

**ITEM 13. POST EXHIBITION - 2-32 JUNCTION STREET, FOREST LODGE -
PLANNING PROPOSAL AND DRAFT AMENDMENT TO SYDNEY
DEVELOPMENT CONTROL PLAN 2012**

FILE NO: X000094

SUMMARY

Redevelopment of the former industrial site at 2-32 Junction Street, Forest Lodge provides an opportunity to extend and improve an existing public park, increase local accessibility with a through-site link, retain a Federation warehouse building and contribute to the City's urban renewal and housing objectives.

The planning proposal seeks to amend the floor space ratio control from 1:1 to 1.56:1 and the 12m height control to allow for buildings up to 19 to 25 metres (4 to 6 storeys). These amended controls can only be accessed where an extension to existing public open space and a through-site link is provided.

This site is located in the Hereford and Forest Lodge conservation area. Buildings to the east are 1 to 2 storey Victorian terraces and to the west 5 to 8 storey apartment buildings. Redevelopment will provide a transition between these densities and enable infill development of 87 apartments within walking distance of public transport and easy access to employment, education and other local services.

In October 2016, prior to the Council and Central Sydney Planning Committee (CSPC) resolutions, the proponent applied for a rezoning review to amend the maximum to FSR of 1.75:1. This review by the Planning Assessment Commission can be requested if a council has not indicated support or responded to a proposal, or submitted a request for a gateway determination within 90 days. The Commission did not support the FSR request by the proponent because of the impacts on surrounding development, the need for further heritage assessment and further investigation of public benefits. The City made subsequent amendments to the proponent's scheme to reduce the impact of the proposals on surrounding development and secure more publicly accessible open space.

In October 2016, Council and the Central Sydney Planning Committee resolved to seek a gateway determination from the Department of Planning and Environment to allow exhibition of the planning proposal, with the accompanying draft development control plan. The City received the gateway determination in December 2016, which included a requirement to undertake additional heritage assessment prior to public exhibition. The planning proposal was finalised and then publicly exhibited for a period of 28 days. In response to the public exhibition, 66 submissions were received.

The key issues raised in submissions include concerns about the height and scale of the development on the conservation area, impacts on traffic, parking and public transport infrastructure, overshadowing of surrounding residential development, and quality of the public open space.

This report recommends no changes to the planning proposal and only minor changes to the draft development control plan as a result of submissions received. It recommends that the Central Sydney Planning Committee endorse the Planning Proposal for submission to the Greater Sydney Commission for finalisation and making as a local environmental plan, and note the recommendation to Council's Planning and Development Committee to adopt the Development Control Plan.

RECOMMENDATION

It is resolved that:

- (A) the Central Sydney Planning Committee note the matters raised in submissions received in response to the public exhibition and public authority consultation of *Planning Proposal Sydney Local Environmental Plan 2012: 2-32 Junction Street, Forest Lodge* and *Draft Sydney Development Control Plan 2012 – 2-32 Junction Street, Forest Lodge*, as shown at Attachment F to the subject report;
- (B) the Central Sydney Planning Committee approve *Planning Proposal Sydney Local Environmental Plan 2012: 2-32 Junction Street, Forest Lodge*, as shown at Attachment A to the subject report, and request the Greater Sydney Commission to make as a local environmental plan under section 59 of the *Environmental Planning and Assessment Act 1979*;
- (C) the Central Sydney Planning Committee note the recommendation to Council's Planning and Development Committee on 27 November 2017 that Council approve *Draft Sydney Development Control Plan 2012 – 2-32 Junction Street, Forest Lodge*, as shown at Attachment B to the subject report, noting that the approved development control plan will come into effect on the date of publication of the subject local environmental plan; and
- (D) the Central Sydney Planning Committee note the recommendation to Council's Planning and Development Committee on 27 November 2017 that authority be delegated to the Chief Executive Officer to make any minor amendments to the *Planning Proposal Sydney Local Environmental Plan 2012: 2-32 Junction Street, Forest Lodge* and *Sydney Development Control Plan 2012 – 2-32 Junction Street, Forest Lodge Amendment* to correct any minor errors or omissions prior to finalisation.

