

## Resolution of Local Planning Panel

**13 December 2023**

### Item 6

#### **Development Application: 175 St Johns Road, Glebe - D/2023/107**

It is resolved that consent be refused for Development Application Number D/2023/107 for the reasons listed below.

#### **Reasons for Decision**

The application was refused for the following reasons:

#### **Failure to submit written justifications for contravention of development standards**

(A) The proposed development contravenes non-discretionary development standards for:

- the provision of communal living area;
- communal open space; and
- car-parking;

specified at section 68(2)(c), (d) and (e) of the State Environmental Planning Policy (Housing) 2021 (the Housing SEPP).

(B) The proposed development contravenes the development standard pertaining to minimum lot size specified at section 69(1)(b) of the SEPP (Housing) 2021.

(C) A written request seeking to justify the contravention of the development standards listed above has not been submitted for the subject application. Subsequently and in accordance with clause 4.6 of the Sydney Local Environmental Plan 2012 (the LEP) development consent must not be granted to the subject application.

#### **Inadequate common open space provision**

(D) The proposed development provides a communal open space that does not achieve:

- the minimum area and dimension requirements for communal open space pursuant to the non-discretionary development standard specified at section 68(2)(d) of the Housing SEPP; and

- the minimum area and dimension requirements for communal open space specified at provision 4.1.4.4 of the Sydney Development Control Plan 2012 (the DCP).
- (E) As such the proposal is contrary to objectives 4.4.1(a) of the DCP to ensure an acceptable level of amenity and accommodation in boarding houses, 1.2(h) of the LEP to enhance the amenity and quality of life of local communities, section 3(c) of the Housing SEPP to ensure new housing development provides residents with a reasonable level of amenity and section 1.3(g) of the Environmental Planning and Assessment Act 1979 to promote good design and amenity of the built environment.

#### **Inadequate bicycle parking**

- (F) The proposed development fails to provide a bicycle parking space in association with the proposed new private boarding room. The proposal fails to satisfy DCP provision 3.11.3(2) and contravenes the bicycle parking requirements at section 69(1)(h) of the Housing SEPP.
- (G) As such the proposal is contrary to objectives:
- 3.11(a) and (b) of the DCP to ensure transport demand is managed sustainably, and that bicycle parking is considered in all development; and
  - 3(d) of the Housing SEPP to promote planning and delivery of housing where it will make good use of existing and planned infrastructure.

#### **Inadequate waste storage facilities**

- (H) The proposed development does not provide a separate area for bulky waste storage to avoid illegal waste dumping. The proposal:
- fails to address the waste management requirements specified at DCP provision 3.14.3(4); and
  - is contrary to DCP objective 3.14(c) to ensure waste can be collected and disposed of in a manner that is healthy, efficient and minimises disruption to amenity.

#### **Lack of deep soil provision**

- (I) The proposed development does not provide adequate deep soil and fails to satisfy provision 4.1.3.4 of the DCP. The proposal is contrary to objectives:
- 4.1.3(a) and (b) of the DCP to enhance residential amenity by ensuring adequate deep soil planting and to reduce urban heat load and increase canopy cover and ground absorption of water;
  - 1.2(h) of the LEP to enhance the amenity and quality of life of local communities; and
  - section 1.3(g) of the Environmental Planning and Assessment Act 1979 to promote good design and amenity of the built environment.

### **Inadequate private open space**

- (J) The proposal exacerbates existing non-compliance with DCP private open space requirements and fails to satisfy the requirements of DCP provision 4.4.1.4.
- (K) As such the proposal is contrary to objectives;
- 4.4.1(a) of the DCP to ensure an acceptable level of amenity and accommodation in boarding houses;
  - 1.2(h) of the LEP to enhance the amenity and quality of life of local communities;
  - section 3(c) of the Housing SEPP to ensure new housing development provides residents with a reasonable level of amenity; and
  - section 1.3(g) of the Environmental Planning and Assessment Act 1979 to promote good design and amenity of the built environment.

### **Insufficient information**

- (L) The submitted shadow diagrams do not accurately illustrate overshadowing impacts from the proposed development to neighbouring properties in accordance with the requirements of DCP provision 4.1.3.1(3).
- (M) The submitted Plan of Management does not refer to or reflect the proposed development and fails to adequately address the requirements of DCP provision 4.4.1.7.

### **Failure to exhibit design excellence**

- (N) The proposed massing of the new outbuilding in the rear yard significantly reduces the useable common open space area such that it does not achieve the minimum size requirements pursuant to the SEPP (Housing) 2021 and provision 4.4.1.4 of the DCP.
- (O) The proposed new communal living room is not designed to maximise its connection and integration with the already under-sized communal open space area.
- (P) The site does not have the capacity to accommodate and the proposal does not seek to provide adequate bicycle parking or a bulky waste storage area.
- (Q) For these reasons, the proposal does not demonstrate that the site is suitable and does not demonstrate design excellence. As such the proposal is contrary to the aims of the plan specified at LEP clause 1.8(2)(j) and which is to achieve a high quality urban form by ensuring that new development exhibits design excellence. In accordance with LEP clause 6.21C(1) development consent must not be granted.

Carried unanimously.

D/2023/107