

ATTACHMENT A

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**PLANNING PROPOSAL – SYDNEY LOCAL
ENVIRONMENTAL PLAN 2012:
2-32 JUNCTION STREET, FOREST LODGE
SEPTEMBER 2017**

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

Planning Proposal

Sydney Local Environmental Plan 2012: 2-32 Junction Street, Forest Lodge

September 2017



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Summary

This *Planning Proposal: Sydney Local Environmental Plan 2012 – 2-32 Junction Street, Forest Lodge* ('the Planning Proposal') describes the City of Sydney's proposed amendments to Sydney Local Environmental Plan 2012 ('Sydney LEP 2012'), their intent and justification.

The site has a total area of approximately 4,824 m² and contains a three storey Federation warehouse used for office purposes fronting Junction Street with a contemporary addition to the rear. The remainder of the site is open, covered in asphalt and concrete and used for storage and car parking purposes. The site is surrounded by residential development that transitions in height from 5–6 storeys to the west to 1–2 storeys to the east.

Under Sydney LEP 2012, the site is on land that is zoned B4 Mixed Use, has a maximum building height of 12 metres and a maximum floor space ratio ('FSR') of 1:1. This Planning Proposal is to amend Sydney LEP 2012 to increase the maximum building height from 12 metres to RL17.0–35.5 metres and to increase the maximum floor space ratio from 1:1 to 1.56:1 only if the development provides publicly accessible open space and a new link through the site.

Sydney LEP 2012 rezoned the site from Industrial to B4 Mixed Use when it commenced in 2012. Before this, the site was one of the few remaining industrial zoned sites in the area. Most other sites in the area were rezoned from industrial to residential uses by the former South Sydney Council in the 1990s. The site was not rezoned because it is located in the former Leichhardt Council area.

During the exhibition of Draft Sydney Local Environmental Plan 2011 in 2011 the landowner made a submission seeking to increase the floor space ratio from 1:1 to 2.5:1 and the maximum building height from 12 metres to 15 to 21 metres. In response to the landowner's submission, the City found that the controls for the Junction Street frontage were generally appropriate but there was potential for additional height to the west. In March 2012 the Council and Central Sydney Planning Committee resolved to note that consideration be given to preparing a planning proposal for the site.

The City undertook initial urban design testing in 2013 and advised the landowner it would consider a planning proposal request and the maximum floor space ratio achievable at the site given its constraints is 1.5:1. This additional development potential is generally consistent with the planning approach in the area given the urban renewal of other former industrial sites in the area. Retaining a terrace house density on the site is not the most efficient use of land. It provides an opportunity for the site to act as a transition between high density development to the west and residential terrace houses to the east.

The landowner submitted various schemes for the site between 2014 and 2016 to increase the floor space ratio to 1.75:1 or higher. The schemes proposed retaining or demolishing the existing warehouse building and erecting a new above ground car park and 2–3 new residential flat buildings of 3–6 storeys.

The City's approach is to work with proponents to achieve shared benefit outcomes for the public and private interests. The City requested various changes to the landowner's schemes to achieve an acceptable planning outcome. Positive changes include increased setbacks and revised building forms in some locations to reduce overshadowing impacts on Larkin Street Reserve and neighbouring apartments at 2A Short Street.

Outstanding issues relate to visual amenity impacts on Larkin Street Reserve, amenity impacts on the neighbouring terrace house at 34 Junction Street and solar access and ventilation issues for new apartments.

The City prepared an alternative set of controls that will meet relevant planning controls and objectives. This includes addressing existing infrastructure shortfalls for open space, providing certainty that development can be approved and will achieve desirable amenity outcomes, addressing heritage.

This Planning Proposal seeks to increase the floor space ratio to 1.56:1 if development provides publicly accessible open space to expand and integrate Larkin Street Reserve and a link through the site. It also seeks to increase the maximum building height from 12 metres to RL17.0 to 35.5 metres, equivalent to 19 to 25 metres above the ground level.

While not part of this Planning Proposal, the City has prepared a site specific amendment to Sydney Development Control Plan 2012 concurrent with this Planning Proposal. The draft DCP amendment defines the maximum building envelopes and identifies the preferred location of new open space and a link through the site. It identifies the Federation warehouse as a contributory building within the conservation area, and requires it to be retained in any new development. The draft DCP amendment also addresses other issues including flood risk management and landscaping.

The Planning Proposal and draft DCP amendment will allow three new residential flat buildings to be erected ranging in height from 4–6 storeys and containing about 87 new dwellings if design excellence can be achieved.

The City's scheme includes a number of subtle but important differences to the landowner's most recent scheme, from July 2016. In particular, the City's scheme includes greater setbacks between new buildings and Larkin Street Reserve and the existing terrace house at 34 Junction Street. New buildings in the City's scheme also include greater upper level setbacks facing Larkin Street Reserve to reduce their bulk and overshadowing.

The City's scheme incentivises the provision of new open space to expand and integrate Larkin Street Reserve. This is important because the site is located in an area that has a shortfall of high quality open space, Larkin Street Reserve is too small to accommodate a diversity of uses and redevelopment of the site will increase demand for public open space.

Overall, the Planning Proposal will contribute to the City's strategic planning and infrastructure priorities, incentivise the provision of new high quality open space and accommodate a built form that satisfies objectives and controls in Sydney LEP 2012, Sydney DCP 2012 and the Apartment Design Guide.

The City prepared the Planning Proposal in accordance with section 55 of the *Environmental Planning and Assessment Act 1979* ('the Act') and relevant Department of Planning and Environment guidelines including 'A Guide to Preparing Planning Proposals'.

1. Site description

This section describes the site including its location, physical characteristics, existing development and surrounding development.

1.1 Site location

The subject site is located at 2-32 Junction Street, Forest Lodge. The site's location is shown in Figure 1 below. It is near the boundary with Camperdown, to the west, and it is 150 metres to the north of Parramatta Road.

1.2 Site description

The site has a primary frontage to the east, along Junction Street, and a rear frontage to the west, along Larkin Street. It is irregular in shape and has a total area of approximately 4,824 m².

The site has a general slope to the south west. There is a retaining wall along the southern part of the eastern boundary fronting Junction Street. It is approximately 1.8 metres high at the southern end, reducing to nil towards the middle of the eastern boundary.

The site is in the single ownership of Fitzpatrick Investments Pty Ltd. It comprises a number of allotments that together form the larger single landholding. Details of each allotment are provided in Table 1.

Figure 1: Site location

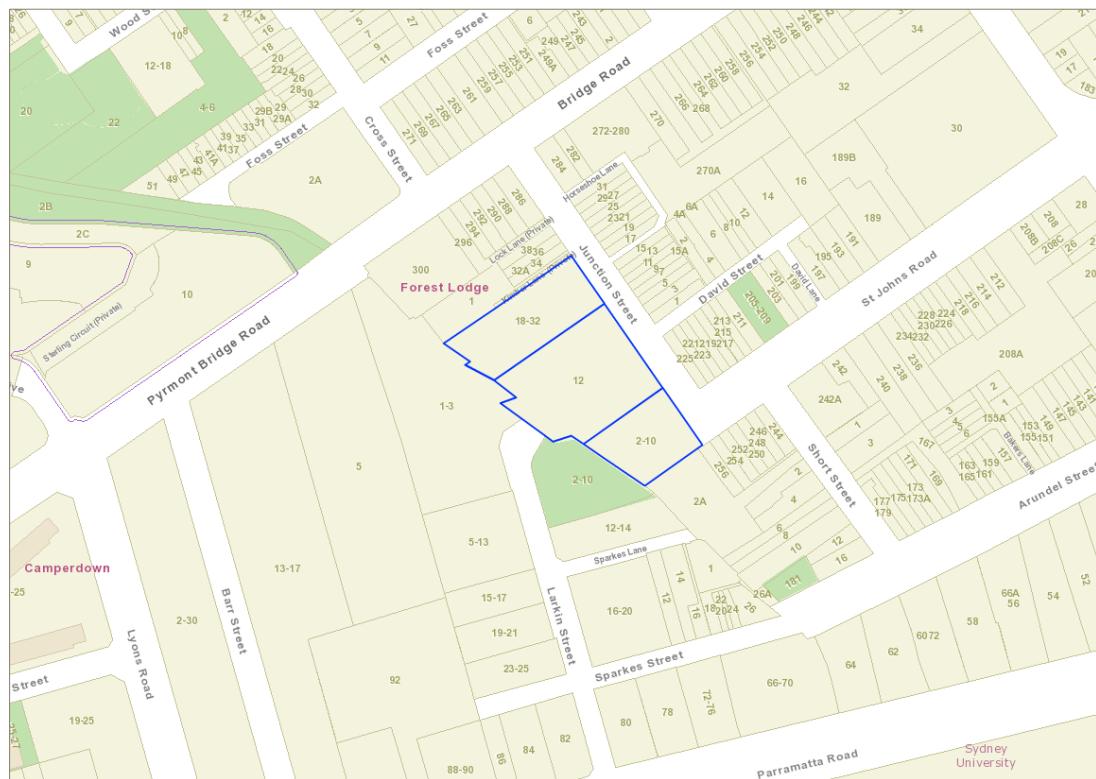


Table 1: Legal description of the site

Street address	Legal description
2-10 Junction Street	Lot A in DP 439209
	Lot B in DP 439209
	Lot C in DP 439209
	Lot 1 in DP 1092420
12-16 Junction Street	Lot 1 in DP 103720
18-32 Junction Street	Lot 1 in DP 613650
	Lot 1 in DP 584394
	Lot B in DP 87371
	Lot 1 in DP 575200

1.3 Existing development on the site

Existing development on the site comprises a 2-3 storey warehouse building used for office purposes located towards the middle of the site and a single level workshop located to the south of this. The remainder of the site is open, covered in asphalt and concrete, and used for storage and car parking purposes.

The warehouse building is occupied by FDC Group and includes BluePrint and Bishops Real Estate as smaller tenants. The building includes a contemporary addition to the rear. Access to the site is via a dual gated driveway on Junction Street.

Some photos of the site are shown in Figures 2–5.

Figure 2: View south, down Junction Street, along the site's eastern boundary



Figure 3: View west, across Junction Street, and then across the site



Figure 4: View east from Larkin Street, across Larkin Street Reserve, and then the site



Figure 5: View north, over Larkin Street Reserve, and then the site



1.4 Surrounding development

Development surrounding the subject site is summarised in Table 2. An aerial photo providing an aerial view of the surrounding development is shown at Figure 6.

Table 2: Surrounding development

Direction	Development description
North	The site is bounded to the north by a battle axe shaped property with a private laneway known as Kimber Lane, a single level residential terrace house fronting Junction Street with a street address of 34 Junction Street and a single level workshop storage area to the rear of this with a street address of 1 Kimber Lane. Further to the north of this are a series of single level residential terrace houses fronting onto Junction Street. A two storey office and warehouse building is located slightly further to the north, fronting onto Pyrmont Bridge Road.
East	The site is bounded to the east by Junction Street and approximately 12 residential terrace houses ranging in height from 1–2 storeys on the opposite side of Junction Street.
South	The site is bounded to the south by a residential complex at 2A Short Street comprising a series of two storey terrace houses. The terrace houses are accessed via Short Street and Sparkes Lane.
West	The site is bounded to the west by Larkin Street Reserve, Larkin Street, a seven storey residential flat building at 1-3 Larkin Street and a 5–6 storey residential flat building at 5–13 Larkin Street. To the south west is a single level older style light industrial building at 12-14 Larkin Street.

Figure 6: Aerial photo of the site, with subject site outlined in blue



2. Existing planning controls

This section describes existing planning controls applying to the site including the land use zoning, height of buildings, floor space ratio, design excellence and heritage conservation.

Existing principal planning controls applying to the site are contained in *Sydney Local Environmental Plan 2012* ('Sydney LEP 2012') and are summarised in Table 3. Relevant map extracts from Sydney LEP 2012 are shown in Figures 7–10 overleaf.

Table 3: Existing principal planning controls in Sydney LEP 2012

Reference	Description	Comment / proposed change
2.3 – Zoning and Land Use Table	The site is on land zoned B4 Mixed Use, as shown in Figure 7.	The Planning Proposal does not propose to change the site's zoning. Sydney LEP 2012 rezoned the site from Industrial to B4 Mixed Use when it commenced in 2012. Most surrounding sites were rezoned from industrial to facilitate residential uses in the 1990s. The site was not rezoned then because it was in the former Leichhardt Council area. During the preparation of Sydney LEP 2012 the City identified the opportunity for the site to be rezoned.
4.3 Height of Buildings	The site has a maximum building height of 12 metres, as shown in Figure 8.	This Planning Proposal proposes to increase the maximum building height to RL29.5–35.5 metres, equivalent to 19–25 metres above the ground level or 4–6 storeys.
4.4 Floor Space Ratio	The site has a maximum floor space ratio (FSR) of 1:1, as shown in Figure 9.	This Planning Proposal proposes to increases the maximum floor space ratio to 1.56:1 if future development provides publicly accessible open space.
5.10 Heritage conservation and Schedule 5	Development consent is required to do the following in a heritage conservation area (a) demolish, move or alter the exterior of any building, work, relic or tree in a heritage conservation area, (b) erect a building, or (c) subdivide land. The consent authority must, before granting consent, consider the effect of the proposed development on the heritage significance of the heritage conservation area.	The site is in the Hereford and Forest Lodge Conservation Area but it does not contain any listed heritage items. This Planning Proposal does not propose to amend the conservation area or introduce any new heritage listings on the site. While not part of this Planning Proposal, a site specific amendment to Sydney DCP 2012 has been prepared concurrent with this Planning Proposal. It proposes requiring the existing warehouse building to be retained and changing the site's contribution to the conservation area from 'detracting' to 'contributory'.

