From:	John Kurko
To:	Simon Ip; Brendan Metcalfe; Teresa Gizzi
Cc:	<u>Alejandro Trevino; David Burge</u>
Subject:	HPE CM: RE: Regents Park FSR _ Urban design Statement against FSR Method
Date:	Friday, 24 July 2020 8:22:01 PM
Attachments:	20200724 - FSR calculation - Regents Park.docx
Importance:	High

Hi Brendan and Simon + Teresa,

The Department of Planning, Industry and Environment and the construction industry understand that FSR is understood to be determined in accordance with State legislation and Policy, namely informed and directed by:

a) **The Standard Instrument—Principal Local Environmental Plan**, calculation method for Floor Space ratio.

b) The current **ADG guidelines** and efficiency rates provided to residential (70 - 75%) and commercial (80%) developments

The ADG is clear with the advice on any variation and the bands of tolerance for FSR:

- ADG is clear that residential tower efficiency is between 70 75% of GBA.
- There is an acceptance that in noisy or polluted environments enclosed balconies may be needed and may be given to extra floor area.
- There is also a requirement to provide good ventilation and solar shading on western facades, compromising the enclosed balcony option for the western edge of the Regents Park Proposal.
- Commercial and retail generally fill 80-85% of their envelope, due to the use of the building requiring less services, amenities and the lack of balconies and the like for such typologies.

It is also important to note, as stated in the ADG:

FSR is not a measure of the maximum capacity of the building envelope. The envelope provides an overall parameter for the design of the development. The allowable gross floor area should only 'fill' approximately 70% of the building envelope.

However, it is important to note that FSR controls set the theoretical maximum capacity. It may not always be possible to reach the maximum allowable floor space due to other development controls or constraints specific to the site such as lot size or shape, existing landscape features, neighbouring properties or heritage considerations.

NSW State Government definitions and methods of FSR calculation are defined in the Standard Instrument - Principal Local Environmental Plan - Current version for 17 April 2020.

Definitions:

Floor space ratio. as defined in the Standard Instrument - Principal Local Environmental Plan

Floor space ratio (FSR) is the relationship of the **total gross floor area** (GFA) of a building relative to the **total site area** it is built on. It indicates the intended density.

GROSS FLOOR AREA means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes—

- (a) the area of a mezzanine, and
- (b) habitable rooms in a basement or an attic, and
- (c) any shop, auditorium, cinema, and the like, in a basement or attic, but excludes—
- (d) any area for common vertical circulation, such as lifts and stairs, and
- (e) any basement-
 - (i) storage, and
 - (ii) vehicular access, loading areas, garbage and services, and
- (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
- (g) car parking to meet any requirements of the consent authority (including access to that car parking), and
- (h) any space used for the loading or unloading of goods (including access to it), and
- (i) terraces and balconies with outer walls less than 1.4 metres high, and
- (j) voids above a floor at the level of a storey or storey above.

GFA (GROSS FLOOR AREA) can be assumed at the ADG rate 70-75% of GBA (Gross Building Area) for residential development.

Work that UD has conducted to date:

The three schemes for Rents Park that Urban Design Eastern Harbour City have reviewed has been in compliance with the FSR method as defined in the <u>Standard Instrument - Principal Local Environmental</u> <u>Plan</u>, using an accepted efficiency ratio of 75% supported by the ADG.

A description of the schemes that have been reviewed by the former Urban Design Eastern Harbour City is attached and a summary follows:

Scheme	Stated Efficiency ratio	Site Area	Compliance to DPIE FSR method	Resultant FSR
 Scheme 1 Proponent Submitted McGregor Coxall's design scheme (dated 9 January 2019) Resulting in: GBA: 56,182 m2 GFA: 42,136.50m2 FSR: 1.99:1 	75%	21,170 m2		FSR: 1.99:1
 Scheme 2 Proponent Submitted McGregor Coxall CAD files (dated 17 February 2020) Resulting in: GBA: 64,061 m2 GFA: 48,046 m2 FSR: 2.27:1 	75%	21,170 m2,	~	2.27:1
Scheme 3 DPIE (INTERNAL TESTING ONLY) McGregor Coxall CAD files (dated 17 February 2020) GBA and Heights Modified	75%	21,170 m2,	~	1.93:1

Resulting in • GBA: 54,592		
• GFA: 40,994 m2 (as measured on CAD)		
• FSR: 1.93		

NB: Acceptable limits 70 – 75% Efficiency Rating Site Area as per survey 21,170 m2 FSR = total gross floor area (GFA) / total site area GFA = GBA x 0.75

GANSW:

What is outstanding is a simple statement from GANSW supporting the State Legislative and policy positions on FSR calculation and method. It would be expected that such a statement is not necessary, as the definitions, methods and acceptable standards are described clearly in the Standard Instrument—Principal Local Environmental Plan, calculation method for Floor Space ratio and further expanded in the current ADG guidelines. However we have asked GANSW to answer the following questions (as requested by the Planning Team).

- 1. Does GANSW have any practice notes on calculating FSR?
- Would the GANSW support the following as industry and DPIE standards in measuring FSR:
 a) The Standard Instrument—Principal Local Environmental Plan, calculation method for Floor Space ratio.

b) The current ADG guidelines and efficiency rates provided to residential (70 – 75%) and commercial (80%) developments.

3. Are there any examples where the State Design Panel pursued an efficiency ratio for a residential planning proposal of more than 75%, so that the FSR could be increased?

As soon as a response comes back from GANSW I will forward it onto you.

Kind regards,

John Kurko | RAIA. 10003

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The Department of Planning, Industry and Environment acknowledges that it stands on Aboriginal land. We acknowledge the traditional custodians of the land and we show our respect for elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

Streets as Shared Spaces



Scheme 1	Stated Efficiency ratio	Site Area	Compliance to DPIE FSR method	Reference Image (Source: DPIE draft for internal discussion)
McGregor Coxall's design scheme Dated: 9 January 2019 Resulting in: • GBA: 56,182 m2 • GFA: 42,136.50m2 • FSR: 1.99:1	75% efficiency ratio (Claimed by proponent)	21,170 m2 (as per amended survey)	Complies with method	A B 993 m2g 993 m2g B storey B 9 Storey B B storey B B storey B B storey B storey B B storey B storey B storey B storey B storey B storey

Scheme 2	Stated Efficiency ratio	Site Area	Complian ce to DPIE FSR method	Reference Image (Source: DPIE draft for internal discussion)
McGregor Coxall CAD files Not provided by proponent. Dated: 17 February 2020 Resulting in: • GBA: 64,061 m2 • GFA: 48,046 m2 • FSR: 2.27:1	75% efficiency ratio	21,170 m2 (as per amended survey)	Complies with method	A B

Scheme 3	Stated Efficiency ratio	Site Area	Compliance to DPIE FSR method	Reference Image (Source: DPIE draft for internal discussion)
 DPIE INTERNAL TESTING ONLY Not provided by proponent. Dated: 18 February 2020 Scheme prepared based on the following inputs: a) Building footprints provided by McGregor Coxall CAD files (dated 17 February 2020) b) Building heights as presented by McGregor Coxall on design scheme dated 9 January 2019 Resulting in GBA: 54,592 GFA: 40,994 m2 	75% efficiency	21,170 m2 (as per amended survey)	Complies with method	A 90 m2 90 m2 B m2 12 Storey G m2 B max B max B ma