

**DECISION OF 3700th COUNCIL MEETING
HELD ON 19 FEBRUARY 2018**

7. CiS02: Planning Proposal 2/17 and DCP Amendments – North Sydney Centre – Post Exhibition Report

Report of Marcelo Occhiuzzi – Manager Strategic Planning

On 1 May 2017, Council resolved to forward a Planning Proposal (2/17) to the Department of Planning and Environment to amend the planning controls relating to the North Sydney Centre under North Sydney Local Environmental Plan 2013 (NSLEP 2013). The amendments arose from a strategic review of the planning controls that apply in the CBD which resulted in the preparation of the *North Sydney Capacity and Land Use Strategy*. The Strategy sought to provide a framework to allow for the growth of the North Sydney Centre to ensure it maintains and improves its status as a resilient, vibrant and globally relevant commercial centre and to accommodate forecast demand for additional commercial/employment floor space. The amendments to the North Sydney Local Environmental Plan (NSLEP) 2013, seek to implement the recommendations of that Strategy.

The proposed amendments include:

- Amending the Height of Buildings Map to increase the maximum building height limit on a number of sites zoned B3 Commercial Core, consistent with the outcomes of the *North Sydney CBD Capacity and Land Use Strategy*;
- Amending the extent to which “special areas” applies to land identified on the North Sydney Centre Map consistent with the outcomes of the *North Sydney CBD Capacity and Land Use Strategy* (Elizabeth Plaza, Blue Street as well as Tower Square given the development of Metro).
- Amending clause 6.1 such that the objectives of the North Sydney Centre better relate to the provisions contained within the Division.
- Amending clause 6.3 to:
 - Ensure the objectives and provisions of the clause align with the outcomes of the *North Sydney CBD Capacity and Land Use Strategy*; and
 - Restrict the development of sites less than 1000sqm in area to 45m in height.
- Deletion of clause 6.5 to remove the requirements for railway infrastructure provision and the floor space cap limitation for commercial development;
- Removing ‘serviced apartments’ from the list of permissible uses in the B3 Commercial Core zone to the Land Use Table.

In association with the proposed amendments to the NSLEP, on 26 June 2017, Council resolved to adopt draft amendments to the North Sydney Development Control Plan 2013 (NSDCP 2013) to supplement the Planning Proposal. The proposed amendments revise the North Sydney Character Statement located in Part C of that document.

In accordance with the Department of Planning and Environment’s Gateway Determination, the Planning Proposal and draft DCP amendments were placed on public exhibition for a period of 28 days from Thursday 14 September 2017 to Wednesday 11 October 2017. A total of 32 submissions were received during and after this period.

In broad terms, the submissions related to:

- Objection from Transport for NSW (TfNSW) to the removal of the railway contributions clause and request to insert a requirement to continue to levy contributions on an ongoing basis,
- Suggestions from the Office of Environment and Heritage that additional heritage investigations should occur, especially with regard to the three State listed items in the CBD,
- Suggestion from the Roads and Maritime Services that the Planning Proposal be deferred until Council’s Transport Masterplan is completed and any issues identified, are resolved.
- Amenity impacts in and around the CBD,

- Objections to prohibition of serviced apartments in the B3 Commercial Core zone
- Queries regarding the role and function of the privately and unsolicited Planning proposals for 41 McLaren and 139 Walker Streets, North Sydney,
- Queries regarding the role and relationship of the Planning Proposal to potential future planning controls for the Alfred Street B3 zone precinct, and
- Queries regarding the preparation of the Ward Street Masterplan and its relationship to this Planning Proposal.

A significant submission has been made by TfNSW which requests that the railway contributions that currently apply in the CBD, be maintained and extended. The intention of this is to partially offset the cost of the proposed Victoria Cross Metro Station. The TfNSW submission is not supported as the Metro station has been publically announced as being fully funded by the NSW Government. This would therefore represent a new contribution regime that has not been accounted for in any previous policy position of either TfNSW or Council. Any amendment to this end, would require a significant level of collaboration and consultation with stakeholders, redrafting of provisions and re-issuing of Gateway Determination and exhibition. This represents a significant investment of time which, given the stage of the current process, is both unwarranted and unreasonable.

The issues raised during the public exhibition are addressed in detail both in section 3 of this report as well as in Attachment 1. This report recommends that several minor amendments be made to the Planning Proposal and that to be referred to the Department of Planning and Environment to be finalised and made concurrent with the proposed amendments to the North Sydney DCP 2103.

Recommending:

- 1. THAT** the exhibited Planning Proposal at Attachment 4 be amended to include:
 - a) Changes to the height map as detailed in section 3.1.3 of this report; and
 - b) exclusion of consideration of solar access outside of the solstice and equinox as part of clause 6.3(2) of the NSLEP.
- 2. THAT** the draft DCP amendments as per Attachment 5 be adopted.
- 3. THAT** having completed the community consultation requirements outlined in the Gateway Determination, Council forward the Planning Proposal as amended by this resolution to Parliamentary Counsel with a request that a Local Environmental Plan be made in accordance with section 59 of the Environmental Planning and Assessment Act 1979, to give effect to the Planning Proposal.
- 4. THAT** once the Planning Proposal has been gazetted, Council accept subsequent Planning Proposals (outside the “Ward Street” precinct) that seek to amend the size and height allocation of “polygons” on the North Sydney LEP 2013 height map, if such proposals are consistent with the methodology of the *North Sydney CBD Capacity and Land Use Strategy* from a solar access and urban design perspective.

Mr A Rowan addressed Council.

The Motion was moved by Councillor Baker and seconded by Councillor Beregi.

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** the exhibited Planning Proposal at Attachment 4 be amended to include:
 - a) Changes to the height map as detailed in section 3.1.3 of this report; and
 - b) exclusion of consideration of solar access outside of the solstice and equinox as part of clause 6.3(2) of the NSLEP.
- 2. THAT** the draft DCP amendments as per Attachment 5 be adopted.

3. THAT having completed the community consultation requirements outlined in the Gateway Determination, Council forward the Planning Proposal as amended by this resolution to Parliamentary Counsel with a request that a Local Environmental Plan be made in accordance with section 59 of the Environmental Planning and Assessment Act 1979, to give effect to the Planning Proposal.

4. THAT once the Planning Proposal has been gazetted, Council accept subsequent Planning Proposals (outside the “Ward Street” precinct) that seek to amend the size and height allocation of “polygons” on the North Sydney LEP 2013 height map, if such proposals are consistent with the methodology of the *North Sydney CBD Capacity and Land Use Strategy* from a solar access and urban design perspective.

**Report to General Manager**

Attachments:

1. Summary of Submissions
2. Submission from TfNSW
3. Gateway Determination (as amended)
4. Planning Proposal
5. Draft DCP Amendments

SUBJECT: Planning Proposal 2/17 and DCP amendments – North Sydney Centre – Post Exhibition Report

AUTHOR: Marcelo Occhiuzzi – Manager Strategic Planning

ENDORSED BY: Joseph Hill, Director City Strategy

EXECUTIVE SUMMARY:

On 1 May 2017, Council resolved to forward a Planning Proposal (2/17) to the Department of Planning and Environment to amend the planning controls relating to the North Sydney Centre under North Sydney Local Environmental Plan 2013 (NSLEP 2013). The amendments arose from a strategic review of the planning controls that apply in the CBD which resulted in the preparation of the *North Sydney Capacity and Land Use Strategy*. The Strategy sought to provide a framework to allow for the growth of the North Sydney Centre to ensure it maintains and improves its status as a resilient, vibrant and globally relevant commercial centre and to accommodate forecast demand for additional commercial/employment floor space. The amendments to the North Sydney Local Environmental Plan (NSLEP) 2013, seek to implement the recommendations of that Strategy.

The proposed amendments include:

- Amending the Height of Buildings Map to increase the maximum building height limit on a number of sites zoned B3 Commercial Core, consistent with the outcomes of the *North Sydney CBD Capacity and Land Use Strategy*;
- Amending the extent to which “special areas” applies to land identified on the North Sydney Centre Map consistent with the outcomes of the *North Sydney CBD Capacity and Land Use Strategy* (Elizabeth Plaza, Blue Street as well as Tower Square given the development of Metro).
- Amending clause 6.1 such that the objectives of the North Sydney Centre better relate to the provisions contained within the Division.
- Amending clause 6.3 to:
 - Ensure the objectives and provisions of the clause align with the outcomes of the North Sydney CBD Capacity and Land Use Strategy; and
 - Restrict the development of sites less than 1000sqm in area to 45m in height.
- Deletion of clause 6.5 to remove the requirements for railway infrastructure provision and the floor space cap limitation for commercial development;
- Removing ‘serviced apartments’ from the list of permissible uses in the B3 Commercial Core zone to the Land Use Table.

In association with the proposed amendments to the NSLEP, on 26 June 2017, Council resolved to adopt draft amendments to the North Sydney Development Control Plan 2013 (NSDCP 2013) to supplement the Planning Proposal. The proposed amendments revise the North Sydney Character Statement located in Part C of that document.

In accordance with the Department of Planning and Environment's Gateway Determination, the Planning Proposal and draft DCP amendments were placed on public exhibition for a period of 28 days from Thursday 14 September 2017 to Wednesday 11 October 2017. A total of 32 submissions were received during and after this period.

In broad terms, the submissions related to:

- Objection from Transport for NSW (TfNSW) to the removal of the railway contributions clause and request to insert a requirement to continue to levy contributions on an ongoing basis,
- Suggestions from the Office of Environment and Heritage that additional heritage investigations should occur, especially with regard to the three State listed items in the CBD,
- Suggestion from the Roads and Maritime Services that the Planning Proposal be deferred until Council's Transport Masterplan is completed and any issues identified, are resolved.
- Amenity impacts in and around the CBD,
- Objections to prohibition of serviced apartments in the B3 Commercial Core zone
- Queries regarding the role and function of the privately and unsolicited Planning proposals for 41 McLaren and 139 Walker Streets, North Sydney,
- Queries regarding the role and relationship of the Planning Proposal to potential future planning controls for the Alfred Street B3 zone precinct, and
- Queries regarding the preparation of the Ward Street Masterplan and its relationship to this Planning Proposal.

A significant submission has been made by TfNSW which requests that the railway contributions that currently apply in the CBD, be maintained and extended. The intention of this is to partially offset the cost of the proposed Victoria Cross Metro Station. The TfNSW submission is not supported as the Metro station has been publically announced as being fully funded by the NSW Government. This would therefore represent a new contribution regime that has not been accounted for in any previous policy position of either TfNSW or Council. Any amendment to this end, would require a significant level of collaboration and consultation with stakeholders, redrafting of provisions and re-issuing of Gateway Determination and exhibition. This represents a significant investment of time which, given the stage of the current process, is both unwarranted and unreasonable.

The issues raised during the public exhibition are addressed in detail both in section 3 of this report as well as in Attachment 1. This report recommends that several minor amendments be made to the Planning Proposal and that to be referred to the Department of Planning and Environment to be finalised and made concurrent with the proposed amendments to the North Sydney DCP 2103.

FINANCIAL IMPLICATIONS:

Nil.

RECOMMENDATION:

1. THAT the exhibited Planning Proposal at Attachment 4 be amended to include:

- a) Changes to the height map as detailed in section 3.1.3 of this report; and
- b) exclusion of consideration of solar access outside of the solstice and equinox as part of clause 6.3(2) of the NSLEP.

2. THAT the draft DCP amendments as per Attachment 5 be adopted.

3. THAT having completed the community consultation requirements outlined in the Gateway Determination, Council forward the Planning Proposal as amended by this resolution to Parliamentary Counsel with a request that a Local Environmental Plan be made in accordance with section 59 of the Environmental Planning and Assessment Act 1979, to give effect to the Planning Proposal.

4. THAT once the Planning Proposal has been gazetted, Council accept subsequent Planning Proposals (outside the “Ward Street” precinct) that seek to amend the size and height allocation of “polygons” on the North Sydney LEP 2013 height map, if such proposals are consistent with the methodology of the *North Sydney CBD Capacity and Land Use Strategy* from a solar access and urban design perspective.

LINK TO DELIVERY PROGRAM

The relationship with the Delivery Program is as follows:

- Direction: 2. Our Built Environment
- Outcome: 2.5 Sustainable transport is encouraged
- Direction: 3. Our Economic Vitality
- Outcome: 3.1 Diverse, strong, sustainable and vibrant local economy
- Outcome: 3.2 North Sydney CBD is one of Australia's largest commercial centres
- Direction: 5. Our Civic Leadership
- Outcome: 5.1 Council leads the strategic direction of North Sydney

1. BACKGROUND

1.1 Chronology

The following outlines the chronology and milestones of the Planning Proposal and supporting draft DCP amendments process to date.

14 October 2013 – Council resolves to prepare the North Sydney Centre Review (the Review). It identified the key components of the review including:

- Traffic and Pedestrian Management Study;
- Public Domain Review;
- Marketing and Promotion Strategy;
- Late Night Trading Strategy;
- Capacity and Land Use Strategy.

20 March 2017 – Council considers post exhibition report to the *North Sydney Centre Capacity and Land Use Study* (described in more detail below). In particular, Council resolved to establish various directions in order to finalise a Strategy as well as progressing the preparation of amendments to the NSLEP and NSDCP to give effect to the Study.

1 May 2017 – Council resolved to adopt the recommendations of the resulting *North Sydney CBD Capacity and Land Use Strategy* and an associated Planning Proposal to amend the planning controls relating to the North Sydney Centre under NSLEP 2013. It also resolved to forward the Planning Proposal to the Minister for Planning to receive a Gateway Determination in accordance with s.56 of the Environmental Planning and Assessment Act, 1979 (EP&A Act).

20 July 2017 – Gateway Determination issued advising Council to publicly exhibit the Planning Proposal subject to conditions (Attachment 3). Council was not granted authorisation to

exercise the functions of the Minister for Planning under s.59 of the EP&A Act in relation to this Planning Proposal (i.e. to formally make the Plan after public exhibition).

July 2017 – Council advises the DPE that Condition 1 to the Gateway Determination as issued will result in unreasonable delays to the plan making process and would be incapable of meeting 12-month timeframe within which the Planning Proposal can be made.

13 August 2017 – Alteration of Gateway Determination issued, which resulted in Condition 1 being replaced in its entirety (Attachment 3).

14 September 2017 – 11 October 2017 – Exhibition of the Planning Proposal and draft DCP amendments.

1.2 Strategic Context

As the strategic basis for the Planning Proposal which is the subject of this report, Council commenced the preparation of the *North Sydney Centre Capacity and Land Use Study* in 2016 which sought to:

- Develop a framework that allows for the growth of the North Sydney Centre to ensure it maintains and improves its status as a resilient, vibrant and globally relevant commercial centre;
- Accommodate forecast demand for additional commercial floor space in the North Sydney Centre;
- Inform and respond to district planning, particularly employment and commercial floor space targets for the North Sydney Centre;
- Take advantage of planned infrastructure upgrades by intensifying land use around significant transport infrastructure;
- Offset commercial floor space losses in the mixed use zone of the Centre;
- Identify residential development opportunities in the mixed use periphery; and
- Identify and facilitate specific land uses to contribute to the Centre’s diversity, amenity and commercial sustainability.

As described in the chronology above, the Study was an important component of Council’s comprehensive North Sydney Centre Planning Review which identified and implemented policies and strategies to ensure that the North Sydney Centre retained and strengthened its role as a key component Sydney’s global economic arc, remained the principle economic engine of Sydney’s North Shore, and became a more attractive, sustainable and vibrant place for residents, workers and businesses.