Figure 7: Extract from Sydney LEP 2012 Zoning Map



Figure 8: Extract from Sydney LEP 2012 Building Height Map

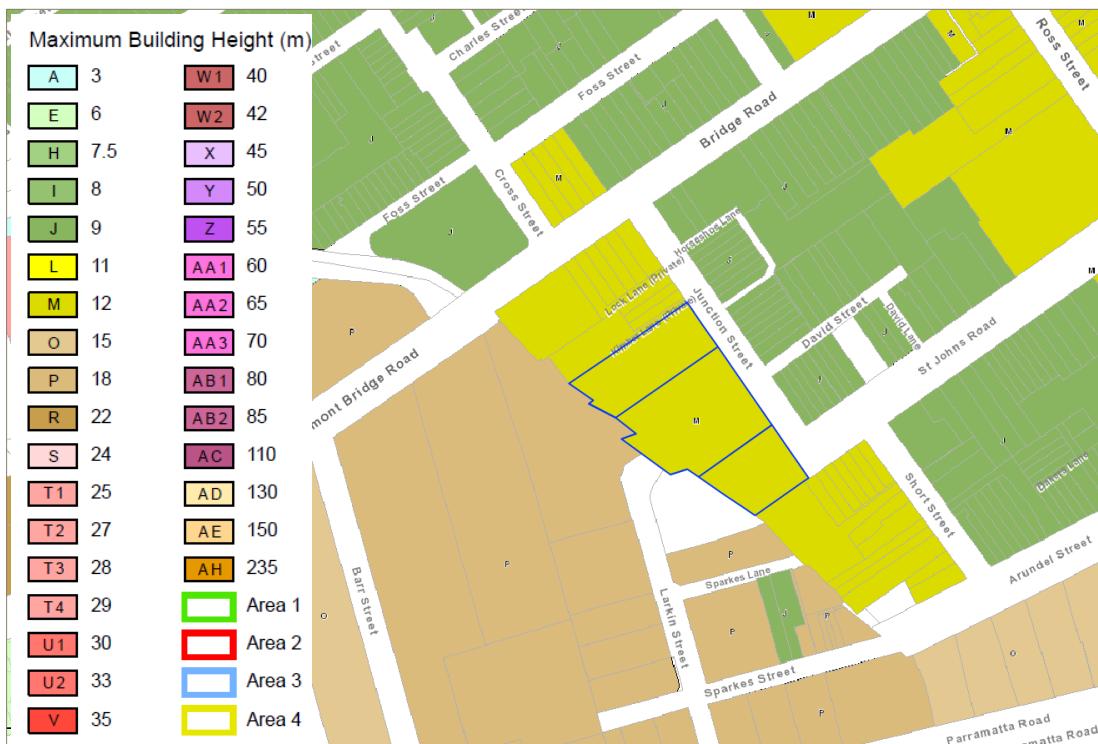


Figure 9: Extract from Sydney LEP 2012 FSR Map

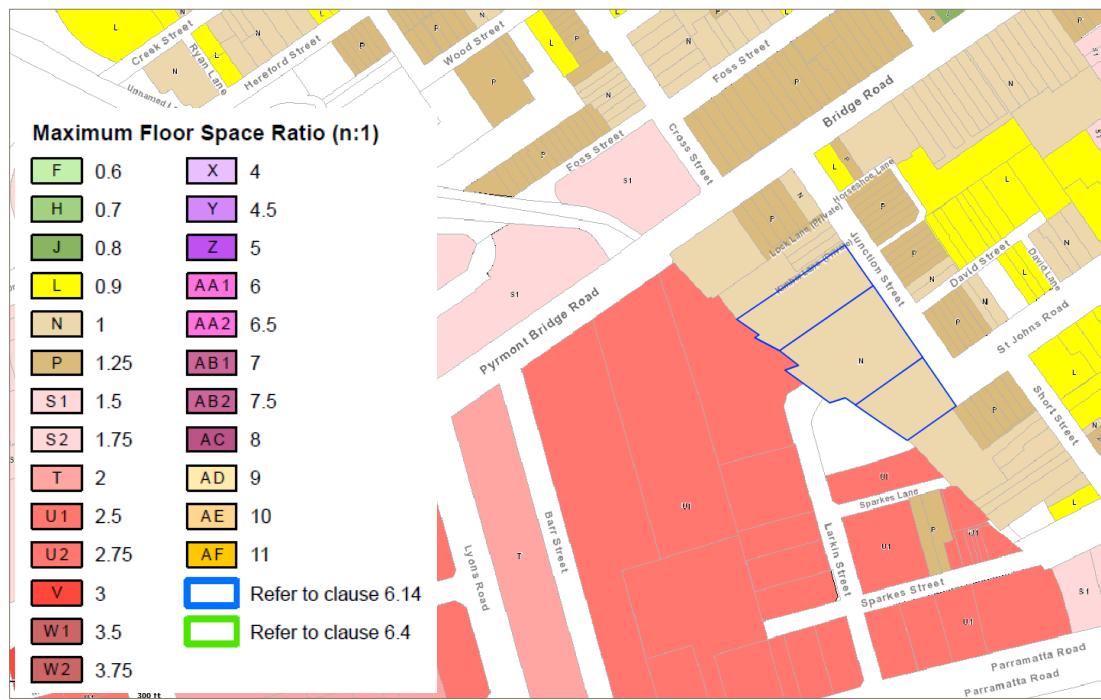
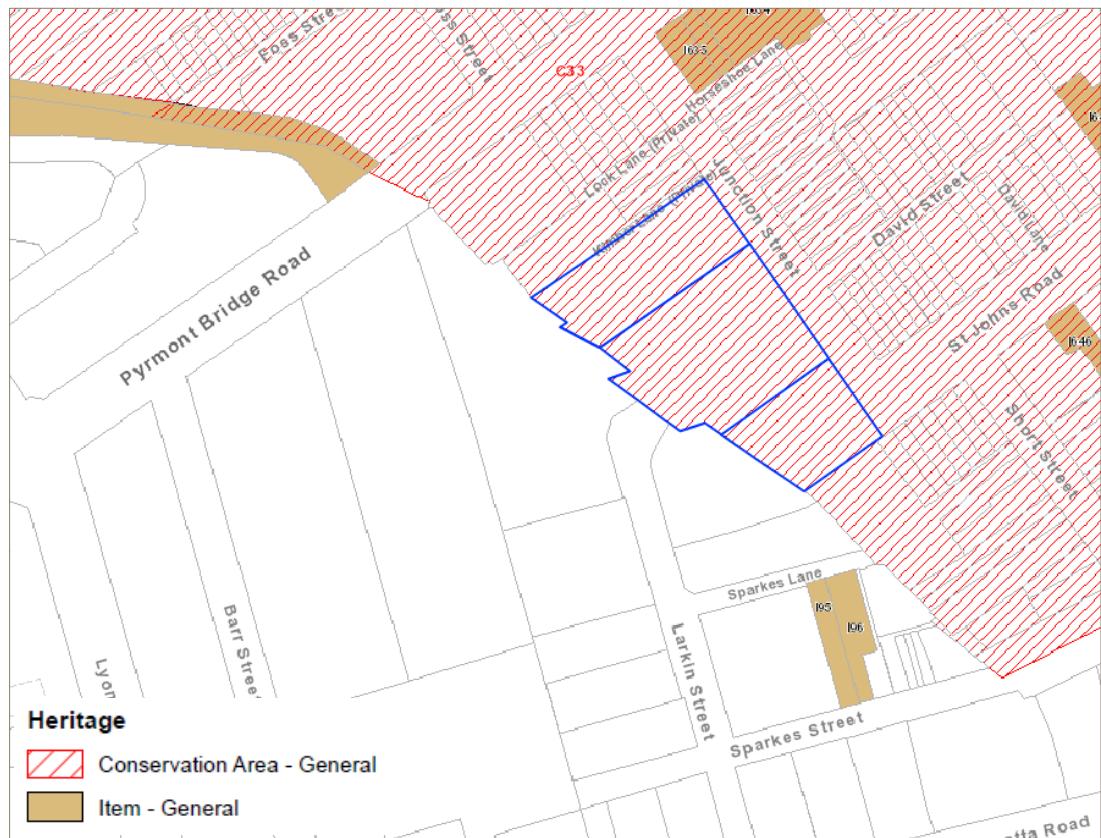


Figure 10: Extract from Sydney LEP 2012 Heritage Map



3. Objectives and explanation of proposed LEP amendments

This section describes the Planning Proposal's objectives and intended outcomes and provides an explanation of the proposed amendments. It also includes drafting instructions for the Parliamentary Counsel's Office and an example clause.

3.1 Objectives or intended outcomes

The objectives of this Planning Proposal are to:

- Incentivise the provision of publicly-accessible local open space and links through the site at 2-32 Junction Street, Forest Lodge by allowing for additional floor space and additional building height. The additional floor space and building height will only be available if development on the site provides the publicly accessible open space and links through the site.
- Ensure the development contributes to additional infrastructure needs resulting from the increase in density
- Set a building height that is compatible with development in the area and maintains acceptable amenity to surrounding development and open space
- Enable the delivery of a variety of housing sizes and types to encourage a diversity in the future residential population, subject to the delivery of new public open space.

3.2 Explanation of provisions

To achieve the intended outcomes of the Planning Proposal it is proposed to introduce new site specific provisions within Division 5 of Part 6 of Sydney LEP 2012 as follows:

- Allow development up to a maximum floorspace ratio of 1.56:1 if new publicly accessible open space and links through the site are provided as part of the development
- Amend the height of buildings map to allow for increased heights. The intended maximum heights are shown on the proposed amended Height of Buildings map at Section 7 of this planning proposal
- Require that development exceeds the BASIX commitment for water for the development by not less than 25% of the water target score, and exceeds the BASIX commitment for energy for the development by not less than 25% of the energy target score
- Clarify that clause 4.6 of Sydney LEP 2012 will not apply to development under the site-specific provisions
- That for the purposes of determining additional floorspace under clause 6.21 (7)(b) of Sydney LEP 2012, the consent authority may award 10% of the

floorspace available under the site-specific provisions if development is undertaken consistent with those provisions.

Figure 11: Example clause

4.6 Exceptions to development standards

- (8) This clause does not allow development consent to be granted for development that would contravene any of the following:
- (cgx) clause 6.3X (2-32 Junction Street, Forest Lodge)

6.3X 2-32 Junction Street, Forest Lodge

- (1) The objective of the clause is to allow greater density at 2-32 Junction Street, Forest Lodge, if development on the site provides new publicly accessible open space infrastructure and a new publicly accessible through site link to ensure the intensity of development is commensurate with existing and planned infrastructure.
- (2) The clause applies to 2-32 Junction Street, Forest Lodge, being Lot A in DP 439209, Lot B in DP 439209, Lot C in DP 439209, Lot 1 in DP 1092420, Lot 1 in DP 103720, Lot 1 in DP 613650, Lot 1 in DP 584394, Lot B in DP 87371 and Lot 1 in DP 575200.
- (3) Despite clause 4.4, the maximum floor space ratio for development on land to which this clause applies is 1.56:1 only if the development on the site provides new publicly accessible open space and links through the site.
- (4) The amount of additional floor space determined by the consent authority under clause 6.21(7)(b) is up to 10% of the amount permitted as a result of the floor space ratio shown for the land on the Floor Space Ratio Map and the additional floor space allowed under this site specific clause.
- (5) Development consent must not be granted under subclause (3) unless in the case of development that is BASIX affected development—the development:
- (a) exceeds the BASIX commitment for water for the development by not less than 25% of the water target score, and
 - (b) exceeds the BASIX commitment for energy for the development by not less than 25% of the energy target score.

4. Landowner's indicative development schemes

This section summarises the three indicative development schemes that the landowner submitted for the site in 2014, 2015 and 2016. A more detailed assessment of each scheme is provided at Appendix A to this Planning Proposal. Key correspondence with the landowner is provided in Appendix B.

The City prepared this Planning Proposal after completing a detailed site analysis and urban design testing of various site specific schemes for the site. This includes review and assessment of three indicative development schemes that the landowner submitted for the site in 2014, 2015 and 2016.

The site was previously zoned Industrial under Leichhardt LEP 2000 and was rezoned to B4 Mixed Use when Sydney LEP 2012 commenced in 2012. During the exhibition of Draft Sydney LEP 2011 in early 2011, the landowner made a submission requesting a new floor space ratio of 2.5:1 and a new maximum building height of 15–21 metres.

Council considered the landowner's submission in March 2012 when it considered the report about the exhibition of Draft Sydney LEP 2011. Rather than increasing the height and floor space ratio, Council resolved to consider undertaking an urban design study to assess if a planning proposal should be initiated to amend the planning controls.

The City undertook initial urban design testing in November 2013 and advised the landowner the maximum floor space ratio achievable at the site is 1.5:1 given its constraints. The landowner subsequently submitted a number of schemes for the site. The landowner's schemes and the City's advice on each is summarised in Table 4.

In each case, the City advised the landowner that the information provided did not demonstrate the impact of a proposed scheme with a floor space ratio of 1.75:1 will be within acceptable limits. Consequently, the City advised that its initial position of November 2013 remained unchanged, that is, the maximum floor space ratio achievable at the site given its constraints is 1.5:1.

Key issues with the landowner's indicative schemes relate to:

- Amenity impacts on neighbouring apartments at 1–3 Larkin Street and 2A Short Street, including overshadowing, visual privacy and separation
- Amenity impacts on Larkin Street Reserve including building scale, form, setbacks and overshadowing
- Amenity impacts on the neighbouring terrace house at 34 Junction Street, including building scale, form and setbacks
- Amenity issues for proposed apartments, including solar access and ventilation

The landowner offered to dedicate approximately 452 m² of land to expand Larkin Street Reserve as part of its November 2015 scheme. The land included part of a proposed central through site link and a portion of land along the irregular-shaped north west boundary. The City estimated the combined area of these two components to be in the order of 100 m². Their function and shape means they are not considered as usable open space and the effective extended open space area would be approximately 1,350 m². This is less than the minimum 1,500 m² needed to accommodate a diversity of uses and provide an appropriate level of usability.

