

## Planning Services

### Plan Finalisation Report

Local Government Area: City of Sydney

File Number: IRF18/1747

#### 1. NAME OF DRAFT LEP

Sydney Local Environmental Plan 2012 Amendment No 39 (draft LEP).

#### 2. SITE DESCRIPTION

The planning proposal applies to land at 2-32 Junction Street, Forest Lodge (the site).

The site is approximately 4,824sqm with existing development on the site comprises a 2-3 storey warehouse building currently used for office purposes and a single level workshop located to the south of the warehouse building. The remaining portions of the site is open and used for storage and car parking.

Development surrounding the site is characterised by residential buildings of varying architectural styles, transitioning in height from 5-6 storey flat buildings west of the site, to 1-2 storey terrace buildings north, south and east of the site. The site (outlined in blue) and surrounding area is shown at **Figure 1**.

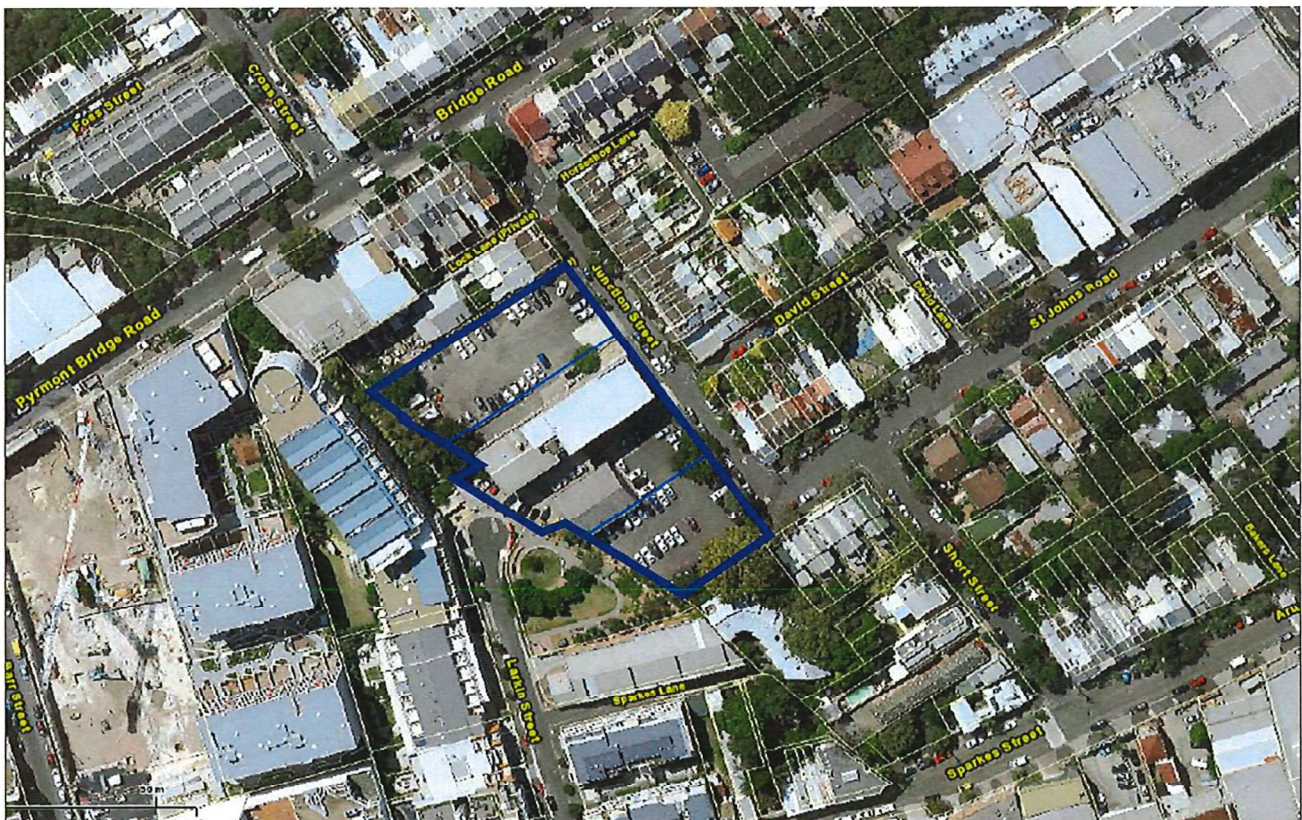


Figure 1 – The site

### 3. PURPOSE OF PLAN

The final planning proposal (**Attachment B**) seeks to undertake amendments to the written provisions and maps for Sydney Local Environmental Plan 2012 (SLEP 2012) to facilitate the redevelopment of 2-32 Junction Street, Forest Lodge, only if the development provides publicly accessible open space and links through the site. It is anticipated that the proposed controls would facilitate up to 87 dwellings and public open space.

