

**DECISION OF 3697th COUNCIL MEETING
HELD ON 20 NOVEMBER 2017**

**409. CiS03: Draft Amendment to NSDCP 2013 –
Undergrounding of Overhead Cables**

Report of Vera Xia, Student Strategic Planner

On 30 October 2017, Council considered a post exhibition report (refer to Attachment 1) in relation to the draft Undergrounding Overhead Cables Master Plan and draft amendment to North Sydney Development Control Plan 2013 (NSDCP 2013). That report recommended:

1. *THAT Council note the results of the exhibition of the draft Master Plan and draft DCP amendment.*
2. *THAT Council adopt the Undergrounding Master Plan as amended, following Attachment 2 to this report.*
3. *THAT Council adopt the draft amendment to NSDCP 2013 unamended, following Attachment 3 to this report.*
4. *THAT public notice of the amendments to NSDCP 2013 be given.*
5. *THAT Council adopt a new standard condition of consent that requires the surveying of undergrounding infrastructure when undergrounding works are carried out in the public domain.*
6. *THAT all submitters be notified of Council's decision and thanked for their submissions.*

Council subsequently resolved to adopt all of the recommendations except No.3. This resulted in the amendment to NSDCP 2013 not being adopted.

Accordingly, this report seeks to adopt the draft amendment to NSDCP 2013 (refer to Attachment 3 in the previous report) unamended, such that the intent of undergrounding cables can be implemented in a more co-ordinated manner.

Nil.

Recommending:

1. **THAT** Council adopt the draft amendment to NSDCP 2013 unamended.
2. **THAT** public notice be given of the amendment to NSDCP 2013.

The Motion was moved by Councillor Drummond and seconded by Councillor Gunning.

The Motion was put and carried.

Voting was as follows:

For/Against 8/0

Councillor	Yes	No	Councillor	Yes	No
Gibson	Y		Barbour	Y	
Beregi	Y		Drummond	Y	
Keen	Y		Gunning	Y	
Brodie	Y		Mutton	Y	
Carr	Absent		Baker	Absent	

RESOLVED:

1. **THAT** Council adopt the draft amendment to NSDCP 2013 unamended.
2. **THAT** public notice be given of the amendment to NSDCP 2013.



Report to General Manager

Attachment:

1. Post Exhibition Report - 30 October 2017
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SUBJECT: Draft Amendment to NSDCP 2013 – Undergrounding of Overhead Cables

AUTHOR: Vera Xia, Student Strategic Planner

ENDORSED BY: Joseph Hill, Director City Strategy

EXECUTIVE SUMMARY:

On 30 October 2017, Council considered a post exhibition report (refer to Attachment 1) in relation to the draft Undergrounding Overhead Cables Master Plan and draft amendment to North Sydney Development Control Plan 2013 (NSDCP 2013). That report recommended:

1. *THAT Council note the results of the exhibition of the draft Master Plan and draft DCP amendment.*
2. *THAT Council adopt the Undergrounding Master Plan as amended, following Attachment 2 to this report.*
3. *THAT Council adopt the draft amendment to NSDCP 2013 unamended, following Attachment 3 to this report.*
4. *THAT public notice of the amendments to NSDCP 2013 be given.*
5. *THAT Council adopt a new standard condition of consent that requires the surveying of undergrounding infrastructure when undergrounding works are carried out in the public domain.*
6. *THAT all submitters be notified of Council's decision and thanked for their submissions.*

Council subsequently resolved to adopt all of the recommendations except No.3. This resulted in the amendment to NSDCP 2013 not being adopted.

Accordingly, this report seeks to adopt the draft amendment to NSDCP 2013 (refer to Attachment 3 in the previous report) unamended, such that the intent of undergrounding cables can be implemented in a more co-ordinated manner.

FINANCIAL IMPLICATIONS:

Nil.

RECOMMENDATION:

1. **THAT** Council adopt the draft amendment to NSDCP 2013 unamended.
 2. **THAT** public notice be given of the amendment to NSDCP 2013.
-

LINK TO DELIVERY PROGRAM

The relationship with the Delivery Program is as follows:

Direction: 2. Our Built Environment

Outcome: 2.1 Infrastructure, assets and facilities that meet community needs
2.2 Improved mix of land use and quality development through design excellence
2.3 Vibrant, connected and well maintained streetscapes and villages that build a sense of community
2.4 North Sydney's heritage is preserved and valued

Direction: 5. Our Civic Leadership

Outcome: 5.1 Council leads the strategic direction of North Sydney
5.3 Council is ethical, open, accountable and transparent in its decision making
5.4 Community is informed and aware

BACKGROUND

On 20 March 2017, North Sydney Council resolved to endorse the draft Undergrounding Master Plan, and place an associated draft amendment to North Sydney Development Control Plan 2013 (NSDCP 2013) on public exhibition.

The purpose of the draft DCP amendment is to facilitate better outcomes concerning the undergrounding of overhead cables within specific areas within the North Sydney Local Government Area, as identified in the Undergrounding Master Plan. It is proposed to achieve this purpose by amending Sections 2.4.10 and 2.7.1 to Part B of NSDCP 2013 to:

- include references to Council's Undergrounding Master Plan;
- introduce ancillary amendments to support the Undergrounding Master Plan; and
- make provision for undergrounding of overhead infrastructure in association with significant new development within areas identified in the Undergrounding Master Plan

The draft Master Plan and amendment to NSDCP 2013 were initially placed on public exhibition from Thursday 18 May 2017 to Wednesday 7 June 2017, and were re-exhibited from Thursday 22 June 2017 to Wednesday 19 July 2017 due to an administrative error.

On 30 October 2017, Council considered a report in relation to the public exhibition of the draft Master Plan and draft amendment to NSDCP 2013 (refer to Attachment 1). That report recommended:

1. *THAT Council note the results of the exhibition of the draft Master Plan and draft DCP amendment.*
2. *THAT Council adopt the Undergrounding Master Plan as amended, following Attachment 2 to this report.*
3. *THAT Council adopt the draft amendment to NSDCP 2013 unamended, following Attachment 3 to*

this report.

