

12 April 2016

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Dear Benjamin,

PLANNING PROPOSAL REQUEST – 2-32 JUNCTION STREET, FOREST LODGE

I refer to your submission of a revised planning proposal request to amend the maximum height and floor space ratio controls under Sydney LEP 2012 and draft planning agreement offer for 2-32 Junction Street, Forest Lodge.

The City's previous correspondence from 28 November 2013 and 16 October 2014 stated that a maximum floor space ratio of 1.5:1 would be appropriate for the site. The correspondence also identified the need to comply with SEPP 65, the Residential Flat Design Code (since replaced by the Apartment Design Guide) and Sydney Development Control Plan 2012. Particular concerns raised included building separation, boundary setbacks, overshadowing of surrounding development, retention of the former warehouse and envelope efficiency requirements.

A planning proposal request submitted on 4 March 2015 sought to increase the maximum FSR from 1:1 to 1.75:1 and increase the maximum height from 12 metres to approximately 25 metres. The City's correspondence of 16 April 2015 stated any proposed increase in the FSR is to be based on 75 per cent building envelope efficiency and that the planning proposal request is to comply with the Residential Flat Design Code's requirements for communal open space and deep soil. Subsequent discussions focused on flooding issues, overshadowing impacts to the apartments at 1-3 Larkin Street and Larkin Street Reserve and the impact of the proposed above ground car park on the public domain.

A revised scheme including overshadowing analysis was submitted on 6 November 2015. The proposed scheme involves retaining the existing commercial warehouse building and constructing three new 4–6 storey residential apartment buildings with an envelope efficiency of 75%. It also includes a new above ground undercroft car park with the basement slab elevated to the 5% Annual Exceedance Probability to address flooding.

A draft planning agreement offer dated 25 February 2016 includes two new pedestrian links and 452m² of land dedication to extend Larkin Street Reserve. It also includes a \$1,000/m² cash contribution to integrate and embellish the existing reserve with the dedicated land. The 452m² of land offered for dedication includes part of the central through site link and part of the irregular-shaped north-west boundary.

The City has reviewed the information provided. The City considers the information provided does not demonstrate that the impact of a proposed scheme with an FSR of 1.75:1 will be within acceptable limits. The City's reasons for this are outlined below. Consequently, the City's position of 2013 and 2014 remains that the maximum FSR achievable at the site given its constraints should not be more than 1.5:1. This represents a 50% increase to the current maximum allowable floor space. Amendments and additional information needed for the City to progress the planning proposal are outlined below.

Setbacks and building separation

The proposed scheme does not comply with the following controls in the Apartment Design Guide:

- Part 3F, relating to minimum boundary setbacks necessary to achieve reasonable levels of external and internal visual privacy. This includes the proposed buildings A, B and D;
- Part 2F, relating to minimum separation distances for buildings. This includes the proposed separation between Building B and the existing terrace at 34 Junction Street, to the north of the site, and Building D and the existing terrace at 256 St Johns Road and the existing apartment building at 2A Short Street, to the south of the site.

The proposal will need to be amended to ensure it complies with setbacks and building separation requirements in Part 2F and 3F of the Apartment Design Guide.

Overshadowing of apartments at 1-3 Larkin Street

It is unclear whether the proposal's overshadowing impact on the adjoining apartments at 1-3 Larkin Street complies with Part 4A of the Apartment Design Guide.

Part 4A says living rooms of at least 70% of apartments must receive a minimum of 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 sunlight to be counted, it must be at least 1m² in area on the vertical plane, be measured 1 metre above the floor level and be received for at least 15 minutes.

The overshadowing analysis provided indicates 70% of apartments will receive at least 2 hours of sunlight on the vertical plane, however, it does not say whether the sunlight is at least 1m² in area on the vertical plane, 1 metre above the floor level and received for at least 15 minutes.

The overshadowing analysis states there are currently more than 15% of units that receive no direct sunlight (27.5%) and the proposal will increase that number of units. However, the analysis has been undertaken on the horizontal rather than vertical plane and therefore compliance cannot be determined.

For the planning proposal to progress, the overshadowing analysis will need to demonstrate the proposal can comply with the Apartment Design Guide, including Parts 3B and 4A, using the methodology outlined above.

