



DH/BC
Our Ref: 14253
Your Ref: S113124.001
2 June 2015

Graham Jahn AM
Director
City of Sydney Council
456 Kent Street
SYDNEY NSW 2000

Attention: Ben Pechey

Dear Ben

**PLANNING PROPOSAL
2-32 JUNCTION STREET, FOREST LODGE**

I refer to your correspondence on 16 April 2015 regarding the Planning Proposal submitted for the above address. The purpose of this letter is to provide additional information and to respond to a number of concerns raised by Council. These are addressed individually as follows:

1. Tree removal

Bates Smart has provided a further analysis on an additional plan which overlays the indicative building envelopes on the Survey Plan (**Appendix A**). This plan illustrates which trees would need to be removed or would be affected by the Indicative Master Plan, and confirms that it would be possible to retain a number of existing trees including those situated in the site's north-west corner and those located along the south-east boundary.

Notwithstanding the above, we also note that development consent (DA1997/59) was granted by Leichhardt Council in 1997 for a 16 unit industrial warehouse development. This approval included the removal of all trees on the site and was subsequently activated through on site demolition and site establishment works. Works as part of this consent have therefore substantially commenced and the consent remains in place including the ability to remove the existing trees.

2. Shadow diagrams

Additional elevational shadow diagrams (**Appendix B**) have been prepared that illustrate the overshadowing impacts on the building at 1-3 Larkin Street, which is situated to the west and south-west of the site.

As shown by these diagrams, the large majority of apartments within the neighbouring building will achieve a minimum of 2 hours direct sunlight between 9am and 3pm on 21 June. The additional shadow shows that one single apartment located on the ground floor at the southern end of the building will be limited to 1 hour of solar access on 21 June.

Overall the shadow impact of the proposed development is considered acceptable as:

- only one single apartment receives less than the required two hours of direct solar access, with this apartment still receiving 1 hour of solar access on 21 June;
- the rest of the apartments at 1-3 Larkin Street still receive a minimum of 2 hours of solar access;

- the orientation of the building at 1-3 Larkin Street is such that it overshadows itself from 2:30pm, thereby limiting its own exposure to sunlight;
- the area is located in a dense residential precinct and it is not considered to be unreasonable that some overshadowing will occur on 21 June;
- all apartments within the adjacent Larkin Street building will receive a significant amount of solar access during the course of a full year.

3. Commercial land use

The Planning Proposal seeks to amend the FSR and building height controls as they apply to the site under the Sydney LEP 2012. It does not however seek to propose any changes to the existing land use controls as they apply to the site.

The site is presently located in the B4 Mixed Use zone and forms part of a larger area that is included in this zone. The site and none of the surrounding land presently have any LEP controls that relate to or which seek to 'lock in' a minimum amount of non-residential floor space. The introduction of such a control or any initiative to 'secure' commercial floor space would result in a site specific planning framework that is inconsistent with the wider area and we therefore believe that such a control is not necessary, equitable or warranted in this instance.

We note that the proponent is seeking the highest and best use of land for the future redevelopment of the site. At the present time, this is envisaged to be largely residential with a small portion of non-residential floor space retained within the older-style commercial building fronting Junction Street. Furthermore it is noted that the proponent has been a long term occupier of this building and their intention at this point in time is to remain at the site for the foreseeable future.

4. Car parking floor area & screening

Car parking to serve the redevelopment of the site is proposed in a single basement level. The basement level does not contain habitable floor space and is located at RL 14.8m which is below the flood planning level. The basement level is almost entirely open all sides, with exception of the eastern wall and where access stairs and lift cores are required.

These openings are intended to be treated with meshing and/or grills that will then be largely screened by existing and new vegetation along the site boundary with the Orphan's School Creek and Larkin Street Park.

Under Sydney Local Environmental Plan 2012, the definition of "gross floor area" states that car parking to meet any requirement of the consent authority is excluded from the calculation, including access to that car parking. In addition it also notes that GFA is measured at a height of 1.4m above the floor. Given that three sides of the car park are proposed to be open then the surface area of the car park will not satisfy the definition of GFA as defined in SLEP 2012.

