

5 January 2022

Lotti Wilkinson  
Sydney City Council  
dasubmissions@cityofsydney.nsw.gov.au;

Dear Ms Wilkinson

Ref Renotification DA: D/2021/729, 49 Greek Street GLEBE NSW

I write objecting to the renotification of the above development application which involves the demolition of two former warehouses at 7 Franklyn Street and 49-51 Greek Street and replacing them with 77 self-contained boarding rooms.

The relevant controls are the Sydney Local Environmental Plan, 2012, the Sydney Development Control Plan 2012 and the State Environmental Planning Policy (Affordable Rental Housing) 2009.

The State Environmental Planning Policy (Affordable Rental Housing) 2009 provides additional FSR as an incentive for the provision of affordable rental housing.

It also requires under provision 6A that

*A consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area.*

The DA is not compatible with the character of the local area in terms of its built form, impact on its neighbours and impact on traffic and parking.

It also involves excavation which the geotechnical report indicates may have a deleterious effect on neighbouring properties including the cottages across the road in Franklyn Street.

The basis of the non-compliance of the application, and the reasons it must be rejected, is set out in more detail below.

#### **A: Sydney Development Control Plan 2012**

The development is located in the Mountain Street Locality. Its objectives are that *the area will continue to provide a diverse and sustainable mix of uses in restored and adaptively reused early warehouse buildings or in new buildings whose bulk and scale is appropriate to the large lots and existing urban form.*

The relevant principles are that:

*(a) Development must achieve and satisfy the outcomes expressed in the character statement and supporting principles*

*(c) Encourage simple forms where appropriate to recognise the predominant warehouse character.*

*(d) Maintain the prominent Federation warehouse character of the area by retaining warehouse and building facades and sympathetic adaptive reuse.*

No 7 Franklyn Street is on a corner site, is well modelled, and plays an important role in defining the character of the area.

Principle (d) above indicates that the facades of warehouses should be retained and adapted for reuse. There are many successful examples of this in Ultimo and Chippendale. Sometimes these adaptations have involved the provision of additional height which has been sensitively differentiated from the original warehouse façade by means of a setback (refer to Figure 2 below).



*Figure 1 The proposal involves demolishing the warehouse shown on the right and its neighbour, not pictured, in Greek Street. Number 7 Franklyn Street makes a significant contribution to the streetscape and the character of the area.*



Figure 2 The warehouse facade should be retained and adapted as has been done at 25 Buckland Street Chippendale (image Google Street view)

Section 4.15 1 iii of the NSW EPA Act requires development control plans to be taken into account in evaluating development applications.

As indicated above the design of the development does not comply with the Mountain Street Locality Statement in the DCP. The fact that the Statement of Environmental Effects accompanying the application incorrectly describes the development as being in the Glebe Point Road Locality suggests that little, or indeed no consideration has been given to the relevant DCP in the design of the development.

### **Urban Design Review Process**

The 30 November 2021 Urban Design review by architectus argues that the applications non-compliance with the height controls is acceptable, *particularly when compared to the changes proposed for the social housing site to the north*. This refers to a concept plan the NSW Land and Housing Corporation have circulated for community consultation for possible redevelopment of the neighbouring Franklyn Street estate. This a concept only, has not been finalised and could not be erected without rezoning. As such it cannot be used to justify non-compliance with the height provisions currently applying to 7 Franklyn Street.

### **B Scale and Impact**

#### **The Entry**

With 77 double rooms, the boarding house could accommodate up to 154 people. The front door is located on Franklyn Street within 8 metres of the adjoining terrace houses. The entry of residents and their guests will be through this one point. This constitutes an unreasonable impact on neighbours and needs to be ameliorated.

### **The Roof Terrace**

The rooms are very small and only 34 rooms have balconies. The roof terrace will potentially be used by up to 154 residents plus their guests.

Council's recent advice to the Sydney Local Planning Panel in the DA for 34 Avona Avenue, Glebe (DA: D/2020/1453), which the LPP accepted, was to delete a roof terrace because *it is considered inappropriate in the context of apartment buildings and terraces in such a dense urban environment. The terrace allows for the congregation of large groups of people, creating adverse visual and acoustic privacy impacts to surrounding development, contrary to Section 4.1.8(b) of the Sydney DCP 2012 (Section 4.1.8 (b) requires balconies, verandahs and decks to respect the visual and acoustic privacy of neighbours)* applies even more strongly here because the DA is for a boarding house which could accommodate up to 154 residents.

### **Parking**

There is no provision for parking. The DA argues that *this non-compliance is considered acceptable because of site constraints which restrict the safe manoeuvring of vehicles where it is located at a narrow one-way street system.*

The rationale that because the vehicular access is narrow and difficult the solution is to have no parking is perverse. The boarding house will still generate traffic and that traffic will be negotiating a road system which is narrow and difficult. The solution is to reduce that impact by reducing the number of rooms.

### **Height**

The permissible height under the DCP is 15 metres but the height of the development is 17.25 metres. The applicant has lodged a section 4.6 variation request under the 2012 LEP.

The request should be refused on the following basis:

Section 4.6 1 (b) permits a variation to the standard in order *to achieve better outcomes for and from development.*

The variation will not achieve better outcomes for the development. This is because:

- The variation in height allows the development to accommodate 77 rooms whereas if the development complied with the height control in the LEP there would be fewer rooms. As has been shown above, the scale of the development has an unreasonable impact on the area.
- The design is not *compatible with the character of the local area* (Clause 6A Boarding House SEPP) and it does not comply with the Future Character Statement of the Mountain Street Locality.
- The additional height is needed to accommodate the lift overrun for the roof terrace. The roof terrace does not comply with section 4.1.8(b) of the Sydney DCP 2012 which requires balconies, verandahs and decks to respect the visual and acoustic privacy of neighbours.

Therefore, compliance with the development standard:

- is reasonable and necessary in the circumstances of the case (re. 4.6.3(a))
- there are insufficient environmental planning grounds to justify contravening the development standard (re. 4.6.3(b))
- the proposed development is not consistent for development within the zone (re. 4.6. 4 (a) (ii))

The section 4.6 variation request should be rejected.

Affordable housing has a place in Glebe but it should, as the Affordable Housing SEPP indicates, be *compatible with the character of the local area*.

In this case that means preserving the warehouse façade of 7 Franklyn Street which is a corner site (corner sites are important contributors to the character of an area), reducing the number of rooms to take account of the narrow one-way street, designing the roof terrace so it does not have unacceptable impacts on the privacy of neighbours and complying with the height controls.

Accordingly, this application should be rejected.

Yours sincerely

A handwritten signature in black ink that reads "Ian Stephenson". The signature is written in a cursive style and is positioned above a horizontal line.

Ian Stephenson  
President