

Attachment F

Submissions

From: [REDACTED]
Sent on: Wednesday, January 15, 2025 3:29:39 PM
To: council
Subject: D/2024/1205 - 56A Allen Street, Glebe, NSW 2037

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Dear Council

D/2024/1205 - 56A Allen Street, Glebe, NSW 2037

Regarding the above DA, I have received your letter notifying me about the DA above.

Please keep private (by black marking I presume), my address in the next sentence and my name. mobile number and email address as shown in the email signature at the end of the email..

I am a neighbour and an owner/occupier across the lane in [REDACTED] Cotter Lane.

I have reviewed the materials and object on several aspects . They are as follows:

- the DA proposed exceeds FSR guidelines for a R1 zoned lot by a significant margin and creates an excessive build up in a very small area. All other houses on Allen Lane comply with the FSR standards.
- the present residents do not use the garbage storage facilities available at present and they permanently leave their bins out on the lane way. It is a health and aesthetics eyesore. There is no active building management despite the suggestion in the DA and the residents do not bother to put bins in and out. That will not change and in fact become worse with the additional proposed units and increased number of bins. Complaints have been made to council and the residents and no change evident.
- from my understanding multi-dwellings on a single lot are all required to have an appropriate entry and egress to the Main Street that being Allen St and not simply the lane way as their sole entry point. The design does not comply
- the height proposed exceeds the SLEP in the location proposed, notwithstanding the above height in existence with the Village backpackers building (old YHA) across Allen Lane. The rated SLEP for all other houses in Allen St and Lane comply and this would be a precedent that could cause a potential flow on to all other lots on that street.
- the suggestion that the parking will be saved as a benefit to traffic is a misrepresentation. The garage has not been used for parking in decades, and in fact was rented out to parties that used the garage as a commercial goods storage facility and regularly slept within the garage. A past fire of the accumulated contents of the garage has irreparably damaged the garage and it we assume it cannot be used, for assumably parking purposes unless it is rebuilt or refurbished There are police and fire reports on the fire incidence from earlier 2023 that may help you to understand the reality of the garages past use, and the owners unwillingness to offer it to residents. It's called greed. The rental in the past as a storage facility I believe breaches certain council regulations in relation to the use of a residential garage for commercial activity and in particular for unsafe storage purposes.
- the owner does not appear to be willing to offer the garages, prior to the fire, and if refurbished now, to the existing tenants of the lot units, although some of them have requested the same, due to the tight parking situation in the area. The lack of parking breaches council development standards.
- this DA just smells of greed and unreasonable overreach of what can reasonably be developed with the more than ample FSR standards that apply in the municipality. To allow them to exceed these just beggars belief.

Regards

[REDACTED]
[REDACTED]
[REDACTED]

From: Damian O'Toole

Sent on: Tuesday, January 28, 2025 12:11:28 PM

To: dasubmissions; Stacey Kouros

Subject: Submission - D/2024/1205 - 56A Allen Street GLEBE NSW 2037 - Attention Shannon Rickersey

Attachments: Jan 25 - Objection - 56A Allen Street Glebe.docx.pdf (9.98 MB)

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Hi Shannon

Please find attached my submission (objection) in respect of this DA.

Note that the previous (and very similar) DA for this proposal was refused.

Call me if you need to discuss further.

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Regards,

Damian O'Toole
Studio 905/ [35 Buckingham St, Surry Hills NSW 2010](#)
[sydneytownplanning.com.au](#)



City of Sydney Council
Town Hall House
Kent Street
Sydney NSW 2000

Attn: Shannon Rickersey

26 Jan 2025

**Submission (Objection) to D 2024/1205
56A Allen Street Glebe**

Dear Shannon,

I refer to the above DA and provide this submission (objection) in response to the proposal.

I was engaged by the adjoining owners of 56 Allen Street Glebe, for their previous DA, and I understand the context of the site well.

As you are aware this current DA follows on from a previous DA (D2023/790) that Council considered so badly conceived and put together that the Council refused the DA without consultation with the proponents. As you are aware, refusing a DA without the applicant being invited to amend the proposal is rare and happens when an application is so bad that it cannot be fixed.

The current proposal has not altered the scheme significantly. A unit is now dedicated to affordable housing which has in effect increased the allowable FSR and the height has been marginally reduced to comply with height. However the proposal still seeks to provide the same bulk as previously proposed, which results in a two storey form across the site which results in severe and non-compliant amenity impacts to the neighbour at 56 Allen Street.