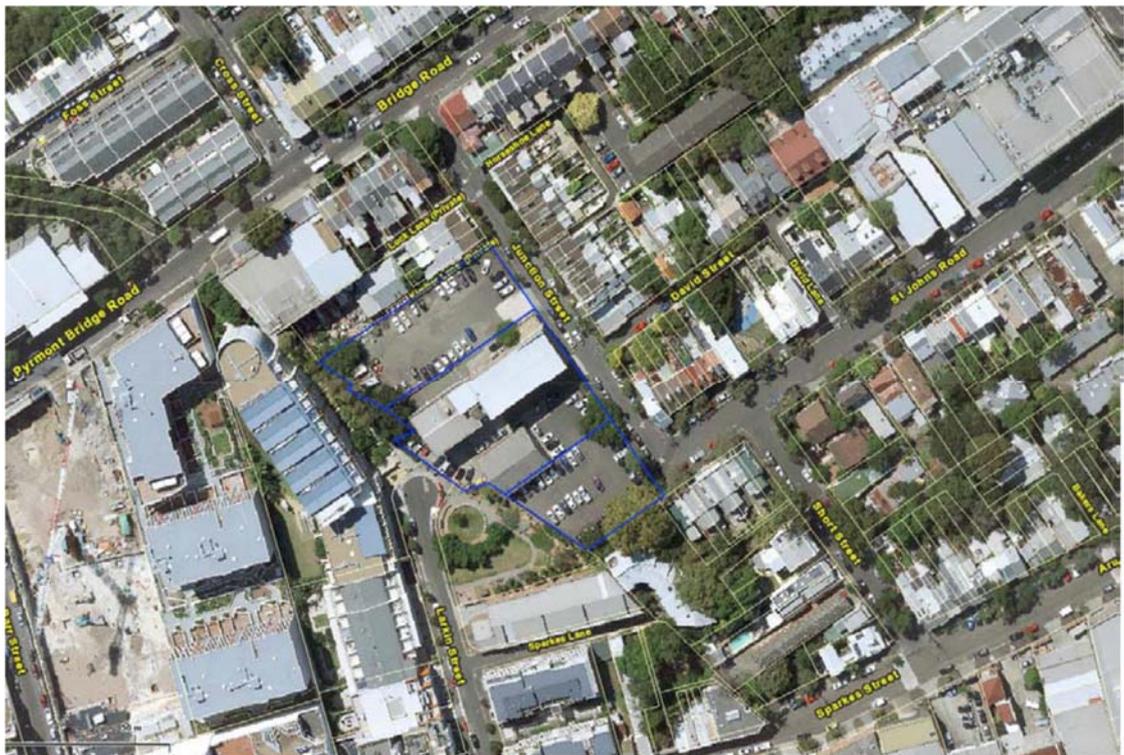
ATTACHMENTS

- Attachment A:** Planning Proposal Sydney Local Environmental Plan 2012: 2-32 Junction Street, Forest Lodge, September 2017
(Note – Hard copies of Appendix C to Attachment A will be circulated separately from the Agenda Paper and in limited numbers. It will be available for inspection on Council's website and at the One Stop Shop and Neighbourhood Service centres)
- Attachment B:** Draft Sydney Development Control Plan 2012 – 2-32 Junction Street, Forest Lodge Amendment November 2017 (post-exhibition changes shown with ~~strikethrough~~ (deletions) and *italics* (additions))
- Attachment C:** Resolution of Council of 24 October 2016 and Resolution of the Central Sydney Planning Committee of 13 October 2016
- Attachment D:** Gateway Determination, 19 December 2016
- Attachment E:** Planning Assessment Commission Rezoning Review Recommendation Report, 1 December 2016
- Attachment F:** Summary of submissions

BACKGROUND

1. This report seeks Central Sydney Planning Committee (CSPC) approval of a planning proposal for 2-32 Junction Street, Forest Lodge. The planning proposal, at Attachment A, seeks to amend *Sydney Local Environmental Plan 2012* (Sydney LEP 2012). The Draft DCP, at Attachment B, seeks to amend *Sydney Development Control Plan 2012* (the DCP).
2. Council and the Central Sydney Planning Committee approved the planning proposal and draft DCP for public exhibition on 24 October 2016 and 13 October 2016, respectively. The Council and CSPC resolutions are included at Attachment C. The Department of Planning and Environment issued a gateway determination setting out the requirements for the public exhibition on 19 December 2016. The gateway determination is at Attachment D.
3. The site is approximately 4,824sqm and shown in Figure 1 below. Existing development on the site comprises a three storey warehouse building used for office purposes located towards the middle of the site and a single level workshop located to the south of the warehouse building. The remainder of the site is open, covered in asphalt and concrete, and used for storage and car parking.

