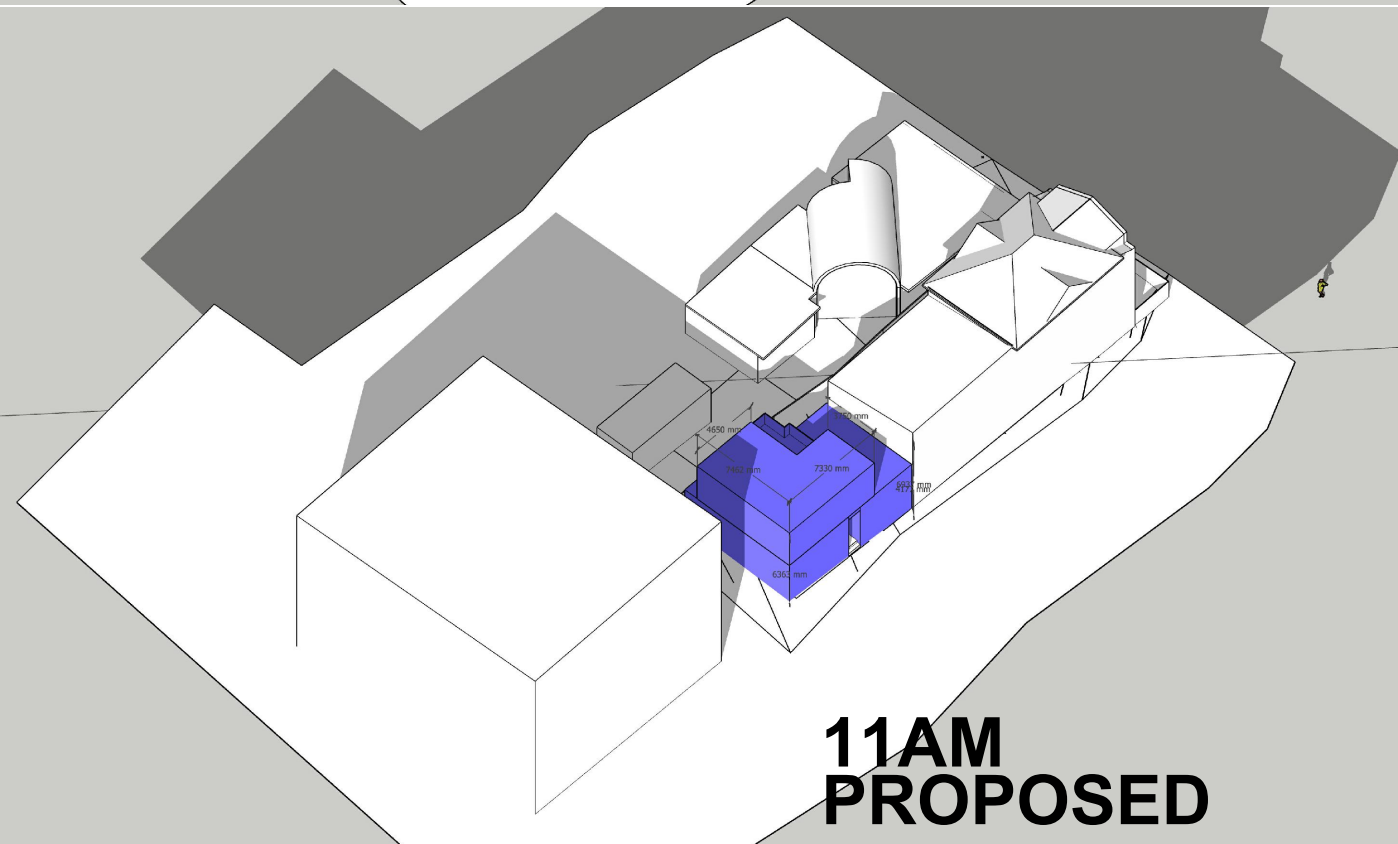
**1030AM
EXISTING**



**11AM
EXISTING**



**1030AM
PROPOSED**



**11AM
PROPOSED**

Fri Nov 18 13:25:38 2022. For coordination