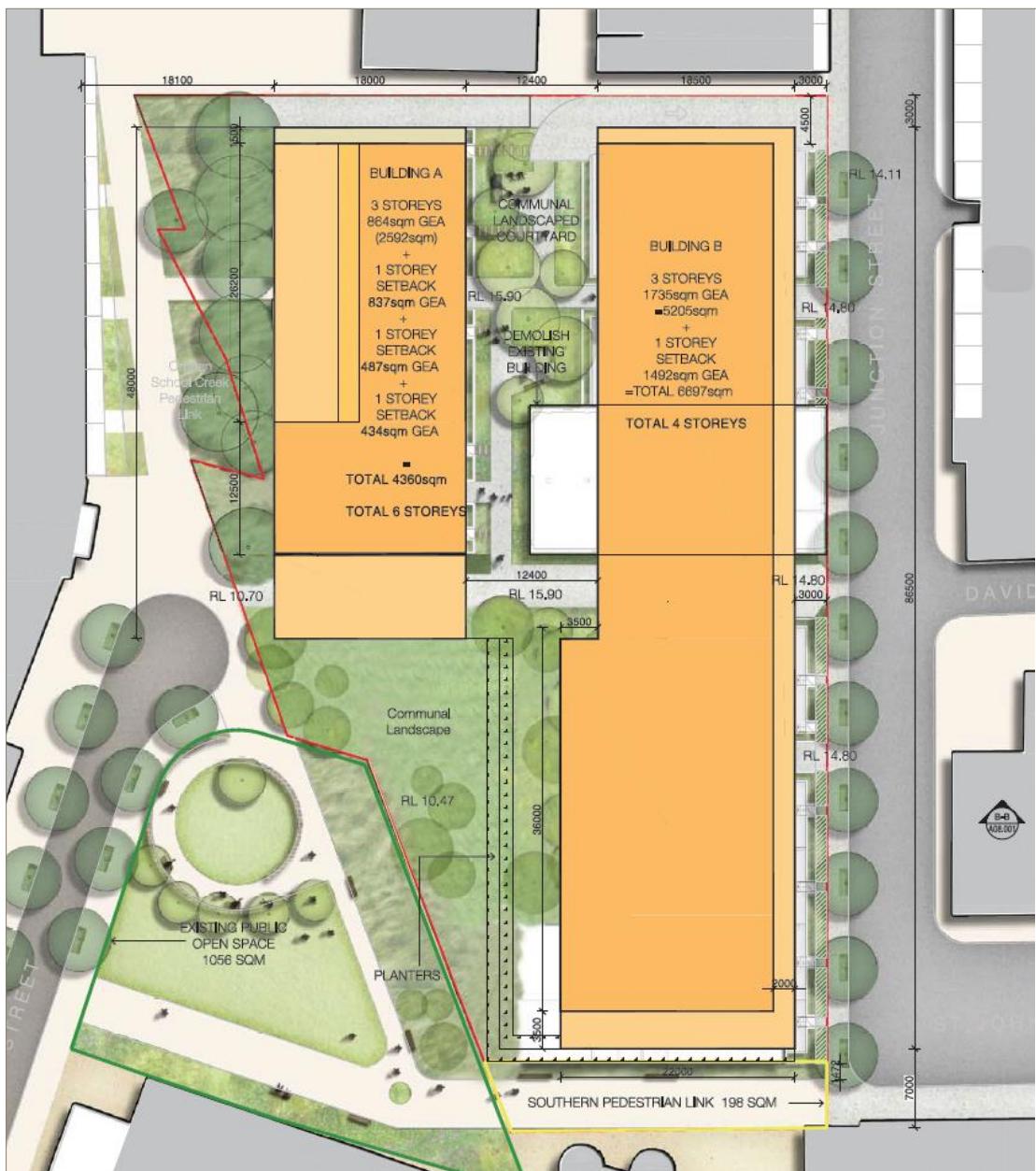
The landowner's most recent scheme from July 2016 is shown in Figure 12. A detailed assessment of the landowner's schemes and relevant issues is provided in Appendix A to this Planning Proposal. Key correspondence with the landowner is provided at Appendix B.

Table 4: Summary of landowner's indicative schemes for the site

Scheme	Description	Issues / advice
October 2014	<ul style="list-style-type: none"> The landowner submitted three urban design options with floor space ratios of 1.44:1, 1.71:1 and 2.01:1 respectively 	<ul style="list-style-type: none"> Maximum floor space ratio achievable at the site is 1.5:1
March 2015	<ul style="list-style-type: none"> Planning proposal request seeking a floor space ratio of 1.75:1 Retention of existing warehouse building Three new buildings ranging in height from 5 storeys, 3–4 storeys and 3 storeys New undercroft car park with a slab at RL11.81 m Vehicle access off Larkin Street Three new through site links 	<ul style="list-style-type: none"> In April 2015 the City advised the landowner it needed to provide further information to allow the City to fully assess the landowner's proposal Subsequent discussions focused on building envelope efficiency, flooding, overshadowing of apartments at 1-3 Larkin Street and Larkin Street Reserve and impact of the proposed aboveground car park on the Reserve
November 2015	<ul style="list-style-type: none"> Revised scheme seeking a floor space ratio of 1.75:1 Building A height increased from 5 to 6 storeys Building C height increased from 3 to 4 storeys Part of Building C deleted Public benefit offer to enter into a planning agreement and dedicate approximately 452 m² of land to expand Larkin Street Reserve Vehicle access relocated to Junction St Car park basement slab raised from RL11.81 m to RL13.1 m (5% annual exceedance probability for flooding) 	<ul style="list-style-type: none"> In April 2016 the City advised the landowner it considered information provided did not demonstrate the impact of a proposed scheme with a floor space ratio of 1.75:1 will be within acceptable limits and the maximum floor space ratio achievable at the site is 1.5:1 Issues raised include amenity impacts of the car park on Larkin Street Reserve, overshadowing impacts on 1-3 Larkin St and 2A Short St, amenity impacts on 34 Junction St and the existing warehouse building's building envelope efficiency

Scheme	Description	Issues / advice
November 2016	<ul style="list-style-type: none"> Revised scheme seeking a floor space ratio of 1.75:1 Building A extended to the south Warehouse building demolished but an option to retain it provided Upper level of Building B setback from side boundary, opposite 34 Junction St Southern part of Building B depth increased from 18.5 m to 22 m Building setback from southern boundary increased from 6 m to 7 m Building D deleted Car park setback from Larkin Street Reserve at southern tip increased from 0 m to approximately 1 m Land dedication replaced with communal open space Northern and central through site links deleted 	<ul style="list-style-type: none"> The proposed floor space ratio of 1.75:1 is not supported Key issues relate to visual impacts of the proposed above ground car park on Larkin Street Reserve, inadequate separation between Building B and the northern side boundary, the risk of overshadowing at 1-3 Larkin Street exceeding Apartment Design Guide requirements, overshadowing of the proposed communal open space

Figure 12: Landowner's July 2016 scheme



5. Environmental impacts of proposed LEP amendments

This section describes the environmental impacts of the proposed LEP amendments. Key issues relate to built form, overshadowing, flooding, heritage, public open space and traffic and transport.

The City prepared this Planning Proposal after completing a detailed site analysis and urban design testing of various site specific schemes for the site. This includes review and analysis of various schemes submitted by the landowner in 2014, 2015 and 2016. In each case, the City advised the landowner the maximum floor space ratio achievable at the site is 1.5:1.

This Planning Proposal is to increase the maximum floor space ratio from 1:1 to 1.56:1 and increase the maximum building height from 12 metres to RL17.0–35.5 metres only if publicly accessible open space to expand and integrate Larkin Street Reserve and publicly accessible through site links are provided.

An indicative scheme was prepared by the City to demonstrate the development enabled by the Planning Proposal can be approved at the development application stage by satisfying objectives and controls in Sydney LEP 2012, Sydney DCP 2012 and the Apartment Design Guide. The indicative scheme is shown in Figures 15 to 19. It has a floor space ratio of 1.58:1 and a maximum building height of RL35.5 metres, equivalent to about 25 metres above the ground level.

Key elements of the City's scheme include:

- Retaining the existing three storey warehouse building. There is a potential to add a fourth storey to the rear of this building under clause 4.6 and design excellence provisions in Sydney LEP 2012.
- Erecting three new residential flat buildings, in the north west, north east and south east corners of the site. The buildings' heights range from RL29.5 to 35.5 metres, equivalent to about 19 to 25 metres above the ground level or 4 to 6 building storeys. There is a potential to increase the height of part of the street frontage of the new building facing Larkin Street from four to six storeys under clause 4.6 and design excellence provisions in Sydney LEP 2012.
- Erecting a new above ground undercroft car park, beneath the residential flat buildings. The car park's floor is suspended on a slab to allow inundation underneath and it is elevated to the 5% annual exceedance probability, RL13.1 metres, equivalent to approximately 2.6 metres above the ground level. Its roof elevation is RL15.9 metres, equivalent to approximately 5.4 metres above the ground.
- New public open space to expand Larkin Street Reserve.
- A new publicly accessible through site link along the site's southern boundary.

Key issues from the City's scheme relate to built form, overshadowing, flooding, heritage, public open space and traffic and transport. These issues are discussed in the following subsections. Overall, it is considered the City's scheme satisfies objectives and controls in Sydney LEP 2012, Sydney DCP 2012 and the Apartment Design Guide.

While not part of this Planning Proposal, the City has prepared a site specific amendment to Sydney Development Control Plan 2012 concurrent with this Planning Proposal. The draft DCP amendment defines the maximum building envelopes and identifies the preferred location of new open space and a link through the site. It also addresses other issues including flood risk management, landscaping and heritage conservation.

Figure 13: Northern perspective of the indicative built form



Figure 14: South eastern perspective of the indicative built form

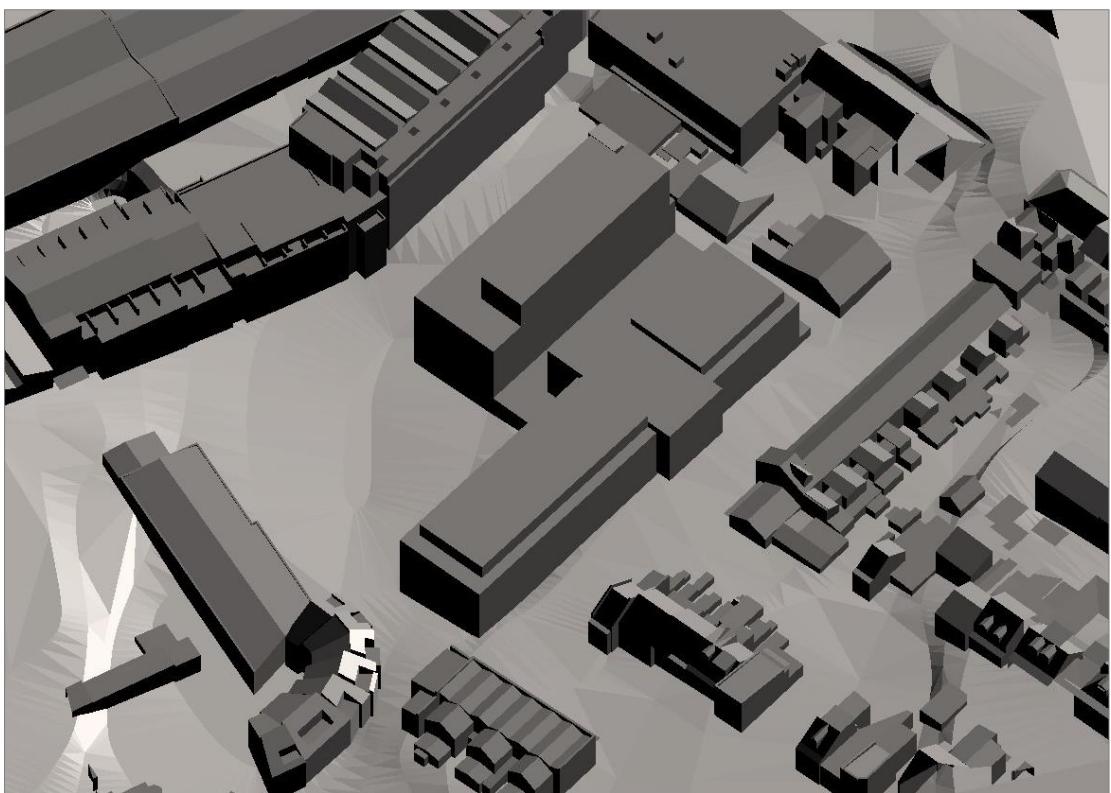


Figure 15: Proposed height in storeys and setbacks, from draft DCP amendment



Figure 16: Northern section of the City's indicative scheme for the site, from draft DCP amendment



Figure 17: Southern section of the City's indicative scheme for the site, from draft DCP amendment