5. Building separation

The proposal has been designed to accommodate two separate building blocks in the north-western section of the site, known as Buildings A and B. These buildings are located at a podium level above natural ground, due to the requirement of an open basement level. This podium covers virtually the entire site and substitutes natural ground level due to flooding constraints (discussed above).

To this end, a minimum separation of 12m is required from Levels 1 to 4 under the RFDC. The proposal exceeds this 12m minimum by 1m as shown below at **Figure 1** and **Appendix C**. Level 5 of Building A does not directly overlook any other residential levels within the site and as such, no building separation issues arise.

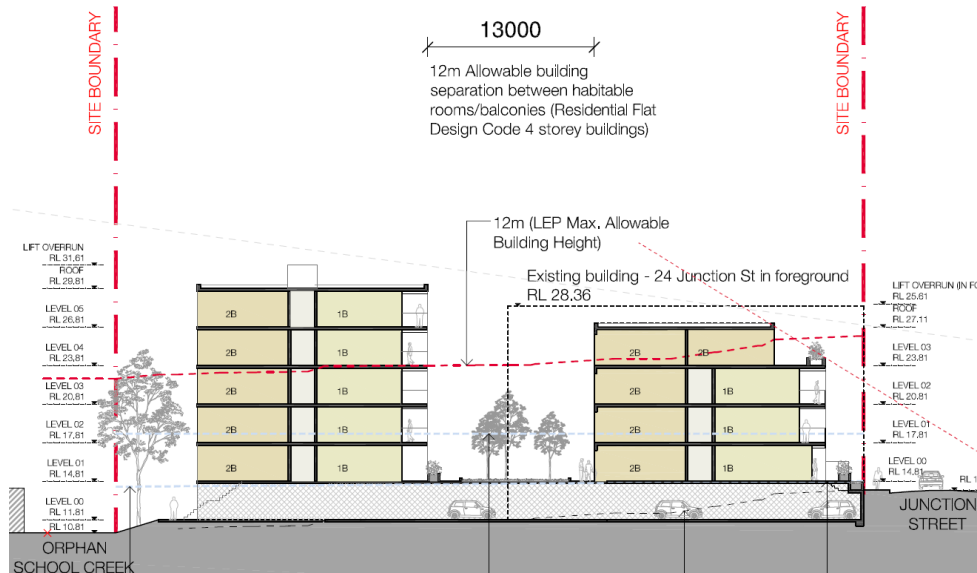


Figure 1 – Building A and Building B separation diagram

6. Site Specific DCP

It is proposed that any site specific development controls and development parameters will be established via a staged development application process. This is considered a suitable alternative in accordance with Section 83C(2) of the Environmental Planning and Assessment Act 1979 which states:

“...if an environmental planning instrument requires the preparation of a development control plan before any particular or kind of development is carried out on any land, that obligation may be satisfied by the making and approval of a staged development application in respect of that land.”

7. Public connectivity

The proposal provides two through-site linkages under the Indicative Master Plan. Pedestrian access along these pathways is to be facilitated through a future easement on the site, thus ensuring a public right-of-way. This is to be formalised as part of a future staged development application process, for which a time frame is yet to be determined.

8. Public benefit offer

The Planning Proposal provides for a number of public benefit offers in conjunction with the amended development controls proposed for the site. These works are to be formalised between the owner of the site and Council in the form of a Memorandum of Understanding (MOU), which will provide a full schedule of works once agreed with Council. At this stage the public works that could be delivered as part of any future development could include:

- Two new through-site linkages dedicated to pedestrians for improved public accessibility from Junction Street through to Larkin Street. This will consist of one through the centre of the site and the other adjacent to the south-eastern boundary;
- Upgrades to the quality of the Junction Street and Larkin Street interfaces, including new footpath paving and street tree plantings;
- Where necessary, new kerb and guttering to Junction Street and Larkin Street within the frontage of the site;
- Half width (3m) widening of Kimber Lane along the north-western site boundary, which will allow future vehicular access for the redevelopment of 1 Kimber Lane and potentially 304 Bridge Road and pedestrian access to the Orphan’s School Creek pedestrian pathway;

- Potential conversion of Larkin Street north of Sparkes Lane to a shared zone through upgrades to the pavement quality, traffic calming devices and signage; and
- Potential stormwater upgrades to the rear of the site along the Orphan's School Creek.