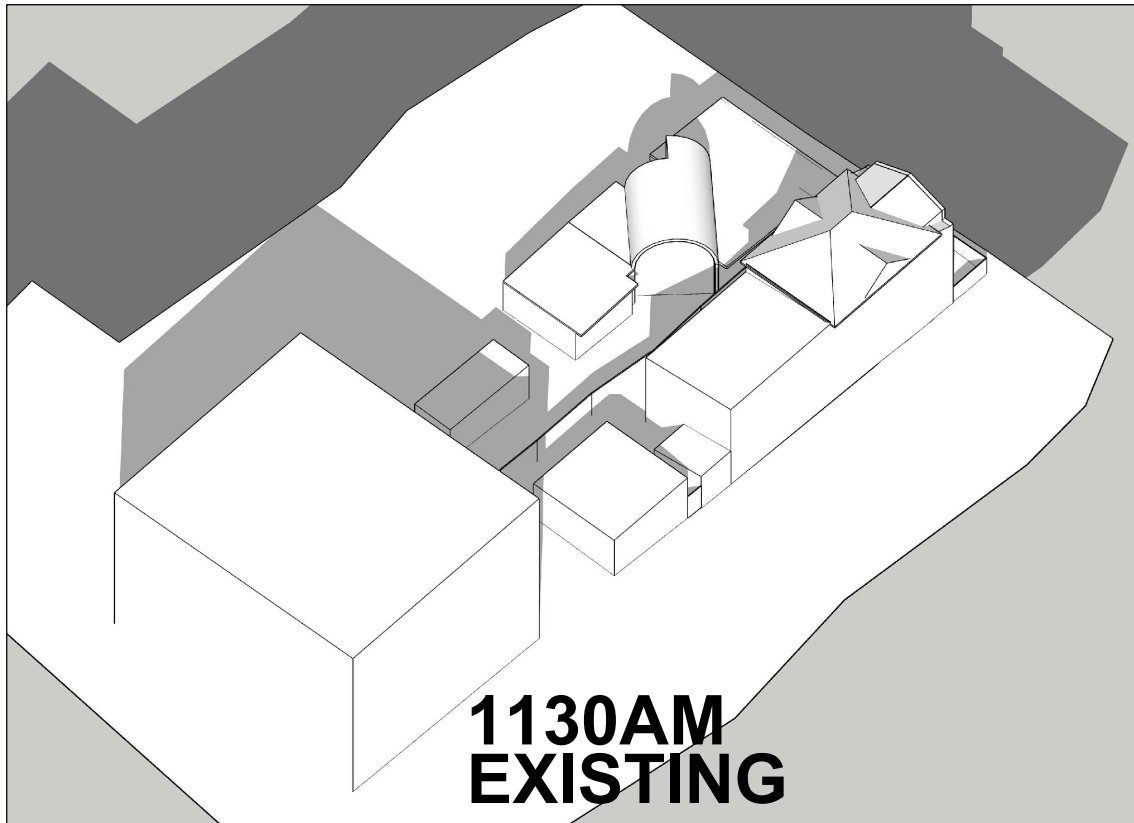
MARCH Co.

The McGarry Architecture Company Pty Limited
B205, 3 Brennan Street, Alexandria, NSW 2015
Jane McGarry NSW ARB# 10213