Figure 1: Aerial photo of the site edged in blue



4. Development to the north includes a private laneway known as Kimber Lane and a single level residential terrace at 34 Junction Street. To the east is Junction Street and 12 residential terrace houses ranging in height from one to two storeys. A residential complex at 2A Short Street, comprising a series of two storey terrace houses, is located to the south.

5. Larkin Street Reserve, an eight storey residential flat building at 1-3 Larkin Street and a five to six storey residential flat building at 5-13 Larkin Street are to the west.

Amendment request and rezoning review

6. During 2014-2016, the landowner requested changes to increase the floor space ratio to 1.75:1. The City's analysis did not support the landowner's request, but found that an FSR of 1.56:1 could be accommodated. This level of development was endorsed by Council for submission for a gateway determination in October 2016.
7. In October 2016, the proponent sought a rezoning review from the Planning Assessment Commission to increase the FSR to 1.75:1 and height from 12 to 25 metres.
8. A proponent may request a rezoning review by the Planning Assessment Commission if a council has not indicated support or responded to a proposal within 90 days. The Commission will determine whether proposals are consistent with regional plans and objectives and meet a strategic merit test. If the proposals meet the strategic test, it then determines whether they have site-specific merit regarding the impact on the natural environment, existing and future uses and the implications for services and infrastructure. To be successful, a proponent must meet both the strategic and site-specific merit test.
9. In this case, the Commission found that the site met the strategic merit test because it would contribute to the City's housing targets and deliver infill housing in an area accessible to public transport, walking and cycling connections. However, due to the amenity impacts, including overshadowing and solar access, and the need for further heritage assessment, the Commission concluded that the merit for the proposed height and FSR had not been established and that the request for a rezoning review should not proceed. The Commission's report is included at Attachment E.

PUBLIC CONSULTATION

Exhibited controls

10. The planning proposal, shown at Attachment A, is to increase maximum floor space ratio from 1:1 to 1.56:1 if publicly accessible open space to expand Larkin Street Reserve and a link through the site is provided. It increases the maximum building height from 12 metres to RL29.5-35.5 metres, which is equivalent to 19 to 25 metres above ground level or 4 to 6 building storeys.
11. Clause 6.21 of the Sydney LEP 2012 allows the consent authority to consider the granting of up to 10 per cent additional height or floor space (above the development standards in the LEP) to a development that achieves design excellence and is the result of a competitive design process. Before any additional floor space is awarded, a design excellence strategy will need to be endorsed by the consent authority in accordance with clause 6.21 of the LEP. If the 10 per cent additional floor space for design excellence is awarded, the floor space ratio for this site could be increased to 1.72:1.
12. The draft DCP provides planning controls for the maximum building envelopes, dedication of new publicly accessible open space and a link through the site, flood risk management, landscaping and heritage conservation. The draft DCP proposes to change the existing warehouse on the site from 'detracting' to 'contributory.'

13. The exhibited planning controls will enable development that includes:
 - (a) Retention and conservation of the existing warehouse building with the opportunity to build up to four storeys at the rear of the building, subject to demonstrating design excellence.
 - (b) Three new residential flat buildings, with approximately 87 new dwellings. The buildings transition from 4 to 6 storeys on the Larkin Street side to 3 to 4 storeys on the Junction Street side.
 - (c) A new car park, with the floor level elevated to the 5 per cent annual exceedance probability flood planning level, RL13.1 metres, equivalent to approximately 2.6 metres above the existing ground level.
 - (d) Dedication of approximately 450sqm of land for new public open space to expand Larkin Street Reserve from 1,055sqm to approximately 1,550sqm.
 - (e) Dedication of land for a new publicly accessible pedestrian and cycling link through the site, connecting Junction Street and Larkin Street.

Public exhibition

14. The planning proposal and draft DCP amendment were publicly exhibited from 7 August to 4 September 2017. Relevant documents were available for viewing at the One Stop Shop, the Glebe Neighbourhood Service Centre and on the Sydney Your Say website. The City sent approximately 236 letters to landowners and residents to notify them of the public exhibition. The exhibition was also advertised in the Central Sydney magazine, The Sydney Morning Herald, and the Sydney Your Say e-newsletter.
15. The City received a total of 66 submissions following public exhibition. The issues raised in submissions and the City's response are summarised at Attachment F. Key issues raised in submissions are discussed later in this report. Minor changes to the draft DCP are proposed as a result of submissions received.

