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URBIS

DESIGN EXCELLENCE STRATEGY

45-53 Macleay Street,
Potts Point

Prepared for

TIME AND PLACE LTD

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We acknowledge, in each of our offices, the Traditional Owners on whose land we stand.

DOCUMENT CONTROL			
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1. INTRODUCTION

This Design Excellence Strategy (**Strategy**) has been prepared by Urbis on behalf of Time & Place (**the proponent**) and aims to guide the redevelopment of 45-53 Macleay Street, Potts Point (**the site**).

The Proponent is committed to achieving design excellence as part of the redevelopment the site, and to deliver the highest standard of architectural, urban and landscape design outcomes. The aim of the project is to deliver high-quality infill affordable housing development in Pott's Point that provides a diverse range of units and will be designed to reflect and complement the existing heritage character of the area.

The proposed development will be for a 13-storey building up to a maximum height of 50.05m and includes the following:

- An FSR of 4.29:1 equating to 5,529.8 sqm of GFA.
- Retail and residential land uses.
- Ground floor retail and commercial uses with 12 storeys of residential tower above.
- 3 basement levels for parking, services and storage.
- Vehicular and loading access from McDonald Street;

This Strategy has been prepared in accordance with the City of Sydney Competitive Design Policy (**CoS Policy**), the Government Architect NSW *Design Competition Guidelines* (**Guidelines**) (dated September 2023), the *Sydney Local Environment Plan 2012* (**the LEP**) and the *Sydney Development Control Plan 2012* (**the DCP**).

In accordance with Clause 1.2 under the City of Sydney Competitive Design Policy 2013 and Section 3.3.2 of the Sydney Development Control Plan 2012 outlines the following requirements for design excellence strategies:

- (a) the location and extent of each competitive design process;*
- (b) the type of competitive design process(es) to be undertaken: an open or invited architectural design competition or competitive design alternatives;*
- (c) the number of designers involved in the process(es);*
- (d) how fine grain and contextually varied architectural design is to be achieved across large sites;*
- (e) whether the competitive design process is pursuing additional floor space or height;*
- (f) options for distributing any additional floor space or height which may be granted by the consent authority for demonstrating design excellence through a competitive design process; and*
- (g) the target benchmarks for ecologically sustainable development.*

The Proponent will undertake an invited Architectural Design Competition (**Competition**) with a minimum of four (4) competitors. Competitors will be encouraged to include landscape architects and explore opportunities for collaboration with emerging practices.

This Strategy has been developed in consultation with GANSW, DPHI and City of Sydney Council. This Strategy was endorsed by GANSW on XXXX.

1.1. TIMEFRAME AND KEY DATES

The Competition will be run over a 7-week period, with 5 weeks for the competitors to prepare architectural submissions and 2 weeks for Jury evaluation and preparation of the Competition Report.

Key Dates	Milestone
9 October 2024	Competition Strategy issued to Council for comment
TBC	Competition Brief issued to Council for comment
TBC	Competition Strategy and Competition Brief endorsed by GANSW
29 January 2025	Competition Brief issued to invited competitors
31 January 2025	Briefing Session
7 March 2025	Final Submissions issued to Competition Manager Review of Final Submissions
17 March 2025	Final Submission Presentations
Within 21 days of Decision Date	Jury Evaluation and Competition Report issued Competition is closed once final Competition Report is issued

2. LOCATION AND EXTENT OF THE COMPETITIVE DESIGN PROCESS

2.1. SITE DESCRIPTION

The site is located at 45-53 Macleay Street, Potts Point and is legally described as SP 934. It is regular in shape, has an area of 1,289.5 sqm. The site has a primary frontage to Macleay Street (which accommodates pedestrian access to the building), a secondary frontage to McDonald Street (which provides vehicular access) a laneway frontage to McDonald Lane.

The Potts Point streetscape has a strong Victorian, Federation and Interwar character. The variation in height and density characteristic of the locality, with its skyline easily identified by taller buildings along the ridgeline that runs continuously from its high point on Bourke Street, Surry Hills to the harbour at the northern ends of Potts Point.

Macleay Street is typified by residential apartment buildings above ground-level retail spaces (creating a primary retail spine). These buildings are generally built to the street edge and balconies are inset within the overall building form.

The site currently accommodates a 12-storey residential flat building containing 80 studio apartments, constructed in the 1960s. The existing building is in the north-east corner of the site, with parking on the remainder of the ground floor and level 1.

The competitive design process will apply to the entire site area, as outlined in 'red' in **Figure 1**.

Figure 1 Location and extent of the competitive process (Aerial photograph of the site).



Source: Urbis

3. IMPLEMENTATION OF STRATEGY OBJECTIVES

3.1. COMPETITIVE DESIGN APPROACH

The Proponent proposes a single stage invited Architectural Design Competition for the site.

