

Attachment A

**Proponent Submission by SJB Planning to
the 6 November 2023 Transport, Heritage
and Planning Committee**

To: Transport, Heritage and Planning Committee

From: Michael Baker, Director

Date: 6 November 2023

Subject: Item 5 - Planning Proposal - 85-93 Commonwealth Street, Surry Hills - Sydney LEP 2012 Amendment

We have reviewed Council's report and are generally supportive of the Council recommendation to support the Planning Proposal, however we have concerns that the proposed maximum FSR control of 4.5:1 can **only** be achieved via a Design Competition for the following reasons:

1. The objective of the Planning Proposal is to allow a part 2/part 3 storey addition to the existing former warehouse building.
2. In consultation with Council staff, the land owner agreed to and the planning proposal was exhibited with a proposed maximum FSR of 4.5:1.
3. The proposed envelope has been amended to ensure that there are no overshadowing impacts on neighbouring properties and public spaces. The maximum FSR of 4.5:1 readily fits within this envelope as illustrated in Figure 1.
4. We understood Council staff were supportive of the envelope presented.
5. Now through this current report, we have learnt that a base FSR of 4.1:1 is being proposed and that a maximum FSR of 4.5:1 is conditional on a Design Competition. At no time have we been advised of this.
6. The imposition of a 4.1:1 base FSR, means a 2 storey addition cannot be realised without going through a Design Competition as illustrated in Figure 2.
7. We presume that this approach is being taken to ensure that a FSR greater than 4.5:1 cannot be achieved through the bonus provisions available under Council's Design Excellence provisions.
8. Our client has no intention of seeking a bonus beyond the 4.5:1 FSR proposed nor seeking to utilise Clause 4.6 for additional FSR beyond the 4.5:1 sought.
9. A 10% GFA bonus for design excellence represents only 230m² of additional floor space.
10. The cost of a Concept DA and a design excellence competition relative to the scale of this Planning Proposal and to achieve this additional floorspace is unreasonable and unnecessary.
11. We understand that the Stage 1 Concept DA requirements may be waived in certain circumstances. However, in our experience, Council's Design Excellence Policy still requires a Design Excellence Strategy to be approved. Council has been unable to provide another mechanism to have a Design Excellence Strategy approved other than through a Concept DA. Further to this, recent advice from Council on another matter advised that in the absence of a Concept DA Approval, i.e. an approved

Design Excellence Strategy, a clause 4.6 is required. The draft PP prevents clause 4.6 from applying to the site so this could not be achieved.

12. We also believe that any additions to the site can achieve design excellence without a costly competitive design process, especially on a project of this scale whereby it is only a 2 storey addition to an existing building. Alterations and additions should be permitted to an existing building without the need for a Design Competition. We note that Clause 6.21D of the SLEP 2012 permits this, however from recent experience Council has not been willing to accept the use of this clause.

We request that the maximum 4.5:1 FSR control be reinstated, without the requirement for a Design Competition to be held.