Issues arising from public authority consultation

16. The City also consulted the NSW Office of Environment and Heritage and Roads and Maritime Services in accordance with the gateway determination. Submissions from Roads and Maritime Services and the NSW Office of Environment and Heritage do not raise any objections to the planning proposal and draft DCP.
17. A submission was received from Ausgrid outlining conditions which should be applied to any future development consent. These conditions relate to the need to achieve minimum safety distances from Ausgrid overhead power lines, underground cables, substations and an electricity easement on the site. The City has initiated discussions with Ausgrid about the location of a substation and easement on the site. Any relocation of the substation to accommodate the built development will be addressed at the development application stage, with any agreed relocation being at the developer's cost.

Issues arising from public exhibition

Height and scale

18. The most common matter raised in submissions is that the height and scale of the new development are not consistent with the character of existing development and the heritage conservation area.
19. The site is at the edge of the Hereford and Forest Lodge Conservation Area and the former industrial area of Camperdown, which has undergone urban renewal over the last decade. The conservation area is characterised by a dense pattern of narrow streets and two storey Victorian terraces within Junction Street. The three storey Federation warehouse is proposed to be identified as a contributory building in the conservation area and retained. To ensure that scale of the Federation building maintains visual prominence along Junction Street, the proposal will establish a continuous building frontage along Junction Street consistent with the height of the Federation warehouse.
20. Development to the west of the site bounded by Larkin Street, Bridge Road, Barr Street and Parramatta Road contrasts with development in the conservation area. This area is characterised by a higher density of development, including residential flat buildings from 5 to 8 storeys in height.
21. The proposal provides a transition between the lower scale development of the conservation area along Junction Street and the 5 to 8 storey development to the west. It places higher development of 4 to 6 storeys towards the existing 5 to 8 storey development to the west along Larkin Street. Building heights reduce to 4 storeys, with a 3 storey street frontage height towards the 1 to 2 storey scale of the conservation area. Figure 2 shows the site in context with the height of surrounding development to the east on Junction Street and west on Larkin Street.
22. The DCP amendment identifies areas where additional floor space could be located if the landowner is awarded 10 per cent additional floor space for design excellence. To achieve design excellence, the proposal would be subject to a competitive design process. This process will ensure that neighbourhood and heritage character is fully considered in any future development application, and that the articulation of the building reflects the fine grain character of the terraces on Junction Street.

Figure 2 Proposed building heights of 2-32 Junction Street and surrounding development to the east and west.



Impact on traffic network and parking

23. Submissions state that additional traffic will increase congestion on Junction, Larkin and Ross Streets. Submissions also state concerns that the proposal will result in a loss of on-street parking.
24. The site currently accommodates a car park of 100 spaces for the sole use of the existing commercial use, and is accessed from Junction Street.
25. The City commissioned an updated traffic assessment of the proposal in October 2017. This assessment concluded that a development of 87 apartments would significantly reduce the number of vehicle trips to and from the site compared to the existing commercial use, with 25-26 vehicle trips per hour in the morning and afternoon peak periods.
26. As the vehicle access will remain on Junction Street, the only change would be the direction of traffic during the peak periods, with trips generated from the residential development being out of the site in the morning and returning during the afternoon. As the impact on Junction Street and intersections would be less than the current situation, no remedial measures are required.
27. At the planning proposal stage the proposed mix of residential units and amount of on-site car parking is not known. Future development will be required to comply with the on-site parking rates in *Sydney Local Environmental Plan 2012* (LEP). Future on-street car parking arrangements will be managed through the Council's existing resident parking scheme which means new residents will not be issued with on-street parking permits.
28. This traffic assessment demonstrates that there is capacity in the network to accommodate trips from the proposed residential development, and will be updated in future development applications.

Public open space

29. Submissions raise concerns that not enough public open space is to be provided to meet the needs of existing and future residents in the area and that this space will be overshadowed and underused.
30. The Larkin Street Reserve is currently 1,055 sqm in area and is identified in the City's *Draft Open Space and Recreation Needs Study 2016* as adjacent to an area where more open space is required. The study prioritises the location of high quality open space (1,500sqm or more in area) within 400 metres of all residents.
31. The proposed extension to Larkin Street Reserve by 450sqm will increase the existing open space by almost half to provide a total of 1,550sqm of open space. The increased open space will extend the reserve setting and increase its usability and the diversity of uses that can occur within it.
32. The through-site link from St Johns Road and Junction Street will increase accessibility to the open space from Junction Street and St Johns Road for neighbouring residents. The new connections will bring more residents within 400 metres walking distance of the park. Figure 3 shows an indicative plan of the configuration of the publicly accessible open space.