The current proposal has no regard for the town planning controls, no regard for neighbour's amenity and provides poor justifications for the many environmental impacts and non-compliances. Given the extent of the non-compliances and due to the proposal already being refused previously, I urge Council to just refuse the DA again. This DA can't be amended to make it approvable, it's too extreme in its impacts and non-compliances.

Town planners generally agree with Roseth SC in NSWLEC Pafburn v North Sydney Council:

'People affected by a proposal have the legitimate expectation that the development on adjoining properties will comply with the planning regime.'

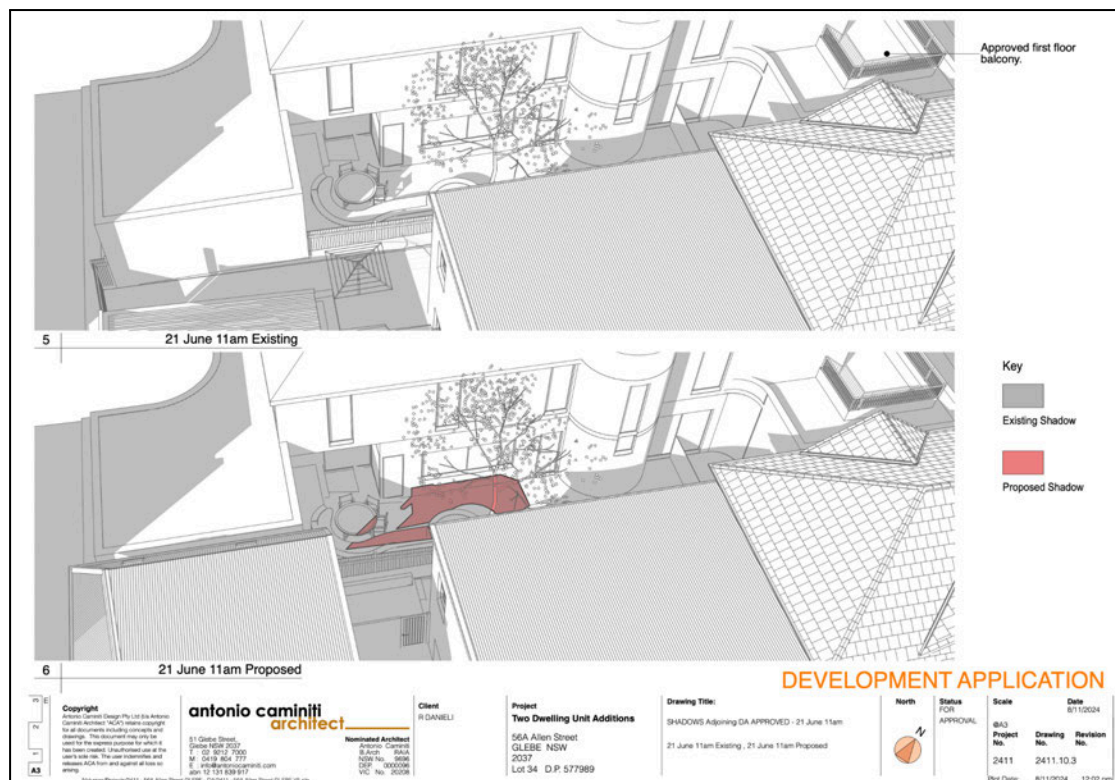
From the perspective of the owners of 56 Allen Street, the extreme non-compliance results in increased and unacceptable non-compliant solar access, outlook and amenity impacts to the adjoining residents.

56 Allen Street has its open space area to the rear of the site. The recent development consent approved its open space area to the northeast corner of the site, adjacent to the existing only single level portion of 56A Allen Street. The proposal will effectively create a two storey form along the whole of the development site, resulting in an unacceptable outlook and increased overshadowing.