1.3 Recommendations of the North Sydney Centre Capacity and Land Use Study

The *Capacity and Land Use Study* recommended that the following strategies be implemented to help achieve the above objectives:

Strategy 1	<p>Apply new height controls to the North Sydney Centre based on the following:</p> <ul style="list-style-type: none"> • A 10 am to 2 pm restriction on additional overshadowing to residential land outside of the North Sydney CBD; and • The continued prohibition of additional overshadowing to land identified as special areas under NSLEP 2013. • Any other measure identified as a result of further detailed consideration.
Strategy 2	<p>Apply new height controls via the following mechanisms:</p> <ul style="list-style-type: none"> • B3 Commercial Zone New heights controls will be applied via a Council-initiated planning proposal. • B4 Mixed Use The achievement of potential additional height identified by the Study will be subject to the consideration of a proponent-initiated planning proposal, where appropriate land uses and development mix can be assessed and assured.
Strategy 3	<ul style="list-style-type: none"> • Amend the Special Areas Map of NSLEP 2013 to remove Blue Street and Elizabeth Plaza special areas and add the green space at the rear of 100 Pacific Highway. • Revisit Miller Street Central and Tower Square special areas to align with the public domain outcomes of the Victoria Cross Metro station. • Review Berry Square as part of the Ward Street Masterplan
Strategy 4	<p>Prohibit the development of serviced apartments within the B3 Commercial Core zone.</p>
Strategy 5	<p>Undertake a review of North Sydney DCP 2013 Part B Section 2 Commercial Development and Part 3 Section 2 North Sydney Planning Area Character Statement, to further consider built form issues within the Centre.</p>

1.4 Special Areas Review

The exhibited Study included a review of all areas within the North Sydney Centre identified by NSLEP 2013 as ‘special areas’. The purpose of the Review was to assess the relative value or contribution of existing special areas to the amenity of the North Sydney Centre and to ascertain whether they should continue to be protected under existing policy settings.

Key recommendations of the Review included the removal of the Blue Street and Elizabeth Plaza special areas, and the addition of a new special area at the rear of 100 Pacific Highway, North Sydney.

1.5 Draft North District Plan

Since the adoption of the Planning Proposal by Council in May 2017, the Greater Sydney Commission (GSC) has exhibited the draft North District Plan, which provides the planning framework and strategic direction for Councils represented by the North District, including North Sydney Council.

The draft District Plan contains a very clear set of actions for the North Sydney CBD. These are listed as follows:

Action: Grow economic development in North Sydney CBD to:

- a. maximise the land use opportunities provided by the new station*
- b. grow jobs in the centre and maintain a commercial core*
- c. strengthen North Sydney's reputation as an education centre, to grow jobs and add diversity*
- d. expand after hours' activities*
- e. encourage growth in business tourism as a conference location that takes advantage of North Sydney's identity as a business hub, its location, access and views*
- f. provide a variety of high quality civic and public spaces befitting a globally-oriented CBD, which can be utilised for a range of cultural and entertainment activities*
- g. improve amenity by reducing the impact of vehicle movements on pedestrians*
- h. create capacity to achieve job targets by reviewing the current planning controls.*

The Planning Proposal is consistent with the actions identified in the Draft District Plan and demonstrates a responsible approach to the planning for the economic growth and development of the CBD.

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.

2. DETAIL

2.1 Proposed LEP Amendment in Summary

The principle purpose of the Planning Proposal (refer to Attachment 4) is to amend NSLEP 2013 such that it incorporates the findings and recommendations of the *North Sydney Capacity and Land Use Strategy* to:

- Prohibit development for the purposes of ‘serviced apartments’ within the *B3 Commercial Core* zone;
- Apply new height controls to the North Sydney Centre based on the following:
 - Maintaining solar access to residential land outside of the North Sydney Centre between 10am to 2pm; and
 - The continued prohibition of additional overshadowing to land identified as ‘Special Areas’.
- Enable development to occur on sites less than 1000sqm, but only where new development does not exceed 45m in height;
- Remove clauses relating to the provision of railway infrastructure within the North Sydney Centre;
- Remove clauses relating to the restriction on the amount of additional commercial floor space that can be accommodated within the North Sydney Centre;
- Removal of the Elizabeth Plaza, Blue Street, and Tower Square ‘Special Areas’;
- Applying a ‘Special Area’ to the rear of 100 Pacific Highway;

The intent of the Planning Proposal can be achieved by:

- Removing ‘serviced apartments’ from the list of permissible uses in the *B3 Commercial Core* zone to the Land Use Table;
- Amending the Height of Building Map to NSLEP 2013 to increase the maximum building height limit on the following sites, consistent with the *North Sydney Land Use and Capacity Strategy*:
 - 122,132, 140 and 146 Arthur Street, North Sydney
 - 65 and 77-81 Berry Street, North Sydney;
 - 1 Denison Street, North Sydney;
 - 54, 60, 73, 155-167, 181, 187 and 189 Miller Street, North Sydney;
 - 40, 60, 80, 90, 99, 100, 104, 107, 118 Mount Street, North Sydney;
 - 100 and 177 Pacific Highway, North Sydney;
 - 86, 88, 99, 100, 107, 110, 118, 121, 122, 123, 124, 141, 153 and 157 Walker Street, North Sydney; and
 - 1 Wheeler Lane, North Sydney;
- Amending the North Sydney Centre Map to NSLEP 2013 by:
 - adding a special area to the rear of 100 Pacific Highway;
 - removing the special areas:
 - to 155-167 Miller Street (Tower Square), with the exception of a 6m wide strip across the western frontage to Miller Street;
 - to the Elizabeth Plaza road reserve; and
 - to 5 Blue Street.

- Amending clause 6.1 such that the objectives of Division 1 to Part 6 better relate to the provisions contained within that Division.
- Amending clause 6.3 to:
 - Ensure the objectives and provisions of the clause align with the outcomes of the *North Sydney Land Use and Capacity Strategy* by preventing adverse overshadowing impacts occurring to important public places within the North Sydney Centre and to minimise overshadowing impacts to residential development and open space areas located outside of the North Sydney Centre; and
 - Restrict the development of sites less than 1000sqm in area to 45m in height.
- Deletion of clause 6.5 in its entirety which amongst other things, caps the amount of commercial floor space in the North Sydney CBD to 250,000 square metres. The centre is approaching this cap and any proposal that exceeds this cumulative quantum, would become prohibited development.
- It should be noted that all these proposed changes would apply to the area identified in Map 1 below, in addition to the prohibition of serviced apartments both within this area, as well as those areas zoned B3 – Commercial Core, in St Leonards, Crows Nest and Alfred Street.



Diagram 1 – North Sydney Centre

2.2 Assessment against Gateway Determination Conditions

Five (5) conditions were imposed on the Gateway Determination (Attachment 3) and have been addressed in the following subsections.

2.3 Amendment of Planning Proposal

Condition 1 of the Gateway Determination required that prior to undertaking State agency and community consultation, that the Planning Proposal be amended to:

- (a) include a description of the public domain and transport studies being undertaken as part of the North Sydney Centre Review and advising as to their likely completion and exhibition dates;*
- (b) include a heritage analysis of the proposed LEP amendments;*
- (c) include an additional clause within Schedule 1 – Additional Permitted Uses to permit ‘serviced apartments’ with development consent at 80 Arthur Street, North Sydney;*
- (d) include an updated project timeline; and*
- (e) rectify discrepancies between the Figure references within the text of the Planning Proposal and the Figures themselves (refer to section 5.2.5 of the Planning Proposal) as they related to ‘Special Areas’;*

The Planning Proposal was amended to comply with these conditions. In particular:

- Condition 1(a) was addressed within sections 2.2.1 and 2.2.2 of the exhibited Planning Proposal;
- Condition 1(b) was addressed within section 5.3.3 and Annexure F to the exhibited Planning Proposal;
- Condition 1(c) was addressed within sections 5.2.2 and 5.3.3 of the exhibited Planning Proposal;
- Condition 1(d) was addressed within section 5.6 of the exhibited Planning Proposal; and
- Condition 1(e) was addressed within section 5.2.5 of the exhibited Planning Proposal.

2.4 Public Exhibition

Condition 2 of the Gateway Determination required that the Planning Proposal (Attachment 2) be placed on public exhibition for a minimum of 28 days. In accordance with the Gateway Determination, the Planning Proposal was placed on public exhibition for 28 days from Thursday 14 September 2017 to Wednesday 11 October 2017.

2.5 Consultation with Public Bodies

Condition 3 of the Gateway Determination required that the Planning Proposal be referred to the following public bodies and that they be provided 21 days within which to comment:

- Transport for NSW;
 - Transport for NSW: Road and Maritime Services;
 - Office of Environment and Heritage – Heritage Branch;
 - Sydney Airport Corporation Ltd;
-

-
- Air Services Australia; and
 - Civil Aviation Safety Authority.

All of the above public bodies were notified in accordance with the Condition. In addition, the notification of public bodies was extended to include:

- Commonwealth Department of Infrastructure and Regional Development;
- Transport for NSW: Sydney Metro & City South West
- Transport for NSW Sydney Trains

Responses to these submissions are addressed in Section 3 of this report.

2.6 Public Hearing

Condition 4 of the Gateway Determination did not require the undertaking of a public hearing in accordance with s.56(2)(e) of the EP&A Act. In addition to this, the submissions did not raise any request for, or concerns, that would warrant the holding of a public hearing under s.57(2) of the EP&A Act.

2.7 Timeframes

Condition 5 requires that an LEP that implements the intent of the Planning Proposal be made within 12 months of the issuing of the Gateway Determination (or 24 July 2018). Should Council resolve to recommend the making of the LEP, it will leave about 5 months to make the LEP. A review of previous LEP making processes, indicate that on average, an LEP of similar complexity can be made within 4-6 months after the consideration of the post exhibition report. Whilst these timeframes can be met, the issues raised by TfNSW in its submission (discussed in more detail in section 3.1 below) and the corresponding response from the Department of Planning and Environment, may challenge this timeframe.

3. CONSIDERATION OF PUBLIC SUBMISSIONS

A total of 32 submissions were received with regard to the public exhibition of the Planning Proposal.

A complete copy of all submissions has been made available to Councillors via the submissions folder placed in the Councillor's Room and Council's internal "Hub" system.

A summary and response to all submissions received are located in the attached Submissions Summary Table (refer to Attachment 1). It is recommended that the recommendations outlined in the Submissions Summary Table be adopted as part of this report.

The key issues raised in the submissions are discussed in detail in the following subsections.

3.1 TfNSW Submission – Contributions/Transport Masterplan and Height

TfNSW' submission (Attachment 2) includes four clear components:

- The existing railway contributions regime as included in clause 6.5 should continue to be applied to all development to “partially offset the cost of the proposed Victoria Cross Metro Station”
- The Planning Proposal should not be finalised until potential issues identified in the transport masterplan are resolved.
- Increase in building height from RL 201 to RL 230 for the Metro site.
- Council encouraged to consider TfNSW’ draft Future Transport Strategy and provide feedback.

Comment

3.1.1 Railway Contributions

Clause 6.5 of the NSLEP 2013 ties the capacity of railway infrastructure to the extent of new development (i.e. demand) that it may service and monetary contributions for the existing station. The clause limits the amount of commercial floor space that may be provided in the CBD in recognition of the capacity of the existing railway station. The clause provides for satisfactory arrangements to be made for the upgrade of the railway station that occurred about a decade ago.

Clause 6.5(2) of the NSLEP states that:

- (2) *Development consent must not be granted for development on land to which this Division applies if the total non-residential gross floor area of buildings on the land after the development is carried out would exceed the total non-residential gross floor area of buildings lawfully existing on the land immediately before the development is carried out, unless:*
- (a) *the Director-General has certified, in writing to the consent authority, that satisfactory arrangements have been made for railway infrastructure that will provide for the increased demand for railway infrastructure generated by the development.*
 - (b) *the consent authority is satisfied that the increase in non-residential gross floor area authorised under the development consent concerned when added to the increases (reduced by any decreases) in non-residential gross floor area authorised under all consents granted since 28 February 2003 in relation to land in the North Sydney Centre would not exceed 250,000 square metres.*

Clause 6.5(4) of the NSLEP states that:

The Council is to review this Division to determine whether the policy objectives of the Division remain valid and whether the terms of the Division remain appropriate for securing those objectives...

One of these objectives (clause 6.1(b)) is:

To require arrangements for railway infrastructure to be in place before any additional non-residential gross floor area is permissible ...in the North Sydney Centre.

Objective (d) of this clause is:

To ensure that transport infrastructure and in particular North Sydney station, will enable and encourage a greater percentage of people to access the North Sydney Centre by public transport than by private transport...

The current railway contribution outlined in clause 6.5 of the NSLEP is finite and is nearing the end of its application. It is estimated that including development that has just commenced and recently approved, there is approximately 55,000 sqm of commercial floor space remaining within the cap imposed by clause 6.5 of the NSLEP. This means that North Sydney retains the capacity to potentially approve only one or two significant commercial developments before the prohibition that clause 6.5 represents, is operational. This is clearly unacceptable, especially the *North District Plan* aspirations for the North Sydney CBD.

The Metro site on Miller Street is very likely to be the next large commercial development to be constructed in North Sydney after 1 Denison Street. It is mooted to accommodate a building containing floor space of the order of floor space that remains within the cap. If the NSLEP controls are not amended, the contributions capacity will have been exhausted after that approval of the over station development. This is essentially all that remains to be collected to recoup the cost of the railway upgrade that occurred about a decade ago. This means that TfNSW will not be collecting contributions from any other site other than its own site under the existing NSLEP controls. The removal of the cap and therefore the contributions, will therefore not represent a loss of contributions as these can be levied directly at the point of sale should TfNSW wish to impose them.

The decision to provide a new Metro station in North Sydney by the NSW Government addresses the capacity issues that the limitation on development that clause 6.5 of the NSLEP sought to manage. The new Metro infrastructure will clearly accommodate growth in the Centre and unlock transport capacity therefore satisfying the objectives of the clauses of the NSLEP as outlined above.

The provision of the Metro infrastructure has been funded by the NSW Government. At the time that the decision to locate the Metro station in North Sydney, funding was clearly not an issue. In June 2017, a press release from the NSW Government stated that:

“the NSW Budget will commit \$6.2 billion towards the Sydney Metro City & Southwest project and \$5.8 billion for Sydney Metro Northwest over the next four years – fully funding Australia’s biggest public transport project”.

(source: <https://www.sydneymetro.info/article/nsw-budget-12-billion-metro-rail-revolution>)

The introduction of a new contributions regime over and above that which already exists in the NSLEP 2013, represents both a new policy position and a late development. The submission from TfNSW appears to be a general request for contributions to be paid with no discernible infrastructure investment outcome, apart from the provision of the actual Metro station, which as stated, is fully funded. Where this has occurred in other parts of the network, it has been labelled as a State Infrastructure Contribution (SIC) and has been announced before being implemented. This has not been the case in North Sydney.

Council staff had unsuccessfully made efforts for the preceding 12 months or so, to engage with the NSW Government to seek agreement on the form of the Planning Proposal and the removal of the floor space cap. This was in acknowledgement that the limitations the cap imposed on the CBD are unwarranted and undesirable given the announcement and commencement of the

Metro project as well as being in clear contradiction of the strategic directions articulated by the Greater Sydney Commission in its *North District Plan* as outlined previously in this report in Section 1.5.

There is a clear strategic basis to increase the employment capacity of the North Sydney CBD as an employment and economic centre. This ties into the current economic conditions and strong demand for investment in the Centre which was absent for some years but is now resurgent. The planning directions taken by the Planning Proposal are clearly borne out and supported by the draft North District Plan and Council's long term planning for the Centre.

Any inclusion of a new contribution regime cannot simply be added to the Planning Proposal post exhibition. Whilst small scale amendments and refinements can be made after the exhibition of the Planning Proposal, the inclusion of a new contributions regime is very significant as it represents a new policy position by the NSW Government. It is Council staff's opinion that this would require both a new Gateway Determination to be issued as well as the Planning Proposal to be re-exhibited.

3.1.2 Transport Masterplan

Council is currently in the process of preparing a Transport Masterplan for the North Sydney CBD. The submission requests "that the proposed changes to the NSLEP should not be finalised until any potential issues identified in the transport masterplan are resolved."

This is a basic misunderstanding of the role of the North Sydney Transport Masterplan which at its core, intends to ensure that walking, cycling and public transport mode share is maximised, the enormous mode shift benefits of Metro are capitalised upon, and that this contributes to a happier, healthier and more prosperous North Sydney community.

