

Attachment A

**Applicant's submission to the Local
Planning Panel**



29 June 2018

Local Planning Panel Members
c/o City of Sydney Council Secretariat

Director of Planning, Development and Transport
Graham Jahn

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Re: Request for modified conditions relating to D/2017/1552 for 26-30 City Road, Chippendale

This letter has been drafted on behalf of St George Community Housing (SGCH) in response to the Council officers' Planning Report and recommended draft Conditions of Consent related to D/2017/1552, which seeks approval for:

- 53 x new generation boarding house rooms with associated office and shared spaces for the purpose of providing an innovative supported housing model for young people at risk of homelessness; known as a Youth Foyer. The Youth Foyer will provide affordable accommodation for vulnerable young people between the ages of 18 to 24 years old for a period of up to 2 years and intensive case management and support to assist the young people to transition to independence. A key focus is supporting the young people to identify and meet education, training and employment goals. SGCH will manage the tenancies with the young people and provide property management services. Their partner, Uniting will be providing ongoing support to the young people and be on staff 24/7 to manage any day to day issues;
- 20 x new generation boarding house units to provide Affordable Housing for low to moderate income workers, including young people who are moving out of the Youth Foyer. SGCH will manage the tenancies and provide property management services. A SGCH Tenancy Manager will be on site during business hours to provide services to both tenants of the Youth Foyer and Affordable Housing; and
- Two terrace dwellings facing Rose Street on land to be retained in ownership by the NSW Land and Housing Corporation (LAHC). These dwellings will not be connected to the operations of the Youth Foyer and Affordable Housing units.

SGCH have been working with their partner organisations Uniting and Social Ventures Australia, supported by the NSW Department for Family and Community Services (FACS) and NSW Office of Social Impact Investment, to design and develop a viable service delivery and funding model for the Youth Foyer project for over three years. This will be the first purpose built Youth Foyer in NSW and the first in Australia funded by a Social Impact Bond.

The Youth Foyer and Affordable Housing units are being developed by SGCH and will contribute to meeting a contract commitment SGCH have with FACS to deliver a pipeline of



408 new Affordable Housing units by 2021. All the units will be rented at affordable rents and managed in accordance with the FACS Ministerial Guidelines for Affordable Housing.

The development application was lodged in November 2017 and SGCH has been working with Council officers since then to enable a built form outcome that contributes positively to the surrounding area and character; while also delivering a viable Youth Foyer model that meets the needs of vulnerable young people and provide more Affordable Housing for low to moderate income workers.

The proponent would like to thank Council officers for their assistance and careful consideration of this complex site and the associated development application. We very much appreciate the recommendation for approval and the responsive approach Council has taken with the assessment of the development application.

However, we would like to request that the Panel modify some of the proposed 'Conditions of Consent' outlined in Appendix A that, if imposed in their current form, would fundamentally affect the viability of this important project that will deliver significant benefit to the community. Please refer to the Table below for an outline of the changes requested and a justification for the proposed changes.

Table 1. Conditions requested to be amended

Condition requested to be changed	Proposed Change and Justification
Condition 1 – Staged Construction	<p><u>Proposed Change:</u></p> <p>We are requesting that the proposed staging occur with Stage 1 being 'Subdivision' and Stage 2 being 'Demolition', with no changes proposed to Stages 3 and 4.</p> <p><u>Justification:</u></p> <p>Due to the unique ownership and land-transfer requirements with the NSW Government, subdivision of the site needs to be finalised first as SGCH is contractually required to subdivide the two rear lots and deliver them to the current landowner, Land and Housing Corporation (LAHC) as a condition precedent to the settlement of the sales contract.</p> <p>As such, SGCH cannot purchase Lot 20 (the boarding house lot) from LAHC until the overall subdivision is registered, so that at settlement SGCH will only receive title to the 'youth foyer' lot. SGCH will then be entering into an access agreement with LAHC to use the two rear lots as part of the construction site until the 'youth foyer' development construction is completed, at which time the access agreement will be terminated.</p>
Condition 3 – Design Modifications – Boarding House (a) Levels 2 and 3 of the boarding house building are to be setback from the rear	<p><u>Proposed Change:</u></p> <p>We request that this condition be deleted.</p> <p><u>Justification:</u></p> <p>As outlined in the officers' report, the key justification for this change is to reduce potential bulk, scale and transition from the Rose Street Conservation Area and to reduce potential additional solar impacts.</p>

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<p>building line by 6 metres.</p>	<p>With respect to solar impacts, the applicant provided overshadowing drawings to accompany the amended scheme in April, which included the impact of fences. These drawings showed that there is a net solar benefit to the Rose Street properties as a result of the current proposed scheme.</p> <p>It is acknowledged that an amended 'views from the sun' solar analysis was not provided at this time and is now attached in Appendix 1. This analysis also demonstrates that the proposed scheme results in a compliant solar outcome to the Rose Street terraces. In particular, the dwellings referenced in the officers' report receive solar access between 9am and 12.30pm in midwinter.</p> <p>With respect to the proposed bulk and scale of the rear addition from the Rose Street Conservation area:</p> <ul style="list-style-type: none"> • There is no existing development pattern establishing a transition to Rose Street. The subject proposal matched the established setback with the Toby's Estate building to the south; • Level 2 of the development is within the maximum permissible height control; • The scale is significantly less than the adjoining former Grace Bros warehouse; • The bulk and visibility is softened by the existing large trees at the rear of the adjoining terraces; and • The built form will have limited visibility from Rose Street. <p>SGCH request that this design amendment condition be removed due to its significant impact on the project's overall viability when considered against the minimal improvements the change would make to any perceived bulk or scale from the surrounding area.</p> <p>The impact of this amendment would result in the loss of up to 8 Affordable Housing units and would conflict with an existing fire stair provision. Given the limited visibility the rear of the boarding house will have to the Rose St Conservation Area, and the negligible solar impacts, we do not consider there to be appropriate planning merit to impose this condition.</p>
<p>Condition 3 – Design Modifications – Boarding House</p> <p>(b) The screen to the front of the substation is to be setback to align with the glass line of the Foyer51 entrance.</p>	<p><u>Proposed Change:</u></p> <p>We request that this condition be deleted.</p> <p><u>Justification:</u></p> <p>SGCH seeks to remove this condition on the basis that the current screen location is not the screening wall of the chamber substation but an architectural façade to reduce the aesthetic impact of the substation wall. The screen also represents an opportunity for a public art location, subject to co-ordination with the successful artist, who is currently being procured.</p> <p>Further, this amendment will require review and approval from Ausgrid, which</p>