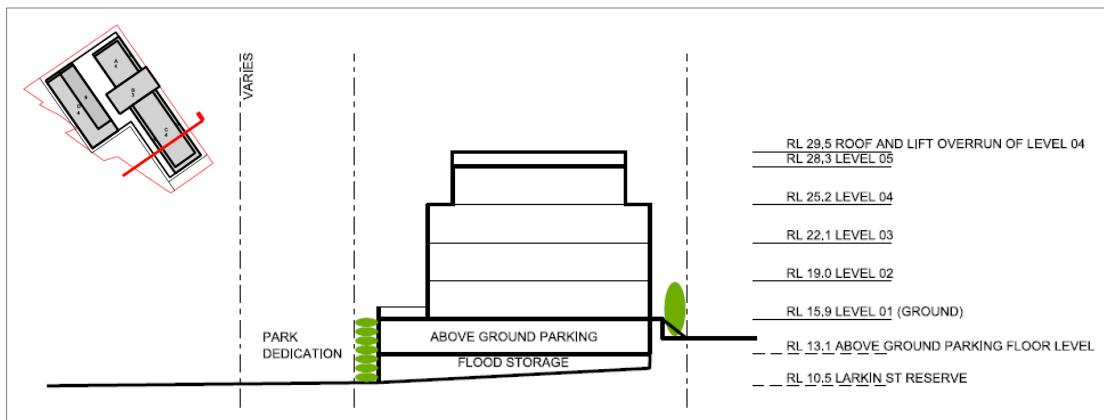


Figure 18: Proposed height of building controls

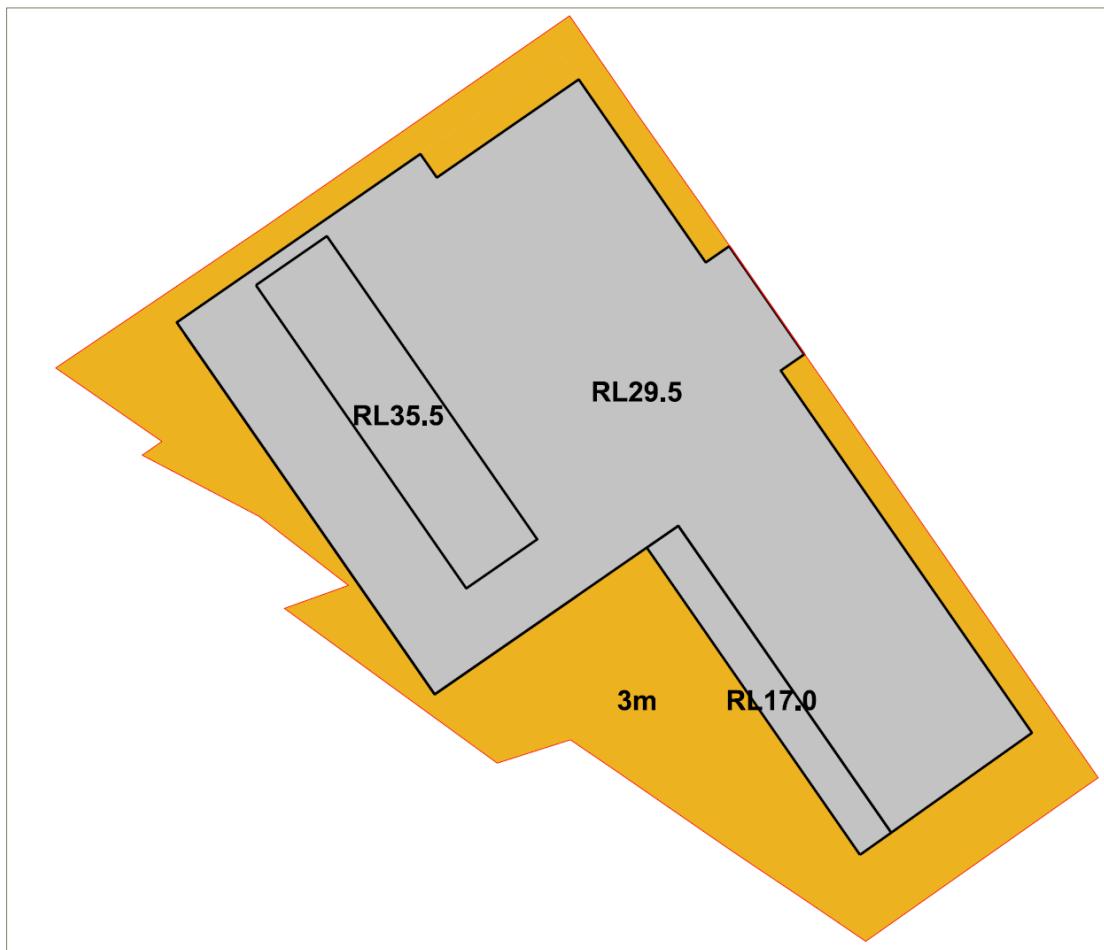


Figure 19: Proposed dedications and setbacks, from draft DCP amendment



5.1 Building scale

The City's indicative scheme is based on retaining the existing three storey warehouse building and erecting three new residential flat buildings above a new undercroft car park. The car park's floor is elevated to the 5% annual exceedance probability, RL13.1 metres, equivalent to approximately 2.6 metres above the ground level to address flooding at the site.

The new buildings' heights range from RL29.5–35.5 metres, equivalent to 19–25 metres above the ground level or 4–6 storeys. The upper levels of the buildings are setback from Larkin Street and Junction Street. They are also setback from the northern and southern side boundaries, facing 34 Junction Street and 2A Short Street.

The proposed heights and upper level setbacks provide an appropriate response to the surrounding built form context. They respond to the broader transition in height from the taller 5-7 storey apartment buildings to the west, on the opposite side of Larkin Street, to the lower 1-2 storey residential terrace houses in the east, on the opposite side of Junction Street. The side setbacks to the north and south boundaries and the separation between existing and proposed buildings comply with the Apartment Design Guide.

In the landowner's July 2016 scheme, the proposed setback between Building B and the side boundary do not comply with the Apartment Design Guide. Additionally, part of the upper two levels of Building A are not setback.

5.2 Overshadowing

Overshadowing of apartments at 1-3 Larkin Street and 2A Short Street

Part 4A of the Apartment Design Guide says living rooms of at least 70% of apartments must receive at least 2 hours of sunlight and no more than 15% of apartments can receive no sunlight. If more than 15% 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 1 m² on the vertical plane, 1 metre above the floor level for at least 15 minutes.

Information provided with the landowner's November 2015 and July 2016 scheme indicates the November 2015 scheme's overshadowing impact on 1-3 Larkin Street and 2A Short Street does not comply with the Apartment Design Guide while the July 2016 scheme may just comply. Building A's envelope has been precisely modified to reduce overshadowing and ensure compliance with the Apartment Design Guide.

In the landowner's July 2016 scheme, parts of levels 5 and 6 in Building A are not setback from Larkin Street. In the City's scheme levels 5 and 6 in Building A are setback. This reduces Building A's overshadowing impact on 1-3 Larkin Street and the associated risk future development won't be able to be approved due to non-compliance with the Apartment Design Guide's solar access requirements. Solar access diagrams for the City's indicative scheme in mid-winter are shown in Figures 16 and 17. The draft DCP amendment provides the opportunity for part of Building A fronting Larkin Street to be increased from four to six storeys, similar to the landowner's July 2016 scheme, only if the addition demonstrates design excellence.

A detailed overshadowing study will be required as a part of any future development application for the site. Any future development application for the site will need to demonstrate the proposed development complies with solar access requirements in the Apartment Design Guide.

Figure 20: City of Sydney indicative scheme solar access, view from the south

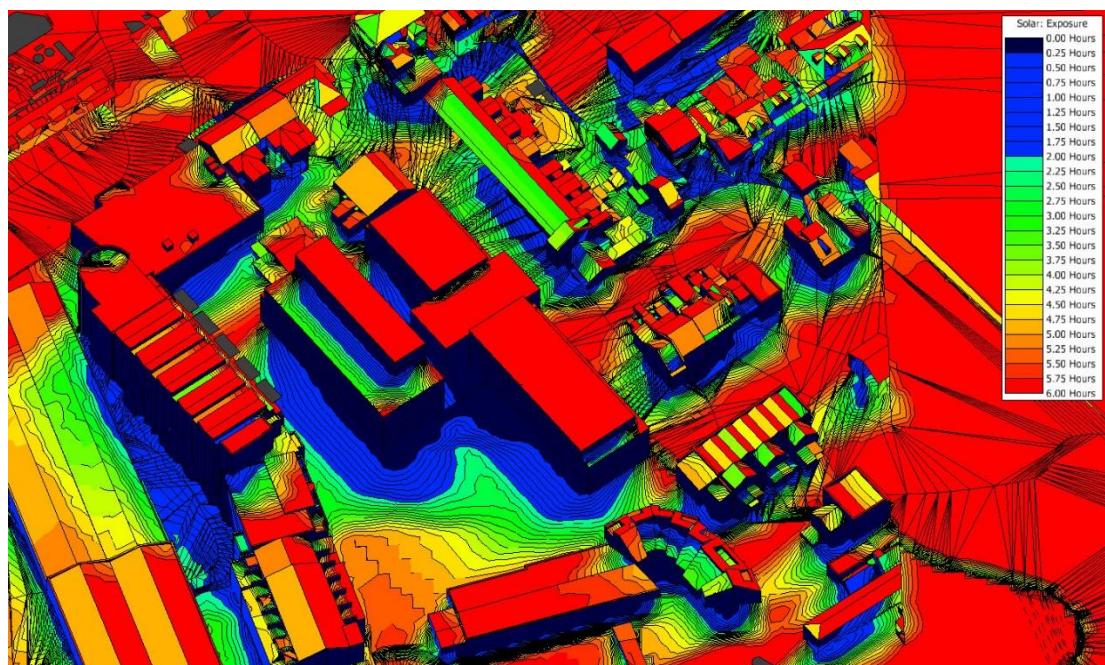
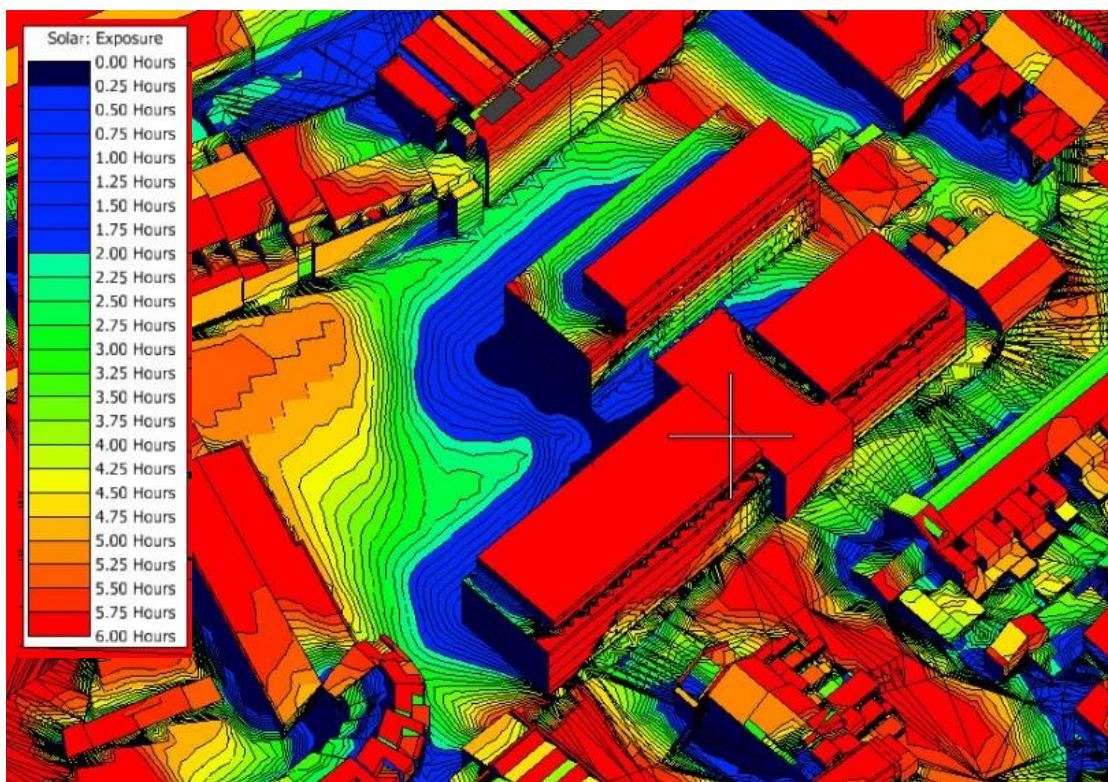


Figure 21: City of Sydney indicative scheme solar access, view from the east



Overshadowing of Larkin Street Reserve

The site adjoins Larkin Street Reserve. Clause 3.1.4 of Sydney DCP 2012 requires 50% of the total area of public open space to receive at least 4 hours of sunlight from 9 am until 3 pm on 21 June. Information supplied with the landowner's July 2016 scheme indicates 50% of Larkin Street Reserve will receive 4 hours of sunlight from 9 am until 3 pm on 21 June and the scheme therefore complies with clause 3.1.4 of Sydney DCP 2012. In the City's indicative scheme, the southern edge of Building A has the same line and height as Building A in the landowner's July 2016 scheme and therefore also complies with clause 3.1.4 of Sydney DCP 2012.

Overshadowing of extended open space

This Planning Proposal is to incentivise the provision of needed local infrastructure by offering alternative planning controls that provide additional density where local open space and through site links are provided. The Planning Proposal is to provide additional floor space subject to providing additional open space to extend and integrate Larkin Street Reserve and providing a new link through the site.

The preferred location of the extended open space area is shown in Figure 19. Urban design testing indicates that 50% of Larkin Street Reserve under the City's indicative scheme will receive 4 hours of sunlight on 21 June, while less than 50% of the combined extended park area will receive more than 4 hours. This is considered acceptable given the site's constraints, the benefits offered by extending Larkin Street Reserve, and the strategic need for open space in the locality.

5.3 Flooding

The landowner commissioned two flood studies, a Preliminary Flood Assessment provided as part of the landowner's Planning Report in March 2015 and a follow up letter in August 2015. The studies indicate the site is in a major trapped low point and is subject to significant flooding.

The total catchment area contributing to Larkin Street depression is approximately 79 hectares. Four major flow paths discharge to the depression:

- The bulk of the flows originate from the University of Sydney Camperdown campus which either enters the Sydney Water trunk drain (Orphan School Creek Branch) or as overland flow (once the trunk drain is at capacity) crossing Parramatta Road and flowing onto Larkin Street
- Flow path originating from Arundel Street / Sparkes Street through a drainage reserve
- Flow path along St Johns Road
- Flow path originating from Bridge Road, which enters Junction Street and discharges to this low point. This flow that is the second mechanism of albeit minor overland flow flooding that impacts the site.

The Sydney Water trunk drain that traverses the site is full in the 20% annual exceedance probability (AEP). Consequently, during a 1% AEP event, limited parts of the site experience inundation depths of more than 2 metres albeit with low velocity as floodwaters accumulate behind Pyrmont Bridge Road, which acts as an embankment.

The 5% annual exceedance probability peak flood level is 13.1 metres Australian Height Datum (AHD) and the peak flood depth is 3.5 metres. Rates of flood rise are approximately 20 mm per minute for the 1% AEP event and four times this for the Probable Maximum Flood event, which is approximately 1,000–10,000 times less likely than the 1% AEP event. The low rates of flood water rise mean people have ample time to escape to higher, flood free ground.

Under the City's Interim Floodplain Management Policy, adopted by Council in May 2014, the flood plain level for open above ground car parks is the 5% annual exceedance probability. The flood plain level for closed above ground car parks is the 1% annual exceedance probability.

The City's indicative scheme proposes the following to address flooding risks:

- Elevating the car park's floor level to the 5% annual exceedance probability, RL13.1 metres, equivalent to approximately 2.6 metres above the ground level.
- Suspending the car park floor on a slab to allow flood waters to inundate above and below the slab
- Using permeable screening for the car park's façade to allow for inflow and outflow of water if it is inundated by flood water
- Locating the vehicle access point on high ground, in the north east corner of the site
- Providing three flood evacuation points along the northern, central and southern part of the site.
- Placing signs in all visible key locations in the car park highlighting the car park is subject to flooding.