4. *THAT public notice of the amendments to NSDCP 2013 be given.*
5. *THAT Council adopt a new standard condition of consent that requires the surveying of undergrounding infrastructure when undergrounding works are carried out in the public domain.*
6. *THAT all submitters be notified of Council's decision and thanked for their submissions.*

Council resolved to adopt all of the recommendations to the report with the exception of recommendation No. 3, resulting in the proposed amendments to NSDCP 2013 not being adopted.

CONSULTATION REQUIREMENTS

Community engagement has been undertaken in accordance with Council's Community Engagement Protocol.

SUSTAINABILITY STATEMENT

The sustainability implications were considered and reported on during the initiation phase of this project.

DETAIL

Attachment 1 includes the report that Council considered at its meeting on 30 October 2017. It provides the necessary background and the consideration of submissions that Council received during the two exhibition periods.

The draft amendment to NSDCP 2013 is the mechanism to ensure the outcomes of the Undergrounding Master Plan are implemented. Therefore, Council's resolution will not enable this to be achieved. Accordingly, a resolution is sought to adopt the amendment to NSDCP 2013.

**DECISION OF 3696th COUNCIL MEETING
HELD ON 30 OCTOBER 2017**

350. CiS06: Draft Undergrounding Master Plan & Draft Amendment to NSDCP 2013 –Undergrounding of Overhead Cables – Post Exhibition Report

Report of Vera Xia, Student Strategic Planner

On 20 March 2017, North Sydney Council resolved to endorse the draft Undergrounding Master Plan, and place an associated draft amendment to North Sydney Development Control Plan 2013 (NSDCP 2013) on public exhibition.

The purpose of the draft DCP amendment is to facilitate better outcomes concerning the undergrounding of overhead cables within specific areas within the North Sydney Local Government Area, as identified in the Undergrounding Master Plan. It is proposed to achieve this purpose by amending Sections 2.4.10 and 2.7.1 to Part B of NSDCP 2013 to:

- include references to Council’s Undergrounding Master Plan;
- introduce ancillary amendments to support the Undergrounding Master Plan; and
- make provision for undergrounding of overhead infrastructure in association with significant new development within areas identified in the Undergrounding Master Plan.

The draft Master Plan and amendment to NSDCP 2013 were initially placed on public exhibition, from Thursday 18 May 2017 to Wednesday 7 June 2017. However, due to an administrative issue, the draft Master Plan and amendment to NSDCP 2013 were re-exhibited from Thursday 22 June 2017 to Wednesday 19 July 2017.

Council received a total of four (4) submissions during the exhibition period, raising the following issues:

- general support for undergrounding overhead cables;
- requests to include the entirety of Lavender Street on the Undergrounding Master Plan Map;
- concern for tree protection during the physical digging process;
- issues on survey accuracy of underground infrastructure and cadastral information; and
- ability for residents to contribute to undergrounding in their local area to achieve “economies of scale”.

As a result of the submissions made, it is recommended the draft Undergrounding Master Plan be amended, the draft amendment to NSDCP 2013 be adopted unamended and to adopt a new standard condition of consent that requires the surveying of undergrounding infrastructure when undergrounding works are carried out in the public domain.

Nil.

Recommending:

- 1. THAT** Council note the results of the exhibition of the draft Master Plan and draft DCP amendment.
- 2. THAT** Council adopt the *Undergrounding Master Plan* as amended, following Attachment 2 to this report.
- 3. THAT** Council adopt the draft amendment to NSDCP 2013 unamended, following Attachment 3 to this report.
- 4. THAT** public notice of the amendments to NSDCP 2013 be given.

5. THAT Council adopt a new standard condition of consent that requires the surveying of undergrounding infrastructure when undergrounding works are carried out in the public domain.

6. THAT all submitters be notified of Council's decision and thanked for their submissions.

A Motion was moved by Councillor Baker, seconded by Councillor Beregi,

1. THAT Council note the results of the exhibition of the draft Master Plan and draft DCP amendment.

2. THAT Council adopt the *Undergrounding Master Plan* as amended, following Attachment 2 to this report.

3. THAT public notice of the amendments to NSDCP 2013 be given.

4. THAT Council adopt a new standard condition of consent that requires the surveying of undergrounding infrastructure when undergrounding works are carried out in the public domain.

5. THAT all submitters be notified of Council's decision and thanked for their submissions.

The Motion was put and carried.

Voting was as follows:

For/Against 10/0

Councillor	Yes	No	Councillor	Yes	No
Gibson	Y		Barbour	Y	
Beregi	Y		Drummond	Y	
Keen	Y		Gunning	Y	
Brodie	Y		Mutton	Y	
Carr	Y		Baker	Y	

RESOLVED:

1. THAT Council note the results of the exhibition of the draft Master Plan and draft DCP amendment.

2. THAT Council adopt the *Undergrounding Master Plan* as amended, following Attachment 2 to this report.

3. THAT public notice of the amendments to NSDCP 2013 be given.

4. THAT Council adopt a new standard condition of consent that requires the surveying of undergrounding infrastructure when undergrounding works are carried out in the public domain.

5. THAT all submitters be notified of Council's decision and thanked for their submissions.



Report to General Manager

Attachments:

1. Submissions Summary Table
2. Draft Undergrounding Master Plan – Amended
3. Draft Amendment to NSDCP 2013 – Exhibited

SUBJECT: Draft Undergrounding Master Plan & Draft amendment to NSDCP 2013 – Undergrounding of Overhead Cables – Post Exhibition Report

AUTHOR: Vera Xia, Student Strategic Planner

ENDORSED BY: Joseph Hill, Director City Strategy

EXECUTIVE SUMMARY:

On 20 March 2017, North Sydney Council resolved to endorse the draft Undergrounding Master Plan, and place an associated draft amendment to North Sydney Development Control Plan 2013 (NSDCP 2013) on public exhibition.

The purpose of the draft DCP amendment is to facilitate better outcomes concerning the undergrounding of overhead cables within specific areas within the North Sydney Local Government Area, as identified in the Undergrounding Master Plan. It is proposed to achieve this purpose by amending Sections 2.4.10 and 2.7.1 to Part B of NSDCP 2013 to:

- include references to Council’s Undergrounding Master Plan;
- introduce ancillary amendments to support the Undergrounding Master Plan; and
- make provision for undergrounding of overhead infrastructure in association with significant new development within areas identified in the Undergrounding Master Plan.