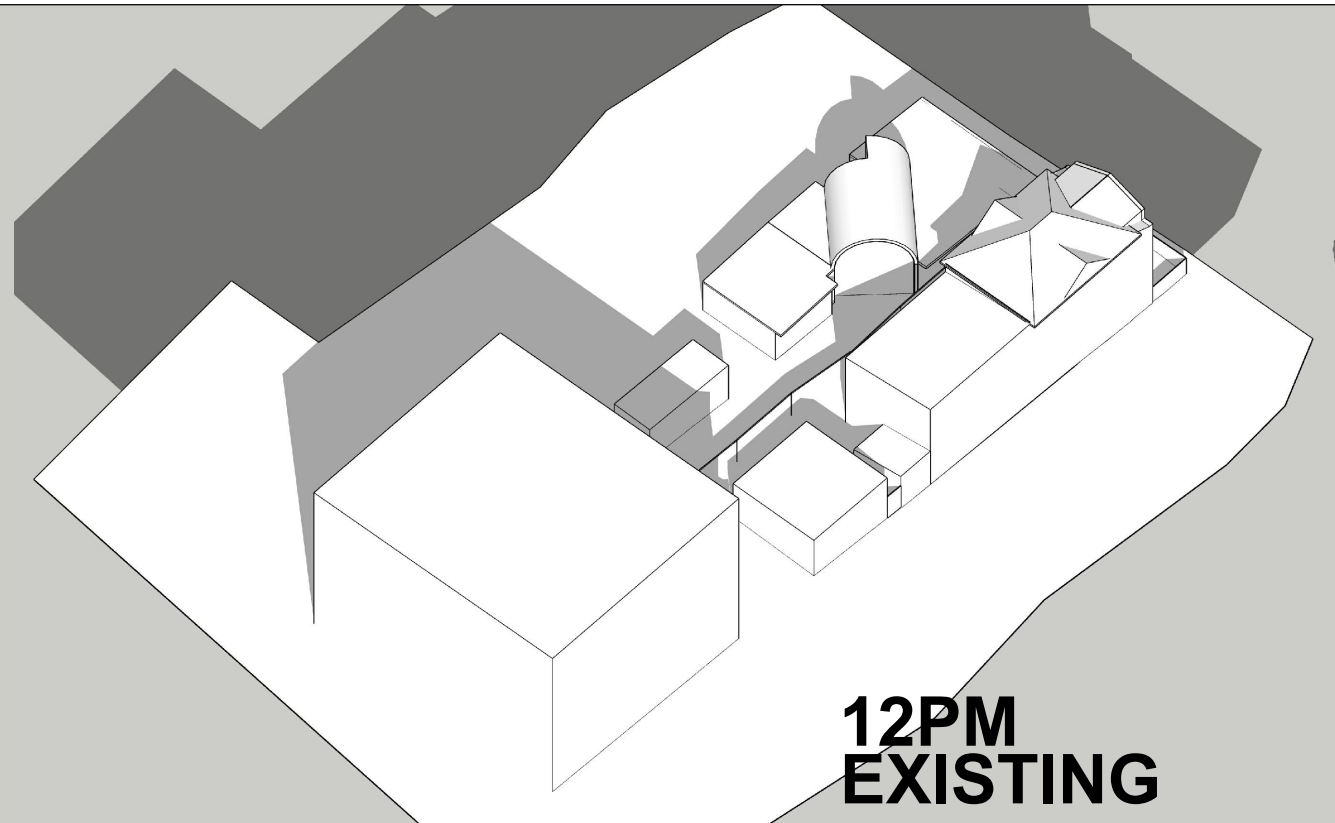
Project Name and Address
Allen Street Apartments
56A Allen Street
Glebe, NSW