Figure 3 Indicative plan for the proposed public open space



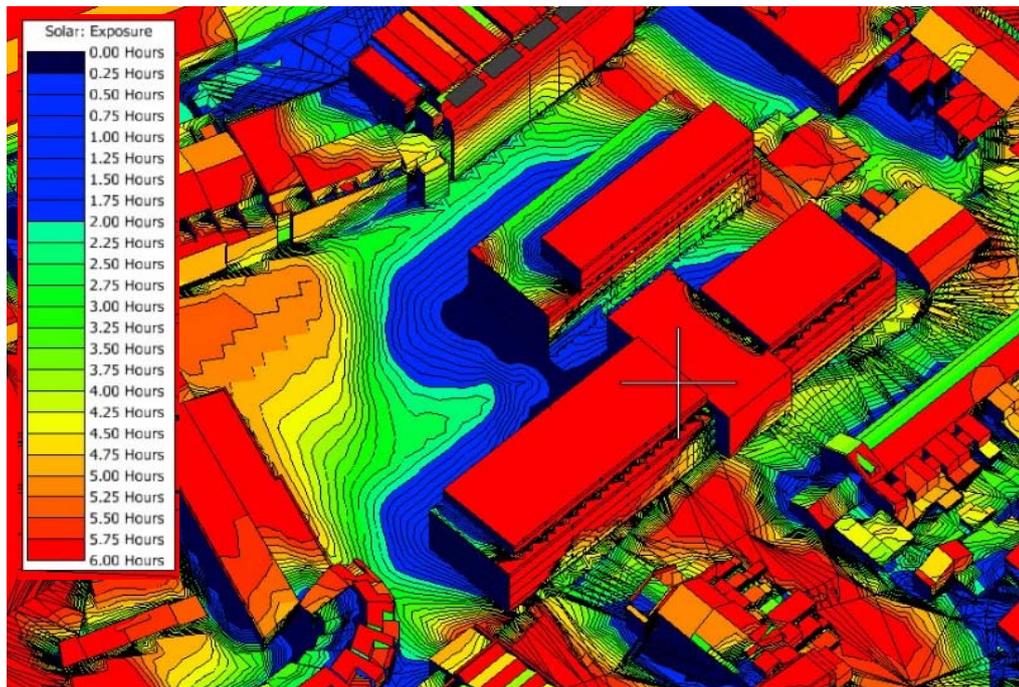
- proposed boundary
- existing boundary
-  extension to Larkin Reserve at grade with existing - total resultant area 1550 sq. m.
-  new lane at even grade from St Johns Rd to Larkin Reserve
-  existing area to Larkin Reserve
-  landscaped area
-  paving

33. Solar access to the existing Larkin Street Reserve as a result of the development will comply with clause 3.1.4 of the Sydney DCP 2012 which requires that 50 per cent of the open space receives at least 4 hours sunlight from 9am until 3pm on 21 June.
34. When the existing reserve is combined with the proposed extension to the park, the proportion achieving 4 hours may be less than 50 per cent, although not significantly less. This non-compliance is because the additional land being provided is adjacent to the proposal and is subject to overshadowing. Outside of mid-winter the park will receive adequate sunlight.
35. At the development application stage, the degree of non-compliance with the 4 hour requirement will also be further tested with the potential for overshadowing to the open space to be reduced.
36. The proposal is acceptable, as it will contribute to a strategic need for additional well-connected and usable open space, and the opportunity presented for new open space is rare. More than 50 per cent of the existing Larkin Street Reserve will continue to receive 4 hours of sunlight on 21 June.