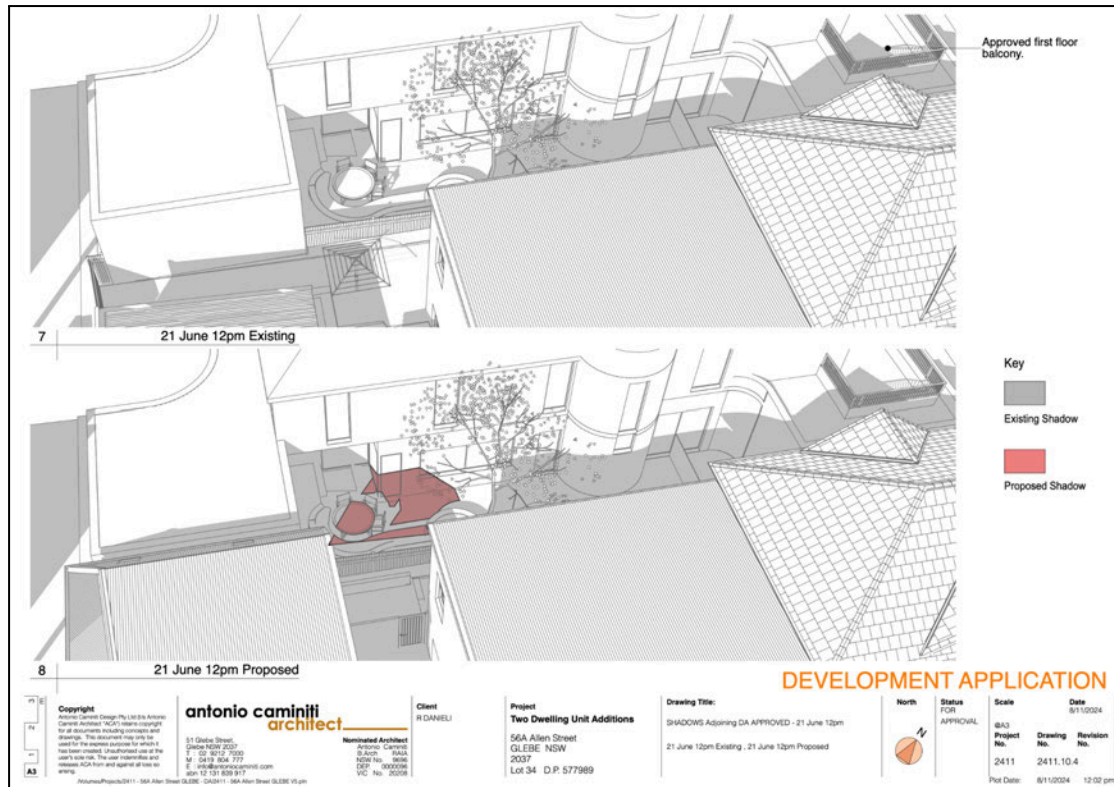
The submitted SEE has not properly acknowledged or justified this impact.

Overshadowing

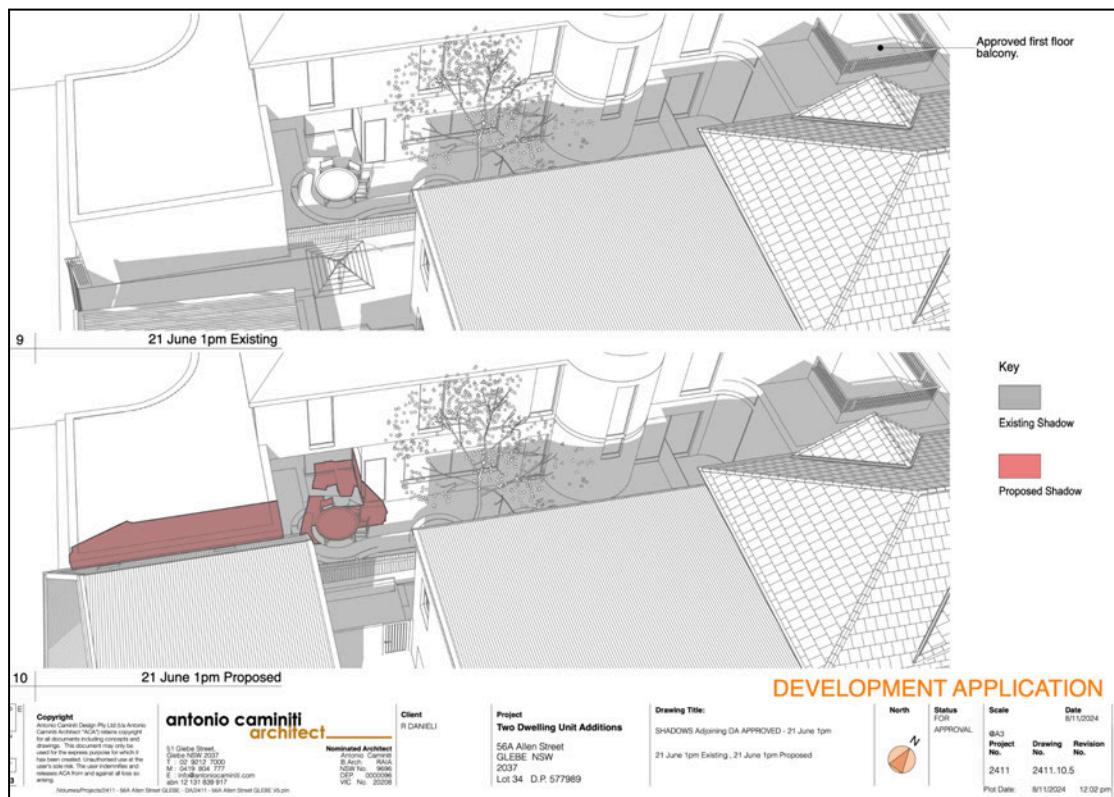
The proposal is contrary to Section 4.1.5 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979 as it will have unacceptable impacts upon the amenity of neighbour's property, specifically with regard to solar access and outlook.