These measures are required in the draft DCP amendment.

The car park is not considered fully open as it is not open on the Junction Street, its facades are constructed of permeable screening and residential flat buildings are located overhead. Nevertheless, using the 5% annual exceedance probability for open car parks is considered acceptable subject to requiring the risk mitigation measures outlined above in the supporting site specific amendment to Sydney DCP 2012.

A City owned stormwater drainage pipe is located along the site's southern boundary and a Sydney Water trunk drain exists along the south-western boundary of the site. An easement will be required over the City's drainage pipe to maintain the existing overland flow path from St Johns Road. Consultation with Sydney Water will also be needed.

A detailed flood assessment will be required as part of any future development application for the site.

5.4 Visual amenity impacts on Larkin Street Reserve

The proposed above ground car park, flood storage beneath and residential flat buildings overhead will impact on Larkin Street Reserve's visual amenity.

The importance of public open space is increasing as densities increase and residents increasingly use public open space for relaxation, exercise and recreation. Larkin Street Reserve is especially important given the high density residential development nearby and the lack of other high quality public open space nearby. It is important redevelopment of the subject site does not overbear and dominate the Reserve or detract from its sense of openness and visual relief.

Sydney DCP contains controls to address the visual impact of proposed car parks on the public domain, but it does not specify height and setback standards to mitigate the impact of residential flat buildings on the public domain. The Apartment Design Guide specifies building and boundary setbacks but this is to address visual amenity and privacy impacts on other dwellings and not visual amenity impacts on public open space.

Clauses 3.2.2(5) of Sydney DCP 2012 requires car parking areas at ground level to be screened by active uses to a minimum depth of 6 metres from the façade visible to the street or public domain. Clause 3.2.2(6) requires that basement parking areas must not protrude more than 1 metre above the level of the adjacent street or public domain and that any visible ventilation grills must be screened by landscaping in garden beds with a minimum soil plan depth of 1 metre.

The Planning Proposal and supporting site specific amendment to Sydney DCP 2012 allows the following:

- The car park's floor must be suspended on a slab and elevated above the ground to address flooding at the site. It must be elevated to RL13.1 metres, as shown in Figures 16 and 17. This is equivalent to approximately 2.6 metres above the ground level. Other active or residential uses cannot be provided at this level as they would be subject to an unacceptable flood risk. The car park's roof elevation is RL15.9 metres, equivalent to approximately 5.4 metres above the ground.

- The car park must be setback approximately 7 metres from Larkin Street Reserve at its nearest point. The setback distance from the extended Larkin Street Reserve must be approximately 2 metres.
- The car park's façade must be constructed of permeable architectural screening with high quality materials and finishes and it must be surrounded by landscaping that is 2 metres wide.
- A new four storey residential flat building can be erected above the car park. It must be setback approximately 11 metres from Larkin Street Reserve at its nearest point. It must be setback 4 metres from the car park's façade and 6 metres from the extended Larkin Street Reserve boundary.
- The building's maximum height is RL29.5 metres, equivalent to approximately 19 metres above Larkin Street Reserve's ground level. The upper level of the building must be setback, away from Larkin Street Reserve.

Visual amenity impact of the proposed car park

The above ground car park allowed by the Planning Proposal and site specific DCP amendment does not comply with Sydney DCP 2012 as it protrudes more than 1 metre above the ground level and it is not screened by active uses. Nevertheless, it is considered that the car park's visual amenity impact on Larkin Street Reserve will be within acceptable limits as it must be setback approximately 7 metres from Larkin Street Reserve at its nearest point, screened by 2 metres of landscaping and architecturally designed with high quality materials and finishes.

In the landowner's July 2016 scheme, the car park is proposed to be setback approximately 2 metres from Larkin Street Reserve at its nearest point. This proposed setback is considered insufficient given it is proposed to be significantly higher than 1 metre above the ground level and it is not proposed to be screened by active uses, as required by Sydney DCP 2012.

Visual amenity impact of the proposed residential flat building

Neither Sydney DCP 2012 nor the Apartment Design Guide specify height and setback controls to mitigate the impact of residential flat buildings on public open space. The Planning Proposal will allow a new four storey residential flat building to be erected above the car park. The building's maximum height is RL29.5 metres, equivalent to approximately 19 metres above Larkin Street Reserve's ground level. It must be setback approximately 11 metres from Larkin Street Reserve at its nearest point, 4 metres from the car park's façade and 6 metres from the extended Larkin Street Reserve boundary. Its upper level must be setback.

The proposed 11 metre setback between the new building and Larkin Street Reserve will ensure the building does not overbear and dominate the Reserve or detract from its sense of openness and visual relief. In the landowner's July 2016 scheme, the new building is proposed to be setback 6 metres from Larkin Street Reserve. Additionally, its upper level is not proposed to be setback. This is considered insufficient to ensure the proposed building does not overbear and dominate the Reserve or detract from its sense of openness and visual relief.

5.5 Heritage

The site is identified in Sydney LEP 2012 as being in the Hereford and Forest Lodge heritage conservation area but does not contain any listed heritage items. Sydney DCP 2012 identifies the site's contribution to the conservation area as being 'detracting'. Properties to the north and east are shown as being 'contributory'.

The site contains an existing three storey Federation warehouse building with a height of RL 28.36 metres fronting Junction Street with a contemporary addition to the rear. The remainder of the site is surface car parking. To the north and east of the site are predominantly one and two storey terraces.

The landowner did not submit a heritage assessment report. The Gateway Determination issued by the Department of Planning and Environment required that the Planning Proposal include a heritage assessment of the site. The City has commissioned an independent heritage assessment of the site which is included at Appendix C of this Planning Proposal.

The heritage assessment confirms that the three storey Federation building dates from 1901, one of the key development periods of significance of the Hereford and Forest Lodge Conservation Area. The three storey factory was erected on part of the site for the manufacture of straw hats, and was later used for felt hat manufacturing and after 1968 for a wholesale grocer. The building provides evidence of the modest manufactories that operated on the outskirts of Glebe during the Federation and Interwar periods and remains recognisable as being of its period and style. As an early warehouse, it contributes to the understanding of the various periods of development and architectural styles and building types that make up the conservation area.

Despite alterations the former hat factory retains its overall warehouse character and the heritage assessment recommends reclassification from detracting to contributory within the Conservation Area. It also recommends that the whole of the original part of the Federation warehouse be retained, including the reinstatement of the original timber framed façade windows and conservation of the face brickwork.

Other recommendations include retaining or substantially retaining in situ, the stone retaining wall along the eastern boundary of the site, and confirming that Junction Street should remain as part of the Conservation Area.

While not part of this Planning Proposal, a site specific amendment to Sydney DCP 2012 has been prepared concurrent with this Planning Proposal to change the Federation warehouse's contribution to the conservation area from 'detracting' to 'contributory' and to require the original part of it to be retained.

The Planning Proposal and site specific DCP amendment will allow a new three to four storey residential flat building to be erected on either side of the existing warehouse building and setback 3 metres from the street and warehouse building line. The fourth storey must be setback 2 metres and it must be no higher than the existing warehouse building.

The proposed setbacks, heights and retention of the existing warehouse building will ensure heritage impacts are maintained within acceptable limits. It will provide an appropriate transition in height from the taller 5 to 7 storey apartment buildings to the west to the 1 to 2 storey terrace houses in the conservation area to the north and

east. It will also ensure the existing warehouse building remains as the dominant visual element when viewed from Junction Street.

A heritage impact statement prepared by a suitably qualified heritage consultant will be required as part of any future development application for the site.

The archaeological assessment identifies the potential for locally significant archaeological remains associated with 1880s residential and industrial development, as well as non-significant archaeological remains associated with the twentieth century development of the site. A detailed archaeological impact assessment will be required to inform management and mitigation measures prior to construction.

5.6 Public open space

The Planning Proposal is to provide increased floor space if the development provides publicly accessible open space to extend and integrate Larkin Street Reserve. This will help ensure the development contributes to public open space needs in the precinct.

A map in the draft DCP amendment shows the preferred location and extent of the extended open space. The map is reproduced as Figure 19 in this Planning Proposal. Larkin Street Reserve has an area of 1,055 m². The preferred open space extension is about 450 m². The combined extended open space will have an area of about 1,500 m².

Requiring new public open space is considered justified since:

- The site is next to a priority dedication / acquisition investigation area identified in the City's recently exhibited Draft Open Space, Sports and Recreation Needs Study 2016. Direction 1.4 of the Study is to provide accessible local / neighbourhood parks within 400 metre walking distance of all residents.
- The development will generate demand for more than 900 m² of new public open space whereas development contributions will only provide around 226 m² of open space, a shortfall of 674 m².
- Using the land for open space will have limited if any impact on the maximum floor space ratio achievable at the site due to the Apartment Design Guide requirement to provide communal open space and minimum solar access requirements for public open space in Sydney DCP 2012.

Draft Open Space, Sports and Recreation Needs Study

The site is within a priority dedication / acquisition investigation area identified in the City's recently exhibited Draft Open Space, Sports and Recreation Needs Study 2016. A strategic priority identified in the Draft Study is for all residents to be within 400 metres actual walking distance of high quality open space. High quality open space is defined as being open space with an area of more than 1,500 m². Open space with an area of more than 1,500 m² can accommodate a diversity of uses. Its usability is significantly greater than open space with an area of less than 1,500 m² that has limited capacity to accommodate a diversity of uses.

Larkin Street Reserve has an area of 1,055 m², does not currently accommodate a diversity of uses, and is of limited usefulness. There are few opportunities within the precinct between Bridge Road and Parramatta Road to expand existing or deliver new open space due to the development that has occurred.

The preferred open space extension is about 450 m². The combined extended open space will have an area of about 1,500 m². This will be able to accommodate a diversity of uses, substantially increase its usefulness to the local community and help meet the City's objective to provide high quality open space within walking distance of all residents.

City of Sydney Development Contributions Plan 2015

The site is located in the West precinct of the City of Sydney Development Contributions Plan 2015. The Plan indicates there is currently 6.3m² of local open space per resident and 12.4 m² of total open space per resident in the West precinct. This is low compared to other council areas and it is below a commonly used benchmark of 24.3 m², which originated from the United Kingdom's National Playing Fields Association in the early 20th century.

The Planning Proposal will allow the existing worker population to be replaced with a new residential population that will have a much higher demand for public open space. Park user intercept surveys indicate that a resident's demand for public open space is typically around four times higher than a worker's demand for public open space. The Planning Proposal will allow about 87 new dwellings to be constructed including any design excellence floor space. This will have a residential population of about 165 residents, assuming an average occupancy of 1.9 residents per dwelling.

A reasonable strategy is to ensure the redevelopment of the site does not reduce the existing low rate of public open space provision enjoyed by neighbouring residents. This would require the development to provide about 1,000 m² of new public open space. At 87 new dwellings, the development contributions would provide about 250 m² of new open space. This is about 750 m² less than the 1,000 m² needed just to maintain the existing low rates of public open space provision. Providing about 450 m² to extend Larkin Street Reserve will help address this shortfall.

Landowner's schemes

As part of its November 2016 scheme, the landowner offered to enter into a planning agreement and dedicate approximately 452 m² of land to expand Larkin Street Reserve. The land included part of a proposed central through site link and a portion of land along the irregular-shaped north west boundary. The City estimated the combined area of these two components to be approximately 100 m². Their function and shape means they are not considered as usable open space and the effective extended open space area would be approximately 1,350 m². This is less than the minimum 1,500 m² needed to accommodate a diversity of uses and provide an appropriate level of usability.

The landowner did not offer to enter into a planning agreement to dedicate land to extend Larkin Street Reserve as part of its July 2016 scheme. The increased public open space demand from the development would reduce the amount of public open space available to each existing resident, further below the existing low rates. The landowner instead proposed to use the land as private communal open space. Sunlight received by the proposed communal open space will be less than required by the Apartment Design Guide. It is unlikely the land could be developed due to the Apartment Design Guide requirement to provide communal open space and minimum solar access requirements for public open space in Sydney DCP 2012. Using the land for open space will therefore have little if any impact on the maximum floor space ratio achievable at the site.

5.7 Traffic and transport

Walking, cycling and public transport

The Planning Proposal will support walking, cycling and public transport. The site adjoins the City's priority pedestrian and cycling route, the Liveable Green Network and is located close to public transport services connecting to central Sydney. Public transport services include bus services along Parramatta Road and light rail stations at Jubilee Park and Glebe.

The Planning Proposal will also provide new open space to extend and integrate Larkin Street Reserve and a new publicly accessible link through the site connecting Junction Street and Larkin Street. This will further improve access for people walking, cycling and using public transport.

Traffic

A traffic and parking assessment commissioned by the landowner in March 2015 found a proposed floor space ratio of 1.75:1 will have no notable impact on traffic levels.

The assessment found a floor space ratio of 1.65:1 will generate less traffic compared to existing operations at the site. Current operations generate 37 vehicle trips in the morning and 42 vehicle trips in the evening. A floor space ratio of 1.75:1 will generate up to 33 vehicle trips in the morning and 25 vehicle trips in the evening. This is a reduction of 5 vehicle trips in the morning and 17 vehicle trips in the evening.

This Planning Proposal is to increase the floor space ratio to 1.56:1. This will generate less traffic than a floor space ratio of 1.75:1. As the consultant's assessment found a floor space ratio of 1.75:1 will have no notable impact it is reasonable to conclude a floor space ratio of 1.5:1 will also have no notable impact. A detailed traffic assessment will be required as part of any future development application for the site.

The site's location near walking, cycling and public transport infrastructure and the provision of new open space and a link through the site will further reduce the development's traffic impact.

Parking

The landowner's traffic and parking assessment found a floor space ratio of 1.75:1 will have no notable impact on parking. This is because the existing number of parking spaces on the site is similar to the maximum number of parking spaces that can be provided under parking provisions in Sydney LEP 2012. The site currently has approximately 100 parking spaces whereas a similar number could be provided for a floor space ratio of 1.75:1 under Sydney LEP 2012.