The Masterplan will further seek to reduce reliance and use of the private motor vehicle and increase pedestrian, cycling and public transport use as a more sustainable transport and placemaking objective. Work travel journeys are arguably the easiest to influence in this sense, particularly where access to good and reliable public transport is available. The North District Plan actually identifies as one of its actions that North Sydney Council "grow economic development in North Sydney CBD to improve amenity by reducing the impact of vehicle movements on pedestrians". The results of the Masterplan, which are expected to be finalised in the coming six months, will then potentially be the basis to advocate and negotiate interventions and changes regarding traffic and transport related matters with various transport agencies including the RMS and TfNSW. In this sense, "potential issues" as outlined in TfNSW submission, may not be "resolved" for some years given the administrative relationship between these various agencies and Council. Clearly, the Planning Proposal cannot be deferred until this occurs. Nor will there be any discernible advantage in doing so, as the Masterplan will be beneficial regardless of the outcomes of the Planning Proposal.

It should also be further noted that the preparation of Transport Masterplan is solely a Council initiative to maximise the benefit of the Metro in the usability, comfort and enjoyment of the North Sydney CBD and to maximise the public and active transport and accessibility of the Centre. This will be pursued regardless of the Planning Proposal at hand.

3.1.3 Increase in height

As previously discussed, the building heights proposed in the current Planning Proposal have been largely premised on solar access to surrounding residential land and special areas within the CBD. The amendment proposed for the Metro site on the corner of Miller and Berry Streets by TfNSW seeks to extend the RL 230 height limit to the south as shown on diagram 2 below. The Planning Proposal currently identifies the Metro site as having a height limit of RL 230, RL 201 and RL 193 at its southern end (shown in grey/black). The TfNSW submission identifies that the extent of the proposed RL 230 height limit (shown in red), can be moved to the south and still maintain solar access to the special areas and residential areas surrounding the CBD between 10am and 2pm.

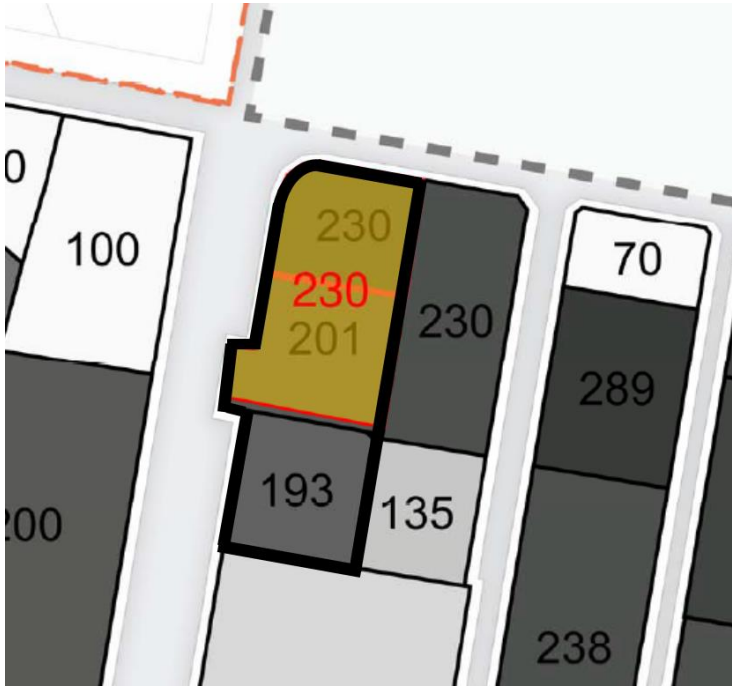


Diagram 2 – TfNSW request for amended height

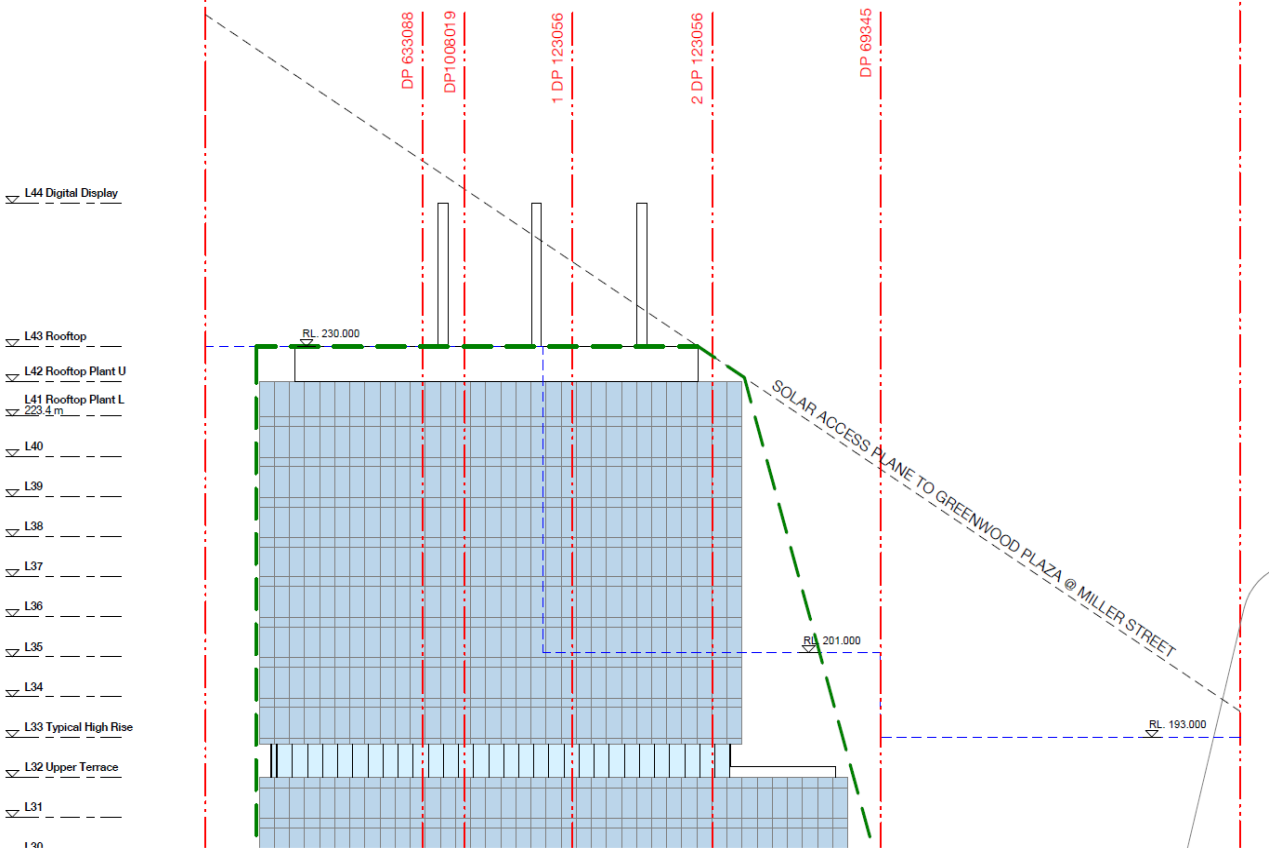


Diagram 3 – Upper section of indicative Metro building envelope

The envelope provided by TfNSW has been accompanied by shadow diagrams which demonstrate that the proposed amendment can be accommodated and maintain the integrity of the solar requirements upon which the amendment to the NSLEP have been premised. Diagram 3 above identifies the proposed height limit included in the Planning Proposal and is shown as a blue dotted line representing the RL 230, RL 201 and RL 193 height limits. It illustrates that this height could be extended to the extent of the green dotted line without adverse solar impact. These have been tested by Council staff and found to be accurate. It should also be noted that clause 6.3 of the NSLEP will continue to provide the mechanism to ensure that solar access to special areas is maintained between 12-2pm as an additional solar protection mechanism.

It is not proposed to move the RL 230 height limit to the extent as shown in diagram 2 above as this is not warranted. Instead, the extent of the RL 230 height can be moved to align with the cadastral boundary of Lot 2 DP 123056 as shown on diagram 4 below. This slight amendment will provide for increased employment capacity in the CBD and is consistent with the objectives of the Planning Proposal. On this basis and that the solar access principles of the requested amendment are consistent with the clear framework established for the Planning Proposal, the proposed amendment is supported. This amendment will leave a small variation to be assessed at a future development application stage of the process should the submitted building envelope be pursued.

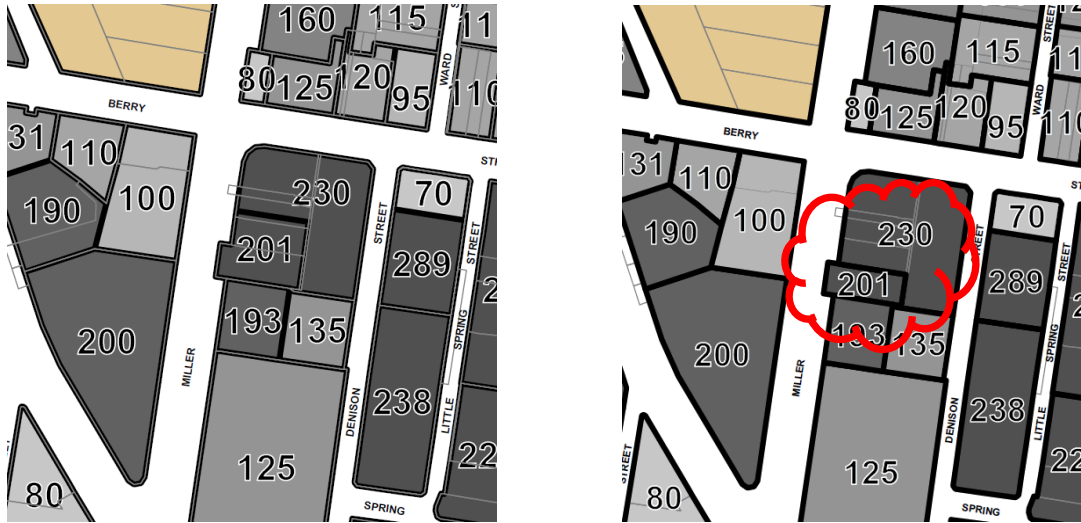


Diagram 4 – Proposed amendment to the Planning Proposal

3.1.4 Implications TfNSW’ Requests (3.1.1 and 3.1.2)

- Time – The outcomes of the Planning Proposal will have real tangible economic and place making benefits for the North Sydney CBD. TfNSW’ own submission requests an increase in height to its site to facilitate its “over station development” which is currently the subject of rigorous design testing by a panel of design experts. The over station development which the Planning Proposal clearly anticipates and supports, may be subject to significant delays if the TfNSW submissions are pursued as part of this Planning Proposal. Other stakeholders that have made representations on the Planning Proposal in the CBD await the outcome of the Proposal in order to invest in the City and take advantage of the current favourable economic conditions. The request of TfNSW will similarly represent significant delays for these stakeholders.

In terms of timeframes, if the suggestions of TfNSW are to be adopted, a new Council report will need to be prepared outlining how a new clause would work to facilitate TfNSW’ objectives, a new Gateway Determination would need to be requested and issued and the Proposal re-exhibited. This process would presumably follow a process of discussion with TfNSW and the DPE regarding the workings and form of the clause to give it effect. This could take 12-18 months and thwart current development aspirations that would deliver new jobs and added vitality to the CBD.

- Imposition of a new charge without a discernible infrastructure outcome (apart from the delivery of Metro itself). This represents an inconsistent approach with other Metro stations throughout the network and lacks transparency.
- The current railway contribution has been used to fund a project that was carried out about a decade ago and there remains about 55,000 sqm of capacity in the existing cap imposed by clause 6.5 of the NSLEP. This represents a significant new commercial development, the scale of which is currently being seriously considered by TfNSW for its over station development. This is very likely to be the next significant commercial development in North Sydney and will largely absorb this capacity. The “lost” contributions” as a result of the proposed deletion of clause 6.5 can therefore be

recouped directly by TfNSW at the point of sale of development rights for the site. In other words, apart from the development of its own site, there would be no significant further lost contributions revenue as a result of the deletion of clause 6.5.

The request by TfNSW represents a new charge and there should be a consultation/communication process with stakeholders to foreshadow and publicly explain this, rather than simply preparing a late amendment to a Planning Proposal after its exhibition.

- Council is prepared to work through a process to resolve these issues, however, this should not come at the expense of the current Planning Proposal, which has a strong mandate from the District Plan’s strategic directions to “grow jobs” and “maximise land use opportunities”.

3.2 Roads and Maritime Services

The submission is generally in support of increasing commercial opportunities in the CBD.

It points out, however, that the Planning Proposal is facilitating outcomes in the absence of a supporting Transport Masterplan. It is unknown what the traffic impacts may be for the surrounding local and regional road network and the need, if any, for future infrastructure upgrades. The submission recommends that Council defer the finalisation of the Planning Proposal until such time as the Transport Masterplan and an appropriate infrastructure funding mechanism (via a section 94 Plan and/or VPA) has been exhibited and any potential issues have been resolved.

Comment

The contents of the submission represent a misunderstanding of the role of the North Sydney Transport Masterplan which at its core, intends to ensure that walking, cycling and public transport mode share is maximised and the enormous mode shift benefits of Metro are capitalised upon.

The submission argues that the traffic impacts on the local and regional road network of increases in commercial floor space are unknown and that any infrastructure upgrades of such network should be anticipated and planned for. Again, Council’s Transport Strategy and vision for the CBD, seek to reduce reliance and use of the private motor vehicle and an increase in pedestrian, cycling and public transport use as a more sustainable transport and place making objective especially in the context of a new Metro station in 2024. Providing for private car use to the North Sydney CBD as is suggested by the RMS, is contrary to these aspirations and merely reinforces the very travel patterns that lead to congestion and its various impacts on livability, that a fast growing metropolis like Sydney, ought to be challenging directly.

The North District Plan identifies as one of its actions, that North Sydney Council “grow economic development in North Sydney CBD to improve amenity by reducing the impact of vehicle movements on pedestrians”. The Planning Proposal demonstrates a responsible and proactive approach by Council.

Undertaking what the RMS is requesting, is unnecessary and potentially counterproductive in the context of Metro for the reasons pointed out above.

3.3 Office of Environment and Heritage

The submission from the Office of Environment & Heritage, recommends a Heritage Impact Assessment be undertaken prior to the finalisation of the Planning Proposal to accurately inform the full potential impact of the proposed amendments to State Heritage Register (SHR) items.

The submission states that the Planning Proposal's heritage assessment, as it relates to impacts on the significance of SHR items due to the proposed height increases on properties adjoining or in the immediate vicinity of SHR items, is not supported by sufficient analysis. A full analysis should include:

- a visual comparison of building envelopes under current and proposed height controls;
- an assessment of views and sight lines, both to and from SHR items.

Comment

There are three state listed heritage items in North Sydney. They are:

- The North Sydney Post Office on Miller Street/Pacific Highway
- Don Bank at 6 Napier Street
- Former North Sydney Technical High School, 101-103 Miller Street

The Planning Proposal ensures that all heritage items listed under the NSLEP and those identified as State Heritage items did not have increases in height to avoid conflicts and tensions between development expectations and heritage conservation.

North Sydney Post Office occupies an allotment that is surrounded by streets and is in a prominent corner position between Miller Street, the Pacific Highway and Mount Street. In the immediate area, the Planning Proposal identifies increased heights for land immediately to the west of the Post Office which represent three developments. It is noted that two of these sites have recent tall buildings which have been built to their approximate maximum height limits and stand at a height of about RL 150. Given the contemporary nature and extent of these buildings, they are not expected to increase in height. The middle site at 1 Wheeler Lane (known as the “Telephone Exchange”) retains potential development capacity under the current height limit of RL 150 which if taken up, would take that site up to a similar scale to its neighbouring adjacent buildings.