Project: 22-004
Date: 18.11.2022
Scale: 1:100

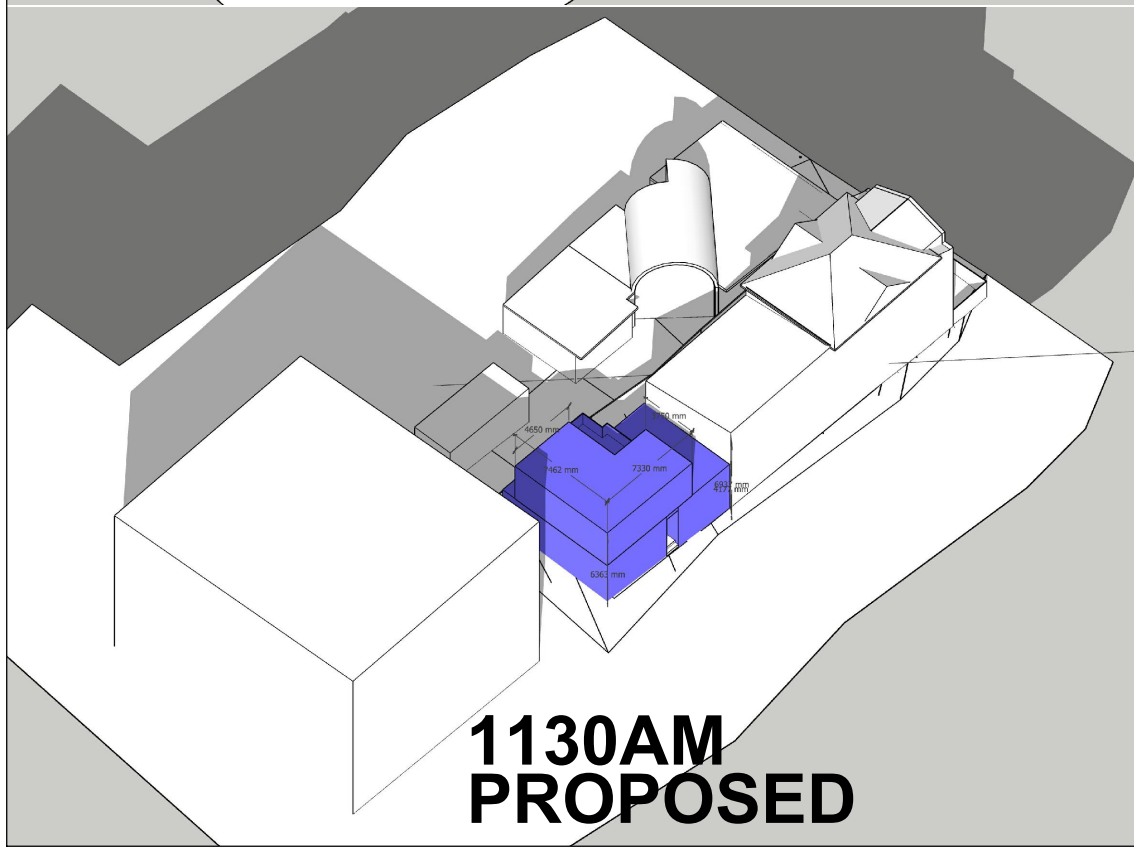
Sheet
SK-04
Concept Sketch



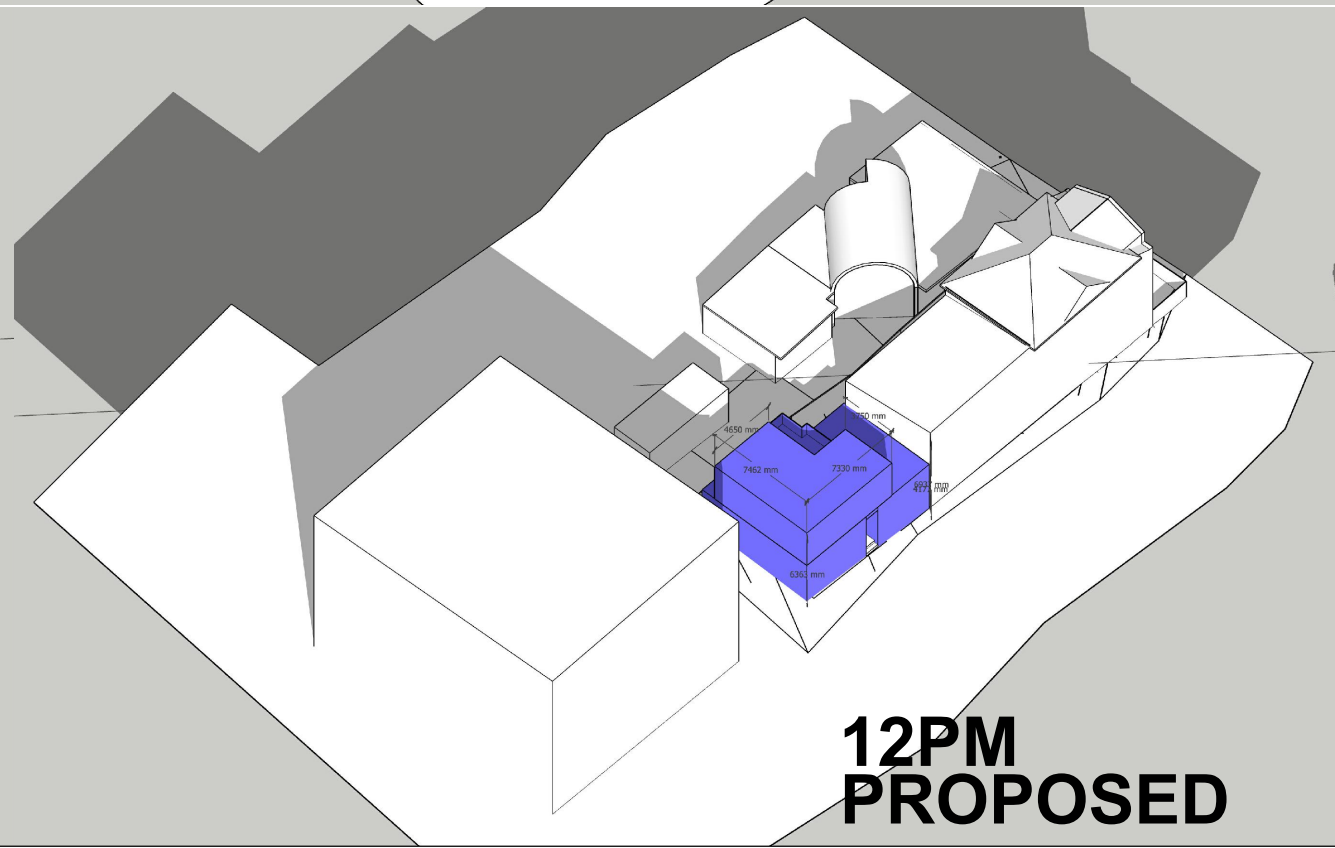
**1130AM
EXISTING**



**12PM
EXISTING**



**1130AM
PROPOSED**



**12PM
PROPOSED**

Fri Nov 18 13:25:39 2022. For coordination

MARCH Co.

The McGarry Architecture Company Pty Limited
B205, 3 Brennan Street, Alexandria, NSW 2015
Jane McGarry NSW ARB# 10213

Project Name and Address

**Allen Street Apartments
56A Allen Street
Glebe, NSW**

Project

22-004

Date

18.11.2022

Scale

1:100

Sheet

SK-05

Concept Sketch

Attachment D

**Pre Lodgement Advice Letter for
PDA/2022/264**

14 February 2023

CHAPMAN PLANNING PTY LTD
Suite 8 88 Mountain St
ULTIMO NSW 2007

Pre-lodgement advice: 56A Allen Street, GLEBE NSW 2037

Reference: PDA/2022/264

We refer to your request for pre-lodgement advice for a development at the above address.

The purpose of this letter is to provide you with written feedback on the plans you have provided and to identify any other preliminary issues for your consideration.

The existing site is a 2 storey building with 4 units, and a detached garage and shared laundry at the rear. It is classified as a neutral building within the Toxteth Heritage Conservation Area.

The proposed works appear to include the demolition of an existing detached garage and laundry at the rear of the subject site and construction of a two storey addition with a 2 bedroom apartment at the ground floor and a 1 bed apartment at the first floor.

An assessment of the preliminary plans has now been completed and there are several issues that must be addressed in a revised proposal.

Height and FSR exceedance

It is noted that a request was made for Council to comment on the planning merit of variations to FSR and Height development standards.

A Clause 4.6 variation request would need to be submitted with the revised proposal to demonstrate that the variation is acceptable. However, please note that the FSR exceedance is significant and the proposal appears to result in amenity impacts to the existing units, the proposed units, and the neighbouring dwelling. In this context, Council is unlikely to support the proposed variation.

Amenity Impacts

Private Open Space

The proposal does not provide adequate private open space for the proposed ground floor residential unit. Additionally, the terrace for the first floor unit appears to be accessible from the shared stairway and so does not meet the definition of private open space.

The proposed development appears to remove private open space for the existing units. The development application would need to address private open space/common areas for the existing dwellings in addition to the proposed new dwellings.

Further, the proposal involves the demolition of the existing laundry and garage. The proposal would need to demonstrate that the existing and proposed units have laundry facilities and address the loss of parking spaces for the site.