The project is state significant development as it –

- Incorporates an affordable housing component of at least 10%; and
- The capital investment value of the residential component is more than \$75 million (excl GST)
- Given this, the Government Architect NSW (**GANSW**) is the body responsible for administering the competition processes regarding this project. The competition will commence upon endorsement of this Design Competition Strategy and a Competition Brief by GANSW.

The proponent proposes the following design excellence strategy for the site:

- Undertake an 'invited' architectural design competition for the site that will inform a detailed state significant development application (**SSDA**).
- Invite a minimum of five (5) competitors to participate.
- The selection of competitors will be undertaken in consultation with the GANSW and will:
 - Include a range of emerging and established architectural and landscape practices to participate in the Competition.
 - Require that each competitor will be a person, corporation or firm registered as an architect in accordance with the *NSW Architects Act 2003* or, in the case of interstate competitors, eligible for registration with their equivalent association.
- A Competitor shall have demonstrated capabilities in design excellence by being the recipient of an Australian Institute of Architects award or commendation, or in the case of overseas competitors the same with their equivalent professional association.

3.2. DESIGNING AND CONNECTING WITH COUNTRY

3.2.1. Vision

The site is located on the land of the Gadigal of the Eora Nation, its traditional custodians. As such, as part of the design competition, it is expected that a Connecting with Country response be integrated in-line with the framework developed by the Government Architect of NSW.

The vision of this project is to start with Country and embed into the design the place specific elements that connect the Gadigal people to their land. The project presents unique opportunity to celebrate the culture of the Gadigal people and their unique understanding of the interconnected systems and conditions of the place – orientation, topography, hydrology, geological conditions, views, vegetation, sun, wind, rainfall and other climatic factors, relationships to habitat for non-human life, contemporary movement.

3.2.2. Objectives

The following objectives in terms of Connecting with Country are to be explored as part of the design process and inform each scheme:

- Establish cultural safety by considering the perspectives of the Traditional Custodians in the design excellence process,
- Celebrate the Indigenous past and cultural heritage of the Gadigal People through the implementation of the NSW Government Architect's Connecting with Country Framework and Designing with Country. <https://www.planning.nsw.gov.au/government-architect-nsw/policies-and-frameworks/connecting-withcountry>
- Ensure that the cultural heritage of the Gadigal People and the historical significance of the land and water is embedded within the building design including architectural features, materials and finishers.

- Celebrate the language and culture of the Gadigal People through naming, wayfinding, public art, landscape and public domain.
- The design considers landscape elements and endemic planting that are informed and guided by the Traditional Custodians and their cultural practice.

3.3. REQUIREMENTS FOR A COMPETITIVE PROCESS

In preparing the Architectural Design Competition Brief (**Competition Brief**) the Proponent will ensure that:

- All details about the conduct of the competitive process are contained within the Competition Brief and no other document;
- The Competition Brief and appended documents are reviewed by the GANSW and the City of Sydney and endorsed in writing by the GANSW prior to commencement of the Competition and its distribution to participating Competitors.
- The Competition Brief is to be generally in accordance with the *City of Sydney Competitive Design Policy (the Policy)*, the *Government Architect NSW Design Competition Guidelines (Guidelines)* (dated September 2023).

3.3.1. Observers

The consent authority and the City of Sydney will, at its discretion, each nominate at least one impartial observer of the competitive design process to verify that the competitive process has been followed appropriately and fairly. The observer(s) will be invited to attend all meetings involved with the Competitive Process and Design Integrity Process, including Jury deliberations, and is to be provided reasonable notice of all meetings.

3.3.2. Competition Jury

The Jury members for the competition will be selected in consultation with GANSW. The jury members will be registered in their respective profession.

The Jury is to comprise five (5) members:

- Two (2) Proponent nominee's;
- One (1) City of Sydney Council nominee;
- One (1) NSW Government Architect nominee; and
- One (1) DPHI Nominee.
- The Jury chair will be elected by GANSW.

The Jury members will:

- Represent the public interest;
- Not have a pecuniary interest in the development proposal;
- Not be an owner, shareholder or staff member associated with the Proponent or the Proponent's companies;
- Not be a staff member or councillor with an approval role in council's or the department's development assessment process; and
- Include only persons who have industry recognised design qualifications and are recognised advocates for design excellence and be registered in their profession.

The Jury's assessment of the submissions will be against the evaluation criteria contained in the Competition Brief. The final decision will be via a majority vote. Unanimous agreement is not required.

The decision of the Jury will not fetter the discretion of the Consent Authority in its determination of any subsequent development application associated with the site that is the subject of the Competition.

4. DESIGN INTEGRITY

The design intent and design quality of the winning scheme must be maintained or improved through subsequent design and development stages and through to construction.

In addition to the process for appointing the winning design team, a secondary process for ensuring design integrity is the appointment of a design integrity panel (**DIP**). A DIP will be formed (at the cost to the Proponent) comprising at least 3 members of the Competition Jury including chair to review the design to ensure the key design excellence attributes noted in the competition report are retained or improved upon through the development of the design, and that areas noted as requiring further design refinement are appropriately addressed.