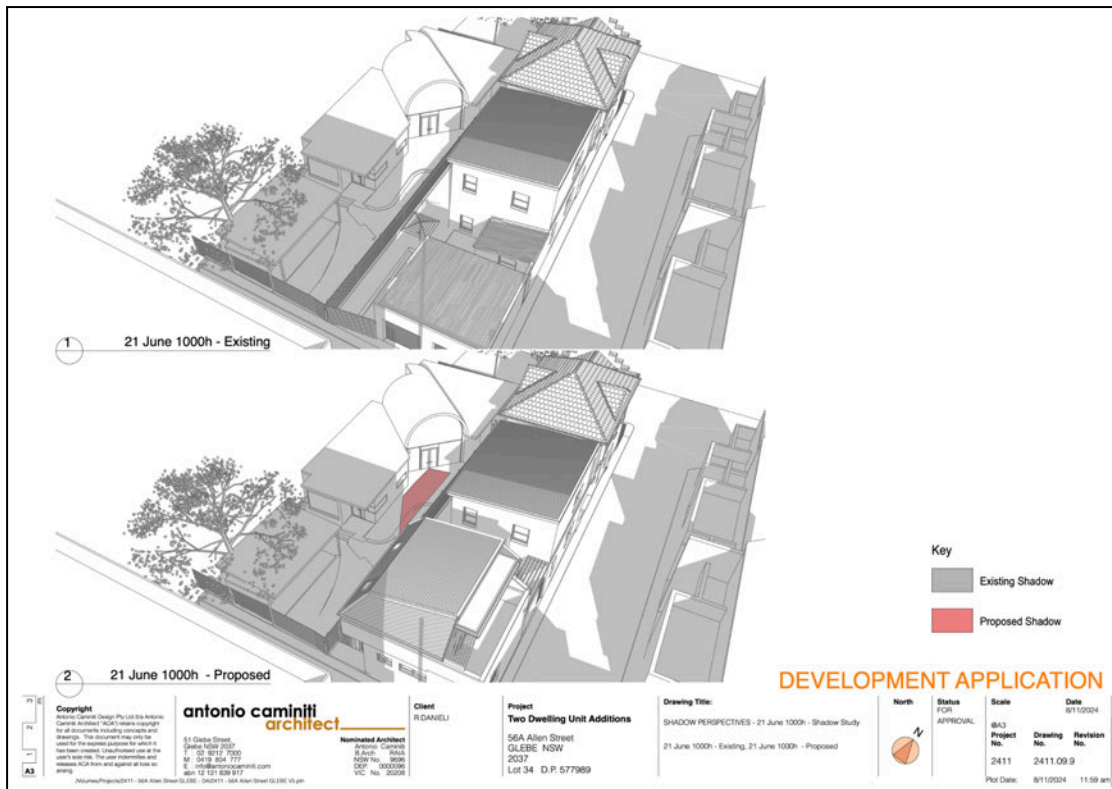
Shadows - 11am, 21 June - Showing impacts on neighbouring approved building form, noting that the proposal does not comply. The small amount of open space that receives solar access has its solar access removed. This is the case in ALL of the following images.