The planning proposal has been informed by Council led urban design testing. Council's review found that there was the potential for additional height and floor space on the site. The additional development potential is generally consistent with the planning approach in the surrounding area given the urban renewal of nearby former industrial sites.

The Planning Proposal seeks to amend the SLEP 2012 as follows:

#### Mapping:

- *Height of Buildings (HOB\_002)* – increase the maximum building height from 12m to RL29.5–35.5 metres (4-6 storeys).

#### Written provisions:

- *Clause 4.6* - clarify that clause 4.6 of Sydney LEP 2012 will not apply to development under the site-specific provisions.
- *Introduce a site-specific clause to:*
  - allow a maximum floor space ratio (FSR) of 1.56:1 if new publicly accessible open space and links through the site are provided as part of the development;
  - require that the development consent only be granted if 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; and
  - 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.

A number of site specific amendments are also proposed to the Sydney Development Control Plan 2012 (Sydney DCP 2012), to support the planning proposal and achieve the intended outcome for the site. The proposed amendments to the Sydney DCP 2012 are provided at **Attachment F**.

### 4. STATE ELECTORATE AND LOCAL MEMBER

The site falls within the Sydney State Electorate. Alex Greenwich MP is the State Member for Sydney.

The site falls within the Sydney Federal Electorate. Tanya Plibersek MP is the Federal Member for Sydney.

To the regional planning team's knowledge, neither MP has made any written representations regarding the proposal.

<b>NSW Government Lobbyist Code of Conduct:</b> There have been no meetings or communications with registered lobbyists with respect to this proposal.
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**NSW Government reportable political donation:** A political donation disclosure statement has been provided.

## 5. GATEWAY DETERMINATION

It is noted that previous version of the planning proposal was lodged through a Rezoning Review to the Department. The matter was referred to the Planning Assessment Commission on 5 October 2016. The Commission met on 16 November 2016 to consider the matter and on 1 December 2016 determined the Rezoning Review should not proceed to Gateway for several reasons, including the appropriateness of height and FSR in terms of amenity impacts and that the proposal did not address public open space and through-site links.

A new planning proposal with a revised scheme was submitted by Council to the Department in October 2016. The Gateway determination issued on 19 December 2016 (**Attachment C**) determined that the current proposal should proceed subject to conditions. The timeframe for the draft LEP to be finalised is 26 December 2017. The Department is satisfied that Council has met the conditions of the Gateway determination and the planning proposal is adequate for finalisation.

## 6. PUBLIC EXHIBITION

In accordance with the Gateway determination, Council exhibited the planning proposal for 28 days, from 7 August 2017 to 3 September 2017 and consulted all required government agencies.