The draft Master Plan and amendment to NSDCP 2013 were initially placed on public exhibition, from Thursday 18 May 2017 to Wednesday 7 June 2017. However, due to an administrative issue, the draft Master Plan and amendment to NSDCP 2013 were re-exhibited from Thursday 22 June 2017 to Wednesday 19 July 2017.

Council received a total of four (4) submissions during the exhibition period, raising the following issues:

- general support for undergrounding overhead cables;
- requests to include the entirety of Lavender Street on the Undergrounding Master Plan Map;
- concern for tree protection during the physical digging process;
- issues on survey accuracy of underground infrastructure and cadastral information; and
- ability for residents to contribute to undergrounding in their local area to achieve “economies of scale”.

As a result of the submissions made, it is recommended the draft Undergrounding Master Plan be amended, the draft amendment to NSDCP 2013 be adopted unamended and to adopt a new

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Re: Draft Undergrounding Master Plan & Draft amendment to NSDCP 2013 –
Undergrounding of Overhead Cables – Post Exhibition Report

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standard condition of consent that requires the surveying of undergrounding infrastructure when undergrounding works are carried out in the public domain.

FINANCIAL IMPLICATIONS:

Nil.

RECOMMENDATION:

1. **THAT** Council note the results of the exhibition of the draft Master Plan and draft DCP amendment.
2. **THAT** Council adopt the *Undergrounding Master Plan* as amended, following Attachment 2 to this report.
3. **THAT** Council adopt the draft amendment to NSDCP 2013 unamended, following Attachment 3 to this report.
4. **THAT** public notice of the amendments to NSDCP 2013 be given.
5. **THAT** Council adopt a new standard condition of consent that requires the surveying of undergrounding infrastructure when undergrounding works are carried out in the public domain.
6. **THAT** all submitters be notified of Council's decision and thanked for their submissions.

Report of Vera Xia, Student Strategic Planner
 Re: Draft Undergrounding Master Plan & Draft amendment to NSDCP 2013 –
 Undergrounding of Overhead Cables – Post Exhibition Report

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LINK TO DELIVERY PROGRAM

The relationship with the Delivery Program is as follows:

Direction: 2. Our Built Environment

Outcome: 2.1 Infrastructure, assets and facilities that meet community needs
 2.2 Improved mix of land use and quality development through design excellence
 2.3 Vibrant, connected and well maintained streetscapes and villages that build a sense of community
 2.4 North Sydney's heritage is preserved and valued

Direction: 5. Our Civic Leadership

Outcome: 5.1 Council leads the strategic direction of North Sydney
 5.3 Council is ethical, open, accountable and transparent in its decision making
 5.4 Community is informed and aware

BACKGROUND

On 13 July 2016, Council considered Notice of Motion 28/16 in relation to undergrounding overhead cables. Council subsequently resolved:

THAT Council call for a report on Council's master plan for undergrounding overhead power and other lines only within Council's mixed use and commercial areas with a view to its adoption in Council's DCP controls.

On 20 March 2017, Council considered a report prepared in response to this resolution. In particular, the report:

- examined Council's current policy position for undergrounding;
- provided a brief historical overview of previous undergrounding-related Council reports and motions;
- identified and discussed the benefits, issues and barriers to undergrounding; and
- compared Council's controls and funding mechanisms linked to undergrounding within the scope of relevant legislative obligations.

As the result of the report, a draft amendment to the North Sydney Development Control Plan 2013 (NSDCP 2013) was prepared.

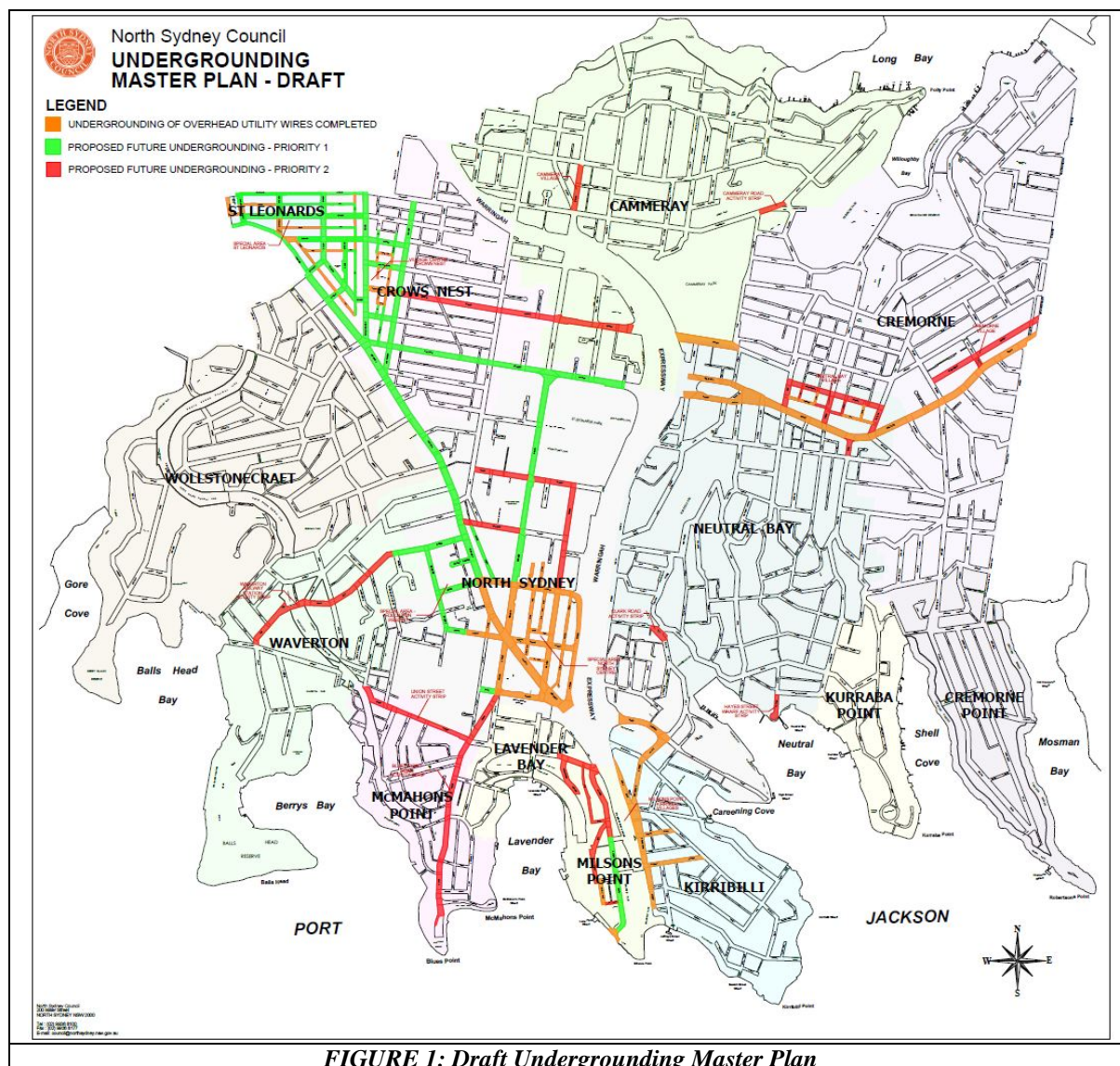
As a result of the preliminary investigations, a draft amendment to NSDCP 2013 was prepared to facilitate better outcomes concerning the undergrounding of overhead cables, which include power cables and other utilities, within specific areas within the North Sydney Local Government Area. These areas are identified in the Undergrounding Master Plan. In particular, it is proposed to achieve this purpose by amending Sections 2.4.10 and 2.7.1 to Part B of NSDCP 2013 to:

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 Re: Draft Undergrounding Master Plan & Draft amendment to NSDCP 2013 –
 Undergrounding of Overhead Cables – Post Exhibition Report

(4)

- include references to Council's Undergrounding Master Plan;
- introduce ancillary amendments to support the Undergrounding Master Plan; and
- make provision for undergrounding of overhead infrastructure in association with significant new development within areas identified in the Undergrounding Master Plan.

Council resolved to endorse the draft Undergrounding Master Plan (Figure 1), and place a draft amendment to NSDCP 2013 on public exhibition.



CONSULTATION REQUIREMENTS

Community engagement has been undertaken in accordance with Council's Community Engagement Protocol.

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Re: Draft Undergrounding Master Plan & Draft amendment to NSDCP 2013 –
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SUSTAINABILITY STATEMENT

The sustainability implications were considered and reported on during the initiation phase of this project.

DETAIL

1. Public Exhibition

The draft Master Plan and draft DCP amendment were initially placed on public exhibition for 21 days from Thursday 18 May 2017 to Wednesday 7 June 2017. However, due to an administrative issue, it was noted that the exhibition period did not meet the minimum statutory requirement for exhibiting a draft DCP amendment (i.e. a minimum of 28 days is required). Therefore, the draft Master Plan and draft DCP amendment were re-exhibited from Thursday 22 June 2017 until Wednesday 19 July 2017 comprising a total of 28 days.

Notification letters of the exhibition period were sent to the North Sydney Chamber of Commerce, the Property Council of Australia, Telstra, Ausgrid, Lane Cove, Willoughby and Mosman Councils.

2. Submissions Received

Council received four (4) submissions to the draft Master Plan and draft DCP. Of these submissions, three (3) are from the general public and one (1) from a public authority. A summary and response to all submissions made is provided in Attachment 1. A complete copy of all submissions has been made available to Councillors via the submissions folder placed in the Councillor room.

3. Issues

Whilst three (3) of the submissions expressed general support for the proposal of undergrounding of overhead cables, four (4) submissions raised the following concerns:

- requests to include the entire length of Lavender Street as part of the Priority 2 Area on the Undergrounding Master Plan Map;
- tree protection during the physical process of digging;
- survey accuracy and cadastral information; and
- application to residential area where neighbours are willing to contribute to undergrounding in their area to achieve “economy of scale”.

Each of these issues are considered in the following subsections.

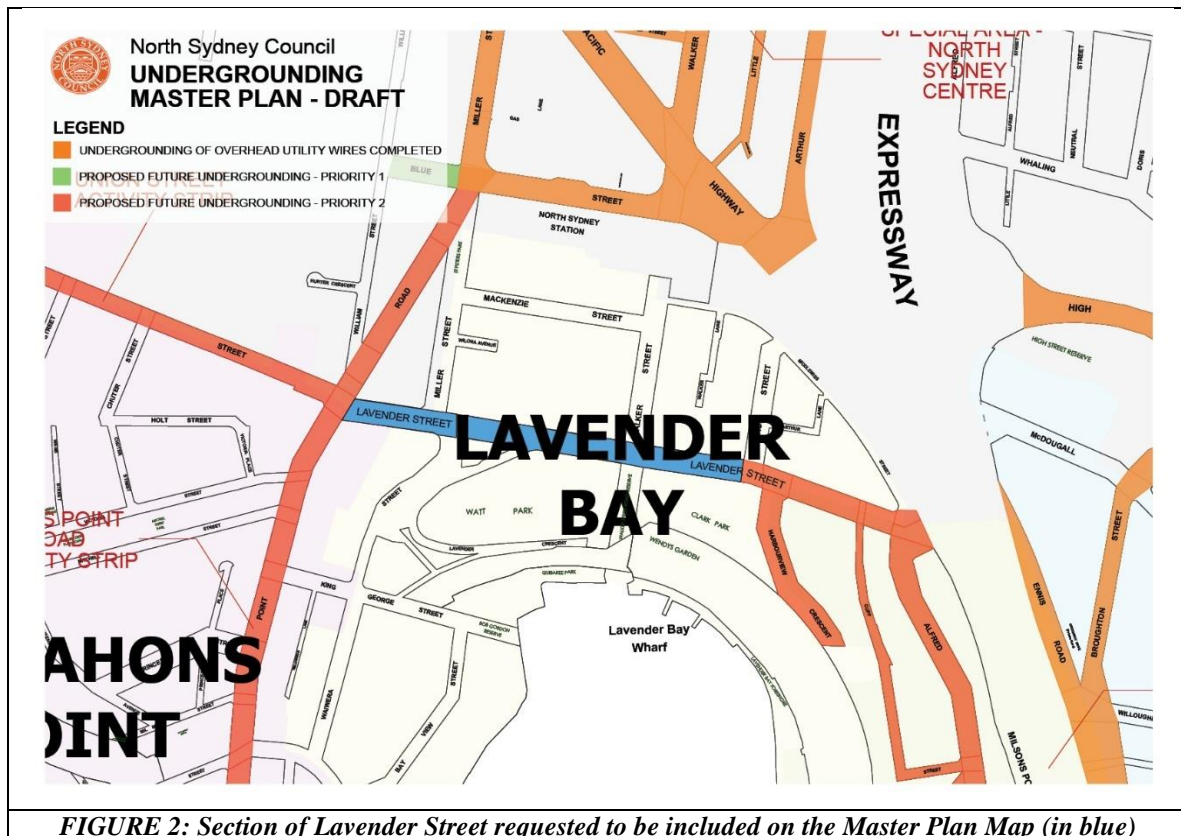
3.1 Inclusion of Lavender Street in the Undergrounding Master Plan

Two submissions requested the amendment of the Master Plan to include the entirety of Lavender Street from Harbourview Crescent to Blues Point Road, as well as one property block of Arthur Street off Lavender (refer to Figure 2).