Whilst internal advice suggests that the post office tower should be read against the sky rather than against a backdrop of buildings, it should be recognised that this backdrop is already heavily compromised as is seen in Diagram 5. The site at 1 Wheeler Lane currently accommodates a building of approximately RL 107 in height. This means that an additional 43m is anticipated under the current controls which could accommodate an extra approximately 11 storeys to RL 150. This site would receive a 21m height increase as a result of the current Planning Proposal should it be gazetted. In this heavily compromised context, it is difficult to see how an analysis of the visible sky around this site would assist in determining an appropriate height limit from a heritage perspective given existing conditions and height controls.



Diagram 5 – North Sydney Post Office

A similar observation is made for the **Don Bank Museum**. The only notable increase in height recommended by the Planning Proposal is to the nearby site at 100 Pacific Highway, which as described above, has accommodated a recent development which has maximised the current height. Given that there is an increase of 16m identified for that site, it is highly unlikely that any further development will occur and if in the unlikely event that it did, the extent and scale of difference would be relatively minor given the current scale of the building.

The former **North Sydney Technical High School** structure will continue to enjoy a very generous curtilage and will generally be unaffected by this proposal.

On this basis, it is considered that preparing a Heritage Impact Statement is of questionable utility. It should be noted that the increases in height represented by the Planning Proposal build on already very significant building heights.

3.4 Various Agencies Responsible for Air Travel and Infrastructure

Submissions were received from the Sydney Airport Corporation, Department of Infrastructure and Regional Development, CASA Aviation Group and Airservices Australia all generally raising no issues with the proposal. Any proposal in excess of 156 AHD will need to be assessed by Sydney Airport prior to being referred to the Federal Department of Infrastructure and Regional Development (DIRD) for a determination. This is a standard requirement. Similarly, the Department of Infrastructure and Regional Development advised that a building height of 289m AHD is proposed under the Planning Proposal. Approval may be required under the Airports (Protection of Airspace) Regulations 1996, including assessment by the Civil Aviation Safety Authority and Airservices.

3.5 Planning Proposals for 41 McLaren, 138 Walker Street

Several submissions were received objecting to the planning proposals for 41 McLaren Street and 138 Walker Street which were received by Council in October and November 2017 respectively.

Comment

The Planning Proposals for 41 McLaren Street (PP 4/17) and 173-179 Walker Street (PP 5/17) are both unsolicited proposals. They are currently being assessed by Council staff and will be reported to Council separately.

3.6 Ward Street Masterplan

Several submissions outlined that a previous report (CiS06: North Sydney CBD Capacity and Land Use Strategy and Planning Proposal) considered by Council on 1 May 2017, did not accurately reflect the submissions made in response to the public exhibition of the Ward Street Masterplan.

Comment

Section 1.6 to the identified report related to submissions made to the *North Sydney Centre Capacity and Land Use Study* and not the Ward Street Masterplan as suggested.

A review of the submissions that related to the public exhibition of the Study and the summary of those submissions in the report to the Strategy, were found to be consistent.

Accordingly, there appears to be a misunderstanding as to what submissions were being considered. The Ward Street Masterplan is currently being reviewed and there will be comprehensive local stakeholder consultation including with land owners and local residents.

3.7 Alfred Street Precinct

Some submissions expressed concern for the development and changing planning controls for the Alfred Street precinct on the eastern side of the Warringah Freeway.

Comment

The planning controls for the Alfred Street commercial precinct are not proposed to be amended apart from prohibiting serviced apartments within the existing B3 zone there. A master plan is being prepared for the Precinct and any amendments to planning controls within that precinct will be informed by that process in consultation with local stakeholders including land owners and local residents.

3.8 Serviced Apartments

Several submissions objected to the prohibition of serviced apartments in the B3 – Commercial Core zone.

Comment

Council commissioned a study undertaken by Hill PDA in 2015 advised that serviced apartments impact somewhat negatively on employment and character, particularly if they are built at the expense of 4 and 5 star hotels. Given the relatively small footprint of commercial centres in the North Sydney Local Government Area, the intrinsic value of commercial office space and its contribution to employment is high. It is considered that that the type of economic support and diversity of land use serviced apartments can offer can be more effectively delivered by hotel development. Put simply, the B3 - Commercial Core zone is limited in supply and performs a critical employment and economic role. The permissibility of serviced apartments within the zone is considered an under-utilisation of such scarce land in this context.

Serviced apartments are still permissible in B4-Mixed Use zones. This zone exists in reasonable supply and proximity to major town centres and the North Sydney CBD.

3.9 Amenity Impacts for Residents in and adjacent to the CBD

There were various submissions made that expressed concern regarding loss of views, solar access and general amenity in and around the North Sydney CBD as a result of the impacts of increased development.

Comment

The current Planning Proposal attempts to strike a balance between employment/economic growth and amenity impacts in a centre that is highly constrained in its capacity for lateral expansion. The GSC's strategy (the draft *North District Plan*) identifies the need to plan for an additional 15,600 – 21,100 new jobs in the North Sydney CBD by 2036. This represents a very significant amount of floor space (in the order of 200,000-300,000 square metres) to be delivered in the next 18 years. The Planning Proposal is premised on solar protection of adjoining residential and “special” areas as outlined previously in this report. Given the need to provide for increased employment and economic activity and growth, it is acknowledged that there may be amenity impacts in future arising from a growing CBD. The wider Sydney context and the North Sydney CBD's role in it, are important here. As described by the GSC, Metropolitan Sydney is planned to accommodate an additional 725,000 new dwellings to the year 2036. Whilst there has been significant focus on this population and housing growth in recent times, the opportunity for jobs growth is critical in accommodating such growing population.

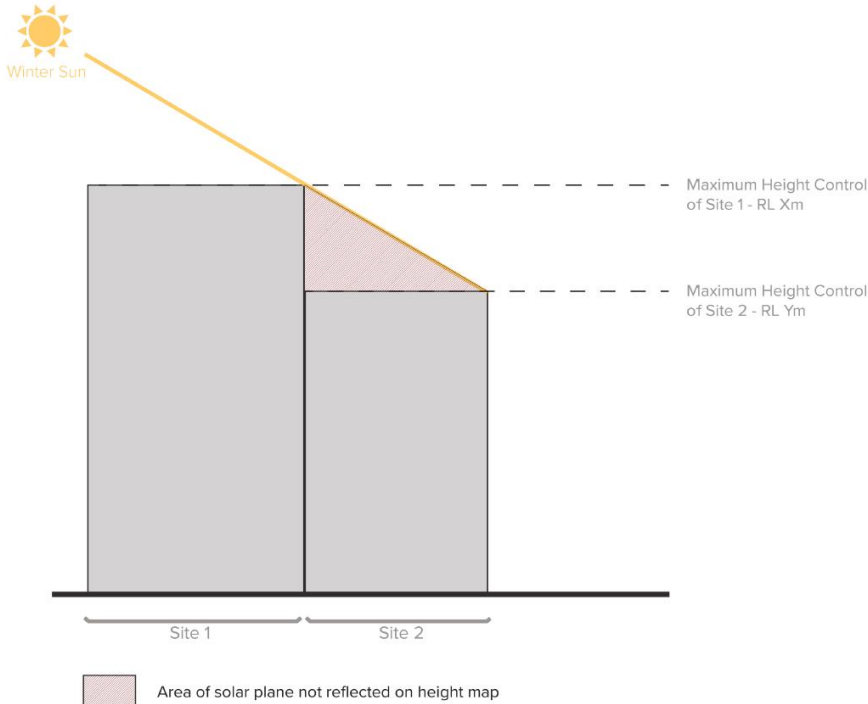
It should also be noted that a Public Domain Strategy will shortly commence preparation in order to ensure that CBD growth and the Victoria Cross metro station are complemented by a public domain that improves the safety, amenity, vibrancy and overall appeal of the centre for workers, residents, students, visitors and investors.

In terms of managing immediate amenity issues associated with construction, it is acknowledged that there are real impacts associated with this transitional activity, however, Council is actively managing such impacts through enforcement of conditions of consent and general monitoring programs.

4 PROPOSED AMENDMENTS

4.1 Differentiation of Height Limits

A previously discussed, the modelling that was prepared to established height limits, was based on solar access to various locations within and outside the CBD. Given the angular nature of the solar planes established by the modelling over individual sites, the lowest point of this plane was taken at each site to establish the various RLs on the NSLEP height map. The diagram below identifies in simple terms, how these were generated and generally illustrates the differences between RLs at height boundaries (it should be noted that this is a simplistic diagram for illustrative purposes only). The rationale for this acknowledged that relatively minor variations in height that may be appropriate on individual sites, may potentially be dealt with under the provisions of clause 4.6 of the NSLEP. Because of the complexities of the solar modelling and the need to keep height maps legible and clear, it is acknowledged that this approach may result in the height map not always necessarily identifying the absolute maximum heights that may be achieved on every part of individual sites. It is also acknowledged that whilst variations to the expressed height limits may be quite appropriate given this approach from a solar perspective, the extent of some variations may be too significant to be reasonably dealt with through the development assessment process and the provisions of clause 4.6 of the NSLEP. Amendments were drafted to enable a more pragmatic approach to clause 4.6 variation requests for commercial development, however, it is acknowledged, that large variations may still be too significant to be dealt with in this way.



There are some large gradations on the height map where the differences between height limits on boundaries may be quite significant.

Given this approach, it may be quite appropriate for Planning Proposals to be accepted by Council that represent potential increased commercial development opportunities within the context of the solar framework established by the Planning Proposal that is the subject of this report. Such Proposals will need to demonstrate a very clear consistency with the methodology established by the *North Sydney CBD Capacity and Land Use Strategy* in acknowledgment also, that certain sites have included additional considerations such as built form and visual impact that are beyond the scope of a pure solar analysis and will include those sites within the Ward Street Masterplan which is currently being reviewed.

Such Proposals would represent increases in the height limit that are both consistent with the methodology described above but potentially in excess of what may be considered a reasonable variation to the established NSLEP height limit under the provisions of clause 4.6 of NSLEP.

4.2 Summer Solar Access

Clause 6.3 of the NSLEP requires that solar access to special areas be retained between 12pm and 2pm. The clause does not specify that this consideration is to occur at any particular time of the year. It is necessary to uphold this control during the winter solstice and equinox when solar access is most sought after for thermal comfort. During the summer months, however, solar access is less relevant. Given the angle of the sun, solar access is more readily available throughout the urban environment during these summer months, and generally is less comfortable.

An unintended consequence of the control of not restricting its application to solstice and equinox periods only, is that it also applies to the summer months. This actually prohibits more development than would ordinarily be anticipated because of the angles of the sun being so different during this period.

It is proposed that the Planning Proposal be refined to include only solstice and equinox application of solar controls as detailed in clause 6.3(2) of the NSLEP 2013. This clause would therefore read as follows:

- (2) Development consent must not be granted for the erection of a building on land to which this Division applies if:
 - (a) the development would result in a net increase in overshadowing between 12 pm and 2 pm on land to which this Division applies that is within Zone RE1 Public Recreation or that is identified as “Special Area” on the North Sydney Centre Map **during the winter solstice or equinox**, or
 - (b) the development would result in a net increase in overshadowing between 10 am and 2 pm of the Don Bank Museum **during the winter solstice or equinox**,
 - (c) the site area of the development is less than 1,000 square metres.

CONCLUSION

The North Sydney CBD performs a key economic, employment and commercial role in Sydney. The North District Plan reinforces this role by requiring amongst other things, that significant commercial floor space growth be accommodated in the CBD. This Planning Proposal responsibly facilitates this future growth potential by removing the soon to be reached commercial floor space cap on new development in the CBD and increasing the commercial capacity of the CBD and is consistent with the draft *North District Plan*.

A significant submission has been made by TfNSW which requests that the railway contribution that currently applies in the CBD, not only be maintained, but be extended to partially offset the cost of the proposed Victoria Cross Metro Station. The TfNSW submission is not supported as the Metro station has been publically announced as being fully funded and this represents a new contribution regime that has not been accounted for in any previous policy position of either TfNSW or Council. Any amendment to this end, would require a significant level of collaboration and consultation with stakeholders, redrafting of provisions and re-issuing of Gateway Determination and exhibition. This represents a significant investment of time which, given the stage of the process, is unwarranted and unreasonable.

ATTACHMENT 1

**Planning Proposal 2/17 to amend North Sydney Local Environmental Plan 2013
- North Sydney Centre
Summary of public submissions received during public exhibition period
(14 September 2017 – 11 October 2017)**

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

1. The Planning Proposal to amend North Sydney Local Environmental Plan 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 in the Planning Proposal or;
 - e indicated omissions, inaccuracies or a lack of clarity.

2. The Planning Proposal to amend North Sydney Local Environmental Plan 2013 **would not be** amended if the issues raised in the submission:
 - a addressed issues beyond the scope of the Planning Proposal.
 - b was already in the Planning Proposal or will be considered during the development of a subordinate plan (prepared by Council).
 - c offered an open statement, or no change was sought.
 - d clearly supported the Planning Proposal.
 - e was an alternate viewpoint received on the topic but the recommendation of the Planning Proposal 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 3: PLANNING PROPOSAL TO AMEND NSLEP 2013 – NORTH SYDNEY CENTRE PUBLIC SUBMISSIONS TABLE (EXHIBITION PERIOD 14 SEPTEMBER 2017 – 11 OCTOBER 2017)						
No.	Name and Address	Issue	Key Points Raised	Council Response	Recommended Action	Criteria
1		Restriction on development of small sites	<p>Believes the restriction on the development of small sites (i.e. sites less than 1,000sqm in area) to 45m in height should apply to the entire North Sydney Local Government Area (LGA), in particular St Leonards, Crows Nest and other existing and imminent “centres”.</p> <p>The submitter also suggests that development on sites less than 800sqm in area be limited to 30m in height and development on sites less than 600sqm in area be limited to 20m in height, to protect the amenity of the public domain.</p>	<p>The submission itself acknowledges that the growth areas of t Leonards and Crows Nest, are very much in the Department of Planning’s control regarding future planning controls as a “Priority Precinct”.</p> <p>The amendment that this submission seeks cannot occur without re-exhibition and possibly without a new Gateway Determination being issued by the Department.</p>	The submission will be referred to the Priority Precinct team in the Department of Planning	2A
2		Support	<p>Supports the Planning Proposal. In particular, the submitter strongly supports:</p> <ul style="list-style-type: none"> the increase in commercial capacity of the centre; and the removal of the requirement to pay a contribution towards the upgrade of North Sydney Railway Station, as it is not appropriate to keep levying for something that completed approximately 10 years ago. 	Noted.	Nil	2D
3		Ward Street Masterplan	<p>The submitter stated that the report (CiS06: North Sydney CBD Capacity and Land Use Strategy and Planning Proposal) considered by Council on 1 May 2017 did not accurately reflect the submissions made in response to the public exhibition of the <i>Ward Street Masterplan</i> and would like this point noted.</p>	<p>Section 1.6 to the identified report related to submissions made to the North Sydney Centre Capacity and Land Use Study and not the Ward Street Masterplan as suggested.</p> <p>A review of the submissions that related to the public exhibition of the Study and the summary of those submissions in the report to the Strategy were found to be consistent.</p> <p>Accordingly, there appears to be a misunderstanding as to what submissions were being considered.</p>	Nil	2F

**ATTACHMENT 3: PLANNING PROPOSAL TO AMEND NSLEP 2013 – NORTH SYDNEY CENTRE
PUBLIC SUBMISSIONS TABLE (EXHIBITION PERIOD 14 SEPTEMBER 2017 – 11 OCTOBER 2017)**