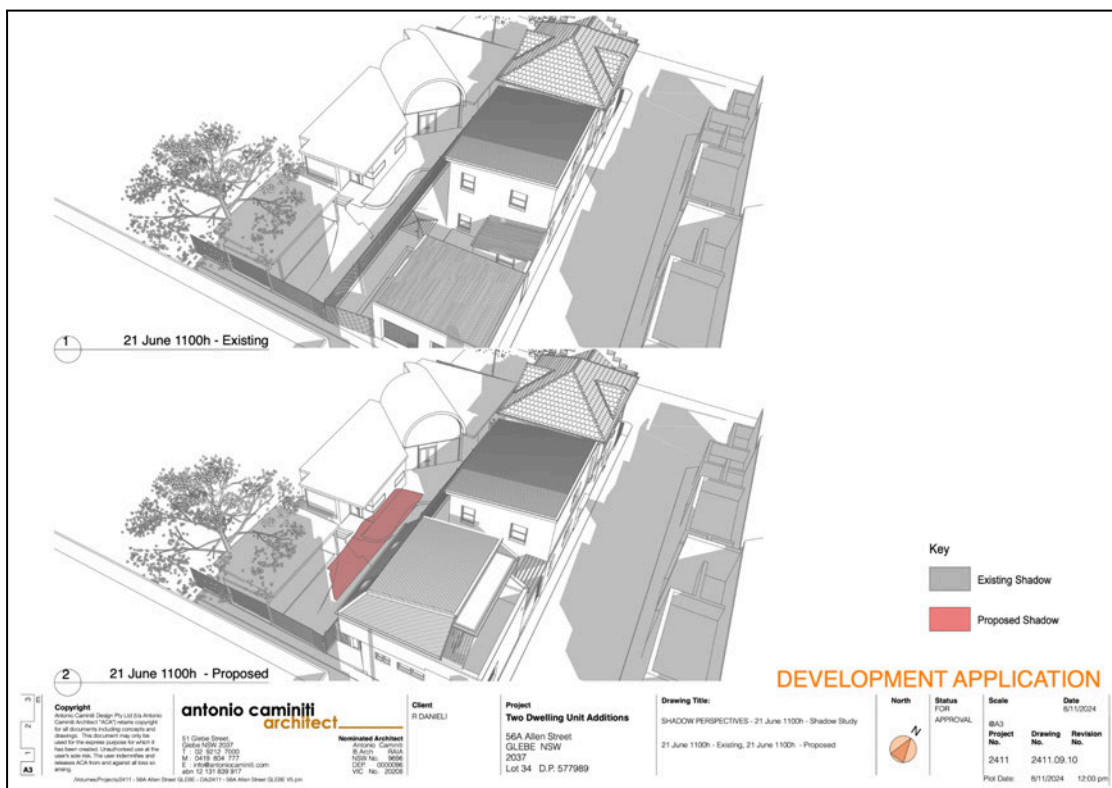
Shadows - 12 noon, 21 June - Showing impacts on neighbouring approved building form, noting that the proposal does not comply.



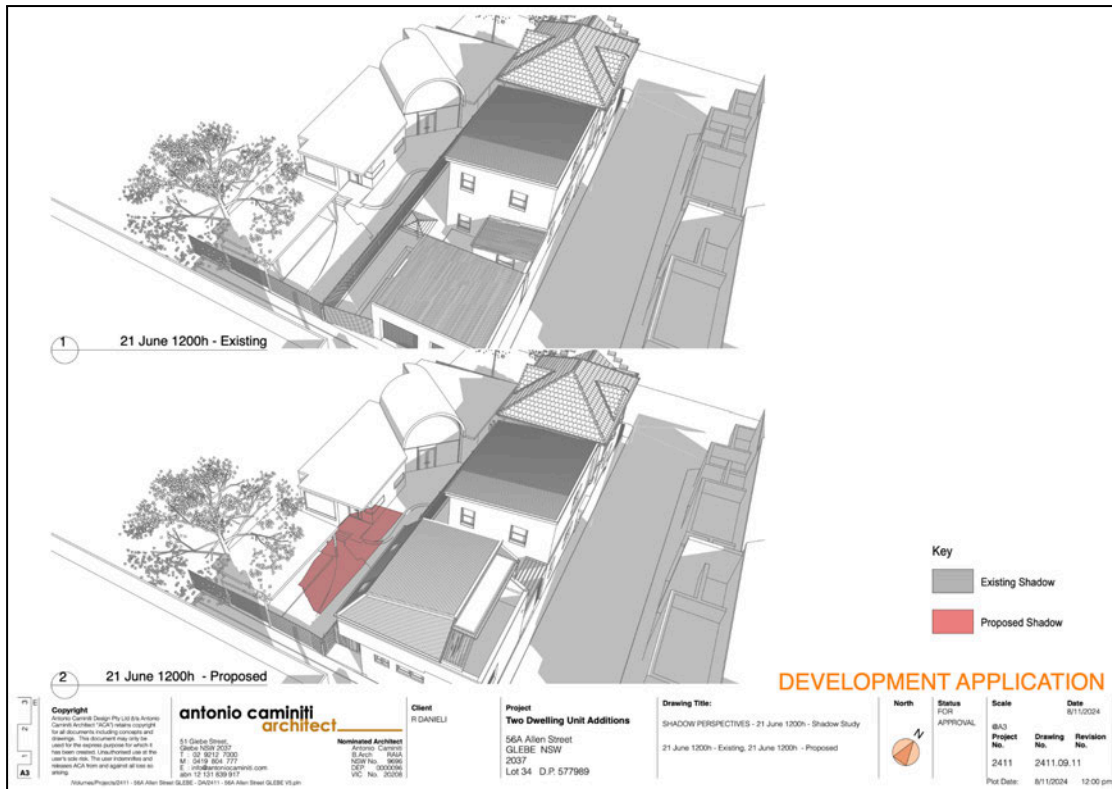
Shadows - 1pm, 21 June - Showing impacts on neighbouring approved building form, noting that the proposal does not comply.