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	cannot be guaranteed.
<p>Condition 3 – Design Modifications – Boarding House</p> <p>(d) The awning on City Road is to be setback from the kerb a minimum of 1 metre, with the minimum width of the awning being 2 metres.</p>	<p><u>Proposed Change:</u></p> <p>We request that this condition be modified to include the works 'subject to the review and approval of Ausgrid'.</p> <p><u>Justification:</u></p> <p>SGCH raises no objection to this Condition in principle, but it will require approval from Ausgrid, which cannot be guaranteed.</p>
<p>Condition 3 – Design Modifications – Boarding House</p> <p>(e) Fixed external shading devices are required to the west facing boarding room windows and expressed on the plan in typical construction details (1:10).</p>	<p><u>Proposed Change:</u></p> <p>We request that this condition be deleted.</p> <p><u>Justification:</u></p> <p>SGCH is seeking to remove this condition on the basis that fixed external shading in this location will be degraded due to traffic exhaust over a very short period. SGCH always seek to minimise ongoing maintenance requirements from their developments and would be open to reviewing the intent of this design amendment condition to achieve a similar outcome via alternate low maintenance methods.</p> <p>It is noted that the façade currently provides deep reveals which allow for significant overshadowing to these windows and are setback around 600mm creating solar protection. Provision of thermal performance glass in this location would be preferred to achieve the intent of this amendment in lieu of fixed screening</p>
<p>Condition 3 – Design Modifications – Boarding House</p> <p>(h) A continuous masonry parapet on the roof of the boarding house and integrated with the architecture of the building is required to conceal services and vents. The parapet is to be the</p>	<p><u>Proposed Change:</u></p> <p>We request that this condition be deleted.</p> <p><u>Justification:</u></p> <p>SGCH is seeking to remove this design amendment condition on the basis that the proposed parapet will increase the apparent bulk and scale of the building from all sides which is acknowledged as a consideration. Further there are limited services currently proposed for the rooftop location, and as such, the benefit of providing a parapet is not considered appropriate.</p> <p>If the Panel wishes to retain this condition, SGCH would prefer a lightweight cladding system in lieu of masonry to better align with the external materiality of the current design scheme which only uses masonry construction on the City</p>

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height of the lift overrun and be setback as follows...	Road façade. Further the finished height RL of this parapet (RL33.3m) noted in proposed condition 52 (a) conflicts with the request to align the parapet height with the lift overrun at RL 34.6m.
Condition 52 – Building Height (a) The height of the building must not exceed RL 34.600 (AHD) to the top of the lift overrun and RL 33.300 (AHD) to the top of the parapet.	<u>Proposed Change:</u> We request that this condition be amended to be consistent with Condition 3(h) <u>Justification:</u> Currently these two conditions appear to be inconsistent. SGCH request that the Conditions be reviewed to ensure their consistency, if the Panel chooses to retain the Conditions.
Condition 87 – Loading and Unloading During Construction (d) In addition to any approved construction zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level.	<u>Proposed Change:</u> We request that this condition be deleted. <u>Justification:</u> SGCH wish to be able to load and unload materials from the construction zone on City Road at all times during construction due to the restricted space available on site and request that this condition is removed.

Floor Space Ratio Calculation

While it does not affect any of the proposed Conditions, we would also like to query the proposed FSR approach that Council has undertaken. Paragraph 79 of the officers' report states that the project's FSR is 2.02:1 for the boarding house site. This appears to have been considered through the inclusion of the lower-ground bicycle storage area in the FSR calculations.

While the inclusion of the bicycle storage area in GFA is not contested, Clause 6.13 of the SLEP2012 permits additional floor space for end of trip facilities including bicycle storage. This Clause essentially operates as a GFA 'offset' or credit, with space for 'end of trip facilities' within the development being permitted as additional floor space up to a FSR of 0.3:1.

As the bicycle storage facilities comprise approximately 0.02:1 of FSR and meet the definition of 'end of journey floor space', it is our view that they can benefit from the additional floor space granted under Clause 6.13 of the SLEP2012. As such, no request for variation to the FSR Control under Clause 4.6 is required irrespective of whether Condition 3(a) is retained or not.



Conclusion

Mecone and the client team would like to thank the Council staff for their thorough assessment and recommendation of approval for the subject application. However, the modifications to the proposed Conditions that are requested in this letter are fundamental to ensuring that the project will be able to proceed.

Please do not hesitate to contact me on 8667 8668 or kbartlett@mecone.com.au if further clarification or information is required prior to the Panel meeting.

Yours sincerely

Kate Bartlett
Director