Overlooking

The first floor terrace appears to result in unacceptable overlooking impacts to the adjacent building and units. The external staircase is not supported as screening would be required to address overlooking and does not provide good amenity for the residence or a positive design outcome for the building.

Overshadowing

Shadow diagrams have been submitted with this proposal but are not adequate for assessment. They must clearly distinguish between the existing and proposed shadows. Although, there does appear to be shadowing impacts to the private open space of no. 56 and it may not meet the requirements of the SDCP 2012 controls. There is a development application currently under assessment for that site, so when a development application for the subject site is lodged it should demonstrate the impacts to the existing building, and the new building (if the DA is approved).

SDCP 2012 Provision 4.2.3.1 'Solar Access' requires that proposed apartments in a development and neighbouring developments must achieve a minimum of 2 hours direct sunlight between 9am and 3pm on 21 June onto at least 1sqm of living room windows and a minimum 50% of the required minimum area of private open space area. New development must not create any additional overshadowing onto a neighbouring dwelling where that dwelling currently receives less than 2 hours direct sunlight to habitable rooms and 50% of the private open space between 9am and 3pm on 21 June.

Heritage

It is noted that a request was made that Council provide feedback in regards to the refurbishment of the existing building and the external façade. The subject building is located within a heritage conservation area and it is classified as a 'neutral building'.

Insufficient information has been provided to comment, however please note that the proposal will be

assessed against SDCP 2012 provision 3.9.8 'Neutral and appropriate infill buildings'.

Further details of the design must be lodged with the DA, and it must be demonstrated that the alterations are sympathetic to the existing building and surrounding heritage conservation area. A heritage impact statement, elevations and a detailed colour and materials schedule would need to be provided to allow for Council to assess the alterations to the building.

Waste Storage

Waste storage to the front setback to Allen Street is not supported. Bins for the front of the property would need to be presented on Allen Lane as this is the location for waste collection for the houses along this side of Allen St. The area marked as waste bin storage would need to be paved and free of vegetation.

The proposed waste storage area in the new ground floor unit is also not supported. The current proposal provides for a narrow waste storage area that would only provide space for one bin between the ground floor unit and courtyard. The bins are also not supported in the proposed location as it appears that access to the ground floor unit will be blocked. If it is proposed that the units would be sharing bin, details of the management of the waste must be provided. For example, would the residents be responsible for putting the bins out for collection? The waste management plan would need to detail arrangements.

Further Information Required

This assessment has been based off limited information that was included in the proposal so it is likely that additional issues will be raised when the development application is lodged. The following information should be lodged with the development application:

- All drawings must include the details of the existing building (including the existing units).
- Elevations, section drawings, and a detailed schedule of colours and materials (keyed to elevations) are required.
- Shadow diagrams which clearly distinguish between the existing and proposed shadows
- Deep soil must be addressed in the revised proposal as the development must meet the requirements of SDCP 2012 Provision 4.2.3.6 Deep soil. A minimum deep soil area of 10% applies to the development, with a minimum dimension of 3m.
- A landscape plan is required in accordance with SDCP 2012 Provision 4.2.3.5.
- A waste management plan must be submitted and will be used to assess and monitor the waste management process within a development. The waste management plan is to be consistent with the City of Sydney Guidelines for Waste Management in New Developments 2018

Development Contributions

Section 7.13 Affordable Housing Contributions and Section 7.11 Development Contributions under the

Sydney Local Environmental Plan 2012 may apply to the proposal.

The City's Affordable Housing Program provides the background, requirements and operational detail for various affordable housing contribution provisions in local environmental plans operating in the City of Sydney local area. You can find further information on the [city website](#).

Please contact Chelsea Thompson on 02 9265 9640 or by email at cthompson3@cityofsydney.nsw.gov.au if you need to discuss your request.



Stan Fitzroy-Mendis
Area Planning Manager

Disclaimer :

This advice is for guidance only and based on the information provided for preliminary assessment.

The City of Sydney, Local Planning Panel and Central Sydney Planning Committee are not bound to this advice.

Amending any part of the proposal will require further assessment.