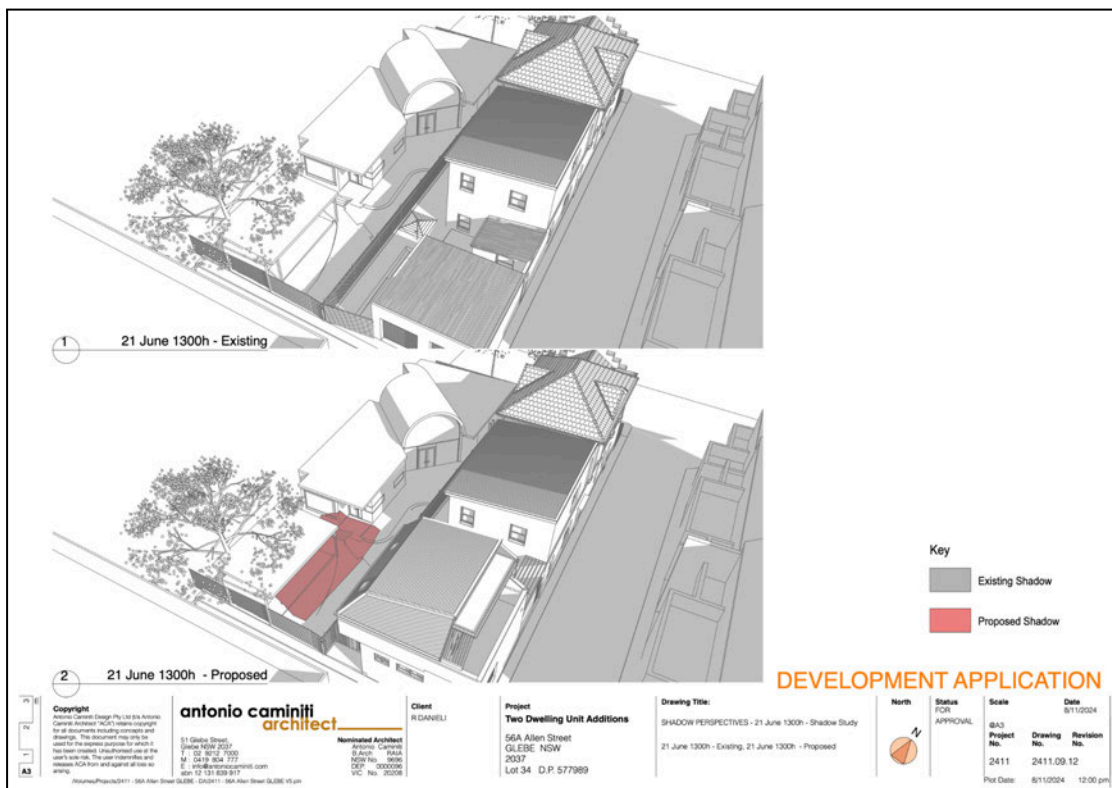
Shadows - 10am, 21 June - Showing impacts on neighbouring existing building form, noting that the proposal does not comply.