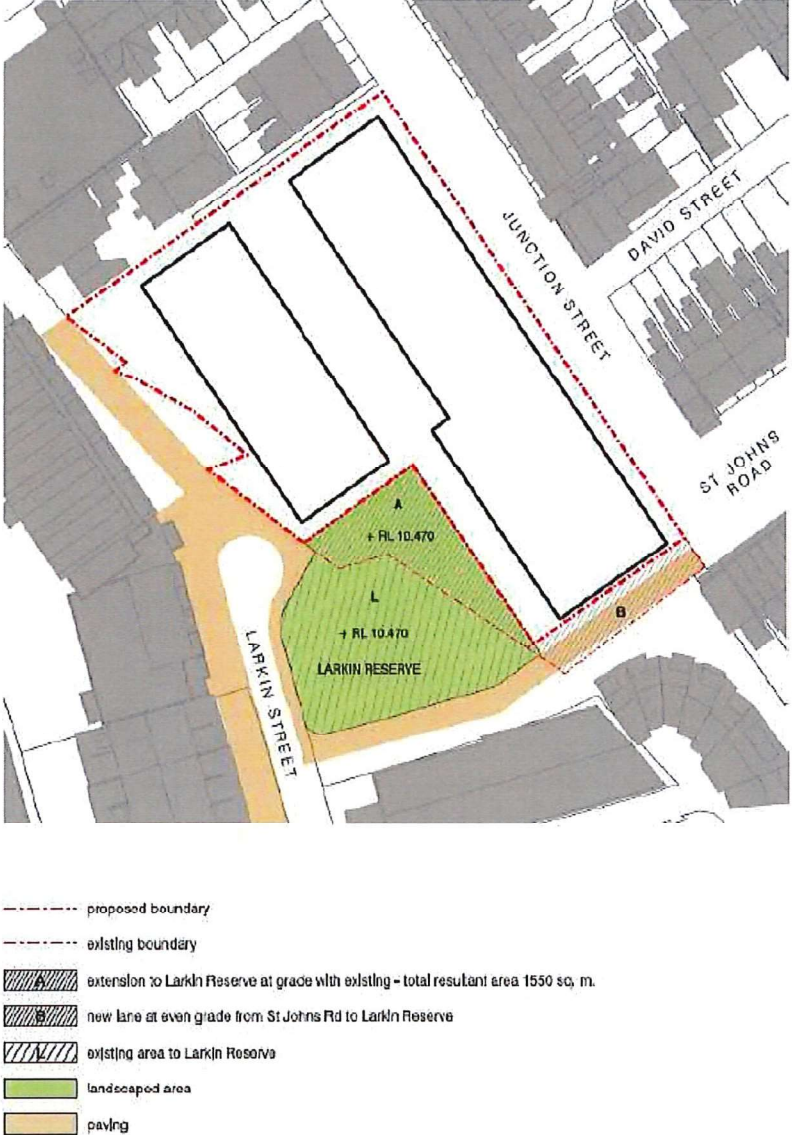
Council received 66 submissions from the community during exhibition which are summarised in the Central Sydney Planning Committee report provided at **Attachment G**. The Council report and resolution are provided at **Attachment H**.

The keys issues raised in the community submissions and how these have been addressed are detailed below.

Issue	Response
Height, Bulk and Scale <i>Submissions considered that the proposed development is not consistent with the character of the existing area or the heritage conservation area.</i>	<p>The proposed height allows for a 4-6 storey development and provides a transition between the 5-8 storey apartment buildings to the west and 2 storey terraces to the east.</p> <p>The 3 storey Federation warehouse is proposed to be identified as a contributory building in Sydney DCP and is proposed to be retained. Heights along Junction street will be consistent with the height of the warehouse to maintain visual prominence.</p> <p>The landowner may choose to seek additional floor space (maximum 10%) under Clause 6.21 'Design Excellence' of the SLEP 2012, raising the maximum FSR from 1.56:1 to 1.72:1. The design of the built form will likely be subject to a design excellence competition to ensure site constraints are well considered and a skilled design is achieved for the site.</p>

Issue	Response
<p>Impact on traffic network and parking</p> <p><i>Concerns in relation to increased congestion on surrounding streets and loss of on-street parking.</i></p>	<p>An updated traffic assessment of the proposal concluded that the concept development (87 apartments) would significantly reduce the number of trips to the site when compared with the existing commercial use of the site (37 trips in the morning and 42 trips in the evening), with an anticipated 26 trips per hour in the morning and afternoon peak periods.</p> <p>Roads and Maritime Services (RMS) advised that no traffic measures are required as the impacts on the surrounding streets and intersections would be less than the current situation.</p> <p>Future development on the site will be required to comply with the on-site parking rates specified in DCP 2012 and will be addressed in further detail at the DA stage.</p>



Issue	Response
<p>Public Open Space</p> <p><i>Submissions considered that not enough space will be provided to cater for increased population and concerns that this area will be overshadowed.</i></p>	<p>A portion of the site (450m<sup>2</sup>) is proposed to be dedicated and used to increase the size of Larkin Street Reserve, providing a total open space area of 1550m<sup>2</sup> (Figure 2 below). This will provide an increase in high quality open space and will allow for increased usefulness of the space. A through-site links will also increase accessibility to the open space for surrounding and future residents.</p>  <p>Figure 2 – Indicative plan for proposed public open space</p>