Overshadowing of neighbouring properties

37. A submission on behalf of the Owners' Corporation of 1-3 Larkin Street raises concerns about overshadowing from the proposed 4 to 6 storey building near 1-3 Larkin Street. It states that the loss of solar access is significant due to the design of the balconies at 1-3 Larkin Street. Other submissions raise potential overshadowing to 2A Short Street and 34 Junction Street.
38. The Apartment Design Guide sets out minimum requirements for solar access to residential apartments. Part 4A includes an objective that 70 per cent of apartments receive at least 2 hours of sunlight and that no more than 15 per cent of apartments receive no sunlight. If more than 15 per cent of apartments receive no direct sunlight, this proportion cannot be increased. For any apartment's sunlight to be counted, the apartment must receive at least 1sqm on the vertical plane, 1 metre above the floor level for at least 15 minutes.
39. The proposal includes upper level setbacks at levels 5 and 6 of the building fronting 1-3 Larkin Street to reduce the overshadowing impact on 1-3 Larkin Street.
40. As part of the planning proposal, the City undertook urban design analysis to demonstrate that the proposal could comply with the Apartment Design Guide requirements for solar access to new and existing apartments. This included solar access diagrams for mid-winter, one of which is reproduced in Figure 4.
41. The red and green shading indicates areas surrounding the proposal where compliance with the Apartment Design Guide is achieved, where apartments achieve more than 2 hours solar access in winter and therefore comply with the Apartment Design Guide, with areas of blue indicating where compliance is less than the requirement. Some non-compliance is due to south-facing walls which do not receive sun in the control period, or buildings overshadowing themselves.
42. The solar access diagrams indicate that, while there will be some loss of winter sun to apartments, particularly on the lower levels of 1-3 Larkin Street, at least 70 per cent of apartments in 2A Short Street and 1-3 Larkin Street will still be able to receive at least 2 hours of sun in mid-winter. They will receive substantially more sun outside of the mid-winter period. Many of the apartments at 1-3 Larkin Street will continue to receive at least 5 hours or more of sun in mid-winter.
43. The proposal will not cause overshadowing of 34 Junction Street in winter, as this property is located to the north of the proposal.
44. The proponent submitted a detailed solar access study for an alternative larger scheme in November 2015. This study considered the amount of sun received in apartments behind balconies. An extract of the study is shown below in Figure 4. This study confirmed that the Apartment Design Guide criteria could be achieved with a scheme larger than the City's proposal and therefore the proposal is capable of complying.

Figure 4: City of Sydney indicative scheme solar access, view from the east



45. A detailed overshadowing study will be required as part of any future development application which demonstrates compliance with the solar access requirements of the Apartment Design Guide.

Other impacts on 1-3 Larkin Street

46. A submission on behalf of the Owners' Corporation of 1-3 Larkin Street raises concern about the impact of the above-ground car park and states that the screening, planting and setbacks will not ameliorate acoustic and headlight glare issues. The submission also raises the absence of controls on the length of the proposed buildings.
47. The above ground car park is proposed in response to flood issues on the site. The permeable screening is essential to manage potential in and out flows of floodwater and the 2 metre landscape area is proposed to reduce the visual impact of the screening. The final design of the screening and the proposed 2 metre landscape zone at ground level is to be determined, but could be designed to manage acoustic and headlight glare issues. This will be resolved through the development application process and, if the landowner wishes to achieve additional design excellence floor space, a competitive design process. The draft DCP control has been amended to ensure that the design of the permeable screening manages acoustic and headlight glare issues.

48. The planning proposal includes building envelopes within which an articulated built form and street frontage will be established. The Apartment Design Guide and proposed DCP controls ensure that new buildings fronting Junction Street achieve fine grain design and massing that responds to the proportions, vertical rhythm and horizontal elements of buildings in the area and reduces the perceived length of the Junction Street elevation. The Junction Street frontage will also be broken into three elements by the existing warehouse. The western building fronting 1-3 Larkin Street will be at a similar length to 1-3 Larkin Street. Its massing will be able to be broken down and articulated through the more detailed design process needed to prepare a DA or a design excellence process.
49. These design matters will be resolved through the development application stage, and a competitive design process if the landowner seeks additional design excellence floor space.
50. Concerns have been raised that the proposed 2 metre landscape zone will not achieve the required 6 metre by 6 metre soil area to allow for deep soil planting. The 2 metre wide landscape zone is located adjacent to the Larkin Street Reserve. The root zone of any planting will be able to expand into the reserve and achieve the required deep soil area.

Development density impact on infrastructure

51. Submissions raise concerns about increased density and the cumulative impact of residential redevelopment on the amenity and infrastructure of the local area, such as public transport and schools. Submitters state that the current bus services are at capacity in the peak period.
52. Under the *draft Eastern City District Plan*, the City is required to increase housing capacity through infill development in accessible areas. This site is located between public transport corridors of Bridge Road and Parramatta Road and provides the opportunity for additional new housing in an accessible location.
53. The provision of public transport and schools is undertaken by NSW Government Agencies. The City acknowledges and shares concerns that investment by NSW Government agencies towards key infrastructure, such as public transport and schools, must keep pace with rapid redevelopment across the city. The City continues to engage with the relevant State Government agencies to increase the provision of services and infrastructure to match population growth.