A floor space ratio of 1.56:1 will generate less demand for parking than a floor space ratio of 1.75:1. Given the assessment found a floor space ratio of 1.75:1 will have no notable impact on parking, it is reasonable to conclude a floor space ratio of 1.56:1 will also have no notable impact on parking.

A detailed traffic and parking assessment will be required as part of any future development application for the site.

6. Justification for proposed LEP amendments

This section describes the justification for the proposed LEP amendments. The justification is considered with reference to the Department of Planning and Infrastructure's (2012) 'A guide to preparing planning proposals'. It includes the need for this Planning Proposal, its relationship to the strategic planning framework, its environmental, social and economic impact and its consistency with State and Commonwealth interests.

6.1 Need for this Planning Proposal

1. Is the Planning Proposal a result of any strategic study or report?

No. The site was formerly zoned Industrial under Leichhardt LEP 2000. Sydney LEP 2012 rezoned it to B4 Mixed Use when it commenced in 2012. The report considered by Council in March 2012 after the exhibition of Draft Sydney LEP 2012 did not recommend increasing the height but recommended considering undertaking an urban design study to assess if a planning proposal should be initiated to amend the planning controls.

2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes, the Planning Proposal is the best means of achieving the objectives outlined in section 3. This includes facilitating the delivery of new residential development, facilitating a variety of housing sizes and types to encourage a diverse residential population and ensuring the development responds appropriately to its context and limits impacts on neighbouring properties.

The City has undertaken extensive urban design testing to assess how much additional height and floor space can be accommodated at the site while ensuring impacts are maintained within acceptable limits and the provision of local infrastructure for the development and the local area is incentivised.

6.2 Relationship to strategic planning framework

3. Is the Planning Proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy?

Yes, the Planning Proposal is consistent with the objectives and actions in the NSW Government's *A Plan for Growing Sydney* (2014) and Central District Plan.

A Plan for Growing Sydney

A Plan for Growing Sydney is the government's vision for Sydney over the next 20 years. It identifies key challenges facing Sydney including a population increase of 1.6 million residents by 2034 and needing 689,000 new jobs and 664,000 new homes by 2031.

In responding to these and other challenges, *A Plan for Growing Sydney* sets out four goals:

1. A competitive economy with world-class services and transport;
2. A city of housing choice with homes that meet people's needs and lifestyles;
3. A great place to live with communities that are strong, healthy and well connected; and
4. A sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources.

To achieve these goals, the Plan proposes 22 directions and associated actions. This Planning Proposal is consistent with the Plan's following directions:

- Direction 1.11 – Deliver infrastructure – the provision of new public open space infrastructure provides significant social, environmental and economic benefits. The Planning Proposal will assist with providing new public open space to expand and integrate Larkin Street Reserve.
- Direction 2.1 – Accelerate housing supply across Sydney – Increasing housing affordability and choice is identified as a high priority for meeting Sydney's future housing need.
- Direction 2.2 – Accelerate urban renewal across Sydney, providing homes closer to jobs – new housing supported by social infrastructure in or near centres will make the living environment more attractive. A Plan for Growing Sydney supports council led urban infill and local efforts to lift housing production around local centres and public transport to connect new homes to job rich locations.
- Direction 2.3 – Improve housing choice to suit different needs and lifestyles – A Plan for Growing Sydney encourages the introduction of planning controls that increase the number of homes in established urban areas to take advantage of public transport, jobs and services. It will also encourage further innovative, well-designed, smaller homes to suit lifestyles and budgets.
- Direction 3.1 – Revitalise existing suburbs – The Plan notes research has found new housing within Sydney's established suburbs brings real benefits to communities and makes good social and economic sense.

Draft Central District Plan

The Draft Central District Plan sets out the NSW Government's vision, priorities and actions for the Central District, including the City of Sydney. It establishes a 40 year vision for the Central District to be a 'global sustainability leader, managing growth while maintaining and enhancing liveability, productivity and attractiveness for residents and visitors'. Priorities and associated actions for productivity, liveability and sustainability seek to deliver this vision.

This Planning Proposal is consistent with the following priorities from the Draft Plan:

- Liveability Priority 1: Delivering on the Central District's five-year target – This Planning Proposal will increase housing capacity by establishing infill

development on an under-utilised site in a highly accessible area close to public transport, walking and cycling connections to the CBD and the Parramatta Road transport corridor. The provision of 87 residential units will contribute towards achieving the five-year housing supply target for the Central District of 46,550 new dwellings, including 18,300 new dwellings in the City of Sydney.

- Liveability Priority 2: Delivering and improving housing diversity and choice – This Planning Proposal will improve housing diversity and affordability in the local housing market. It is likely to provide a range of studio, one-, two- and three-bedroom apartments that will have high quality design outcomes.
- Liveability Priority 6: enhanced walking and cycling connections – This Planning Proposal increases the level of public open space and establishes a through site link to enhance local walking and cycling connections to support the proposed residential development and increase permeability through the site. The provision of 452m² of new open space to extend and integrate Larkin Street Reserve will increase access to open space and improve connections for people walking, cycling and using public transport.
- Liveability Priority 7: Conserving heritage and unique local characteristics This Planning Proposal will contribute towards retaining cohesive communities in the Central District by conserving local heritage significance through identifying the three storey Federation warehouse building on the site as a contributory building in the Hereford and Forest Lodge Conservation Area. The design and layout of the redevelopment will ensure the significance of the heritage conservation area and Federation warehouse building is conserved, with the full extent of the original section of this building and a stone retaining wall retained. The existing warehouse building will remain the dominant visual element when viewed from Junction Street and new development fronting Junction Street will be designed to be sympathetic and compatible with the existing heritage terraces along Junction Street.

4. Is the Planning Proposal consistent with Council's local strategy or other local strategic plan?

Yes, the Planning Proposal is consistent with *Sustainable Sydney 2030: Community Strategic Plan* (2014) ('Sustainable Sydney 2030').

Sustainable Sydney 2030 outlines the Council's vision for a 'green', 'global' and 'connected' City, with targets, objectives and actions to achieve that vision. The vision was adopted by Council in 2008.

The Planning Proposal is consistent with the following directions in Sustainable Sydney 2030:

- Direction 2: A leading environmental performer – Redevelopment of the site, facilitated by this Planning Proposal, 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.
- 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.
- 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.
- Direction 8: Housing for a diverse population – Sustainable Sydney 2030 sets a target for 138,000 dwellings in the City by 2030. The site has capacity to contribute to this and also the shortfall of open space provision in the local area. This Planning Proposal will facilitate the provision of more than 50 new dwellings. The dwellings will include one, two and three bedroom dwellings to provide variety of housing sizes and support a diverse population.
- Direction 9: Sustainable development, renewal and design – The built form envisaged by the proposed controls includes a variety of heights, enhancing pedestrian amenity, visual interest and good solar access within the public domain

5. Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

Yes. The Planning Proposal is consistent with all applicable State Environmental Planning Policies ('SEPPs') and Sydney Regional Environmental Plans ('SREPs'). The Planning Proposal's consistency with applicable SEPPs and SREPs is shown in Table 5.

Table 5: Consistency with applicable State Environmental Planning Policies

State Environmental Planning Policy	Consistent			Comment
	YES	NO	N/A	
SEPP No 1—Dev. Standards			✓	Not applicable.
SEPP No 14—Coastal Wetlands			✓	Not applicable.
SEPP No 15—Rural Landsharing Communities			✓	Not applicable.
SEPP No 19—Bushland in Urban Areas			✓	Not applicable.
SEPP No 21—Caravan Parks			✓	Not applicable.
SEPP No 26—Littoral Rainforests			✓	Not applicable.
SEPP No 29—Western Sydney Recreation Area			✓	Not applicable.
SEPP No 30—Intensive Agriculture			✓	Not applicable.
SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)	✓			The planning proposal is consistent with SEPP 32 in providing for the opportunity for the development of additional housing in an area where there is existing public infrastructure, transport, and community facilities, and is close to employment, leisure and other opportunities.
SEPP No 33—Hazardous and Offensive Development			✓	Not applicable.
SEPP No 36—Manufactured Home Estates			✓	Not applicable.
SEPP No 39—Spit Island Bird Habitat			✓	Not applicable.
SEPP No 44—Koala Habitat Protection			✓	Not applicable.
SEPP No 47—Moore Park Showground			✓	Not applicable.
SEPP No 50—Canal Estate Development			✓	Not applicable.
SEPP No 52—Farm Dams and Other Works in Land and Water Management Plan Areas			✓	Not applicable.
SEPP No 55—Remediation of Land	✓			The site was zoned for Industrial land uses before being rezoning for mixed uses in 2012. An assessment of the site's potential for contamination will need to be undertaken as part of any future development application. If necessary, the site will need to be remediated.

State Environmental Planning Policy	Consistent		
	YES	NO	N/A
SEPP No 59—Central Western Sydney Regional Open Space and Residential		✓	Not applicable.
SEPP No 62—Sustainable Aquaculture		✓	Not applicable.
SEPP No 64—Advertising and Signage		✓	Not applicable.
SEPP No 65—Design Quality of Residential Flat Development	✓		Urban design testing undertaken by the City indicates the Planning Proposal will allow a built form envelope capable of complying with SEPP 65 requirements including solar access, building depth, building separation, visual amenity and privacy.
SEPP No 70—Affordable Housing (Revised Schemes)		✓	Not applicable.
SEPP No 71—Coastal Protection		✓	Not applicable.
SEPP (Affordable Rental Housing) 2009		✓	Not applicable.
SEPP (Building Sustainability Index: BASIX) 2004	✓		The Planning Proposal provides an incentive for increased BASIX targets, consistent with the BASIX SEPP. Compliance with the BASIX SEPP will need to be demonstrated at the development application stage.
SEPP (Exempt and Complying Development Codes) 2008		✓	Some development with minimal or predictable impacts may be undertaken as exempt or complying development under the Exempt and Complying Development Codes SEPP.
SEPP (Housing for Seniors or People with a Disability) 2004		✓	Not applicable.
SEPP (Infrastructure) 2007		✓	Not applicable.
SEPP (Kosciuszko National Park—Alpine Resorts) 2007		✓	Not applicable.
SEPP (Kurnell Peninsula) 1989		✓	Not applicable.
SEPP (Major Development) 2005		✓	Not applicable.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007		✓	Not applicable.
SEPP (Miscellaneous Consent Provisions) 2007		✓	Not applicable.
SEPP (Penrith Lakes Scheme) 1989		✓	Not applicable.
SEPP (Rural Lands) 2008		✓	Not applicable.

State Environmental Planning Policy	Consistent		
	YES	NO	N/A
SEPP (State and Regional Development) 2011		✓	Not applicable.
SEPP (Sydney Drinking Water Catchment) 2011		✓	Not applicable.
SEPP (Sydney Region Growth Centres) 2006		✓	Not applicable.
SEPP (Three Ports) 2013		✓	Not applicable.
SEPP (Urban Renewal) 2010		✓	Not applicable.
SEPP (Western Sydney Employment Area) 2009		✓	Not applicable.
SEPP (Western Sydney Parklands) 2009		✓	Not applicable.

Consistency with Regional Environmental Plans

No Regional Environmental Plans are applicable to the Planning Proposal, as shown in Table 6.

Table 6: Consistency with applicable Regional Environmental Plans

Regional Environmental Plan	Consistent		
	YES	NO	N/A
SREP No 8 (Central Coast Plateau Areas)		✓	
SREP No 9—Extractive Industry (No 2—1995)		✓	
SREP No 16—Walsh Bay		✓	
SREP No 18—Public Transport Corridors		✓	
SREP No 19—Rouse Hill Development Area		✓	
SREP No 20—Hawkesbury-Nepean River (No 2—1997)		✓	
SREP No 24—Homebush Bay Area		✓	
SREP No 26—City West		✓	
SREP No 30—St Marys		✓	
SREP No 33—Cooks Cove		✓	

6. Is the Planning Proposal consistent with applicable Ministerial directions?

Yes, the Planning Proposal is consistent with all applicable Ministerial directions, as shown in Table 7.

Table 7: Consistency with applicable Ministerial directions

No.	Title	Consistent			Comment
		YES	NO	N/A	
1. Employment and resources					
1.1	Business and Industrial zones	✓			The site is on land zoned B4 Mixed Use. The Planning Proposal is to change the height and floor space ratio but not the land use zoning. Existing land uses include office, storage and car parking. The office use may be retained or redeveloped for residential purposes which are permissible in the zone. The quantity of office floor space is relatively limited and the site is not in a strategic centre.
1.2	Rural zones	✓			Not applicable.
1.3	Mining, petroleum production and extractive industries	✓			Not applicable.
1.4	Oyster aquaculture	✓			Not applicable.
1.5	Rural lands	✓			Not applicable.
2. Environment and heritage					
2.1	Environmental protection zones	✓			Not applicable.
2.2	Coastal protection	✓			Not applicable.
2.3	Heritage conservation	✓			The site is in a heritage conservation area but does not contain any listed heritage items. The Planning Proposal does not propose to amend the heritage conservation area or list any heritage items. Heritage issues are discussed in section 5.5 of this Planning Proposal.
2.4	Recreation vehicle areas	✓			Not applicable.
3. Housing, infrastructure and urban development					
3.1	Residential zones	✓			Not applicable.
3.2	Caravan parks and manufactured home estates	✓			Not applicable.
3.3	Home occupations	✓			Not applicable.

No.	Title	Consistent			Comment
		YES	NO	N/A	
3.4	Integrating land use and transport	✓			The site adjoins the City's priority pedestrian and cycling route, the Liveable Green Network. The Planning Proposal will provide a new through site link to improve pedestrian and cycling connectivity and it will facilitate new housing within walking and cycling distance of public transport that connects to central Sydney. Public transport includes bus routes along Parramatta Road and Bridge Road.
3.5	Development near licensed aerodromes		✓		Not applicable.
3.6	Shooting ranges		✓		Not applicable.
4. Hazard and risk					
4.1	Acid sulfate soils		✓		Not applicable.
4.2	Mine subsidence and unstable land		✓		Not applicable.
4.3	Flood prone land	✓			The Planning Proposal and site specific amendment to Sydney DCP 2012 requires various flood risk mitigation measures. This includes suspending the car park floor slab, elevating it to the 5% annual exceedance probability (AEP), using permeable screening for its face, locating the vehicle access to the high point, requiring three evacuation points and requiring permanent signage. This is discussed further in section 5.3 of this Planning Proposal.
4.4	Planning for bushfire protection		✓		Not applicable.
5. Regional planning					
5.1	Implementation of regional strategies		✓		Not applicable.
5.2	Sydney drinking water catchments		✓		Not applicable.
5.3	Farm land of state and regional significance on the NSW far north coast		✓		Not applicable.
5.4	Commercial and retail development along the Pacific Highway, north coast		✓		Not applicable.