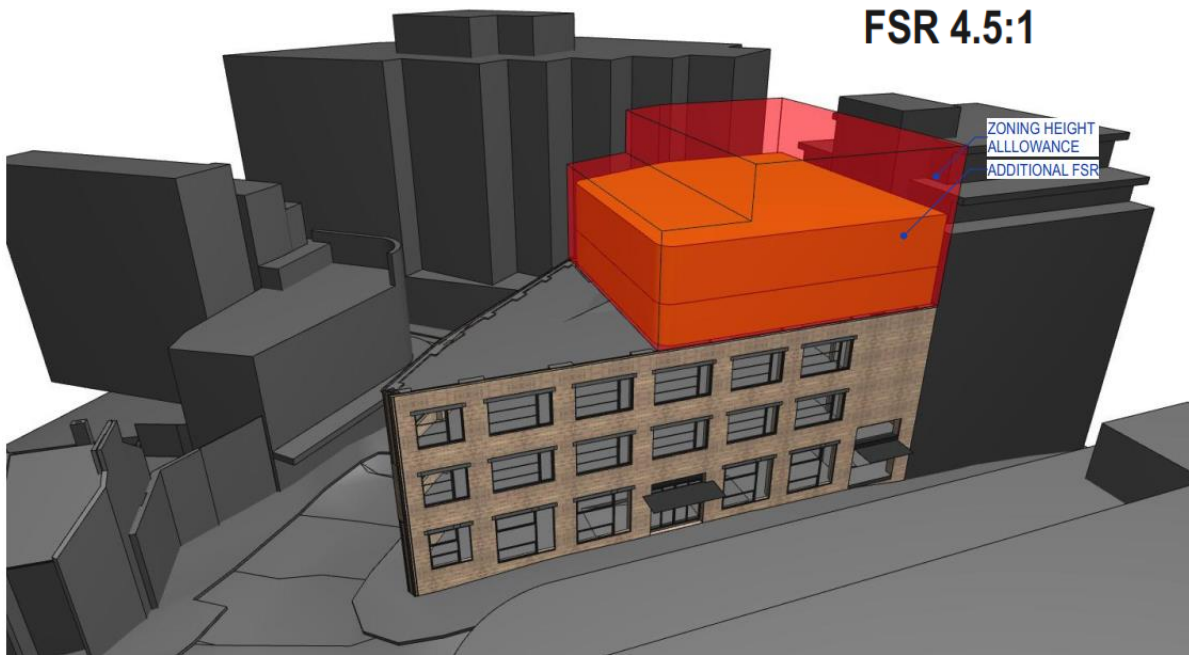


Figure 1: 4.5:1 FSR

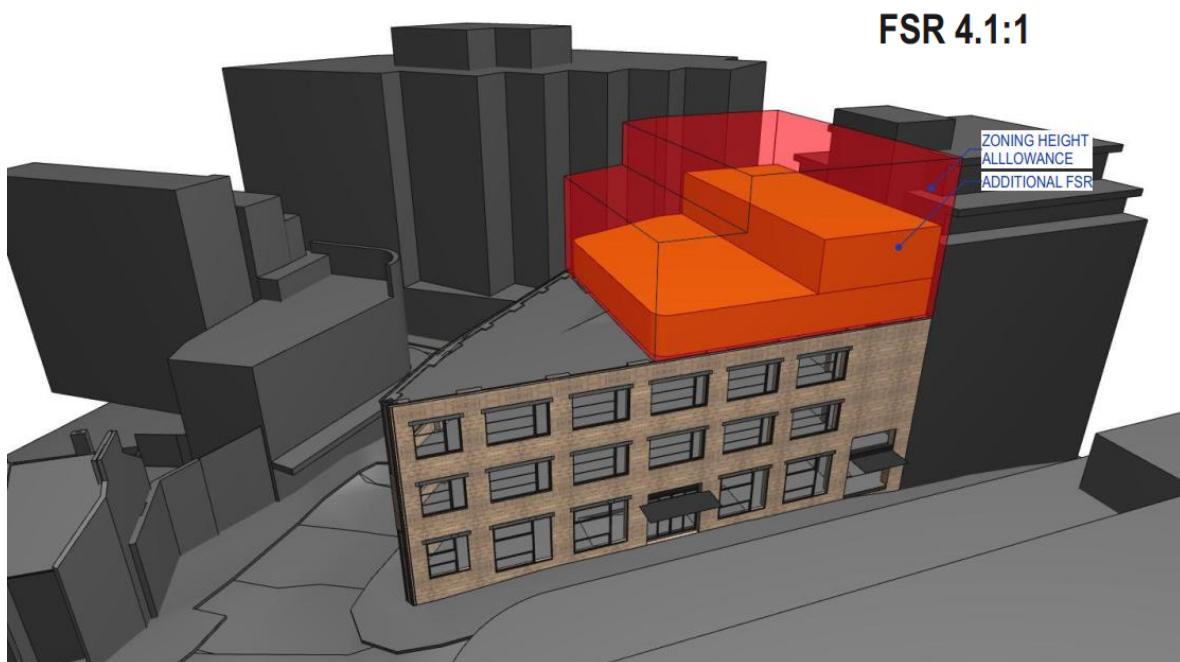


Figure 2: 4.1:1 FSR