Impact on 34 Junction Street

54. The submission from the owner of 34 Junction Street raises issues about the height of the development and the overshadowing and privacy impacts resulting from the 6m setback between 34 Junction Street and the proposal. The submission also states concerns about the compatibility of a residential use with an existing commercial operation on Kimber Lane.

55. The existing height control for the site is 12 metres, which allows a building of 3 to 4 storeys. The building fronting Junction Street will be 3 storeys in height, with a fourth storey set back on the upper level by 1.5 metres. Visual privacy requirements for a 4 storey building in the Apartment Design Guide include that habitable rooms be set back at least 6 metres from a side boundary. The proposal exhibited by the City complies with these requirements. In addition, the current building on 34 Junction Street is setback about 2.9 metres from the boundary of Kimber Lane and the subject site, increasing the separation to 8.9 metres.
56. The DCP amendment accompanying the planning proposal includes the setback and landscaping requirements for the paved driveway and pedestrian access. The driveway is required to be landscaped and screened to reduce further privacy impacts on 34 Junction Street.
57. The site is zoned B4 mixed use, which allows residential and commercial uses. The proposal does not change permitted uses, or that of adjacent sites.

Orphan School Creek

58. Submissions by residents and the Glebe Society request that the Orphan School Creek biodiversity corridor be strengthened to ensure its enhancement. The Glebe Society has requested the preparation of a masterplan which secures the linking of this corridor further into Forest Lodge to Parramatta Road.
59. Orphan School Creek is a tributary of Johnston's Creek which is a formalised storm drain adjacent to the site. The line of the creek is included in an easement on parcels of undeveloped land from adjacent sites north-west of 2-32 Junction Street.
60. The Orphan School Creek biodiversity corridor will be strengthened through the proposed controls and the requirements for open space, setbacks and plantings along the corridor. The planning proposal does not rule out a link continuing from Bridge Road through to Larkin Reserve in the future, however, opportunities to further extend the corridor are limited to those sites which may be developed. This could include sites to the north and south of the subject site at 12-14 Larkin Street and 300 Bridge Road.

Submission from landowner of 2-32 Junction Street

61. A submission from the owner of 2-32 Junction Street raises concerns about the:
 - (a) requirement to retain the original part of the Federation warehouse building in its entirety and the stone wall along the eastern boundary and reinstate timber windows;
 - (b) FSR of 1.56:1 which the landowner considers should be increased to 1.75:1; and
 - (c) requirement for a competitive design process as the proposal is not above 25m in height and therefore does not trigger this requirement.

Heritage

62. The City commissioned a heritage assessment which was a requirement of the gateway determination issued by the Department of Planning and Environment. As a result of the assessment, prior to the exhibition of the controls, the City amended the proposal and draft DCP to require that:
- (a) the entire original part of the Federation warehouse be retained, instead of only the front 10 metres of the building;
 - (b) the original timber framed façade windows be reinstated and the face brickwork conserved; and
 - (c) the stone retaining wall along the eastern boundary be retained or substantially retained in situ.
63. The landowner's submission suggests that only the 10 metres of the building from the frontage should be retained. It is claimed that the City's heritage assessment has exaggerated the significance of the building to the conservation area and that the retention of the entire original part of the building would preclude the adaptive reuse and the removal of the rear addition of the building.
64. The City's heritage assessment has confirmed that the original part of the building, despite alterations, remains recognisable as being of the Federation period and style - one of the key periods of significance in the conservation area. The assessment has confirmed that the warehouse retains heritage values that contribute to the understanding and intactness of the conservation area and should be retained in its entirety.
65. The draft DCP will identify the Federation warehouse as a contributory building in the conservation area. This does not preclude the adaptive reuse of the property, particularly as the retention of the original part of the building means that the rear addition can be removed. The retention of the original part of the building will not prevent the realisation of the proposed FSR or development potential.
66. A heritage report prepared on behalf of the proponent recommends the requirement to reinstate timber windows be removed due to inconclusive evidence and that a stone wall may require rebuilding due to its condition. Changes to the draft DCP are recommended to address these issues. The requirement to reinstate timber windows has been removed and a more general requirement to propose a conservation management strategy has been included. The strategy will include conservation policies for a range of the building's materials and features. The control relating to the stone wall has been amended to clarify that some rebuilding may be needed as part of the conservation works and that existing materials must be reused.

