

Professor Helen Lochhead
Chair
Sydney South Planning Panel
GPO Box 39
SYDNEY NSW 2001

Attn: Chair Secretariat

Dear Ms Lochhead

I am writing in regard to a planning proposal to undertake amendments to *Sutherland Local Environmental Plan 2015* to increase the maximum permissible height and floor space ratio (FSR) controls at 10 and 12-14 Merton Street, Sutherland.

In December 2016, the Sydney South Planning Panel previously considered a pre-Gateway review request from the proponent for this planning proposal. At the time, the Panel recommended to the Department of Planning, Industry and Environment that the proposal should not proceed to Gateway determination (**Attachment 1**).

Following this recommendation, the Department further reviewed the proposal and was of the opinion that the proposal demonstrated strategic merit (**Attachment 2**). At the time, the Department advised this was due to the proposal having the potential to provide additional housing on a site that has strong public transport links good access to jobs and services, open space and community facilities. The proponent (Pacific Planning) also made representation to the Department following the pre-Gateway review (**Attachment 3**).

On 21 December 2017, the Secretary of the Department appointed the Sydney South Planning Panel as the Planning Proposal Authority (PPA) for the planning proposal (**Attachment 4**). This was in response to Sutherland Shire Council advising the Department that it did not agree to be the PPA.

The Department noted that there remained outstanding site-specific merit issues, such as the proposed bulk and scale of proposed development. The Department advised that it would engage an independent consultant to undertake an urban design analysis to determine the most appropriate controls to proceed to Gateway determination. These controls were to consider the streetscape, dwelling potential, design and amenity of a new development.

Architectus was appointed as an independent consultant to undertake this analysis work. The result of their work is enclosed (**Attachment 5**), which recommends that subject to site amalgamation, the planning provisions should reflect the following:

- Increase the maximum floor space ratio (FSR) from 1.5:1 to 1.8:1; and
- Increase the maximum building height from 20 metres to 21.7 metres.

The Department accepted the recommendations of Architectus' urban design analysis work (**Attachment 6**). The proponent was requested to provide an updated planning proposal in accordance with these findings. However, the proponent's revised request (**Attachment 8**) is not in accordance with the independent peer review, instead proposing the following:

- Increase the maximum FSR from 1.5:1 to 2.2:1; and

- Increase the maximum building height from 20 metres to 25 metres across the central portion of the site and retain the 20 metre height limit at the rear of the site.

Comments from Council in response to the amended planning proposal are provided at **Attachment 7**. The proponent has been provided with the opportunity to revise the planning proposal to reflect the findings of the independent urban design review. However, this has not occurred.

The Panel is now requested to review the revised information and determine whether it seeks to submit a planning proposal to the Department for Gateway determination and if so in what form. The Department would be happy to provide the Panel with a briefing if this would assist in its consideration of the matter.

If you have any more questions, please contact Kris Walsh, Acting Manager Eastern and South District at the Department of Planning, Industry and Environment on 9274 6299.

Yours sincerely



7 April 2020

Malcolm McDonald
Executive Director, Eastern Harbour City

Encl:

Attachment 1: Pre-Gateway Sydney South Planning Advice
Attachment 2: Department's determination of pre-Gateway review
Attachment 3: Correspondence from Pacific Planning February 2017
Attachment 4: Appointment of Panel as Planning Proposal Authority
Attachment 5: Independent Urban Design Peer Review – Architectus
Attachment 6: Correspondence to proponent August 2018
Attachment 7: Council submission January 2019
Attachment 8: Response and amended planning proposal from Pacific Planning