No.	Name and Address	Issue	Key Points Raised	Council Response	Recommended Action	Criteria
		Redevelopment of land east of Walker Street between Hampden and Berry Streets	<p>Raises concern about potential high-rise development at 173, 175, 177, 179 Walker Street and 11 Hampden Street and its impacts upon their property at 138 Walker Street (the 'Belvedere' building). In particular, they are concerned about potential loss of views to Sydney Harbour and Neutral Bay and extreme traffic congestion on Walker Street.</p> <p>The submitter notes a number of substantial changes to the "Walker Street Conservation Area" and "Hampden Neighbourhood" under section 2.4.1 ('Significant Elements'), 2.4.2 ('Desired Future Character') and 2.4.3 ('Desired Built Form') of draft NSDCP 2013. These refer to a mixture of multi-level residential flat buildings and the retention of 2-3 storey original dwelling houses on Hampden Street. The submitter seeks clarification on what the development intent is for these sites.</p>	<p>The Planning Proposal for 173-179 Walker Street (PP 5/17) is an unsolicited proposal. It is currently being assessed by Council staff and will be reported to Council separately.</p> <p>It is not proposed to alter the maximum height to 173-179 Walker Street and 11 Hampden Street under the subject Planning Proposal, and therefore there will be no potential increase in overshadowing of the "Belvedere".</p>	Nil	2A
		41 McLaren Street	<p>Raises concern about the Planning Proposal submitted for 41 McLaren Street and the potential for a 45 storey building to significantly overshadow the "Belvedere" building.</p>	<p>The Planning Proposal for 41 McLaren Street (PP 4/17) is an unsolicited proposal. It is currently being assessed by Council staff and will be reported to Council separately.</p> <p>It is not proposed to alter the maximum height to 41 McLaren Street under the subject Planning Proposal, and therefore there will be no potential increase in overshadowing of the "Belvedere".</p>	Nil	2A
4	Airfield Design Manager Sydney Airport Corporation Ltd Locked Bag 5000 SYDNEY INTERNATIONAL TERMINAL NSW 2020	Obstacle Limitation Surface	<p>The submitter, who is an Airfield Design Manager at Sydney Airport, advises that the centre lies underneath the Obstacle Limitation Surface (OLS) for Sydney Airport.</p> <p>Any development proposed to be taller than 156m AHD will need to be assessed by Sydney Airport prior to being referred to the Federal Department of Infrastructure and Regional Development (DIRD) for a determination. Approval to operate construction equipment (such as cranes) should also be obtained prior to any commitment to construct.</p>	Noted.	Nil	2C

**ATTACHMENT 3: PLANNING PROPOSAL TO AMEND NSLEP 2013 – NORTH SYDNEY CENTRE
PUBLIC SUBMISSIONS TABLE (EXHIBITION PERIOD 14 SEPTEMBER 2017 – 11 OCTOBER 2017)**

No.	Name and Address	Issue	Key Points Raised	Council Response	Recommended Action	Criteria
5		Ward Street Masterplan	The submitter stated that the report (CiS06: North Sydney CBD Capacity and Land Use Strategy and Planning Proposal) considered by Council on 1 May 2017 did not accurately reflect the submissions made in response to the public exhibition of the <i>Ward Street Masterplan</i> and would like this point noted.	Section 1.6 to the identified report related to submissions made to the North Sydney Centre Capacity and Land Use Study and not the Ward Street Masterplan as suggested. A review of the submissions that related to the public exhibition of the Study and the summary of those submission in the report to the Strategy were found to be consistent. Accordingly, there appears to be a misunderstanding as to what submissions were being considered. It is noted that a separate report will be prepared for the Ward Street Masterplan in due course, with a view to publicly exhibited the revised work.	Nil	2F
		Redevelopment of land east of Walker St between Hampden and Berry Streets	Raises concern about potential high-rise development at 173, 175, 177, 179 Walker St and 11 Hampden St and its impacts upon their property at 138 Walker Street. In particular, they are concerned about potential loss of views to Sydney Harbour and Neutral Bay and extreme traffic congestion on Walker Street. Notes a number of substantial changes to "Walker St Conservation Area" and "Hampden Neighbourhood" under section 2.4.1 ('Significant Elements'), 2.4.2 ('Desired Future Character') and 2.4.3 ('Desired Built Form') of draft NSDCP 2013. These refer to a mixture of multi-level residential flat buildings and the retention of 2-3 storey original dwelling houses on Hampden St. The submitter seeks clarification on what the development intent is for these sites.	The Planning Proposal for 173-179 Walker Street (PP 5/17) is an unsolicited proposal. It is currently being assessed by Council staff and will be reported to Council separately. It is not proposed to alter the maximum height to 173-179 Walker Street and 11 Hampden Street under the subject Planning Proposal, and therefore there will be no potential increase in overshadowing of the "Belvedere".	Nil	2A
		41 McLaren Street	Raises concerns about the Planning Proposal submitted for 41 McLaren Street and the potential for a 45 storey building to significantly overshadow the "Belvedere" building.	The Planning Proposal for 41 McLaren Street (PP 4/17) is an unsolicited proposal. It is currently being assessed by Council staff and will be reported to Council separately. It is not proposed to alter the maximum height to 41 McLaren Street under the subject Planning Proposal, and therefore there will be no potential increase in overshadowing of the "Belvedere".	Nil	2A

**ATTACHMENT 3: PLANNING PROPOSAL TO AMEND NSLEP 2013 – NORTH SYDNEY CENTRE
PUBLIC SUBMISSIONS TABLE (EXHIBITION PERIOD 14 SEPTEMBER 2017 – 11 OCTOBER 2017)**

No.	Name and Address	Issue	Key Points Raised	Council Response	Recommended Action	Criteria
6		Prohibition of Serviced Apartments in B3 zone	Strongly supports restriction of serviced apartments. Believes the restriction should also apply to short term lets due to their impact on sense of community.	Noted. A separate policy is being developed by the State Government on the regulation of short term holiday letting in NSW. An Options Paper was released by the DPE in July 2017 which explores various approaches to managing the social and environmental impacts of short term holiday letting.	Nil	2A
		Residential development in CBD	Believes residential buildings should not be considered part of the North Sydney CBD, particularly those on Miller and McLaren Streets. Notes that Council has approved a significant number of residential developments in the CBD, a large number of which breach current height controls. Raised concerns about the following: <ul style="list-style-type: none"> • reduced residential amenity (increased noise, traffic and parking generation, insufficient open space and retail amenity). • the North Sydney CBD losing its commercial heart and becoming a dormitory suburb. Objects to the severe concentration of residential apartments within small localised areas.	Retaining a dedicated commercial core, whilst improving the amenity of the wider NSC, is a challenge Council has acknowledged and is addressing through its policy and capital works programs. Council has had a long standing policy of prohibiting residential development in the <i>B3-Commercial Core</i> zone of the NSC. The subject Planning Proposal does not propose to alter this. In relation to future development within the <i>B4 – Mixed Use</i> zone of the NSC, the continued and rigid application non-residential FSR controls remains the principle option available to Council to maintain, where possible, a genuine commercial presence in these zones.	Nil	2E
		Increased building height controls and reduced amenity	Objects to increase of maximum building height controls. Concerned about impact to ground level amenity – wind tunnels, reduced solar access.	The proposed building height controls are based on the application of a 10am-2pm overshadowing restriction on residential land outside the NSC and the continued application of Special Areas protections within the NSC. This represents a supportable balance between unlocking the additional commercial capacity needed to sustain the NSC's economic functions whilst maintaining a level of amenity protection. This balance has been the foundation of past and present controls.	Nil	2E

**ATTACHMENT 3: PLANNING PROPOSAL TO AMEND NSLEP 2013 – NORTH SYDNEY CENTRE
PUBLIC SUBMISSIONS TABLE (EXHIBITION PERIOD 14 SEPTEMBER 2017 – 11 OCTOBER 2017)**

No.	Name and Address	Issue	Key Points Raised	Council Response	Recommended Action	Criteria
		CBD construction activity	Believes the scale and pace of development in the CBD is resulting in significant disruptions to businesses and reduced quality of life for residents. Reports that construction activity is occurring from 7am - 6pm weekdays, Saturday mornings and emergency road works are occurring at night.	It is acknowledged that construction activity can be disruptive. The development activity in the North Sydney Centre has been modest in the last decade or so. Conducive economic conditions and Council proactivity, has resulted in significant activity in a short space of time. The long term benefits, particularly of a new Metro and increased job opportunities and CBD vibrancy, are, however, clear. The usual compliance activities of Council endeavour to manage these impacts.		2A
		Demolition of commercial buildings	Opposes the demolition of aging commercial buildings. Suggests Council facilitate more sustainable development/ renewal in the DA assessment process.	Unless protected by heritage listing in the NSLEP 2013, the demolition of buildings is a commercial decision made by owners through the development assessment process.	Nil	2A
7		Special Areas - Removal of Blue Street Plaza	Strongly objects to the removal of Blue Street Plaza as a Special Area and amendment to the maximum building height control on this site. Raised concerns about overshadowing impacts to nearby residential properties, in particular 1-13 MacKenzie Street, Lavender Bay.	Blue Street Plaza rated poorly in the <i>Special Areas Review</i> site assessment due to poor solar access, limited use between 12pm - 2pm, and limited potential for increased future activity. The views to Sydney Harbour from the site are acknowledged. Part C Section 2.1 P7(b) of NSDCP 2013 requires the preservation of the views from the plaza area. The proposed height control for the site (RL 65) equates to approximately a 10m building height control. A building of that height would not unreasonably overshadow residential dwellings to the south.	Nil	2E
8		Alfred Street Precinct	Objects to further development of commercial offices and high-rise residential development in the area bounded by Alfred Street North, Whaling Road and Little Alfred Street (Alfred Street Precinct). Believes the division between commercial and residential uses created by the Warringah Freeway should be maintained to protect residential amenity.	The planning controls for the Alfred Street commercial precinct are not proposed to be amended apart from prohibiting serviced apartments. A master plan is, however, being prepared for the Precinct and any amendments to planning controls within that precinct will be informed by that process and will be exhibited for public comment.	Nil	2A

**ATTACHMENT 3: PLANNING PROPOSAL TO AMEND NSLEP 2013 – NORTH SYDNEY CENTRE
PUBLIC SUBMISSIONS TABLE (EXHIBITION PERIOD 14 SEPTEMBER 2017 – 11 OCTOBER 2017)**

No.	Name and Address	Issue	Key Points Raised	Council Response	Recommended Action	Criteria
		Increased building height controls and reduced amenity	Objects to increase in maximum building height controls. Objects to reduction of solar access protections to residential land outside the CBD by 2 hours. Concerned about increased traffic congestion, particularly along Whaling Road.	The proposed building height controls are based on the application of a 10am-2pm overshadowing restriction on residential land outside the NSC and the continued application of Special Areas protections within the NSC. This is considered to represent a supportable balance between unlocking the additional commercial capacity needed to enhance the NSC's economic functions whilst maintaining a level of amenity protection to nearby residential land. In terms of traffic congestion, it is noted that the centre will be serviced by a new Metro station and it is both TfNSW and Council's stated planning intentions to increase the percentage of travel to and from the CBD by public and active transport and reduction of private car based travel.	Nil	2E
9		Alfred Street Precinct	Objects to rezoning of the block bound by Alfred St North, Whaling Rd and Little Alfred St "to allow mixed use development of a height that exceeds the current Bayer Building". The submitter is concerned about following impacts to surrounding residential properties: <ul style="list-style-type: none"> • increased traffic congestion on Little Alfred St, Ormiston St, Neutral St and Whaling Rd; • further reduced solar access (the area is already adversely impacted by the height of the Bayer Building); • Further reduced privacy; • Decreased property values; • Disruptions during building works; • Light pollution from the proliferation of illuminated signage along Little Alfred Street. Does not believe high-rise development east of the Warringah Freeway is characteristic of the surrounding area or a necessary part of reinvigorating the North Sydney CBD. Believes it should remain low-to-medium density residential.	The planning controls for the Alfred Street commercial precinct are not proposed to be amended apart from prohibiting serviced apartments. A master plan is being prepared for the Precinct and any amendments to planning controls within that precinct will be informed by that process in consultation with local stakeholders.	Nil	2A

**ATTACHMENT 3: PLANNING PROPOSAL TO AMEND NSLEP 2013 – NORTH SYDNEY CENTRE
PUBLIC SUBMISSIONS TABLE (EXHIBITION PERIOD 14 SEPTEMBER 2017 – 11 OCTOBER 2017)**

No.	Name and Address	Issue	Key Points Raised	Council Response	Recommended Action	Criteria
10		Increased building height controls and reduced amenity	<p>Objects to the Planning Proposal. The Strategy does not provide an integrated approach to balancing educational, commercial and residential planning.</p> <p>No consideration given to the impacts of increased building height at 12 and 40 Mount St. Raised concerns about wind tunnels, traffic congestion, noise and reduced solar access.</p> <p>It is unclear as to what Council considers to be a “reasonable” level of solar access.</p>	<p>Section 3.4 and 3.6 of the report (CiS05: North Sydney Centre Capacity and Land Use Study Post-Exhibition) considered by Council on 20 March 2017, assesses the impact of increased building height controls (as identified in the Capacity Study) on the Shore School site and adjacent residential area.</p> <p>The potential additional overshadowing impacts illustrated by the Capacity Study modelling comes primarily from unlikely built form outcomes at 40 Mount Street.</p> <p>Additional consideration was given to whether the proposed building height controls at 10 and 12 Mount Street and 1 Wheeler Lane was appropriate given its proximity to low scale residential dwellings on Edward and Oak Streets. To ensure an appropriate scale is maintained at the periphery of the CBD, the indicative building height control for 1 Wheeler Lane was amended from a split height control of 245 RL (western portion) and 171 RL (eastern portion) to a whole of building height of 171 RL even though from a solar perspective, the former was consistent with the wider solar framework for the remainder of the CBD.</p>	Nil	2E
		Green space adjacent to Don Bank Museum	<p>Clarification is sought on whether the open space adjacent to the Don Bank Museum (rear of 100 Pacific Highway) will be at risk of development.</p>	<p>The Planning Proposal seeks to amend NSLEP 2013 to identify the green space at the rear of 100 Pacific Highway (adjacent to the Don Bank Museum) as a new Special Area. As such, any development that will result in additional overshadowing of the site will be prohibited.</p>	Nil	2B

**ATTACHMENT 3: PLANNING PROPOSAL TO AMEND NSLEP 2013 – NORTH SYDNEY CENTRE
PUBLIC SUBMISSIONS TABLE (EXHIBITION PERIOD 14 SEPTEMBER 2017 – 11 OCTOBER 2017)**

No.	Name and Address	Issue	Key Points Raised	Council Response	Recommended Action	Criteria
11		Prohibition of Serviced Apartments in B3 zone	The submitter notes that the Planning Proposal impacts land within the <i>B3-Commercial Core</i> zone of St Leonards/Crows Nest with respect to removing serviced apartments as a permissible land use in the B3 zone. The submitter considers an amendment applying to land outside the NSC inappropriate at this time, given the DPE's strategic investigations for St Leonards/Crows Nest are still ongoing and yet to be publicly released. Council's justification for the prohibition of serviced apartments in the B3 zone relates to the impacts on employment generation in the NSC only and does not address the impact on other smaller centres outside the NSC.	A Study undertaken by Hill PDA in 2015 advised that serviced apartments impact somewhat negatively on employment and character, particularly if they are built at the expense of 4 and 5 star hotels. Given the relatively small footprint of commercial centres in the North Sydney LGA, the intrinsic value of commercial office space and its contribution to employment is high. It is considered that that the type of economic support and diversity of land use serviced apartments can offer can be more effectively delivered by hotel development. Serviced apartments are permissible in the <i>B4-Mixed Use</i> zones which are generously provided in the St Leonards/Crows Nest area.	Nil	2E
12		Support 138 Walker St Increased building heights and reduced amenity	Supports the Planning Proposal in principle. Questions why 138 Walker St (the "Belvedere") is zoned <i>B4 - Mixed Use</i> and considered to be part of the NSC. As a result, it will not receive the same solar access protections as those properties in the adjacent residential zones. Acknowledges that increased buildings heights are required to accommodate growth, however concern is raised about the "immense, non-proportionate scale of change to building height" and the associated overshadowing impacts to surrounding residential areas. Concerned about the removal of the following objective for the North Sydney Centre: "to protect the privacy of residents, and the amenity of residential and open space areas within and around the NSC."	Noted. The proposed building height controls are based on a planning approach that restricts additional overshadowing to residential properties outside the NSC between 10am-2pm. SEPP 65 and Part B Section 2.3 and 2.4 to NSDCP 2013 contains provisions regarding residential amenity, including solar access, views, visual privacy and setbacks provisions. Should development of surrounding sites occur, the application of these provisions are designed to provide a reasonable and accepted level of amenity for residents. Special provisions beyond those provided by the above-mentioned protections are considered an unreasonable constraint of development within a growing CBD.	Nil	2E