No.	Title	Consistent			Comment
		YES	NO	N/A	
5.5	Development in the vicinity of Ellalong, Paxton and Millfield – revoked			✓	Not applicable.
5.6	Sydney to Canberra corridor – revoked			✓	Not applicable.
5.7	Central Coast – revoked			✓	Not applicable.
5.8	Second Sydney Airport, Badgerys Creek			✓	Not applicable.
5.9	North West Rail Link corridor strategy			✓	Not applicable.
6. Local plan making					
6.1	Approval and referral requirements	✓			The Planning Proposal does <u>not</u> (a) include provisions requiring concurrence, consultation or referral of development applications to a Minister or public authority, (b) contain provisions requiring concurrence, consultation or referral of a Minister or public authority, and (c) identify development as designated development.
6.2	Reserving land for public purposes		✓		Not applicable.
6.3	Site specific provisions		✓		Not applicable.
7. Metropolitan planning					
7.1	Implementation of 'A Plan for Growing Sydney'	✓			The Planning Proposal is consistent with A Plan for Growing Sydney. This is discussed in section 3.2.
7.2	Implementation of Greater Macarthur land release investigation		✓		Not applicable.

6.3 Environmental, social and economic impact

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the Planning Proposal?

No, the Planning Proposal will not affect any critical habitats, populations or ecological communities.

8. Are there any other likely environmental effects as a result of the Planning Proposal, and how are they proposed to be managed?

Likely environmental effects are discussed in section 5 of this Planning Proposal. Overall, all likely environmental effects are considered to be within acceptable limits.

9. Has the Planning Proposal adequately addressed any social and economic effects?

The Planning Proposal will result in positive economic and social flow-on effects for the local area. The residential component will deliver new housing in a location close to public transport, community facilities and jobs. The retention and reuse of the existing warehouse building, new public open space and through site link will help integrate the site with the surrounding locality and improve permeability and accessibility. Overall, the Planning Proposal will support the integration of new housing and employment opportunities in a socially diverse area.

6.4 State and Commonwealth interests

10. Is there adequate public infrastructure for the Planning Proposal?

There is currently a shortfall of adequate local open space in the Camperdown renewal precinct between Bridge Road and Parramatta Road. This precinct is one of the few areas in the City that does not have local walking access (400 metres) to 'high quality' open space, being open space above 1,500 m².

The Planning Proposal incentivises the provision of open space to help address this shortfall by providing additional density where open space is provided. The preferred location of the open space adjoins Larkin Street Reserve and enables its extension to provide about 1,500 m².

11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

Given the site specific nature of this Planning Proposal, no preliminary consultation with state or commonwealth authorities is considered necessary. Consultation with relevant agencies will be conducted when Gateway determination is issued. If the Greater Sydney Commission (or delegate) decides the Planning Proposal can proceed, the Commission (or delegate) will inform Council which state and Commonwealth authorities Council must consult during the Planning Proposal's public exhibition period.

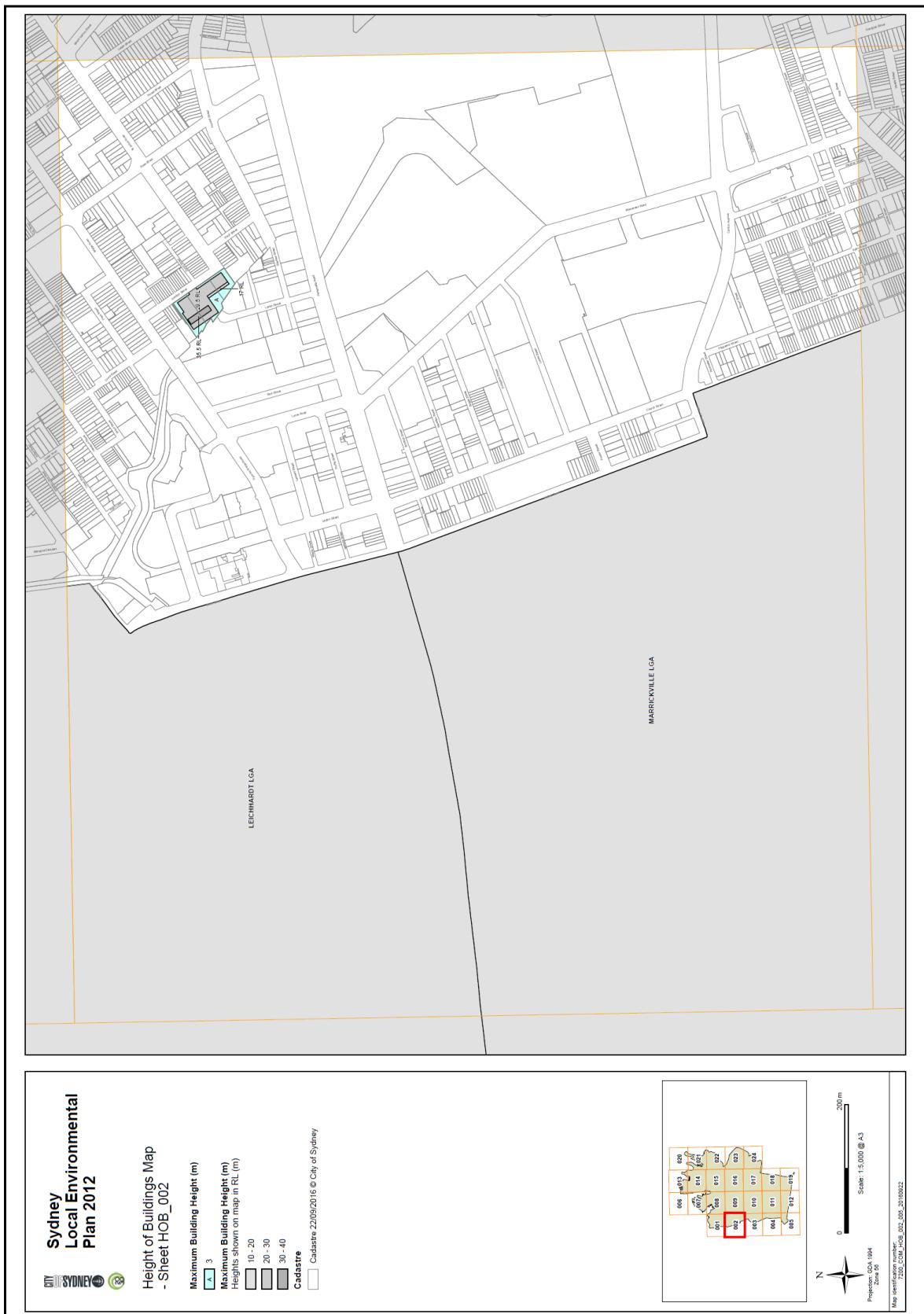
7. Proposed mapping

This Planning Proposal is to amend the Height of Buildings Map Sheet 2 of Sydney LEP 2012. An extract from the existing Height of Buildings Map Sheet 2 is shown in Figure 22. The proposed amendment is shown in Figure 23.

Figure 22: Extract from existing Height of Buildings Map Sheet 2



**Figure 23: Proposed amendment to Height of Buildings Map Sheet 2
(a close up of the proposed amendments at the site is shown at Figure 18)**



8. Proposed consultation

It is proposed to publicly exhibit this Planning Proposal and consult with any relevant state or commonwealth authorities during the public exhibition period.

8.1 Public exhibition period

This Planning Proposal will be publicly exhibited for at least 28 days in accordance with the Gateway Determination.

8.2 Public notification

The City will notify the public of the exhibition via notices in the Sydney Morning Herald, relevant local newspapers and the City's website. The City will also send written notification letters to all landowners and occupants of neighbouring properties affected by the development.

8.3 Viewing printed and electronic copies of this Planning Proposal

Members of the public will be able to view electronic copies of this Planning Proposal on the City's website. Printed copies will also be available for inspection at the One Stop Shop at Town Hall House and at the Glebe Neighbourhood Service Centre. This is the nearest neighbourhood service centre to the subject site.

Greater Sydney Commission requirements

The Greater Sydney Commission requires consultation with the following public authorities:

- Office of Environment and Heritage
- Roads and Maritime Services

9. Proposed timeline

It is estimated Sydney Local Environmental Plan 2012 could be amended by August 2017, as shown in Table 8.

Table 8: Estimated indicative project timeline

Task	Estimated completion
1. Seek Council's and the Central Sydney Planning Committee's approval to seek the Greater Sydney Commission's Gateway determination and publicly exhibit this Planning Proposal.	October 2016
2. Submit Planning Proposal to the Greater Sydney Commission seeking a Gateway determination.	October 2016
3. Gateway Panel considers Planning Proposal and Greater Sydney Commission (or delegate) issues Gateway determination.	December 2016
4. Publicly exhibit this Planning Proposal and supporting Draft DCP amendment and consult with any relevant public authorities.	August 2017
5. Consider any submissions received from the public and any public authorities during the public exhibition and, where warranted, amend Planning Proposal and supporting Draft DCP to address issues raised in submissions.	September 2017
6. Seek Council's and the Central Sydney Planning Committee's approval of the Planning Proposal to be made as a Local Environmental Plan and the Draft DCP amendment to be made as a Development Control Plan.	October 2017
7. Parliamentary Counsel's Office drafts instrument.	November 2017
8. Commission (or delegate) makes the amendment to Sydney Local Environmental Plan.	December 2017
9. Parliamentary Counsel's Office notifies the plan on the NSW Legislation website and the plan commences.	December 2017

Appendix A: Landowner's indicative development schemes

This section describes development schemes submitted by the landowner for the site in 2014, 2015 and 2016 and their likely environmental impacts.

Overall, the landowner's proposed floor space ratios, building forms and setbacks will lead to environmental impacts that do not comply with objectives and controls in Sydney DCP 2012 and the Apartment Design Guide. This includes amenity impacts within the site and amenity impacts on Larkin Street Reserve and the neighbouring terrace house at 34 Junction Street.

The site was previously zoned Industrial under Leichhardt LEP 2000 and was rezoned to B4 Mixed Use when Sydney LEP 2012 commenced in 2012. During the exhibition of Draft Sydney LEP 2011 in early 2011, the landowner made a submission requesting a new floor space ratio of 2.5:1 and a new height control of 15 metres along Junction Street and 21 metres along Larkin Street.

Council considered the landowner's submission in March 2012 when it considered the report about the exhibition of Draft Sydney LEP 2011. Rather than increasing the height and floor space ratio, Council resolved to consider undertaking an urban design study to assess if a planning proposal should be initiated to amend the planning controls.

In November 2013 the City advised the landowner initial urban design analysis undertaken by the City indicated the maximum floor space ratio achievable at the site given its constraints is 1.5:1.

In October 2014 the landowner submitted an urban design study including three options with floor space ratios of 1.44:1, 1.71:1 and 2.01:1. The City reviewed each option and later that month advised the landowner the City's position of November 2013 remained that the maximum floor space ratio achievable at the site is 1.5:1.

In March 2015 the landowner lodged a Planning Proposal seeking a floor space ratio of 1.75:1. The following month, in April 2015, the City advised the landowner of further information needed for the City to fully assess the Planning Proposal. Subsequent discussions focussed on flooding and open space.

In November 2015 the landowner submitted a revised scheme, again seeking a floor space ratio of 1.75:1. The landowner also offered to enter into a planning agreement to dedicate approximately 452 m² of land to extend Larkin Street Reserve.

The City reviewed the scheme and in April 2016 advised the landowner it considered information provided did not demonstrate the impact of a proposed scheme with a floor space ratio of 1.75:1 will be within acceptable limits and that, consequently, the City's position of 2013 and 2014 remained that the maximum floor space ratio achievable at the site is 1.5:1. Issues raised by the City related to amenity impacts on Larkin Street Reserve and surrounding residential development. The City also advised that the land offered for dedication was too irregular in shape and too small to be of sufficient use.

A more detailed assessment of the landowner's schemes and relevant issues is provided in the following subsections. The landowner's schemes are shown in Figures 22–24.