Issue	Response
<p>Overshadowing</p> <p><i>Concerns that the proposed will lead to significant reduction of daylight and overshadowing for surrounding residential development and nearby public open space.</i></p>	<p>Council has undertaken urban design analysis, which demonstrates that the proposal can comply with solar access requirements outlined in the Apartment Design Guide (ADG). The draft DCP also includes controls that require increased setbacks to the upper levels of buildings to reduce overshadowing to surrounding properties.</p> <p>Sydney DCP 2012 and ADG require solar access to individual dwellings to be considered in detail at the DA stage</p> <p>Whilst solar access to the existing area of Larkin Street Reserve will continue to receive 4hrs of sunlight between 9am and 3pm in midwinter, Council's urban design and overshadowing analysis contained in the Planning Proposal (Attachment B) indicates that the extended Larkin Reserve may not fully comply with solar access controls specified in Sydney DCP 2012 by less than 10%. The degree of non-compliance is considered to be minor and can be addressed in detail at DA stage.</p>
<p>Impacts on surrounding properties</p> <ul style="list-style-type: none"> <li>○ <i>Impacts of proposed development, including on visual and acoustic privacy of surrounding properties.</i></li> <li>○ <i>Concerns regarding impact of an above ground car park, including acoustic disturbance, headlight glare and view loss for properties at 1-3 Larkin Street.</i></li> </ul>	<p>The proposal does not result in a change of zoning (B4 Mixed Use zoning) or uses permitted on the site.</p> <p>Future development on the site will need to demonstrate compliance with the ADG and ensure that visual privacy to future and adjoining dwellings is achieved. Similarly, noise concerns in relation to collection and location of waste will be addressed as part of a future DA.</p> <p>The above ground car park shown in the landowner's scheme contained in the Planning Proposal is due to flooding issues on the site. Screening and acoustic treatment of the car park can be managed as part of future development on the site. Any view loss will be assessed and addressed in detail at DA stage.</p>
<p>Infrastructure</p> <p><i>Submissions raised concerns regarding increased density and the cumulative impact of residential development on the amenity and infrastructure (such as public transport and schools) of the local area.</i></p>	<p>The proposal is consistent with the Eastern City District Plan in that it provides additional housing capacity in an area accessible to a range of transport options and services.</p> <p>Council continues to engage with relevant NSW State Government agencies that are responsible for the provision of public transport and schools to ensure infrastructure services population growth. No objections were received from infrastructure providers such as RMS.</p>

Issue	Response
<p>Building Design</p> <p><i>Concerns including setbacks and landscape requirements.</i></p>	<p>Under the proposed 'Maximum Building Envelope' DCP provisions (<b>Attachment F</b>), development on site is required to be at a 3m setback from Junction street (clear to the sky), which is generally consistent with adjacent developments. Required setbacks will allow for appropriate planting to be achieved.</p> <p>Any development for residential flat buildings will be required to comply with the ADG and relevant DCP provisions for a future DA.</p>
<p>Green Corridors</p> <p><i>Submissions requested that Orphan School Creek biodiversity corridor be strengthened and enhanced.</i></p>	<p>The requirement for open space, setbacks and plantings over the site will contribute to the Orphan School Creek biodiversity corridor.</p>
<p>Heritage, FSR and Competitive Design Process</p> <p><i>A submission from the land owner raises concern regarding the retention of the Federation warehouse, the FSR and the requirement for a complete design process.</i></p>	<p>A heritage assessment has been undertaken and has informed the draft DCP to ensure that the original parts of the Federation warehouse are conserved, among other objectives and controls.</p> <p>A maximum FSR of 1.56:1 as per the draft LEP is considered appropriate for the site. Testing indicated that a higher FSR may be possible, however the design should be tested through a competitive design process.</p>

It is considered that Council has adequately addressed the issues raised by the community during the exhibition period.

## 7. ADVICE FROM PUBLIC AUTHORITIES

Council consulted with Office of Environment and Heritage (OEH) and Roads and Maritime Services (RMS) in accordance with the Gateway determination.

Submissions were made by OEH and RMS. In general, the authorities supported the proposal. The authorities raised matters that will need to be considered and/or addressed through the design and DA phase of the development, such as further consideration of heritage and traffic impacts. These matters do not prevent the draft LEP proceeding to finalisation.

## 8. POST-EXHIBITION CHANGES

Council did not resolve to undertake any post-exhibition changes to the planning proposal.

## 9. ASSESSMENT

The draft LEP is considered to have merit, providing redevelopment opportunity of underutilised land in close proximity to public transport modes and Sydney CBD.

The redevelopment of the site will contribute to housing supply and choice in the area and provides benefits including open space for future residents.