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Under North Sydney Local Environmental Plan 2013 (NSLEP 2013) the subject area is predominantly zoned residential. However, a very small portion of Lavender Street is zoned B1 Neighbourhood Centre. This part of Lavender Street was originally excluded from the Master Plan as the focus is on street zoned commercial and mixed use.



Comment:

That part of Lavender Street to be included in the Master Plan is located within the Lavender Bay Heritage Conservation Area under NSLEP 2013, with a significant heritage listed retaining wall being located on the southern side of the street. These constraints may have originally resulted in the street's exclusion. However, these issues may be overcome through sensitive consideration.

However, it is also of note that:

- Lavender Street is a primary traffic route through the Lavender Bay Precinct, for traffic and pedestrian movement between the village centre in McMahon Point and mixed use area at the northern end of Milson Point;
- Given its proximity to Watt Park, Clark Park and foreshore open space, the inclusion of entire Lavender Street as Priority Area would improve public amenity associated with reducing the visual impact of network infrastructure; and
- The removal of utility poles on Lavender Street would eliminate obstacles to pedestrian flow and improve driver sight lines.
- Given that the inclusion of these priority areas for the undergrounding of power lines occur in the DCP, the impetus for the actually occurring, will be through re-development of land. It is noted that there is very limited re-development potential in this part of North Sydney.

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The issue was also referred to Council's Engineering & Property Services (EPS) division for comment being the responsible section for infrastructure in road reserves. As a result, they raised no objection to the extension of the Priority Area to include the entirety of Lavender Street.

Recommendation:

That the draft Undergrounding Master Plan be amended to include the entirety of Lavender Street within the Priority 2 Area. This amendment is reflected in Attachment 2 to this report.

3.2 Tree Protection

One submission raised concerns that existing trees may be affected when undergrounding cables. The submitter could not find any relevant protection under Council's draft DCP Amendment.

Comments:

Section 16 to Part B of NSDCP 2013 relates to tree and vegetation management. This section requires consideration to be given to a development's impact on trees and vegetation.

The general objectives (s.16.1.1) to the Section specifically state:

O6 Protect existing trees and vegetation during construction of development.

Furthermore, Section 16.4 to Part B specifically relates to the protection of trees and vegetation during construction. The objectives (s.16.4.1) to this Section state:

O1 To ensure that all trees in the public domain and on private property (both the site of development and neighbouring properties) are adequately protected during construction of developments.

In addition, development is required to comply with Australia Standard AS4970 – Protection of trees on development sites. This requirement is typically applied as part of conditions to a development consent or other approvals and ensures best practice is pursued when the physical undergrounding work commences.

Recommendation:

That no further amendment is required to NSDCP 2013 as it already contains sufficient protection.

3.3 Survey Accuracy and Cadastral Information

A submission was received from Roads and Maritime Services (RMS) raising an issue with regard to excavation safety and survey accuracy during undergrounding of utilities. It was suggested that Council implements a requirement to undertake a survey in accordance with the Australian Standard AS-5488- Classification of Subsurface Utility Information, which classifies subsurface utility location and attributes information in terms of specified quality levels. Further to this, RMS indicated its willingness to provide advice to council with regard

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to minimise potential destruction on cadastral and survey control infrastructure when undergrounding roadworks occur.

Comment:

This issue was referred to Council's Development Services for comment. It responded that

The cost of underground survey work is significant and should not be imposed prior to the lodgement of a development application. Typically, these types of surveys lead to the temporary marking of paving and other infrastructure identifying the type, depth and location of pipes. Cameras, ground radar and other scanning techniques are used. Very often pipes and other conduits are not where they are supposed to be, including Council maintained infrastructure. This is very common problem in older areas such as North Sydney where even "dial before you dig" information can occasionally be unreliable due to the age of the service installation and inaccurate records. Abundant caution during excavation as well as prior proper research is therefore required.

The requirement to carry out below ground survey can be incorporated into the relevant consent conditions. Detail design can then occur post consent but prior to the issue of a Construction Certificate. Council is not aware of any instances so far where other below ground infrastructure has prevented the undergrounding of the electricity mains.

Recommendation:

That Council includes a requirement for underground surveying work in its standard conditions of consent, where the undergrounding of overhead cables is proposed/ required. This would enable a high level of accuracy of undergrounding services, protect cadastral infrastructure and help to facilitate future development activities with minimal impacts.

3.4 Local Land Owners' Willingness to Contribute

A land owner from Lavender Bay expressed their and their neighbours' interest to contribute to the undergrounding of overhead cables in their area where it was located outside of the Priority Area. They believed that the large scale undergrounding project may enable economies of scale.

Comment:

A mixed funding approach by residents and both local and state governments might be feasible but it is wholly dependent on the agreement of all affected property owners. The suggestion for additional funding options is beyond the scope of the current DCP amendment. However, should Council be of a mind to do so, it could gauge residents' willingness to pay for undergrounding and undertake further investigations as a separate piece of work.

Recommendation:

That Council note the willingness to contribute to undergrounding overhead cable infrastructure.

4. CONCLUSION

The draft DCP amendment as publically exhibited sought to implement the Draft Undergrounding Master Plan, and amend the DCP in order to facilitate better outcomes

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concerning the undergrounding of overhead cables within specific areas within the North Sydney Local Government Area.

A total of four (4) submissions were received by Council. As a result of the submissions, it is recommended that:

- Priority Area 2 of the Master Plan Map be amended to include the entirety of Lavender Street; and
- Standard Condition of consent be adopted to address the surveying of underground infrastructure.