The DIP reviews should occur before:

- Lodgement of the SSDA
- Lodgement of Response to Submissions
- Lodgement of any significant design modification application.

In some cases, DPHI assessment officers or the consent authority may request a further review of the project by the DIP.

Each meeting of the DIP shall be documented in a design integrity report prepared by the competition manager and reviewed and endorsed by the DIP. The design integrity report will address the matters set out in Section 3.5 of the GANSW Design Competition Guidelines.

This Strategy, competition report and design integrity reports are submitted to the consent authority and will inform the assessment of the SSDA.

4.1. ENGAGEMENT OF THE WINNING DESIGN TEAM

The design team of the winning design response is to be appointed for the duration of the project, through to completion. The applicant will work with the winning design team throughout the detailed design process to ensure the design remains consistent with the competition submission while responding to any complexities that arise. The applicant will implement the following strategies –

- **Clear Communication:** Maintain open and regular communication with the design team. Discuss the project's objectives, constraints, and desired outcomes in detail to ensure everyone is on the same page.
- **Collaborative Approach:** Foster a collaborative relationship with the design team. Encourage them to share their ideas and feedback and be open to their suggestions. This can help ensure the design evolves in a way that stays true to the original vision.
- **Regular Reviews:** Schedule regular design reviews throughout the project. This allows progress check-in's, opportunity for feedback, and opportunity to make necessary adjustments to ensure the design remains aligned with the project's objectives.
- **Respect for the Design:** Respect the winning design and the team's creative process. Any changes should be made in a way that maintains the design's integrity.

5. PLANNING FRAMEWORK

For local development applications, Clause 7.20 of SLEP 2012 typically mandates a 'staged' DA process for this project (i.e. a Concept DA/Site Specific DCP followed by a design competition and then subsequent detailed design DA) as the height of the proposed development will be greater than 25 metres above ground level (existing).

However, as the development will exceed \$75 million it is considered SSDA under Section 26A of the *State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP)*.

Section 2.10(2) of the Planning Systems SEPP, states the requirement for a DCP/Concept DA does not apply to SSD applications:

"A requirement of an environmental planning instrument that a development control plan be prepared before development consent can be granted to development does not apply to—

(a) *State significant development, or*

(b) *Development for which a relevant council is the consent authority under the Act, section 4.37."*

Accordingly, the Design Excellence Strategy seeks to proceed to a competitive design process with the subsequent lodgement of a state significant development application for the detailed design elements of the project.

By utilising the SSDA pathway, the site would be able to deliver much-needed housing in an accessible location.

5.1. ALLOCATION OF ADDITIONAL FLOORSPACE & HEIGHT

5.1.1. Design Excellence Bonus

The City is updating its Competitive Design Policy as part of the proposed updates, the City intends to amend Clause 6.21D of the Sydney LEP 2012 to "*permit the consent authority to award a bonus of up to 10% additional building height and up to 10% additional floor space to a building demonstrating design excellence when considering a development application resulting from a competitive process...*".

The updates to the City's Competitive Design Policy form part of the City of Sydney's Policy and Housekeeping Amendments Planning Proposal which was discussed at a Council Committee meeting on 4 December 2023. Following the meeting, it was resolved that Council approve the planning proposal for submission to the Department of Planning and Environment with a request for a Gateway Determination and public consultation and exhibition.

Accordingly, the Proponent will pursue up to an additional 10% floor space **and** height under clause 6.21D(3)(b)(i) of the LEP as a result of undertaking a Competition, in accordance with the Policy and as supported by this Design Excellence Strategy.

The distribution of the additional floor space and height will be explored through the Competition and must be consistent with the provisions contained in the Concept DA consent and relevant provisions of the LEP and DCP.

Nothing in this document is to be taken as an approval or endorsement of the potential additional floor space or height available under clause 6.21D(3)(b)(i) of the LEP.

5.1.2. Infill Affordable Housing Bonus

The proposal is also seeking to utilise the affordable housing provisions set out in Chapter 2, Part 2, Division 1 of the Housing SEPP. The Housing SEPP identifies bonus height and FSR of up to 30% depending on the amount of the affordable housing provided that is equal to 10-15%. The Proponent intends to provide 15% affordable housing (managed by a CHP) for a 15 year period to receive an additional 30% in height and floor space above Sydney LEP 2012.

The Housing SEPP also sets out non-discretionary development standards for particular matters.

6. ESD TARGETS

The Competition Brief is to include the ecologically sustainable development (**ESD**) targets and design measures for the development as set out below:

- Improving upon minimum legislated BASIX benchmarks as follows:
 - Energy 40%
 - Water 50%
- Delivering a high level of thermal performance, demonstrated through an aspirational minimum 7-star average NatHERS rating across the development.
- Following a range of sustainability initiatives across the site spanning energy efficiency, water efficiency, indoor environment quality, materials selection, waste management and user/visitor comfort.

ESD targets and sustainability initiatives will be carried through the Competition, design development and construction stages to completion of the project to deliver the ESD targets and design inclusions described above.

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