## Section 9.1 Directions

At the time of the Gateway determination, the delegate of the Secretary agreed that the Planning Proposal's inconsistency with Section 117 Direction 4.3 - Flood Prone Land was of minor significance.

The following Section 9.1 Directions also apply to the planning proposal:

### *Direction 1.1 Business and Industrial Zones*

This Direction aims to encourage employment growth in suitable locations, protect existing employment land, and support the viability of strategic centres. The proposal is considered to be consistent with this Direction as it proposes no change to land zoning (currently B4 Mixed Use) and therefore does not reduce the employment floor space within the area.

### *Direction 2.3 Heritage Conservation*

The objective of this Direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. This Direction applies to this Planning Proposal as the site is located within a heritage conservation area. A heritage assessment (**Attachment I**) of the site was required by the Gateway determination.

Whilst not part of this planning proposal, a site-specific amendment to Sydney DCP 2012 has been prepared including controls requiring the retention of the original part of the warehouse building, a conservation management plan and identifying the site's contribution to the conservation area as 'contributory' to further protect the item.

The planning proposal does not propose any changes to the Heritage Map and will continue to identify the site as being within a heritage conservation area. The proposal is therefore consistent with this Direction.

### *Direction 3.4 Integrating Land Use and Transport*

The objective of this Direction is to utilise and support public transport services and reduce the reliance on cars. The site adjoins a pedestrian and cycling route and is in close proximity to both train and bus public transport services. The planning proposal is consistent with this Direction as it will integrate urban development with existing public transport facilities.

## State Environmental Planning Policies

### *SEPP No. 55 Remediation of Land*

While the Planning Proposal does seek to increase the height and density on the site, residential and/or commercial uses are already permitted on the land under the current land use zones.

The planning proposal has identified that a number of properties are affected by contamination, however Council, as the planning authority, considers that any contamination and potential remediation can be addressed in any future DA process.

## Strategic Planning Framework

### *Greater Sydney Region Plan*

The Plan outlines how Greater Sydney will manage predicted population growth and provides a footprint for infrastructure delivery.



The proposal is consistent with Objectives 10 'Greater housing supply' and 11 'Housing is more diverse and affordable' of the Regional Plan as it will deliver a range of housing types within close proximity to an existing centre and public transport. There are no directions under the Regional Plan which preclude finalisation of the Plan.

#### *Eastern City District Plan*

The District Plan intends to inform local councils planning, guide assessment of local Planning Proposals, and inform infrastructure agencies, the development sector and wider community of expectations for growth, change and infrastructure provision within the District.

In particular, the proposal is in line with Planning Priorities E5 'Providing housing supply, choice and affordability with access to jobs and services' and E6 'Creating and renewing great places and local centres, and respecting the District's heritage' as it promotes redevelopment of the site within proximity to existing transport nodes, as well as nearby Harbour CBD. The proposal is also in line with Planning Priority E18 'Delivering high quality open space' as it increases the quantity and accessibility of public open space for use by the surrounding community.

There are no directions under the District Plan which preclude finalisation of the Plan.

### **10.MAPPING**

There is one map, Height of Buildings Map – Sheet HOB\_002, associated with this planning proposal (**Attachment Map**).

This map has been examined by the Department's ePlanning Team and meets the technical requirements.

### **11.CONULTATION WITH COUNCIL**

Council was consulted on the terms of the draft instrument under clause 3.36(1) of the Act (**Attachment D**).

Council confirmed on 3 July 2018 that it was happy with the draft and that the draft Plan should be made (**Attachment E**).

### **12.PARLIAMENTARY COUNSEL OPINION**

On 13 December 2018 Parliamentary Counsel provided the final Opinion that the draft LEP could legally be made. This Opinion is provided at **Attachment PC**.

### **13.RECOMMENDATION**

Council has satisfied all conditions of the Gateway determination. In general, the relevant public authorities supported the proposal and there are no outstanding objections.

The proposed changes to various planning controls will provide for the feasible redevelopment of the site and achieve a development outcome that is consistent with the current and planned urban character of the area. The proposal is consistent with both the Greater Sydney Region Plan and the Eastern City District Plan.

It is recommended that Minister's delegate as the local plan-making authority determine to make the draft LEP under clause 3.36(2)(a) as it will:

- provide additional housing in an appropriate location within the Sydney LGA;
- enable the redevelopment of the subject site, which includes open space improvements; and

- deliver future mixed-use development that is compatible with the surrounding area.



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