The details of any public benefits package will be determined as part of the future staged development application process.

9. GFA efficiency

Council has raised concern regarding the use of an envelope efficiency rating of 84% on the basis that an efficiency of this level is unlikely to be achieved, and would result in an undesirable built form.

In response we note that the 84% efficiency rating used to establish the FSR is not a theoretical arbitrary number used to achieve 1.75:1 FSR, but is rather a direct calculation from the Indicative Master Plan submitted with the Planning Proposal. This is confirmed by the Area Efficiency Study at **Appendix D**.

The level of detail provided within the presented scheme is highly resolved and is demonstrably capable of achieving an 84% efficiency rating. The proposed efficiency rating has therefore been thoroughly tested and enables us to state with confidence that such efficiency can be achieved on the site whilst still ensuring the delivery of a high quality design outcome.

In addition to the above we note that similar efficiency ratings have been achieved by schemes in the past that have been developed through a Design Competition Process and which were considered to achieve design excellence. Key examples include:

- **EVE 03 & EVE 04, Erskineville** – This scheme was prepared by Bates Smart and was the winning scheme in a Design Competition Process carried out by Fridcorp in consultation with City of Sydney Council. The scheme were awarded an additional 10% floor space for achieving design excellence. These buildings achieved Gross Envelope Efficiencies of 83% (EVE 03) and 81% (EVE 04).
- **100-102 Elliot Street, Balmain** – This scheme was prepared by Bates Smart and was approved by Leichardt Council in June 2014. The scheme was approved in June 2014 and achieved a Gross Envelope Efficiencies of 80%.
- **18-20 O'Dea Avenue, Waterloo** – This scheme was prepared by SJB Architects and was the winner of a design competition ran by Crown Group Pty Ltd in consultation with City of Sydney Council. This scheme achieves a Gross Envelope Efficiency of circa 85%.

In light of the above it is considered that a 75% efficiency rating is an arbitrary number that is not grounded in any site specific testing or evidence. In contrast it has been demonstrated through the Indicative Master Plan and other recent examples that 75% is overly conservative and does not provide an accurate reflection of what can actually be achieved on the site. The proposed efficiency rating of 84% is considered to be appropriate in this instance.

10. Deep soil and communal open space areas

The proposal has been amended to provide an increased area of deep soil landscaping. Bates Smart have realigned the basement parking wall along Junction Street to provide an additional 26m² in the northern section of the site and 94m² within the southern section.

These amendments to the indicative Master Plan ensure the provision of 484m² of deep soil throughout the site, which equates to 25.8% of the 1,875m² of landscaping proposed on the site. This is entirely consistent with the 'rules of thumb' within the Residential Flat Design Code. Refer to **Appendix E** which illustrates the extent of the landscaping and deep soil area.

The proposal achieves 1,100m² of communal open space area which equates to 26% of the residual site area. Note that this excludes the land proposed to be provided for laneways through the site.

11. Footpath widening

With regard to the need to physically widen the Junction Street footpath, we note that pedestrian traffic along Junction Street is low and is expected to remain at a low level following redevelopment of the site. The existing non-residential building at the centre of the site is also located hard up against the existing boundary with a nil setback. Any widening of the footpath would therefore result in this building standing out and interrupting the footpath line, which is considered undesirable from both an urban design and functionality point of view.

The existing footpath on Junction Street along the site's frontage is approximately 2m wide. The Indicative Master Plan that accompanies the Planning Proposal provides a 1m landscaped buffer along its frontage that will act as a visual extension of the footpath and provide means to support landscaping, including street tree plantings.

The design of this landscaped strip is intended to be graded to step up to the terrace planter boxes of the indicative building envelopes. This will stagger the rise of the development from Junction Street, and will ensure an appropriate visual relationship to Junction Street together with an improved pedestrian relationship with the street when compared to the existing situation (refer to **Figure 2** below and **Appendix F**).

In addition to this design measure we note that the public benefits package that will accompany any future redevelopment will involve improving the quality of the footpath and its useability.

