



13143  
28 October 2014

Ms Carolyn McNally  
Secretary  
Department of Planning and Environment  
GPO Box 39  
SYDNEY NSW 2001

Attention: Ben Lusher

**CONCEPT PLAN MODIFICATION – S75W – MP 10\_0273  
71 MACQUARIE STREET, SYDNEY – AMATIL SITE  
RESPONSE TO CITY OF SYDNEY SUBMISSION**

We write in response to your email dated 27 October 2014, and attached response from City of Sydney Council, dated 23 October 2014.

In response to this submission, we seek to amend the S75W application to remove the proposed reference to the deduction in Heritage Floor Space for design excellence, and inclusion of Condition 23, to replace proposed commitment 1.13.

For clarity, the updated conditions have been provided at **Attachment A** to this letter. It is noted that the proposed additions are shown in bold italics, and proposed deletions are shown in bold strikethrough.

Given the proposed conditions and commitment have been revised to reflect the comments from Council, we anticipate the application proceeding to be assessed and determined under delegation, without the need to be considered by the Planning and Assessment Commission.

Should you have any queries about this matter, please do not hesitate to contact me on 9956 6962 or [sgouge@jbaurban.com.au](mailto:sgouge@jbaurban.com.au).

Yours faithfully

A handwritten signature in blue ink, reading 'Stephen Gouge'.

Stephen Gouge  
*Senior Planner*

## **Attachment A – Revised Conditions**

### **Schedule 2, (Additional Condition)**

#### **Condition A6 – FSR and HFS**

*Part 6 of Sydney LEP 2012 does not apply to the determination of any future application pursuant to this Concept Plan, and FSR and HFS are instead to be calculated in accordance with Schedule 3.*

*Any future application that will require the allocation of HFS in accordance with Schedule 3 will be subject to an appropriate condition of consent to ensure that the allocation occurs, in accordance with the revised Statement of Commitments dated 15 October 2014.*

### **Schedule 3 – (Additional Condition)**

#### **22 - Gross Floor Area and Heritage Floor Space**

*For the purpose of calculating the Floor Space Ratio, the site area is 1,207m<sup>2</sup>.*

*Gross Floor Area (GFA) is to be calculated in accordance with Sydney Local Environmental Plan 2012 definitions (with the exception that all car parking in accordance with Sydney Local Environmental Plan 2005 is to be deducted from GFA).*

*Any GFA for the site over and above 9,656m<sup>2</sup> (FSR of 8:1) is to be treated as additional floor space (being 'accommodation floor space') and will require the allocation of Heritage Floor Space (HFS) (purchased and transferred) to the development. The allocation of HFS is to be undertaken with regard to the provisions of the Sydney Local Environmental Plan 2012, as set out below.*

*The formula to be used when calculating the applicable HFS for this development is:*

*Site Area: 1,207 m<sup>2</sup>*

*Base FSR = 8:1*

$$HFS = \frac{(gross\ floor\ area - 9,656m^2)}{2}$$

*Less HFS Deductions*

*HFS Deductions:*

- ~~○ Design Excellence Deduction – (1,000sqm or 50% of HFS, whichever is the lesser)~~
- Through Site Link Deduction - (250sqm or 50% of HFS, whichever is the lesser)

### **Schedule 3 – (Additional Condition)**

#### **22 – Allocation of Heritage Floor Space**

***Prior to the final Construction Certificate being issued, Council's written verification must be obtained, confirming that heritage floor space (as calculated in accordance with condition 22 of Schedule 3) was allocated (purchased and transferred) to the development. Notwithstanding condition A6, the process of allocation is to be undertaken in accordance with the provisions of the Sydney Local Environmental Plan 2012.***

## Statement of Commitment (Additional)

### ~~1.13 Heritage Floor Space~~

~~Prior to the final Construction Certificate being issued, Council's written verification must be obtained, confirming that heritage floor space (as calculated in accordance with condition 22 of Schedule 3) was allocated (purchased and transferred) to the development. **Notwithstanding condition A6**, the process of allocation is to be undertaken in accordance with the provisions of the Sydney Local Environmental Plan 2012.~~