**ATTACHMENT 3: PLANNING PROPOSAL TO AMEND NSLEP 2013 – NORTH SYDNEY CENTRE
PUBLIC SUBMISSIONS TABLE (EXHIBITION PERIOD 14 SEPTEMBER 2017 – 11 OCTOBER 2017)**

No.	Name and Address	Issue	Key Points Raised	Council Response	Recommended Action	Criteria
		Ward St Masterplan	The submitter stated that the report (CiS06: North Sydney CBD Capacity and Land Use Strategy and Planning Proposal) considered by Council on 1 May 2017 did not accurately reflect the submissions made in response to the public exhibition of the <i>Ward Street Masterplan</i> and would like this point noted.	Section 1.6 to the identified report related to submissions made to the <i>North Sydney Centre Capacity and Land Use Study</i> and not the <i>Ward Street Masterplan</i> as suggested. A review of the submissions that related to the public exhibition of the Study and the summary of those submission in the report to the Strategy were found to be consistent. Accordingly, there appears to be a misunderstanding as to what submissions were being considered.	Nil	2E
13		Restriction on building height 69-99 Walker Street	<p>The Planning Proposal does not give sufficient consideration to value of development around North Sydney train station and the opportunity for increased development along the Warringah Freeway, especially along Alfred and Walker Streets. It is suggested that:</p> <ul style="list-style-type: none"> • North Sydney station be the centre from which to increase density. A continuation in the height from 100 Miller St toward the station and surrounding areas is suggested, subject to maintaining solar access to residential areas. • Additional height may be granted for 99 Walker St, given the shadow over the Freeway falls short of surrounding residential areas. <p>It is also questioned why building height controls have increased for 99 Walker Street and not 73-83 Walker Street. Requests a re-evaluation of the proposed height restrictions for the properties between 69 to 99 Walker Street as developments at 15 and 17 Blue St will contain any overshadowing from increased heights on these sites.</p>	<p>The proposed building height controls are based on a planning approach that restricts additional overshadowing to residential properties outside the NSC between 10am-2pm.</p> <p>It is acknowledged that the 10-2 approach distributes uplift potential in building height controls unevenly throughout the NSC. The vast majority of uplift is concentrated east of the CBD as the impact of additional overshadowing is effectively mitigated by the Warringah Freeway which serves as a buffer between new development and residential properties in Neutral Bay. The relative lack of additional potential for sites at the southern end of the CBD is due to 10am-2pm shadows falling to the south of the CBD and the relatively close proximity of residential dwellings in Lavender Bay to the CBD. It also acknowledged, however, that given the limited size of the North Sydney CBD, the location of the existing and proposed railway stations, including the recently announced northern portal) provide a very reasonable access coverage to the CBD.</p> <p>It is acknowledged that the indicative building height controls do not take into consideration architectural design and articulation and additional height may be achieved. Clause 6.3(3) to NSLEP 2013 provides opportunities for variations to maximum height controls.</p>	Nil	2E

**ATTACHMENT 3: PLANNING PROPOSAL TO AMEND NSLEP 2013 – NORTH SYDNEY CENTRE
PUBLIC SUBMISSIONS TABLE (EXHIBITION PERIOD 14 SEPTEMBER 2017 – 11 OCTOBER 2017)**

No.	Name and Address	Issue	Key Points Raised	Council Response	Recommended Action	Criteria
		Restriction on development of small sites	Supports removal of restriction on development of small sites. However, greater height provisions are necessary to encourage the amalgamation of blocks, especially 69-83 Walker St and 99 Walker St.	<p>It is acknowledged that for the purposes of height modelling, some blocks in the CBD are quite large, including the block referred to in this submission. It is reasonable that further submissions can be made to determine whether significant height may be identified from a reduction of these "block" sizes as identified in the LEP height map, within the solar framework established for this Planning Proposal.</p> <p>This is discussed in more detail in section 4.1 of the report.</p>	That submissions be invited to determine whether significant additional height to commercial development may be identified by reducing block sizes as identified in the LEP height map.	
		Prohibition of serviced apartments in B3 zone	Objects to the prohibition of serviced apartments in <i>B3-Commercial Core</i> zone. Suggests Council should allow a proportion of floor space in building to be allocated to serviced apartments.	A Study undertaken by Hill PDA in 2015 advised that serviced apartments impact somewhat negatively on employment and character, particularly if they are built at the expense of 4 and 5 star hotels. Given the relatively small footprint of commercial centres in the North Sydney LGA, the intrinsic value of commercial office space and its contribution to employment is high. It is considered that that the type of economic support and diversity of land use serviced apartments can offer can be more effectively delivered by hotel development. Serviced apartments are still permissible in <i>B4-Mixed Use</i> zones.	Nil	2E
		Use of Relative Levels (RLs)	Raises concerns about the use of reduced levels or RLs to express maximum building height controls. Suggests the use the Australian Height Datum (AHD).	Reduced levels or RLs is defined in the Standard Instrument LEP and is an accepted form of expressing height controls. The Standard Instrument definition of RLs refers to the AHD.	Nil	2E

**ATTACHMENT 3: PLANNING PROPOSAL TO AMEND NSLEP 2013 – NORTH SYDNEY CENTRE
PUBLIC SUBMISSIONS TABLE (EXHIBITION PERIOD 14 SEPTEMBER 2017 – 11 OCTOBER 2017)**

No.	Name and Address	Issue	Key Points Raised	Council Response	Recommended Action	Criteria
14		<p>Support</p> <p>Exclusion of 45 McLaren Street, 144-150 Walker Street and Hampden Precinct from NSC</p>	<p>Supports the Planning Proposal.</p> <p>The submitter seeks clarification as to why 45 McLaren St and 144-150 Walker St continue to be located outside the NSC, given 45 McLaren St is located within the Ward St Precinct and 144-150 Walker St is identified in section 2.1 of NSDCP 2013 to be within the CBD.</p> <p>It is suggested that the extent of the NSC be expanded to include the 'Hampden Precinct' as well as 45 McLaren St and 144-150 Walker St. The exclusion of these sites from the NSC unnecessarily restricts the development potential of the Ward St Precinct and sites to the north of McLaren St through the application of solar protection controls for land outside the NSC.</p> <p>The submitter acknowledges Council's response to previous submissions on this matter, and the potential constraints for development of the Hampden Precinct as they relate traffic and parking, solar access, view sharing and relationship to heritage. However, the submitter believes these matters are capable of being addressed through a comprehensive master planning process and that none of these issues would preclude the future development of these sites to a density more appropriate for its location.</p>	<p>This matter is being dealt with by the Ward Street Masterplan process.</p>	<p>Nil</p>	<p>2A</p>
		<p>Special Areas – Berry Square</p>	<p>It is suggested that Berry Square no longer be identified as a Special Area as it does not satisfy the Special Area criteria. It is argued that its protection unreasonably constrains the development of the Ward St Precinct. The public benefits associated with facilitating the development of the Ward St Precinct, including the delivery of open space, significantly outweighs the benefits of protecting solar access to "a privately owned building forecourt."</p>	<p>Berry Square rated reasonably well in the <i>Special Areas Review</i> site assessment, particularly in terms of function, frequency of use and user experience. As such, Berry Square is not proposed to be removed. A further review will be undertaken as part of the Ward Street Masterplan which has recently commenced.</p>	<p>Nil</p>	<p>2E</p>

**ATTACHMENT 3: PLANNING PROPOSAL TO AMEND NSLEP 2013 – NORTH SYDNEY CENTRE
PUBLIC SUBMISSIONS TABLE (EXHIBITION PERIOD 14 SEPTEMBER 2017 – 11 OCTOBER 2017)**

No.	Name and Address	Issue	Key Points Raised	Council Response	Recommended Action	Criteria
15		<p>Increased building height controls</p> <p>Mary MacKillop Place</p>	<p>Objects to the Planning Proposal.</p> <p>Believes the proposed increase in building heights for 40 Mount Street, 100 Pacific Hwy, 1 Wheeler Place and 50 Miller Street will significantly impact Mary MacKillop Place. Concerned about:</p> <ul style="list-style-type: none"> • overshadowing • loss of privacy • loss of view and outlook • over development • traffic congestion, particularly at Mount Street and William Street intersection <p>Believes the Planning Proposal is inconsistent with the historical character of the precinct and does not respect the cultural and spiritual significance of the site.</p>	<p>Section 3.4 and 3.6 of the report (CiS05: North Sydney Centre Capacity and Land Use Study Post-Exhibition) considered by Council on 20 March 2017, assesses the impact of increased building height controls (as identified in the Capacity Study) on the Shore School site and surrounding area.</p> <p>The potential additional overshadowing impacts illustrated by the Capacity Study modelling comes primarily from unlikely built form outcomes at 40 Mount Street.</p> <p>Additional consideration was given to whether the proposed building height controls at 10 and 12 Mount Street and 1 Wheeler Lane was appropriate given its proximity to low scale development. To ensure an appropriate scale is maintained at the periphery of the CBD, the indicative building height control for 1 Wheeler Lane was amended from a split height control of 245 RL (western portion) and 171 RL (eastern portion) to a whole of building height of 171 RL.</p> <p>Part B Section 2 of NSDCP 2013 contains provisions regarding quality built form and amenity, including solar access, views, visual privacy and setbacks provisions. Should development occur on these sites, the application of these provisions are designed to provide a reasonable and accepted level of amenity. Special provisions beyond those provided by the above-mentioned protections are considered an unreasonable constraint of development within a growing CBD with a limited floor plate.</p>	Nil	2E

**ATTACHMENT 3: PLANNING PROPOSAL TO AMEND NSLEP 2013 – NORTH SYDNEY CENTRE
PUBLIC SUBMISSIONS TABLE (EXHIBITION PERIOD 14 SEPTEMBER 2017 – 11 OCTOBER 2017)**

No.	Name and Address	Issue	Key Points Raised	Council Response	Recommended Action	Criteria
16		Redevelopment of land east of Walker Street between Hampden and Berry Streets	<p>Raises concerns about the potential of high-rise development at 173, 175, 177, 179 Walker St and 11 Hampden St and its impacts upon their property at 138 Walker Street. In particular, they are concerned about potential loss of views to Sydney Harbour and extreme traffic congestion on Walker Street.</p> <p>Notes a number of substantial changes to "Walker Street Conservation Area" and "Hampden Neighbourhood" under section 2.4.1 ('Significant Elements'), 2.4.2 ('Desired Future Character') and 2.4.3 ('Desired Built Form') of draft NSDCP 2013. These refer to a mixture of multi-level residential flat buildings and the retention of 2-3 storey original dwelling houses on Hampden Street. The submitter seeks clarification on what the development intent is for these sites.</p>	<p>The Planning Proposal for 173-179 Walker Street (PP 5/17) is an unsolicited proposal. It is currently being assessed by Council staff and will be reported to Council separately.</p> <p>There are no changes proposed to the Walker/Ridge Street Conservation Area nor the Hampden Neighbourhood precinct sections of the DCP. Changes proposed only relate to the CBD.</p>	Nil	2E
		Ward Street Masterplan	<p>The submitter stated that the report (CiS06: North Sydney CBD Capacity and Land Use Strategy and Planning Proposal) considered by Council on 1 May 2017 did not accurately reflect the submissions made in response to the public exhibition of the <i>Ward Street Masterplan</i> and would like this point noted.</p>	<p>Section 1.6 to the identified report related to submissions made to the North Sydney Centre Capacity and Land Use Study and not the Ward Street Masterplan as suggested.</p> <p>A review of the submissions that related to the public exhibition of the Study and the summary of those submissions in the report to the Strategy were found to be consistent.</p> <p>Accordingly, there appears to be a misunderstanding as to what submissions were being considered.</p>	Nil	2F

**ATTACHMENT 3: PLANNING PROPOSAL TO AMEND NSLEP 2013 – NORTH SYDNEY CENTRE
PUBLIC SUBMISSIONS TABLE (EXHIBITION PERIOD 14 SEPTEMBER 2017 – 11 OCTOBER 2017)**

No.	Name and Address	Issue	Key Points Raised	Council Response	Recommended Action	Criteria
<i>Submissions received after closing of exhibition period</i>						
17		Support 165 Walker St	<p>Supports the Planning Proposal in principle.</p> <p>The submitter is concerned that the proposed draft provisions will preclude the maximum development potential for 165 Walker St. It is suggested that:</p> <ul style="list-style-type: none"> Solar access protections for Doris Fitton Park Special Area be limited to mid-winter only and not all year round. This would enable a maximum building height of 120RL on the site. <p>Modify the small sites restriction such that it precludes sites, such as the subject land, where there is already erected a building for commercial purposes; or reduce the small sites criteria from 1,000m² to 800m² or increase the small sites height restriction from 45m to 65m.</p>	<p>Noted.</p> <p>It is acknowledged that the “special area:” solar protections of clause 6.3(2) apply throughout the year. There is a reasonable basis to preclude summer months for this consideration.</p> <p>The small sites provision retains an important amalgamation principle and objective and this should have been retained. An additional new provision has been created to enable the modest development of small sites to enable some development on such sites, without impacting on longer term amalgamation potential.</p>	Exclude summer months solar application of clause 6.3(2).	2E
18	Heritage Division Office of Environment & Heritage Locked Bag 5020 PARRAMATTA NSW 2124	Impacts to State Heritage Register (SHR) Items	<p>The submission from the Office of Environment & Heritage, recommends a Heritage Impact Assessment be undertaken prior to the finalisation of the Planning Proposal to accurately inform the full potential impact of the proposed amendments to State Heritage Register (SHR) items.</p> <p>The submitter believes the Planning Proposal's heritage assessment, as it relates to impacts on the significance of SHR items due to the proposed height increases on properties adjoining or in the immediate vicinity of SHR items, is not supported by sufficient analysis. A full analysis should include:</p> <ul style="list-style-type: none"> a visual comparison of building envelopes under current and proposed height controls; an assessment of views and sight lines, both to and from SHR items. 	This is addressed in detail in s.3.3 of the report.	No further action.	2E

**ATTACHMENT 3: PLANNING PROPOSAL TO AMEND NSLEP 2013 – NORTH SYDNEY CENTRE
PUBLIC SUBMISSIONS TABLE (EXHIBITION PERIOD 14 SEPTEMBER 2017 – 11 OCTOBER 2017)**

No.	Name and Address	Issue	Key Points Raised	Council Response	Recommended Action	Criteria
19	Director – Airspace Protection Department Infrastructure and Regional Development Via email: craig.downsborough@infrastru cture.gov.au	Obstacle Limitation Surface (OLS)	The submitter, who is the Director of Airspace Protection at the Department of Infrastructure and Regional Development (DIRD), notes a building height of 289m AHD is proposed under the Planning Proposal. Approval may be required under the Airports (Protection of Airspace) Regulations 1996, including assessment by the Civil Aviation Safety Authority and Airservices. Recommends the proponent of this development continues to advise Sydney Airport of the planned final height of the building and any associated crane activities to ensure any approvals required under the Regulations are obtained.	Noted.	Nil	2C
20		Alfred St Precinct	Concerned the Planning Proposal will "open the door to the rapid redevelopment of the Alfred Street commercial block at vastly increased heights" and significantly impact residential properties in the Whaling Road conservation area. Concerned about: <ul style="list-style-type: none"> • further reduced solar access, especially mid winter; • further reduced privacy; • increased traffic congestion along Little Alfred St and Whaling Rd. Believes the existing 13m height limit provides an appropriate transition from CBD to residential zones. The Alfred St commercial block should be considered in the context of its locality rather than as part of the main North Sydney CBD area.	The planning controls for the Alfred Street commercial precinct are not proposed to be amended apart from prohibiting serviced apartments. A master plan is being prepared for the Precinct and any amendments to planning controls within that precinct will be informed by that process and local stakeholders notified.	Nil	2A
21		Support	Supports the Planning Proposal. The proposed height increases will allow the benefits provided by new infrastructure to be maximised.	Noted.	Nil	2D
		Ward Street Masterplan	The submitter would like to see a similarly pragmatic and evidence-based approach be taken when reviewing the LEP controls for the Ward St Precinct. The opportunities for growth should not be unduly constrained by restrictive and unrealistic design controls. A balanced approach is needed.	Noted.	Nil	2C