FSR

67. The landowner's submission raises concerns about the FSR and states that the site can comfortably accommodate 1.75:1 and that requiring a design competition is unfair. In the landowner's original request to change the planning controls in July 2016, an FSR of 1.75:1 was sought.

68. The City assessed the landowner's request prior to placing the planning proposal on public exhibition. Urban design analysis indicated that an FSR of 1.56:1 could be achieved on the site, while still maintaining amenity for the surrounding residents. Testing also indicated that a higher FSR may be possible, but that it would require skilled design to be achieved within the site constraints, which would be achieved through a design competition.
69. In its determination of the landowner's rezoning review, the Planning Assessment Commission agreed with the City's analysis and found that, due to the amenity impacts and the need for further heritage assessment, the merit for the proposed height and FSR had not been established.
70. Under clause 6.21 of the Sydney LEP 2012, the landowner may choose to undertake a competitive design process. If the proposed buildings exhibit design excellence, up to 10 per cent additional floor space can be awarded. The DCP amendment shows where additional floor space could be located. This additional floor space would increase the FSR from 1.56:1 to 1.72:1. Using the design excellence process to achieve the maximum FSR is appropriate given the site constraints, buildings are likely to be close to the 25 metre height trigger and that additional floor space can be awarded achieving design excellence.

KEY IMPLICATIONS

Strategic Alignment - Sustainable Sydney 2030 Vision

71. *Sustainable Sydney 2030* is a vision for the sustainable development of the City to 2030 and beyond. It includes 10 strategic directions to guide the future of the City, as well as 10 targets against which to measure progress. The planning proposal and draft DCP amendment are aligned with the following strategic directions and objectives:
 - (a) Direction 2 - A leading environmental performer – Redevelopment of the site, will deliver new building stock with significantly better environmental performance than the current commercial and light industrial buildings. A site-specific provision incentivises improved energy and water efficiency.
 - (b) Direction 3 - Integrated transport for a connected city – The site is well serviced by buses connecting to central Sydney. The site is approximately 200 metres from Parramatta Road bus services.
 - (c) Direction 4 - A City for Walking and Cycling - The site is located next to the City's Liveable Green Network along which the City is upgrading streets to improve access for pedestrians and cyclists. The planning proposal is to provide additional height and floor space only if the development provides publicly accessible open space and a link through the site. The through site link will improve connections to open space and public transport for the local community.

- (d) Direction 8 - Housing for a Diverse Population - Redevelopment will deliver a range of dwelling types close to employment opportunities, public transport and goods and services. Sustainable Sydney 2030 sets a target for 138,000 dwellings in the City by 2030. The site will contribute to the housing target for 138,000 dwellings in the city by 2030 and also the shortfall of open space provision. This planning proposal will facilitate the provision of more than 87 new dwellings. The dwellings will provide a variety of housing sizes and support a diverse population.
- (e) Direction 9 - Sustainable Development, Renewal and Design - The proposed planning controls will ensure development improves accessibility, responds to the surrounding context, provides a high quality public domain and encourages design excellence.

BUDGET IMPLICATIONS

- 72. Capital works of both the through-site link and extension of Larkin Reserve will be paid by the developer and secured through a voluntary planning agreement. As part of a future development application this land will be dedicated to Council, and maintenance of the through-site link and any ongoing costs for maintaining the additional open space will be the responsibility of Council.

RELEVANT LEGISLATION

- 73. *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2000*.
- 74. On 27 January 2016, the *Greater Sydney Commission Act 2015* commenced. It makes several amendments to the *Environmental Planning and Assessment Act 1979*, including removing the ability of the Minister for Planning to make an LEP and giving this responsibility to the Greater Sydney Commission. Under the new legislation, the Greater Sydney Commission will be responsible for making the LEP amendment sought by the planning proposal.

CRITICAL DATES / TIME FRAMES

- 75. The gateway determination requires that the amendment to Sydney LEP 2012 is completed by December 2017. The Greater Sydney Commission may take action under section 54(2)(d) of the *Environmental Planning and Assessment Act 1979* if this timeframe is not met.
- 76. The gateway determination states that the Council is not authorised to exercise delegation to make the local environmental plan. If approved by Council and the Central Sydney Planning Committee, the planning proposal will be forwarded to the Department of Planning and Environment with a request to draft and publish the LEP.
- 77. If approved by Council, the amendment to Sydney DCP 2012 will come into effect on the same day as the amendment to Sydney LEP 2012.

GRAHAM JAHN, AM

Director City Planning, Development and Transport

(Julie Prentice, Specialist Planner)