Having completed the public exhibition of the Draft DCP amendment, it is recommended that Council adopt the attached draft DCP amendment and notify its endorsement in accordance with the EP&A Act.

ATTACHMENT 1

**Proposed amendment to NSDCP 2013 – Undergrounding of Overhead Cables
Summary of submissions received during public exhibition period (18 05 2017 – 07 06 2017 & 22 06 2017
– 19 07 2017)**

The following criteria are used to analyse all submissions received, and to determine whether or not the plan would be amended:

1. The proposed amendment to NSDCP 2013 **would be** amended if issues raised in the submission:
 - a provided additional information of relevance.
 - b indicated or clarified a change in government legislation, Council's commitment or management policy.
 - c proposed strategies that would better achieve or assist with Council's objectives.
 - d was an alternate viewpoint received on the topic and is considered a better option than that proposed.
 - e indicated omissions, inaccuracies or a lack of clarity.

2. The proposed amendment to NSDCP 2013 **would not be** amended if the issues raised in the submission:
 - a addressed issues beyond the scope of the draft amendment.
 - b was already in the draft amendment or will be considered at a later stage of the planning process.
 - c offered an open statement, or no change was sought.
 - d clearly supported the draft proposals.
 - e was an alternate viewpoint received on the topic but the recommendation of the draft amendment was still considered the best option.
 - f was based on incorrect information.
 - g contributed options that are not possible (generally due to some aspect of existing legislation or government policy) or; involved details that are not appropriate or necessary for inclusion in a document aimed at providing a strategic community direction over the long term.

ATTACHMENT 1: The proposed amendment to NSDCP 2013 – Undergrounding of Overhead Cables – PUBLIC SUBMISSIONS TABLE						
No.	Name & Address	Property / Issue	Key Points Raised	Council Response	Recommended Action	Criteria
Submissions made during first exhibition period – 18 May 2017 – 7 June 2017						
1		Support	Supported Council's desire to underground powerlines and cables.	Noted	Nil	2d
		Expansion of Priority Works	Suggested that the Masterplan map contains an anomaly. It shows Union St for Proposed Future Undergrounding – Priority 2 as well as a section of Lavender St from Harbourview Crescent to Alfred St and so excluding the portion of Lavender St from Harbourview Cr to Blues Point Road. Recommended that the whole of Lavender St should be identified for undergrounding works.	Refer to Section 3.1 in main report. This issue was referred to Council's Engineering & Property Services division for comment. They raised no objection to its inclusion within the Priority 2 Area of the Master Plan.	Include the entirety of Lavender Street on the Masterplan Map as a Priority 2 Area.	1c
		Willingness to contribute and encouragement of Undergrounding	Would like to see Council encourage undergrounding projects. Many of my neighbours would be happy to contribute now to undergrounding the lines in our area. A large scale project made possible by Council's supervision, may enable economies of scale to be achieved which wouldn't be available to a handful of landholders.	Refer to Section 3.4 in main report. Noted Council is working towards undergrounding cables throughout the LGA. Due to the expense of doing such works, undergrounding is prioritised in areas of high pedestrian and vehicular activities. Council can revisit the prioritisation of work over time which will eventually progress to include residential areas.	Nil	2c
2		Support	Supported Council's desire to underground powerlines and cables.	Noted	Nil	2d
		Expansion of Priority Works	Requested that all of Lavender Street and part of Arthur Street off Lavender Street be included in the Masterplan.	Refer to Section 3.1 in main report. It is not appropriate to include only a proportion of Arthur Street in this instance as it is not of high priority as a major traffic thoroughfare.	Include the entirety of Lavender Street on the Masterplan Map as a Priority 2 Area.	1c

ATTACHMENT 1: The proposed amendment to NSDCP 2013 – Undergrounding of Overhead Cables – PUBLIC SUBMISSIONS TABLE						
No.	Name & Address	Property / Issue	Key Points Raised	Council Response	Recommended Action	Criteria
3		Tree protection	<p>Supported the undergrounding of cables as long as the impact on existing trees is carefully considered.</p> <p>The physical process of digging a trench through an existing tree's root system can severely debilitate the tree, causing either death or structural failure.</p> <p>This issue is not referenced anywhere in the Undergrounding Masterplan or the proposed changes to the DCP.</p>	<p>Refer to Section3.2 in main report.</p> <p>The potential impacts on trees and their protection are already considered under section 16.4 to Part B of NSDCP 2013. In particular, this clause ensures all existing trees in the public domain are adequately protected during undergrounding works.</p>	Nil	2b
Submissions made during second exhibition period – 22 June 2017 – 19 July 2017						
		Safety – Excavation and survey accuracy	<p>Requested that Council implement processes where assets that are undergrounded, are surveyed in accordance to the Australian Standard AS-5488 – Classification of Subsurface Utility Information, which allows for classification of surveyed underground information to assist future Council, Utilities, Roads and Maritime, and developer activities.</p> <p>This is because that undergrounding of utility services increases the safety risk of future development activities if the utilities undergrounded are not surveyed accurately. Dial Before You Dig maps from asset owners typically do not show a high level of accuracy, and non-intrusive methods of cable locating and potholing are required in order to identify the location of these underground assets.</p>	<p>Refer to Section3.3 in main report.</p> <p>Council concurs with the submitters' response. This issue was referred to Council's Development Services team for comment. This request can be achieved by creating a new standard condition of consent when undergrounding work are carried out.</p>	Create a new standard condition of consent to implement survey processes in accordance to the Australia Standard AS-5488- Classification of Subsurface Utility Information when undergrounding works are proposed.	1c

ATTACHMENT 1: The proposed amendment to NSDCP 2013 – Undergrounding of Overhead Cables – PUBLIC SUBMISSIONS TABLE						
No.	Name & Address	Property / Issue	Key Points Raised	Council Response	Recommended Action	Criteria
		Cadastral survey information	<p>Concerned that undergrounding of assets and other roadworks will destroy the cadastral and survey control infrastructure which is protected under the Surveying and Spatial Information Act 2002.</p> <p>In particular, destruction of survey marks (many of which are buried) can significantly downgrade the integrity of the local and state cadastre and survey control network, increasing the costs of future development activities related to definition of property boundaries.</p> <p>The submitter has been working with Department of Finance, Services and Innovation to strengthen compliance with Legislation on road infrastructure projects and are happy to provide further advice in this regard to North Sydney Council should it be required.</p>	Noted	Nil	2c