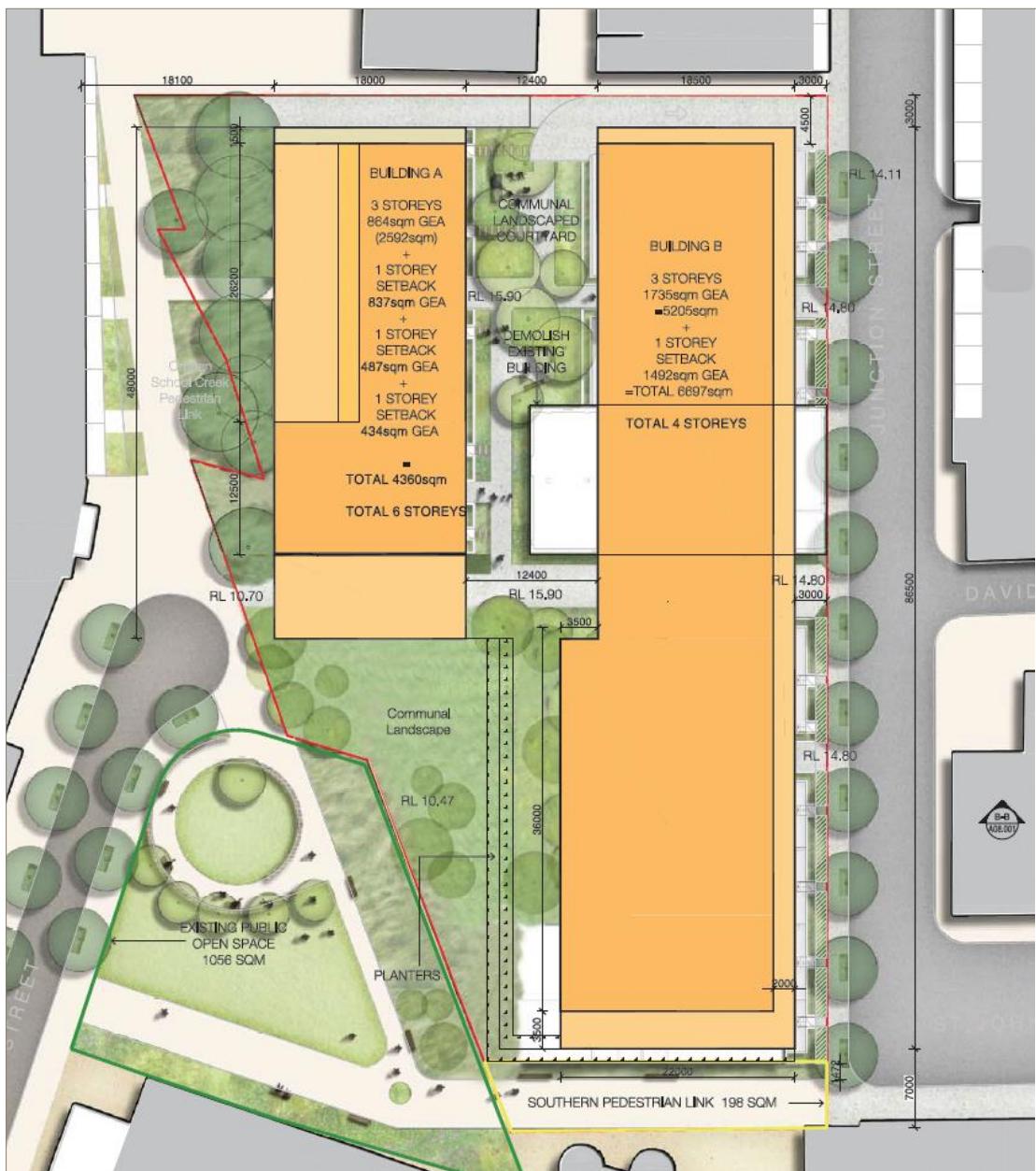
Figure 24: Landowner's March 2015 scheme



Figure 25: Landowner's November 2015 scheme



Figure 26: Landowner's July 2016 scheme



Amenity issues for proposed apartments

Part 2E of the Apartment Design Guide requires maximum building depths of 12-18 metres from glass line to glass line when precinct planning and testing development controls. This is to ensure apartments receive adequate daylight and natural ventilation and optimise natural cross ventilation. It indicates building depth dimensions typically include articulation such as projecting balconies, gallery access, eaves, overhangs, sun hoods, blades and other architectural features.

Part 4A of the Apartment Design Guide requires living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney metropolitan area. It also requires that a maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.

In the landowner's most recent scheme, from July 2016, the southern section of Building B's envelope is proposed to be 22 metres deep, including balconies. This exceeds the maximum 12-18 metre building depth required by the Apartment Design Guide. Therefore, the proposed floor space could not be achieved.

Overshadowing of proposed communal open space

The landowner offered to dedicate land to extend Larkin Street Reserve as part of its November 2015 scheme. The landowner did not offer to dedicate land to extend the Larkin Street Reserve as part of its July 2016 scheme. Instead, the landowner proposed to use the land previously offered as public open space as the principal usable communal open space.

Part 3D of the Apartment Design Guide requires developments to achieve a minimum of 50% direct sunlight to the principal useable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June. While the landowner did not provide information about overshadowing impacts on the proposed communal open space, it appears the proposed communal open space will receive less than 2 hours of sunlight on 21 June.

Amenity impacts on apartments at 1-3 Larkin Street

Overshadowing

As noted, Part 4A of the Apartment Design Guide says living rooms of at least 70% of apartments must receive at least 2 hours of sunlight and no more than 15% of apartments can receive no sunlight. If more than 15% 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 1 m² on the vertical plane, 1 metre above the floor level for at least 15 minutes.

Information provided with the November 2015 scheme indicate that more than 15% of apartments at 1-3 Larkin Street do not currently receive any sunlight and the proposed scheme would increase the number of apartments not receiving any sunlight. This does not comply with the Apartment Design Guide's requirement that if more than 15% of apartments do not receive any sunlight then this proportion cannot be increased.

The July 2016 scheme revised the proposed building envelope of Building A's upper two storeys to reduce overshadowing impacts on the apartments at 1-3 Larkin Street. While information submitted about the proposed scheme's overshadowing impact is limited, it implies the proposed scheme does not increase the number of apartments at 1-3 Larkin Street receiving no sunlight. If that's the case, it would mean the proposed level of overshadowing at 1-3 Larkin Street meets minimum solar access requirements in the Apartment Design Guide.

Visual impact

The City does not support Building A's proposed envelope due to its visual impact on apartments at 1-3 Larkin Street and the public domain below.

Part 3F of the Apartment Design Guide relating to visual privacy says that generally one step in the built form as the height increases due to building separations is desirable and that additional steps should be careful not to cause a 'ziggurat' appearance.

In the landowner's July 2016 scheme, the building envelope includes two steps in the built form as the height increases. This is inconsistent with Part 3F of the Apartment Design Guide.

Amenity impacts on Larkin Street Reserve

November 2015 scheme

In a letter dated April 2016, the City advised the landowner the visual impact of the November 2015 scheme on the existing adjoining Larkin Street Reserve was considered unacceptable due to the proposed building D's height, size, bulk, proximity, slope of the site and the proposed undercroft car park beneath this, which is above ground and not screened by active uses.

In the November 2015 scheme, the southern tip of Building D and the car park beneath is proposed to be setback 0 metres from both the Reserve and land offered to extend the Reserve. Although necessary elevations and sections were not provided, in some locations, Building D is estimated to be around 18 metres higher than the Reserve and the car park is estimated to be around 5 metres higher.

The City advised the bulk, scale and siting of Building D will dominate the Reserve and its extension and make it an undesirable place for recreation. The impacts are significant given the relatively small size of the extended reserve and the relative lack of open space and density of this precinct.

Provisions of Sydney DCP 2012 typically require car parks to be below ground or screened by active uses where above ground (provisions 3.2.2 (5) and (6)) and for public open space to achieve a minimum four hours of sunlight to 50% of the park in mid-winter (provision 3.1.4(3)(a)). Flooding at the site means the proposed scheme is unable to comply with provisions 3.2.2(5) and 3.2.2(6)(b). Analysis indicates overshadowing of Larkin Street Reserve complies with provisions 3.1.4(3)(a), but overshadowing of the combined extended park area does not.

The City advised it is willing to allow some flexibility given the flooding constraints and the offer to extend Larkin Street Reserve, the magnitude of the impact means it is considered unacceptable, even allowing for this flexibility. The City advised that for the planning proposal to progress, the proposal needed to be amended to reduce the impact of Building D on Larkin Street Reserve by (1) increasing the setback of Building D from the extended boundary of the reserve and (2) introducing upper level setbacks.

July 2016 scheme

In the July 2016 scheme, Building D's setback at its' southern tip from the Reserve has been increased from approximately 0 metres to 6 metres and the car park's setback has been increased from approximately 0 metres to 1 metre. Building D does not include the upper level setback requested by the City in its letter of April 2016.

While Building D's and the car park's increased setback from the Reserve will reduce their visual impact on the Reserve, the increased setback is still considered insufficient to mitigate the visual impact to within acceptable limits. An upper level setback would assist with this, as advised in the City's letter of April 2016. The car park's setback also needs to be increased to at least 2 metres from the site boundary to allow for plantings to screen the car park.

Amenity impacts on 34 Junction Street

The City considers the landowner's November 2015 and July 2016 schemes will have unacceptable amenity impacts on the existing terrace to the north of the site, at 34 Junction Street.

The property at 34 Junction Street comprises an existing single level terrace with windows and habitable rooms facing south, towards the subject property. This building is a contributory building in the conservation area. To the rear of this property is a single level workshop storage area with a street address of 1 Kimber Lane. This property may be redeveloped for residential purposes in the future.

Apartment Design Guide requirements

Part 3F of the Apartment Design Guide relating to visual privacy requires that, in the lower four storeys of a building (up to 12 metres), non-habitable rooms be setback at least 3 metres from the side boundary and habitable rooms be setback at least 6 metres from the side boundary. Regarding storeys 5-8 (up to 25 metres) it requires non-habitable rooms to be setback at least 4.5 metres and habitable rooms to be setback at least 9 metres.

Part 3F also says the boundary setback distance should be increased by an additional 3 metres when the proposed building is adjacent to a different zone that permits lower density residential development to provide for a transition in scale and increased landscaping.

Landowner's November 2015 scheme

In the landowner's November 2015 scheme, Buildings A and B are proposed to be setback 3 metres from the northern side boundary. Building A is six storeys and Building B is five storeys. Both Building A and Building B are situated above an under croft car park equivalent to an additional 0.5–1 storeys. They are setback 3 metres from the northern side boundary and do not include upper level setbacks.

In its letter of 12 April 2016, the City advised the proposed setback did not comply with boundary setback requirements in Part 3F of the Apartment Design Guide and the proposed scheme needed to be amended to comply with this.

Landowner's July 2016 scheme

In the landowner's July 2016 scheme, the lower three storeys of Building A is setback 3 metres from the side boundary and the upper level is setback 4.5 metres from the side boundary. All six levels of Building B are setback 3 metres from the northern side boundary. Typical floor plans provided indicate lower level apartments in Buildings A and B facing the northern side boundary contain a room that could be used as a study with a window to the northern boundary. This room can be used as a habitable room and is considered a habitable room.

The setbacks between Building A and Building B and the northern side boundary do not comply with minimum boundary setback requirements in Part 3F of the Apartment Design Guide.

As a minimum, Building A's lower level setback would need to be increased from 3 metres to 6 metres and its upper level setback would need to be increased from 4.5 metres to 7.5 metres to provide for a transition in scale with the existing single level terrace at 34 Junction Street and increased landscaping. This requirement does not apply to Building A given 1 Kimber Lane does not contain a dwelling and may be redeveloped for residential purposes in the future.

As the typical floor plans provided indicate lower level apartments in Buildings A and B facing the northern side boundary contain a room window that can be used as a habitable room both Building A's and B's boundary setbacks would need to be increased by a further 3 metres. Providing habitable rooms along the northern side boundary will improve solar access to the new apartments.

Part 3F of the Apartment Design Guide says no separation is required between blank walls. Buildings on main streets typically have no side setback with blank walls. It is not appropriate for Buildings A and B to have blank walls on their northern walls given they will be visible from the public domain and residences on Junction Street and Larkin Street and the site is within a heritage conservation area. No setback would also preclude pedestrian access.

Appendix B: Key correspondence with the landowner

Key correspondence with the landowner is summarised in Table 9 below. The correspondence is provided in full after the table.

Table 9: Summary of key correspondence with the landowner

Date	Document	Summary
28 November 2013	Letter from the City to the proponent about the proponent's submission to Draft Sydney LEP 2011	Letter from the City to the proponent advising the proponent's submission seeking a floor space ratio of 2.5:1 isn't supported but the City is prepared to consider a change to planning controls and preliminary analysis indicates 1.5:1 is the maximum floor space ratio achievable at the site.
10 March 2015	Planning Proposal Application	Planning Proposal documentation formally submitted with the City.
16 April 2015	Letter from the City requesting information	Letter stating that prior correspondence has indicated that a FSR of 1.5:1 would be appropriate for the site and requesting further information to demonstrate how the proposal complies with SEPP65, the Residential Flat Development Code and the Sydney DCP 2012. A number of recommended amendments are also outlined in the letter.
2 June 2015	Information package from proponent in response to the City's letter of 15 April 2015	Information package from the proponent including a survey plan, additional shadow diagrams, sectional views, information on deep soil and area efficiency etc. It also includes information in response to the City's queries about public benefits, through site links, tree removal etc.
15 June 2015	Email from the City staff regarding key flooding considerations	Email from the City outlining key advice from the City's flooding engineer.
21 August 2015	Information package from proponent to address flooding issues	Information package from the proponent including consultant flood assessment and updated urban design plans and sections.
16 September 2015	Email from City staff about overshadowing	Email from the City requesting further information about overshadowing impacts of the proposal.

Date	Document	Summary
12 October 2015	Email from City staff about flooding	Email from the City confirming the City generally considers the revised flooding approach to be acceptable with some minor issues able to be addressed through a site specific DCP. The email also advised of the opportunity to address overshadowing of the park and ensure compliance with the DCP through dedication of a regular shaped parcel of land to enable the existing neighbouring park to be enlarged.
6 November 2015	Information package from proponent about overshadowing	Information package from the proponent comprising analysis of the overshadowing impacts on Larkin Street Reserve and neighbouring properties in Larkin Street.
25 November 2015	Email from City staff about land dedication	Response from the City to the proponent's information package of 6 November 2015 and advice about future dedication of land and the need for a future park.
27 November 2015	Information package from proponent about overshadowing	Additional analysis from the proponent about overshadowing impacts e.g. of current design and enlarged park scenario.
9 December 2015	Letter from the proponent with initial public benefit offer	Letter from the proponent with initiative public benefit offer. The offer included land dedication to extend Larkin Street Reserve and three new through site links.
25 February 2016	Letter from the proponent with updated public benefit offer	Revised public benefit offer including a slight change to the land dedication offer.
12 April 2016	Letter from the City	Letter advising the City does not support the proponent's November 2015 scheme. Key issues identified include: <ul style="list-style-type: none"> • Overshadowing of apartments at 1-3 Larkin Street • Overshadowing of apartments at 2A Short Street • Building D impacts on Larkin Street Reserve • Floor space in the existing commercial building. The letter also advised the land offered for dedication is considered too irregular in shape and too small to be sufficiently useable.
19 May 2016	Email from City staff about May meeting	Email from the City summarising advice the City provided at May 2016 meeting.
20 July 2016	Information package from proponent	Updated Planning Proposal Amendment report and covering email responding to key issues. The landowner's July 2016 scheme is discussed in Section 4 and Appendix A of this Planning Proposal.

Appendix C: Heritage Assessment: 2-32 Junction Street Forest Lodge