

## Resolution of Local Planning Panel

**28 February 2024**

### Item 5

#### **Development Application: 56A Allen Street, Glebe - D/2023/790**

The Panel refused consent for Development Application Number D/2023/790 for the reasons outlined below.

#### **Reasons for Decision**

The application was refused for the following reasons:

- (A) The proposal is in breach of the Floor Space Ratio development standard applying to the site pursuant to Clause 4.4 of the Sydney Local Environmental Plan 2012 and the application fails to satisfy the provisions of Clause 4.6(3) of the Sydney Local Environmental Plan 2012 to justify the contravention of the standard. The applicant's written request to vary the Floor Space Ratio development standard is not supported as the proposal is inconsistent with the Floor Space Ratio development standard objectives for Clause 4.4 of the Sydney Local Environmental Plan 2012. The proposed variation of the development standard results in a development which will adversely impact on the amenity for existing units on the site and neighbouring dwellings, is not compatible with Council's flood planning measures, and is not sympathetic to the heritage conservation area.
- (B) The proposal is in breach of the Height of Buildings development standard applying to the site pursuant to Clause 4.3 of the Sydney Local Environmental Plan 2012 and the application fails to satisfy the provisions of Clause 4.6(3) of the Sydney Local Environmental Plan 2012 to justify contravention of the standard. The applicant's written request to vary the Height of Buildings development standard is not supported as the proposal is inconsistent with the Height of Buildings development standard objectives for Clause 4.3 of the Sydney Local Environmental Plan 2012. The proposed variation of the development standard results in a development which will adversely impact on the amenity for existing units and neighbouring dwellings, is not compatible with Council's flood planning measures, and is not sympathetic to the heritage conservation area.
- (C) The proposal is inconsistent with objective (a) of Clause 5.21 Flood Planning of the Sydney Local Environmental Plan to minimise the flood risk to life and property associated with the use of land, and Clause 5.21(2)(a) as Council is not satisfied that the development is compatible with the flood function and behaviour of the land.

- (D) The proposal is inconsistent with Sydney Development Control Plan 2012 Objective 3.5.2 (a) which is to ensure that tree canopy cover is considered and provided appropriately in each development, and Provision 3.5.2 (2) as it will not provide at least 15 per cent canopy coverage of the site within 10 years from completion of development.
- (E) The proposal does not demonstrate compliance with Sydney Development Control Plan 2012 Provision 3.11.3 which requires a minimum of 1 on-site bike parking space per dwelling, as the development provides no on-site spaces for bike parking.
- (F) The proposal does not demonstrate compliance with Sydney Development Control Plan 2012 which requires that development within a heritage conservation area be compatible with the surrounding built form and urban pattern.
- (G) The proposal does not provide acceptable amenity as it does not demonstrate compliance with Sydney Development Control Plan 2012 Provision 4.2.3 Amenity with regard to solar access, landscaping, deep soil, common open space, private open space and outlook.
- (H) The applicant has failed to adequately demonstrate that:
  - (i) the existing overhead electricity service mains that supply the subject property have sufficient clearance to the proposed construction as per the requirements of "The Installation and Service Rules of NSW"; and
  - (ii) the proposed development does not encroach on the statutory clearances of nearby powerlines as set out in the AS7000 and Ausgrid Standard NS220.
- (I) The design of the proposal, which exceeds the maximum height and floor space ratio standards, is of poor quality and fails to achieve the objectives of Division 4 Design Excellence of the Sydney Local Environmental Plan 2012 which is to deliver the highest standard of architectural, urban and landscape design, in regard to the matters at subclauses 6.21C(2)(a), (b), (d)(iii), (d)(v), (d)(vii), and (d)(xiii). Development consent cannot be granted to development that does not achieve design excellence under the provisions of Clause 6.21C.

Carried unanimously.

D/2023/790