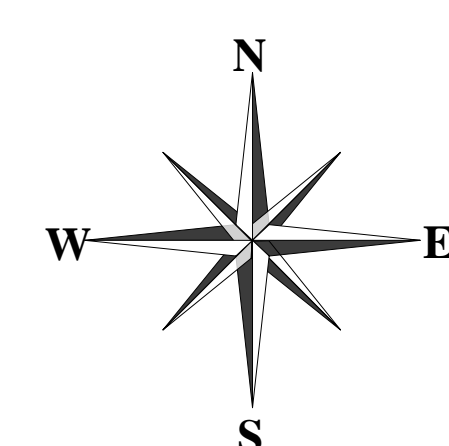
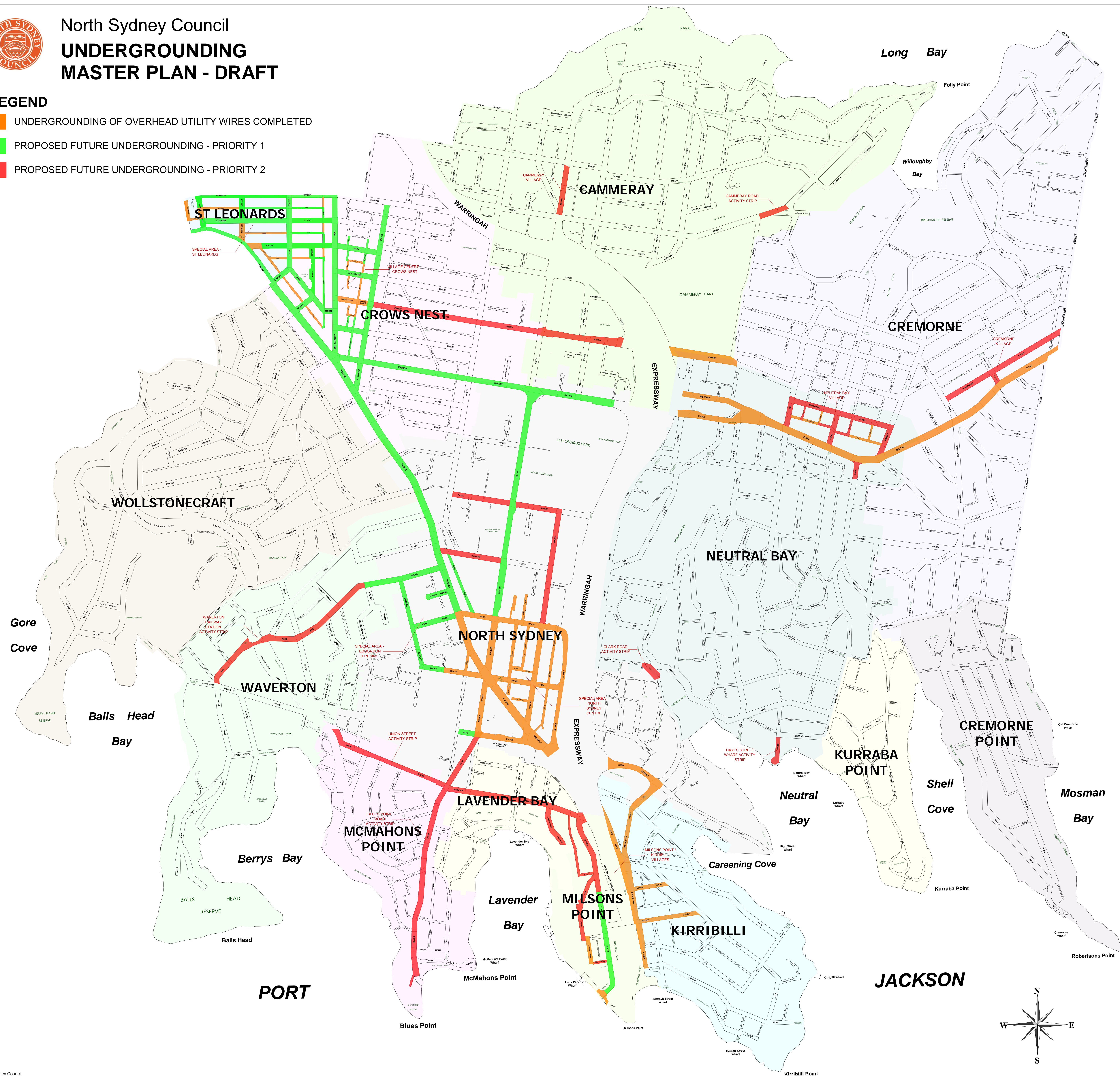
IT IS RECOMMENDED THAT COUNCILLORS REFER TO THE COMPLETE SUBMISSIONS MADE AVAILABLE TO THEM, AND TO THE REPORT TO COUNCIL, WHICH EXPANDS ON THE ISSUES RAISED IN THE SUBMISSIONS.



North Sydney Council UNDERGROUNDING MASTER PLAN - DRAFT

LEGEND

- UNDERGROUNDING OF OVERHEAD UTILITY WIRES COMPLETED
- PROPOSED FUTURE UNDERGROUNDING - PRIORITY 1
- PROPOSED FUTURE UNDERGROUNDING - PRIORITY 2



Draft Amendment - North Sydney Development Control Plan 2013**Commercial & Mixed Use Development**

SECTION 2 COMMERCIAL & MIXED USE DEVELOPMENT

2.1 INTRODUCTION

The North Sydney LGA contains a variety commercial centres ranging from one of Australia's largest commercial centres down to small scale neighbourhood centres focusing on one or a small cluster of retail shops and services.

The most significant commercial centre in the North Sydney LGA is the North Sydney Central Business District (CBD), which primarily comprises tall commercial towers with some isolated mixed commercial and residential development. Its close proximity to Sydney Harbour and City of Sydney provides the area with a vibrant and successful commercial centre. The CBD is well serviced by public transport and provides access to a wide range of employment, cultural, social, educational and recreational opportunities. Conversely, the amenity of the CBD is compromised by a general lack of open space, access to solar access and intensively used public walkways. Its good access to public transport and proximity to the Sydney CBD, reinforces the need to encourage high grade commercial floor space to ensure that the CBD continues to contribute to its status as a "global city" as identified under the Metropolitan Strategy.

