

Resolution of Local Planning Panel

1 November 2023

Item 5

Development Application: 56 Allen Street, Glebe - D/2022/1332

The Panel:

- (A) upheld the variation requested to clause 4.3 'Height of buildings' in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012; and
- (B) granted consent to Development Application Number D/2022/1332 subject to the conditions set out in Attachment A to the subject report, subject to the following amendments (additions show in ***bold italics***, deletions shown in ~~strikethrough~~):

(3) BUILDING HEIGHT

- (a) The height of the building must not exceed RL ~~28,844~~ ***29*** (AHD) to the top of the building.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to the satisfaction of the Principal Certifier.

Reason

To ensure the constructed development complies with the approved height.

(11) AMENDED LANDSCAPE PLAN

The landscape plan is to include the following amendments:

- (a) To avoid additional stress to Trees 3 and 5, raised soil levels must be avoided. Planting is to occur at an existing grade and to apply tree sensitive planting methods as per items 1-3 on drawing DA-01 and DA-02 of the Landscape Plan dated September 2023.
- (b) The reference stating that “The installation of 100-200mm of new garden mix topsoil over the pre-existing soil to provide a suitable medium for new plants to be planted without damage to existing tree roots” is to be deleted.

- (c) ***The landscape plan is to include maintenance details outlined in the Maintenance Statemnet prepared by Wire and Co, dated 10 May 2023, that has been approved by Council.***

Reasons for Decision

The application was approved for the following reasons:

- (A) The proposal is generally consistent with the relevant objectives and controls of the Sydney Local Environmental Plan 2012 and the Sydney Development Control Plan 2012.
- (B) Based upon the material available to the Panel at the time of determining this application, the Panel is satisfied that:
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by clause 4.6(3) of the Sydney Local Environmental Plan 2012, that compliance with the Height development standard is unreasonable or unnecessary and that there are sufficient environmental planning grounds to justify contravening clause 4.3 of the Sydney Local Environmental Plan 2012; and
 - (ii) the proposal is in the public interest because it is consistent with the objectives of the R1 - General Residential zone and the Height of Buildings development standard.
- (C) The proposed development complies with the maximum Floor Space Ratio development standard contained in Clause 4.4 of the Sydney Local Environmental Plan 2012
- (D) The proposed development provides an appropriate contribution that is suitable in terms of its context, scale and built form which is consistent with the desired future character of the area, subject to conditions. As such, the proposed development exhibits design excellence in accordance with the requirements contained in clause 6.21C of the Sydney Local Environmental Plan 2012.
- (E) The development is generally consistent with the objectives of the Sydney Development Control Plan 2012
- (F) Suitable conditions of consent are recommended, and the development is considered to be in public interest.
- (G) Condition 3(a) was amended to be more pragmatic.
- (H) Condition 11(c) was added to address concerns regarding the potential for poor maintenance of green walls and roofs, and ensure the ongoing maintenance of the landscaping.

Carried unanimously.

D/2022/1332