**ATTACHMENT 3: PLANNING PROPOSAL TO AMEND NSLEP 2013 – NORTH SYDNEY CENTRE
PUBLIC SUBMISSIONS TABLE (EXHIBITION PERIOD 14 SEPTEMBER 2017 – 11 OCTOBER 2017)**

No.	Name and Address	Issue	Key Points Raised	Council Response	Recommended Action	Criteria
22		Increased building heights and reduced amenity	<p>Objects to the Planning Proposal. In particular, the "building of multitudes of massive high rise buildings within quite a small area." Concerned this will change the character of North Sydney from "an attractive leafy harbourside CBD into a concrete jungle with a transient population of renters, with no thought for community."</p> <p>Believes the full extent of development planned for the NSC is "hidden" within several different documents. Does not believe the community have all the facts. Would like to see a full model of the proposed development for North Sydney, including studies on traffic flow, wind and overshadowing.</p>	<p>It is true that several unsolicited Planning Proposals have been lodged for 41 McLaren Street and 173-179 Walker Street which can confuse stakeholders on what is actually being proposed by Council. In addition to this, the Ward Street Masterplan process, given the intricacy of various issues, is being pursued separately to the Planning Proposal at hand.</p> <p>The current Planning Proposal attempts to strike a balance between employment and economic growth in a centre that is significantly limited in its capacity for lateral expansion. The Planning Proposal is premised on solar protection of adjoining residential and "special" areas as outlined in the body of the report. Given the need to provide for increased employment and economic activity, it is acknowledged that there may be amenity impacts in future arising from a growing CBD.</p> <p>It should also be noted that a Public Domain Strategy will shortly commence preparation in order to ensure that CBD growth and the Victoria Cross metro station are complimented by a public domain that improves the safety, amenity, vibrancy and overall appeal of the centre for workers, residents, students, visitors and investors.</p>	Nil	2E
23		Alfred Street Precinct	<p>Raised concerns about possible Planning Proposals being considered in the area bound by Alfred St North, Whaling Rd and Little Alfred St. In particular:</p> <ul style="list-style-type: none"> • The potential for further overshadowing to surrounding residential areas (the area is already adversely impacted by the height of the Bayer Building) • Increased traffic congestion, particularly along Whaling Rd at peak hour • Reduced parking <p>Believes any further commercial development in the area is unwarranted and undesirable.</p>	<p>The planning controls for the Alfred Street commercial precinct are not proposed to be amended apart from prohibiting serviced apartments. A master plan is being prepared for the Precinct and any amendments to planning controls will be informed by that process.</p>	Nil	2A

**ATTACHMENT 3: PLANNING PROPOSAL TO AMEND NSLEP 2013 – NORTH SYDNEY CENTRE
PUBLIC SUBMISSIONS TABLE (EXHIBITION PERIOD 14 SEPTEMBER 2017 – 11 OCTOBER 2017)**

No.	Name and Address	Issue	Key Points Raised	Council Response	Recommended Action	Criteria
24		Support	Supports the Planning Proposal. In particular, the restriction on the development of small sites.	Noted.	Nil	2D
		Special Areas – Berry Square	Objects to the retention of Berry Square Special Area. Believes Berry Square is not worthy of any 'Special Area' status as it is a privately owned entry forecourt to a mixed-use building. The submitter believes it is unreasonable to restrict the development potential of properties to the north of Berry Street for an area that provides modest public benefit.	Berry Square rated reasonably well in the <i>Special Areas Review</i> site assessment, particularly in terms of function, frequency of use and user experience. As such, Berry Square is not proposed to be removed. A further review will be undertaken as part of the Ward Street Masterplan which has commenced and will be exhibited for comment in due course.	Nil	2E
25	Deputy Secretary Freight, Strategy and Planning Transport for NSW PO Box K659 HAYMARKET NSW 1240	Railway Infrastructure Contribution Transport Masterplan Amend Building Height Draft Future Transport Strategy	Objects to the removal of the Railway Contributions clause under NSLEP 2013. Believes current arrangements for collecting contributions should continue and apply to sites Council has identified for commercial intensification, as the proposed uplift of commercial floor space would have a direct nexus with the new metro station. These new contributions would partially offset the cost of the proposed Victoria Cross Metro Station. Recommends Council defer the finalisation of the Planning Proposal until such time the Transport Masterplan has been exhibited and any potential issues have been resolved. The proposed building height for 181, 187 and 189 Miller Street be amended from 201RL to 230RL to ensure consistency with the intended over station development proposal at Victoria Cross Metro Station. Shadow diagrams were submitted in support of this request. (Further information was submitted by way of drawings and shadow diagrams subsequent to this submission) Encourages Council to consider the Draft Future Transport Strategy and provide feedback.	The notion of a new contribution regime, in acknowledgment of a new Metro station as requested by TfNSW, is not supported at this stage of the Planning Proposal process. This request would lack transparency and consistency with the approach taken in other Metro precincts. The NSW Government announced that the delivery of Metro is a fully funded project. In relation to Council's Transport Masterplan, the submission represents a misunderstanding of its role and objectives. At its core, the preparation of the Masterplan intends to ensure that walking, cycling and public transport mode share is maximised and the enormous mode shift benefits of Metro are capitalised upon. The issue of increased height is dealt with in some detail in section 3.1.3 of the report. These issues are discussed in more detail in the body of the report.	An amendment to the height limit on the Metro site is supported as discussed in s3.1.3 of the report.	

**ATTACHMENT 3: PLANNING PROPOSAL TO AMEND NSLEP 2013 – NORTH SYDNEY CENTRE
PUBLIC SUBMISSIONS TABLE (EXHIBITION PERIOD 14 SEPTEMBER 2017 – 11 OCTOBER 2017)**

No.	Name and Address	Issue	Key Points Raised	Council Response	Recommended Action	Criteria
26	Aerodrome Engineer Air Navigation, Airspace and Aerodromes Branch CASA Aviation Group GPO Box 2005 CANBERRA ACT 2601	Helicopter Landing Sites (HLS)	The submitter, who is an engineer of the Civil Aviation Safety Authority (CASA), advises that proponents may be required under the Airports (Protection of Airspace) Regulations 1996, to forward proposals to Sydney Airport. These are then forwarded to CASA and Airservices Australia for recommendations. CASA assesses each proposal individually. A helicopter route is located east of the Sydney Harbour Bridge. Helicopter landing sites (HLS) are located at, but not limited to, North Shore Hospital and Channel 9. CASA does not have rules/regulations regarding the establishment or operation of helipads. However, the National Safeguarding Advisory Group (NASAG) will issue guidelines for the safeguarding of helipads in the near future. Recommends users of the airspace in the vicinity such as Police Air Wing, Air Ambulance or Channel 9 be consulted regarding the effect of tall buildings (e.g. 289m).	Noted.	Nil	2C
27	Advisor Airport Development Operational Standards & Assurance Airservices Australia Via email: airport.developments@airservicesaustralia.com	Sydney Airport Terminal Area Radar (TAR)	The submitter, who is an officer of Airservices Australia, advises that there are a number of developments within the NSC that perforate the Building Restricted Area (BRA) of the Sydney Airport Terminal Area Radar (TAR). These are developments that exceed 87.75m AHD. There is a threshold number of developments that can perforate the BRA. Airservices has no objection to the development at 77-81 Berry Street provided the date of construction is provided to Airservices Australia at least 3 months in advance to ensure all necessary mitigation measures are carried out.	Noted.	Nil	2C

**ATTACHMENT 3: PLANNING PROPOSAL TO AMEND NSLEP 2013 – NORTH SYDNEY CENTRE
PUBLIC SUBMISSIONS TABLE (EXHIBITION PERIOD 14 SEPTEMBER 2017 – 11 OCTOBER 2017)**

No.	Name and Address	Issue	Key Points Raised	Council Response	Recommended Action	Criteria
28	Lavender Bay Precinct	Special Areas - Removal of Blue Street	Objects to the removal of Blue Street Plaza as a Special Area. Raised concerns about overshadowing impacts to nearby residential properties, in particular Xavier Terraces on Mackenzie Street, Lavender Bay. Believes this space holds great potential as a visual link between North Sydney and Sydney Harbour and if sensitively handled, could enhance the Blue Street transport hub.	Blue Street Plaza rated poorly in the <i>Special Areas Review</i> site assessment due to poor solar access, limited use between 12pm - 2pm, and limited potential for increased future activity. The views to Sydney Harbour from the site are acknowledged. Part C 2.1 P7(b) of NSDCP 2013 requires the preservation of the views from the plaza area. The proposed height control for the site (RL 65) equates to approximately a 10m building height control. A building of that size would not overshadow residential dwellings to the south.	Nil	2E

**ATTACHMENT 3: PLANNING PROPOSAL TO AMEND NSLEP 2013 – NORTH SYDNEY CENTRE
PUBLIC SUBMISSIONS TABLE (EXHIBITION PERIOD 14 SEPTEMBER 2017 – 11 OCTOBER 2017)**

No.	Name and Address	Issue	Key Points Raised	Council Response	Recommended Action	Criteria
29	Roads and Maritime Services PO Box 973 PARRAMATTA NSW 2150	Supports Transport Masterplan Infrastructure Funding Mechanisms	<p>Supports the Planning Proposal, in particular the increase in commercial capacity of the centre.</p> <p>However, the Planning Proposal is facilitating outcomes in the absence of a supporting Transport Masterplan. It is unknown what the traffic impacts may be for the surrounding local and regional road network and the need, if any, for future infrastructure upgrades.</p> <p>Recommends Council defer the finalisation of the Planning Proposal until such time as the Transport Masterplan and an appropriate infrastructure funding mechanism (via a section 94 Plan and/or VPA) has been exhibited and any potential issues have been resolved.</p>	<p>The contents of the submission represent a misunderstanding of the role of the North Sydney Transport Masterplan which at its core, intends to ensure that walking, cycling and public transport mode share is maximised and the enormous mode shift benefits of Metro are capitalised upon.</p> <p>The submission argues that the traffic impacts on the local and regional road network of increases in commercial floor space are unknown and that any infrastructure upgrades of such network should be anticipated and planned for. Again, Council's Transport Strategy and vision for the CBD, seeks to reduce reliance and use of the private motor vehicle and an increase in pedestrian, cycling and public transport use as a more sustainable transport and placemaking objective. Providing for private car use to the North Sydney CBD as is suggested by the RMS, runs contrary to these aspirations.</p> <p>Work travel journeys are the most flexible to influence where access to good and reliable public transport is available. The North District Plan identifies as one of its actions that North Sydney Council "grow economic development in North Sydney CBD to improve amenity by reducing the impact of vehicle movements on pedestrians". The Planning Proposal is also consistent with action 22 of that Plan and demonstrates a responsible and proactive approach by Council.</p> <p>Undertaking what the RMS is unnecessary for the reasons pointed out above.</p>	Nil	2E

**ATTACHMENT 3: PLANNING PROPOSAL TO AMEND NSLEP 2013 – NORTH SYDNEY CENTRE
PUBLIC SUBMISSIONS TABLE (EXHIBITION PERIOD 14 SEPTEMBER 2017 – 11 OCTOBER 2017)**

No.	Name and Address	Issue	Key Points Raised	Council Response	Recommended Action	Criteria
30		Alfred Street Precinct	<p>Objects to any proposal seeking to rezone the area bounded by Alfred Street North, Whaling Road and Little Alfred Street. Raised the following concerns:</p> <ul style="list-style-type: none"> • further reduced solar access due to increased building heights • increased traffic congestion on Whaling Road due to increased density • reduced parking <p>Believes any further commercial development of this area is unwarranted and undesirable.</p>	<p>The planning controls for the Alfred Street commercial precinct are not proposed to be amended apart from prohibiting serviced apartments. A master plan is being prepared for the Precinct and any amendments to planning controls within that precinct will be informed by that process.</p>	Nil	2A

**ATTACHMENT 3: PLANNING PROPOSAL TO AMEND NSLEP 2013 – NORTH SYDNEY CENTRE
PUBLIC SUBMISSIONS TABLE (EXHIBITION PERIOD 14 SEPTEMBER 2017 – 11 OCTOBER 2017)**

No.	Name and Address	Issue	Key Points Raised	Council Response	Recommended Action	Criteria
31		<p>VPAs and Height Limits</p> <p>Height limit of 225 Miller</p> <p>80 Arthur Street</p> <p>Serviced apartments</p>	<p>Objects to the selective use of VPAs only to mixed use development and not commercial uses in the context of increased height limits.</p> <p>Previous <i>Land Use and Capacity Study</i> identified 225 Miller Street with a height limit of RL162. View corridor analysis should be included and additional height to preserve this should be considered.</p> <p>Cannot see why the height limit of 80 Arthur Street has not been increased.</p> <p>Genuine serviced apartments are provided in various centres like Chatswood, Parramatta, Sydney CBD and Mascot and represent substantial investment and support business and leisure activities. Serviced apartments should be allowed by genuine providers.</p>	<p>A deliberate decision was made to initiate a Planning Proposal for the commercial zoned land in the North Sydney CBD. The intent is to provide as much certainty to a competitive commercial floor space investment market. Planning Proposals for mixed use development that are consistent with the provisions of the <i>Capacity and Land Use Strategy</i> or the <i>Ward Street Masterplan</i>, once it is finalised, will be received by Council. At that time, public domain works will be identified for the Ward Street Masterplan precinct.</p> <p>The Ward Street Masterplan work which is currently underway will review height limits within that precinct in much greater detail in the context of the objectives of that work.</p> <p>Height limits have been informed largely by solar access as discussed in the body of the report. Notwithstanding this, if there is a finer granularity that may be identified for individual sites, as discussed in section 4.1 of the report, Council may receive Planning Proposals for variations to height limits on such sites.</p> <p>A Study undertaken by Hill PDA in 2015 advised that serviced apartments impact somewhat negatively on employment and character, particularly if they are built at the expense of 4 and 5 star hotels. Given the relatively small footprint of commercial centres in the North Sydney LGA, the intrinsic value of commercial office space and its contribution to employment is high. It is considered that that the type of economic support and diversity of land use serviced apartments can offer can be more effectively delivered by hotel development. Serviced apartments are still permissible in <i>B4-Mixed Use</i> zones</p>	Nil	2E

**ATTACHMENT 3: PLANNING PROPOSAL TO AMEND NSLEP 2013 – NORTH SYDNEY CENTRE
PUBLIC SUBMISSIONS TABLE (EXHIBITION PERIOD 14 SEPTEMBER 2017 – 11 OCTOBER 2017)**

No.	Name and Address	Issue	Key Points Raised	Council Response	Recommended Action	Criteria
32	North Sydney Council Internal Submission	Heritage	<p>The North Sydney Post Office is an item of state heritage significance. The post office tower should be read against the sky rather than against a backdrop of buildings. It is recommended that an assessment of the skyline on the heritage listed items be conducted.</p> <p>Item I0920 – 67A Mount Street façade. It is recommended that the heritage significance of the property be reviewed and if worthy of retaining, that guidelines be established for new development on the site.</p> <p>Current DCP controls were written for rear and roof additions rather than tower additions. Some tower increases will impact the heritage significance of nearby heritage items. Given the increase in height of the adjoining property, there is an inference that the impact of the mooted development over 88 Walker has been assessed and there is a development right. An example is the Firehouse at 88 Walker Street. There is It is recommended that Part B of Section 13 of the DCP be amended as well as the Character Statement.</p> <p>A review of across the whole of North Sydney has not been conducted for some time and could occur to determine whether some items could be deleted or new ones added. It is recommended that a review for the CBD in particular, be conducted with a view to also consider listing inter-war, modernist and late twentieth century buildings.</p>	<p>The sky backdrop is heavily compromised at present with recent approvals. The only real development potential created as part of this Planning proposal is the additional 21m height for the Telephone Exchange building which is wedged between two existing tall buildings which form the backdrop of the Post office tower. This is discussed in more detail in the report at section 3.3.</p> <p>This is noted but is beyond the scope of this Planning Proposal. It is further noted that this site retains its current planning controls under the Planning Proposal that is the subject of this report.</p> <p>There is a proposed increase in height adjoining the Firehouse development at 88 Walker Street from RL 170 to RL 227. The site currently enjoys significant development potential. This increase in no way relates to the current discussions re 88 Walker Street nor what is and what is not acceptable from a heritage perspective. The recommended amendments and additions to the DCP are noted, however, these have been identified as existing issues notwithstanding the proposed amendments to height in the CBD.</p> <p>This is noted.</p>	Consideration should be given to the various heritage reviews that are recommended in this submission.	