The remaining centres of North Sydney comprise a variety of mixed use areas zoned either *B1 - Neighbourhood Business*, *B4 - Mixed Use* or *IN2 - Light Industrial*. These centres generally provide for a wide range of residential, commercial and high tech industrial floorspace. The proximity of residential and commercial development can create potential conflicts which must be addressed at the design stage such that amenity of residents is maximised while also enabling commercial premises to operate effectively and contribute to a vibrant centre.

2.1.1 General Objectives

The general objectives of this Section of the DCP are to ensure that commercial and mixed use developments:

- O1 can meet the aims and residential and employment population targets as outlined in the State Government's *Metropolitan Strategy* and *Inner North Subregional Strategy*,
- O2 can meet the aims and dwelling targets of Council's *Residential Development Strategy*,
- O3 is consistent with the principles contained within the *Integrated Land Use and Transport Policy*;
- O4 provide various grades and sizes of commercial floorspace to accommodate a mix of business, service, high tech industry, retail and recreational uses,
- O5 are designed to contribute positively to their surroundings and particularly to diversity, vitality, social engagement and 'a sense of place',
- O6 provide active street frontages both during the day and night,
- O7 contribute to maximising public transport usage, walking and cycling,
- O8 provide an acceptable level of amenity to residents living within and adjoining centres,
- O9 are designed to mitigate against the extreme impacts of the sun, wind and rain,
- O10 provide adequate natural light to buildings, public places and streets,
- O11 incorporate innovative sustainable design to reduce energy and water consumption and meets or exceeds sustainability requirements,
- O12 minimise the acoustic impacts on residents from non-residential activities,
- O13 maximise opportunities for the sharing of views,

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- P4 Pedestrian links must be lined with active uses along at least one side of the link to engage pedestrians.
- P5 Pedestrian links must be a minimum of 6m in width that is free from obstructions.
- P6 Escalators must be provided within the link where there is a substantial change in level.
- P7 The number of pedestrian entries to the link is maximised.
- P8 The extent of natural light to the link should be maximised where possible.
- P9 Signage must be provided at the entry to the linkage, indicating public accessibility and the street to which the connection links.
- P10 Opportunities for integration of public art installations within the link are to be maximised.
- P11 The linkage is to be designed to positively respond to the "safer by design" principles.

2.4.10 Streetscape**Objectives**

- O1 To ensure that footpaths, kerb and guttering and street trees contribute to a consistent streetscape.
- O2 To promote the creation of lively and active street and laneway frontages.
- O3 To create visual interest in the built form.
- O4 To create a feeling of safety both by day and night.

O4O5 To minimise visual clutter associated with overhead infrastructure.

Provisions

- P1 The ground level of buildings should align with the corresponding level of the adjacent footpath, laneway or outdoor space.
- P2 Continuous active uses, such as shops and cafes, should be provided at the ground level of the building to all streets, laneways and public spaces.
- P3 Where practical, the building's ground level façade to a laneway should be provided as an active frontage (e.g. has a retail or commercial premises fronting the laneway).
- P4 Landscaping and changes in level at building frontages is to be avoided where possible to facilitate natural surveillance of public areas and views into buildings.
- P5 All ground level windows fronting street, laneways and public spaces must be glazed with clear glass, to promote active surveillance of the public domain.
- P6 All ground level shopfronts are to have a zero metre setback unless specified in the relevant area character statement (refer to Part C of the DCP).
- P7 Introduce visually interesting elements to the building façade such as articulation, detailing and art works.
- P8 Streetscape elements, such as street furniture, lighting, paving, awnings, outdoor seating and umbrellas, are to be consistent with Council's Public Domain Style Manual and Design Codes.

P8P9 Undergrounding of overhead infrastructure should be provided in association with significant new development, consistent with the North Sydney Council Undergrounding Master Plan.

2.4.11 Entrances and exits**Objectives**

- O1 To enable equitable access to all persons regardless of ability.

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congregate and be entertained in. It above all contributes to community identity and sense of place.

Design of the public domain is important - too often buildings relate poorly to the public domain and public spaces are just the left over spaces between buildings. A well designed public domain is one which is accessible to all, encourages a diverse range of activities and users throughout an extended period of the day, and is safe and comfortable for all users. Successful streets and public spaces are the ones we enjoy walking along, shopping at or sitting in.

All Public Domain design should be in accordance with the *North Sydney Centre Domain Strategy*, the *St Leonards Public Domain Strategy* and *North Sydney Council Infrastructure Manual*.

2.7.1 Street furniture, landscaping works, utilities and equipment**Objectives**

- O1 To ensure that street furniture, landscaping works, utilities and equipment positively contribute to the community's enjoyment of the public domain, but does not impede pedestrian movement and safety or reduce visual quality.

Provisions

- P1 Where relevant, all works should be designed in accordance with:
- (a) North Sydney Centre Public Domain Strategy;
 - (b) St Leonards Public Domain Strategy; and
 - (c) North Sydney Council Infrastructure Manual.
- P2 Where present, overhead wires are to be relocated underground along property boundaries, consistent with the North Sydney Council Undergrounding Master Plan.
- P3 Seating should be provided in public spaces that are not allocated to a specific use (e.g. a café) for people to 'hang out', take refuge and rest.
- P4 Seating or seating areas should be positioned at the edge of footpaths where through movement is not obstructed.
- P5 Pedestrian sight lines should not be obstructed by landscaping or other street improvements.
- P6 Public areas should be free from clutter and unclear level changes, having particular regard for accessibility.
- P7 Publicly accessible areas are to be provided with a high quality of lighting for security and amenity purposes.

2.7.2 Public entertainment and expression**Objectives**

- O1 To ensure that venues for public entertainment and expression of community identity are provided.

Provisions

- P1 Formal and informal spaces for public entertainment should be provided.
- P2 Multi-functional street furniture should be incorporated into the design (e.g. a flat bench may become an informal plinth for performance artists).
- P3 At least one space within the North Sydney Centre must be provided that is large enough to hold an open air performance or market.
- P4 Public notice boards and kiosks should be provided in locations where people will be gathering.



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