Overshadowing of apartments at 2A Short Street

No information has been provided about overshadowing impacts on the existing apartments at 2A Short Street, to the south of the site. Consequently, it is not known whether the proposed envelope complies with overshadowing requirements in the Apartment Design Guide.

For the planning proposal to progress, an assessment of the proposed scheme's overshadowing impact at 2A Short Street and its compliance against the Apartment Design Guide will need to be provided.

Overshadowing impacts at 2A Short Street will need to comply with overshadowing requirements in the Apartment Design Guide. If it does not, the proposal will need to be amended.

Building D impacts on Larkin Street Reserve

Building D is considered to have an unacceptable impact on Larkin Street Reserve due to its height, scale, bulk, proximity and its carpark use. The sections provided do not correlate with the survey and do not show the building heights and walls along the Reserve and side boundaries accurately.

Building D is proposed to be setback 2 metres from both the Reserve and land offered to extend the Reserve. Although necessary elevations and sections have not been provided, in some locations, Building D is estimated to be around 18 metres higher than the Reserve, including the car park which is estimated to be around 5 metres higher.

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.

While the City 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.

For the planning proposal to progress, the proposal will need to be amended to reduce the impact of Building D on Larkin Street Reserve by increasing the setback of Building D from the extended boundary of the reserve and introducing upper level setbacks. Accurate plans, elevations, sections and a 3D massing model are to be submitted illustrating the relationship of the built form to the surrounding area.

Floor space in the existing warehouse building

The proposed scheme is based on retaining the existing warehouse building and using it for commercial purposes. Under Part 2B of the Apartment Design Guide, the maximum allowable building envelope efficiency for residential uses is 70-75%. The maximum allowable building envelope efficiency for commercial uses under Part 2D is generally 80-85%.

The building envelope efficiency for the proposed residential buildings is approximately 75%. The building envelope efficiency for commercial use of the warehouse building is approximately 90%.

If the warehouse building is used for residential uses instead of commercial uses, approximately 120 m² of floor space could be transferred from the warehouse building to one of the proposed new apartment buildings without increasing the FSR. This may increase undesirable impacts, however, no information has been provided about where this floor space is proposed to be located and whether the impacts of the additional floor space will comply with relevant controls, including the Apartment Design Guide.

An amended proposal is to assume the existing warehouse building will be used for residential purposes with a maximum envelope efficiency of 70-75%.

Land offered to be dedicated

The 452m² of land offered for dedication includes part of the central through site link and a portion of land along the irregular-shaped north west boundary. The City has estimated the combined area of these two components to be in the order of 100m². Their function and shape means they are not usable open space and they should therefore be excluded from the land offered to be dedicated for open space. This results in an effective extended open space area of approximately 1,350m². This is less than the minimum 1,500m² needed to provide an appropriate level of usability.

For the planning proposal to progress, the land offered for dedication to extend Larkin Street Reserve will need to be revised to exclude part of the central through site link and part of the north west boundary and ensure the combined usable park area is at least 1,500m². If the landowner no longer wishes to dedicate land to extend Larkin Street Reserve, ensure the proposed scheme complies with communal open space and overshadowing requirements in the Apartment Design Guide.

Next steps

For the planning proposal to progress, the proposed scheme will need to be revised to address the issues above. Any revised submission should be in the form of a consolidated planning and urban design report including all plans, elevations, sections, and overshadowing analysis demonstrating the proposal can comply with relevant controls, including the Apartment Design Guide and Sydney DCP 2012. A three dimensional massing model is also to be provided to confirm the shadow analysis and accurately show the relationship of the built form to the surrounding area. Details on the requirement for 3D models can be requested by emailing to model@cityofsydney.nsw.gov.au.

Please advise within two weeks whether you intend to resubmit a revised scheme that addresses the issues. Alternatively, the City will determine the planning proposal request based on the information submitted to date.

Nothing in this advice precludes the Council from requesting additional information or requiring further issues to be addressed should another concept proposal be submitted.

Should you wish to speak with a Council officer about the above, please contact Benjamin Pechey, Manager Planning Policy, on 9265 9570 or bpechey@cityofsydney.nsw.gov.au

Yours sincerely,

A handwritten signature in black ink, appearing to be 'GJahn', written in a cursive style.

Graham Jahn AM
Director
City Planning | Development | Transport