Overall, the measures suggested in the Indicative Master Plan are considered to deliver a necessary and appropriate solution for the Junction Street footpath that enables it to function appropriately whilst delivering a high quality design outcome.

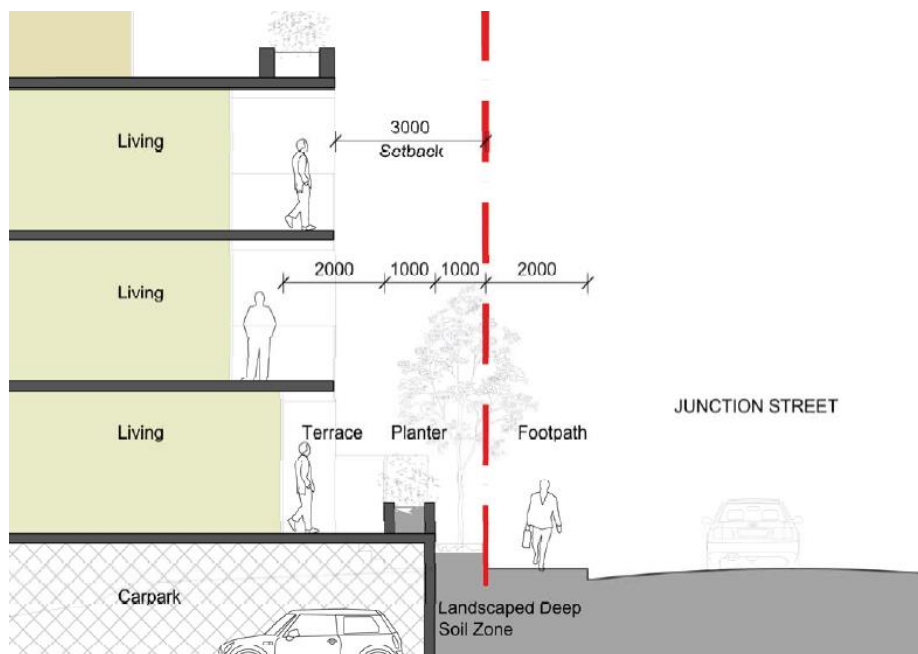


Figure 2 – Typical section of the Junction Street footpath interface

12. Southern corner of Building C and setbacks

As shown in **Figure 3** and **Appendix G** the building configuration for the site has been amended in response to feedback received from Council, specifically:

- the south-west corner of Building A has been slightly re-aligned; and
- Building C has been slightly repositioned to incorporate a 2m setback to the park.

Both of these revisions are considered to positively and appropriately respond to Council's requests for design changes.



13. Larkin Street shared zone

In the letter Council ask for the applicant to consider whether Larkin Street, north of Sparkes Lane could meet the traffic requirements for a potential conversion to a shared zone. With the assistance of Council planners advice has been obtained from Council's traffic engineers who have advised that:

- The City does not have any useful traffic survey data for Larkin Street but as it's primarily used by residents a Shared Zone warrant would likely be met.
- Another issue that needs to be considered is that convert Larkin Street from a road to Shared Zone it would probably need to be a Category 1 type Shared Zone extending from Sparkes Street. A Category 2 type Shared Zone would still look and feel like a road and therefore may not achieve the desired effect.
- Due to the 60km/h speed limit of Parramatta Road the shared zone could only extend from Sparkes Street to the dead end of Larkin Street.

- Stormwater and flood control will also be a key issue in any design. For a Category 1 Shared Zone, kerb and gutters needs to be removed from the street which may have an adverse impact on any overland flow and stormwater effects. Any design would therefore need to be carefully considered and engineered so that private properties are adversely impacted by stormwater flooding.

With regards to conversion of the end of Larkin Street into a shared zone, it is noted that the applicant has no objection in principle to this idea and may be willing to contribute or assist with the delivery of these works provided the costs of such a contribution is of a fair and reasonable nature, and provided such a public benefit was taken into consideration as part of the assessment of the Planning Proposal.

Should you have any queries about this matter, please do not hesitate to contact me on 9956 6962 or bcraig@jbaurban.com.au.

Yours faithfully

A handwritten signature in black ink, appearing to read 'B. Craig', with a stylized flourish underneath.

Benjamin Craig
Principal Planner