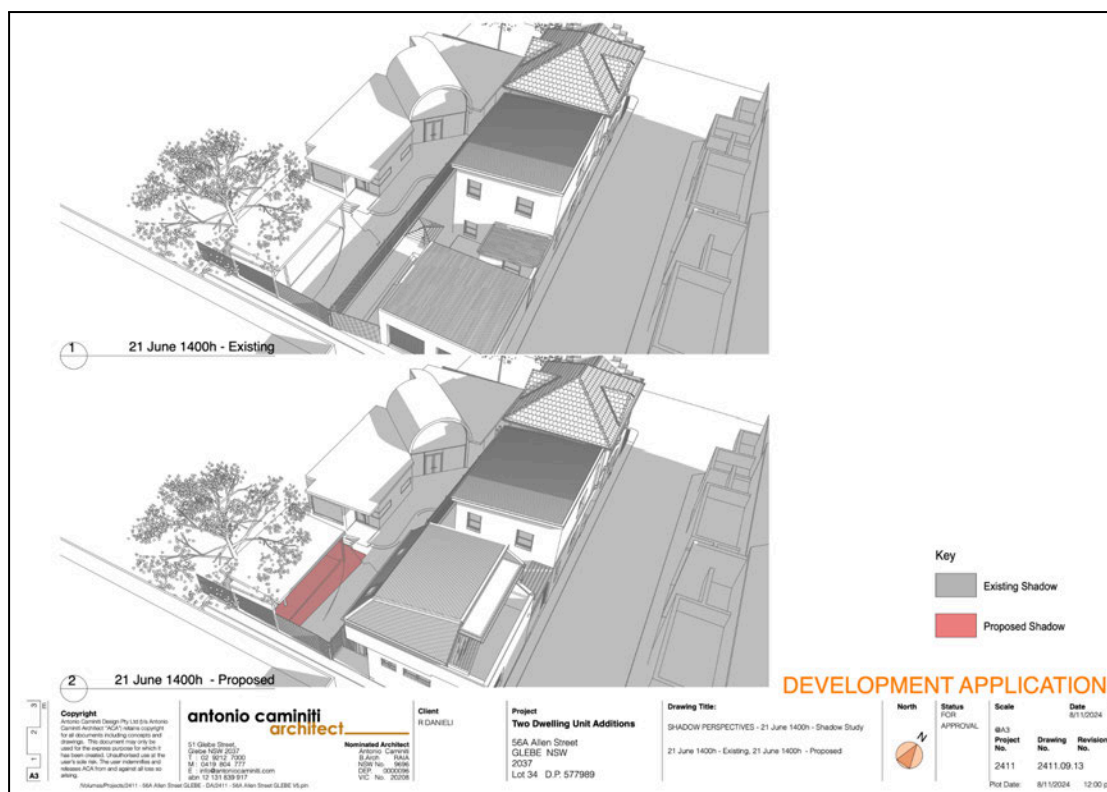
Shadows - 11am, 21 June - Showing impacts on neighbouring existing building form, noting that the proposal does not comply.



Shadows - 12 noon, 21 June - Showing impacts on neighbouring existing building form, noting that the proposal does not comply.



Shadows - 1pm, 21 June - Showing impacts on neighbouring existing building form, noting that the proposal does not comply.



Shadows - 2pm, 21 June - Showing impacts on neighbouring existing building form, noting that the proposal does not comply.

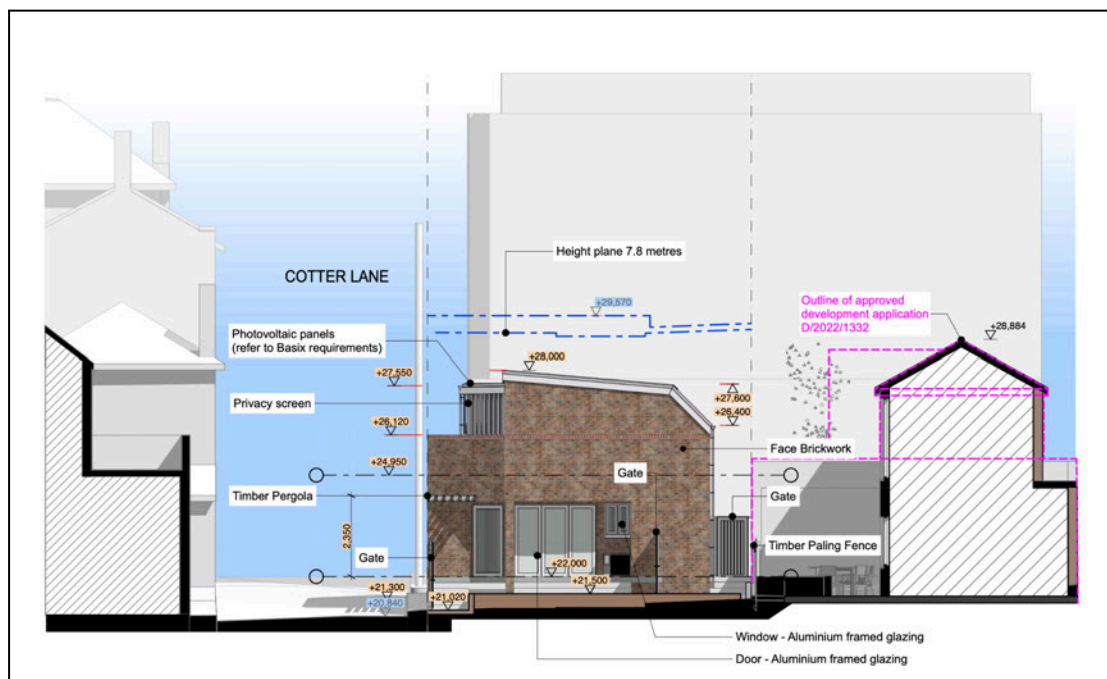
The shadow diagrams above demonstrate that the proposal does not comply with Council's DCP rules. The diagrams show that both the existing and proposed (in relation to the approved form on No.56) rear POS is overshadowed to the extent that virtually no part of the POS will receive solar access on 21 June. What little area of open space that receives solar access will have that solar access removed by the sheer 2 storey form. Also, I note that the applicants have submitted overshadowing diagrams for March which has nothing to do with the requirements of the planning controls. These diagrams are provided to the front of the shadow diagram set of drawings, in an attempt to lessen the degree of impact. I also note that the SEE notes overshadowing being 'compliant on merit', which translates to 'does not comply'. To explain the non compliance by saying that there will be significant overshadowing impacts because there are now two storeys is an odd and unusual justification.

It is noted that the development site itself does not allow for solar access to its open space area, noting that the proposed form is an overdevelopment.

Outlook

The proposal will result in an unacceptable outlook from 56 Allen Street to the development site. The outlook will be of a two storey plus roof form along the whole of the development site. No other building in this row has a rear building line that extends to the rear boundary. The severe outlook is avoidable. Again no commentary on this amenity impact. There should be a side setback with a new two storey form in the boundary. This is not achievable

and hence the sheer two storey form is proposed. The submitted SEE only talks about the outlook from the new apartments. The SEE has not fully assessed the impacts.



Relationship between the subject new two storey form and the rear/open space area of the neighbour at No.56 Allen Street. The impact on outlook and amenity is not appropriate.

Bulk

Whilst the applicant has now provided a unit for affordable housing and therefore now complies with FSR, the bulk of the proposal is still inappropriate given the context of the site. The 30% additional FSR provided by the provision of 1 affordable rental unit has allowed an obviously too bulky proposal to now comply. The proposed bulk still results in the same amenity impacts as the refused DA, nothing has changed in terms of amenity impacts.

The amenity impacts this degree of non-compliance is unreasonable and unjustifiable as evidenced by the lack of justification in the submitted documents. The proposal tries to associate the subject site with neighbouring sites to the north, however it is clear from Council's LEP standards with respect to FSR and Height that Council relates this site to Allen Street given the site's address and orientation.

Heritage

The proposal has an adverse impact on the Glebe Point Heritage Conservation Area. The proposal will make this already bulky building significantly bulkier. The intention of planning controls relating to the HCAs is to improve those areas not make buildings even less detracting.

Rear Setback

As mentioned earlier the proposal does not provide a rear setback that mimics that of the neighbouring rear setbacks. Council's DCP requires that rear setbacks match that of neighbouring rear setbacks.

Amenity of the Subject Units and Existing Units

The existing residents at the site will experience reduced open space areas and their shared laundry will be removed.

The existing private open space area is significantly reduced to areas that are largely in shadow. The area is also narrow and does not comply with DCP requirements in terms of width of the space. The provision of solar access to the development site itself has not been provided. Again this is a symptom of overdevelopment.

Deep Soil

The proposal does not comply with the deep soil area requirement due to the width of the areas included in the area calculated.

Design Excellence

Council requires development proposals to exhibit design excellence. The proposal by virtue of it being an overdevelopment of the site, and the severe and unjustified environmental impacts does not exhibit design excellence.

I trust this response is useful when assessing the proposed development. The owners of No.56 Allen Street would invite you to view the property from their rear garden to gain a better understanding of the impacts of the proposal.

Yours faithfully,



Damian O'Toole MPIA
Director
MA Town Planning
Grad Dip Heritage Conservation