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.



Transport
for NSW

Mr Marcelo Occhiuzzi
Manager Strategic Planning
North Sydney Council
PO Box 12
North Sydney NSW 2059

Attention: Ben Boyd

Dear Mr Occhiuzzi

**Planning Proposal 2/17 – North Sydney Centre
& Draft Amendment to North Sydney Development Control Plan 2013**

Thank you for your letter dated 12 September 2017 inviting Transport for NSW (TfNSW) to review and comment on the subject proposal.

North Sydney is part of the Global Economic Corridor and recognised as a strategic centre in the Plan for Growing Sydney. Council has identified opportunity for potential increase in commercial floor space in North Sydney, which is consistent with the NSW Government's strategic directions.

The NSW Government is investing in significant transport infrastructure and services to support growth in NSW. A key project is the new Sydney Metro, which is currently under construction and with a new station at Victoria Cross within the North Sydney CBD will support Council's proposed commercial floor space intensification.

The following comments are provided for Council's consideration:

Railway infrastructure contribution and associated clauses

The NSLEP currently includes a clause to ensure that the North Sydney railway station improvements were partially funded by way of development contributions. The additional commercial floor space previously accommodated in the NSLEP had a nexus with the upgraded railway station. Similarly, the provision of Sydney Metro and associated station at Victoria Cross provides the opportunity for further development potential within North Sydney.

As noted above, the proposed uplift of commercial (non-residential) floor space through the proposed changes to floor space ratios and building heights as identified in the subject proposal would have a direct nexus with the opportunity arising from the new metro. TfNSW is of the view that the Railway Contributions clause should not be removed from the NSLEP and that current arrangements for collecting contributions should continue and apply to the sites Council has identified for commercial intensification. The intention is that these new contributions would partially offset the cost of the proposed Victoria Cross Metro Station.



**Transport
for NSW**

Transport Masterplan

The subject proposal is conditioned by the Gateway Determination to provide only a description of the transport masterplan that is currently being undertaken by Council. As outlined in the subject proposal, the primary purpose of the transport masterplan is to ensure active and public transport mode shares are maximized and to capitalise on the benefits of the new metro. It is noted that the transport masterplan is anticipated to be placed on public exhibition in November/December. TfNSW is of the view that the proposed changes to the NSLEP should not be finalised until any potential issues identified in the transport masterplan are resolved.

Amendment to Building Height

Sydney Metro has reviewed the subject proposal and requests an amendment to the Height of Buildings Map such that the height at 181, 187 and 189 Miller Street (indicated as Lots 1 and 2 in DP 123056 in the Planning Proposal) become RL 230 instead of RL 201m. The proposed changes are important to ensure consistency with the intended Over Station Development proposal at Victoria Cross metro station.

Future Transport Strategy

TfNSW has released a draft Future Transport Strategy for consultation, which builds upon the 2012 NSW Long Term Transport Master Plan (LTTMP). The LTTMP has guided unprecedented investment in transport services and infrastructure in NSW. Future Transport will incorporate a Strategic Transport Planning Framework, a new Road Safety Plan and Freight and Ports Plan. These strategies and plans will shape and coordinate government programs and investments to 2056 relating to land-use planning, transport infrastructure and services, and wider infrastructure such as water facilities, schools and hospitals. Council is encouraged consider the draft Future Transport Strategy and its associated Plans and provide feedback on how we can work together to align our vision and objectives.

TfNSW would welcome the opportunity of working with Council in the preparation and review of the transport masterplan and discussion on the Railway Contributions.

For further information or clarification regarding this matter, please contact Mark Ozinga, Principal Manager Land Use Planning and Development on 0439 489 298.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Clare Gardiner-Barnes'.

Clare Gardiner-Barnes
Deputy Secretary
Freight, Strategy and Planning

CD17/11098

COPY

17/10803

Mr Ross McCreanor
Acting General Manager
North Sydney Council
PO Box 12
NORTH SYDNEY NSW 2059

Dear Mr ^{Ross} McCreanor

Planning Proposal PP_2017_NORTH_002_00 – Alteration of Gateway Determination

I refer to your letters which request an alteration to the Gateway determination for Planning Proposal PP_2017_NORTH_002_00.

I have determined as the delegate of the Greater Sydney Commission, in accordance with section 56(7) of the *Environmental Planning and Assessment Act 1979*, to alter the Gateway determination dated 20 July 2017 for PP_2017_NORTH_002_00. The Alteration of the Gateway Determination is enclosed.

If you have any questions in relation to this matter, I have arranged for Mr Wayne Williamson to assist you. Mr Williamson can be contacted on 9274 6585.

Yours sincerely

 13 August 2017
Stephen Murray
Executive Director, Regions
Planning Services

Encl: Alteration to Gateway Determination



Alteration of Gateway Determination

COPY

Planning Proposal (Department Ref: PP_2017_NORTH_002_00)

I, Executive Director, Regions at the Department of Planning and Environment as delegate of the Greater Sydney Commission, have determined under section 56(7) of the *Environmental Planning and Assessment Act 1979* (the Act) to alter the Gateway determination dated 20 July 2017 for the proposed amendment to the North Sydney Local Environmental Plan 2013 as follows:

1. Delete condition 1 and replace with new condition 1:

- "1. Prior to State agency and community consultation the Planning Proposal is to be updated to:
- a) provide a description of the public domain and transport studies being undertaken as part of the North Sydney Centre review and their likely completion and exhibition dates and an appropriate heritage analysis of the proposed LEP amendments;
 - b) identify all existing serviced apartments located in the B3 Commercial Core Zone in Schedule 1 - Additional Permitted Uses of North Sydney LEP 2013;
 - c) include an updated project timeline; and
 - d) rectify any discrepancies between the written text and the proposed maps relating to the proposed changes to the 'Special Areas'."

Dated 13th day of August 2017.


Stephen Murray
 Executive Director, Regions
 Planning Services
 Department of Planning and Environment

Delegate of the Greater Sydney Commission



PLANNING PROPOSAL

North Sydney Centre

V2_11 September 2017

1 INTRODUCTION

The North Sydney Centre has for a long time played a major employment role within the Sydney metropolitan area, and is a key component of Sydney's Global Economic Corridor. More than a decade of relatively low commercial growth and development, and the presence of negative perceptions of the Centre, led North Sydney Council in 2013 to embark on a comprehensive planning review process through the North Sydney Centre Review.

The Review was also necessitated by the triggering of a requirement under clause 28C of North Sydney Local Environmental Plan 2001 (NSLEP 2001) for a review of Division 4 to Part 3 of NSLEP 2001 when approval had been granted for more than 200,000sqm of additional non-residential floor space within the *North Sydney Centre* since 28 February 2003. The trigger was first activated in late 2012. This review mechanism is retained under the current environmental planning instrument - North Sydney Local Environmental Plan 2013 (NSLEP 2013).

Having completed the comprehensive review of the North Sydney Centre, it is proposed to amend NSLEP 2013, to incorporate the recommended outcomes of the Review. It is proposed to do this in a number of stages. Firstly, it is proposed to concentrate on amendments within the commercial core of the Centre, followed by amendments on the fringes within the mixed use areas of the Centre. In particular, it is proposed to implement the recommended actions of the adopted *North Sydney CBD Capacity and Land Use Strategy* which seeks to:

- Prohibit development for the purposes of 'serviced apartments' within the *B3 Commercial Core* zone;
- Apply new height controls to the North Sydney Centre based on the following:
 - Maintaining solar access to residential land outside of the North Sydney Centre between 10am to 2pm; and
 - The continued prohibition of additional overshadowing to land identified as 'Special Areas'.
- Enable development to occur on sites less than 1000sqm, but only where new development does not exceed 45m in height;
- Remove clauses relating to the provision of railway infrastructure within the North Sydney Centre;
- Remove clauses relating to the restriction on the amount of additional commercial floor space that can be accommodated within the North Sydney Centre;
- Removal of the Elizabeth Plaza, Blue Street, and Tower Square 'Special Areas'; and
- Applying a 'Special Area' to the rear of 100 Pacific Highway;

The intent of the Planning Proposal can be achieved by:

- Removing 'serviced apartments' from the list of permissible uses in the *B3 Commercial Core* zone to the Land Use Table.
- Amending Schedule 1 – Additional permitted uses to allow serviced apartments to be permitted with development consent on the following sites:
 - 80 Arthur Street, North Sydney

Planning Proposal – North Sydney Centre

- Amending the Height of Building Map to NSLEP 2013 to increase the maximum building height limit on the following sites, consistent with the *North Sydney CBD Capacity and Land Use Strategy*:
 - 122,132, 140 and 146 Arthur Street, North Sydney;
 - 65 and 77-81 Berry Street, North Sydney;
 - 1 Denison Street, North Sydney;
 - 54, 60, 73, 155-167, 181, 187 and 189 Miller Street, North Sydney;
 - 40, 60, 80, 90, 99, 100, 104, 107, 118 Mount Street, North Sydney;
 - 100 and 177 Pacific Highway, North Sydney;
 - 86, 88, 99, 100, 107, 110, 118, 121, 122, 123, 124, 141, 153 and 157 Walker Street, North Sydney; and
 - 1 Wheeler Lane, North Sydney.
- Amending the North Sydney Centre Map to NSLEP 2013 by:
 - adding a special area to the rear of 100 Pacific Highway; and
 - removing the special areas:
 - to 155-167 Miller Street (Tower Square), with the exception of a 6m wide strip across the western frontage to Miller Street;
 - to the Elizabeth Plaza road reserve; and
 - to 5 Blue Street.
- Amending clause 6.1 such that the objectives of Division 1 to Part 6 better relate to the provisions contained within that Division.
- Amending clause 6.3 to:
 - Ensure the objectives and provisions of the clause align with the outcomes of the *North Sydney CBD Capacity and Land Use Strategy* by preventing adverse overshadowing impacts occurring to important public places within the North Sydney Centre and to minimise overshadowing impacts to residential development and open space areas located outside of the North Sydney Centre; and
 - Restrict the development of sites less than 1000sqm in area to 45m in height.
- Deletion of clause 6.5 in its entirety, to remove the requirements for railway infrastructure provision and the gross floor space cap for non-residential development.

The Planning Proposal has been prepared in accordance with Section 55 of the Environmental Planning and Assessment Act, 1979 (EP&A Act) and the Department of Planning and Environment's (DPE) document "*A guide to preparing planning proposals*" (August 2016).

2 BACKGROUND

2.1 North Sydney Centre Review

On 28 February 2003, Amendment No.9 to North Sydney Local Environmental Plan 2001 (NSLEP 2001) was gazetted. This Amendment sought to introduce planning controls for the North Sydney Centre, which had been deferred from NSLEP 2001 upon its commencement on 1 June 2001.

As part of the amendment, new planning controls for development within the North Sydney Centre were incorporated within Division 4 to Part 3 of NSLEP 2001. The principle aims of the new controls were to:

- maintain the status of North Sydney as a major commercial centre;
- ensure that new railway infrastructure was provided to cater for the increased demand generated by additional non-residential floor space;
- encourage the provision of high grade commercial space;
- prohibit additional residential development within the core of the Centre;
- promote high quality environments; and
- protect the amenity of residential zones and open space within and nearby to the Centre.

Of particular note, Clause 28C to NSLEP 2001 limited increases in commercial floor space within the North Sydney Centre to 250,000sqm, and set a trigger for a review of Division 4 when an additional 200,000sqm of commercial floor space had been approved since the amendment of Amendment No.9.

In late 2012, the trigger for a review was activated, after Council had approved a development application, which resulted in the total amount of non-residential floor space approved since 28 February 2003 exceeding 200,000sqm.

Council's Legal and Planning Committee considered a report on 11 March 2013, in response to the activation of this trigger. In particular, the report provided a background and recent historical overview of the Centre and outlined a scope for preparing a comprehensive planning review of the area. It was proposed that the results of the Review were to be used to recommend and inform any amendments to Council's planning controls identified during the process. The Committee resolved to recommend that the report be noted and that recommendation was subsequently adopted by Council on 18 March 2013.

On 23 September 2013, Council's Legal and Planning Committee considered a report seeking endorsement to prepare the *North Sydney Centre Review* (the Review), including the proposed structure and processes required to complete the Review.

The primary aim of the Review is to:

Identify and implement policies and strategies to ensure that the North Sydney Centre retains and strengthens its role as a key component Sydney's global economic arc, remains the principle economic engine of Sydney's North Shore, and becomes a more attractive, sustainable and vibrant place for residents, workers and businesses.

The Review consists of a number of components:

- Traffic and Pedestrian Management Study;
- Public Domain Review;
- Marketing and Promotion Strategy;
- Late Night Trading Review; and
- Capacity and Land Use Study

The Committee resolved to recommend the endorsement of the preparation of the Review and its associated structure and processes, which was subsequently adopted by Council on 14 October 2013.

Each component of the Review has been discussed in further detail in the following subsections.

2.1.1 Traffic and Pedestrian Management Study

In December 2013, Council appointed Arup to complete the '*North Sydney Centre Traffic and Pedestrian Management Study*' (TPM Study).

The focus of the *TPM Study* was to identify recommendations which would improve pedestrian amenity/movability within the centre, whilst ensuring that there is no significant detrimental impact on traffic flow.

On 16 March 2015, Council resolved to adopt the *TPM Study*, following Council's consideration of public submissions. The final recommendations of the *TPM Study* include a range of initiatives such as:

- New mid-block pedestrian crossings;
- Works associated with the upgrade of Miller Street;
- Changes in traffic operations on the Pacific Highway;
- Opportunities for Shared zones;
- Footpath widening; and
- Location of new taxi ranks

Council also resolved at that time to implement the recommendations of the *TPM Study*.

2.1.2 Public Domain Review

In March 2015, Council engaged external place making consultancy Place Partners to undertake the *Public Domain Review* (PD Review). The objectives of this part of the Review was:

- To identify strengths and weaknesses of the North Sydney Centre's public domain;
- To assess the effectiveness or ability of current policy and program of works to address identified weaknesses;
- To inform the development of a signage policy; and
- To inform the development of a public domain strategy for the Centre.

The *PD Review* of June 2015 forms an assessment of the North Sydney Centre's public domain and its contribution to user experience in the Centre. It attempts to consider the current state of the Centre in terms of how it is working as a system or

network of places, and how these elements contribute to a positive or negative experience of place.

On 21 September 2015, Council considered a report addressing the outcomes of the *PD Review* and subsequently resolved to prepare a *Public Domain Strategy* informed by the outcomes of the *PD Review*. The preparation of the *Public Domain Strategy* has been commenced but has yet to be finalised.

2.1.3 Marketing and Promotion Strategy

The *North Sydney Centre Marketing and Promotion Strategy* (MP Strategy) was one of the key recommendations of the '*North Sydney Commercial Centre Study*', which was completed by Urbis in February 2013. The recommendation stated that the strategy should highlight the following:

- The central location of North Sydney CBD within 'Global Sydney' and the 'Global Economic Arc';
- Access to a highly qualified white collar workforce;
- Competitiveness of rental levels in North Sydney versus Sydney CBD locations; and
- Current and future improved accessibility to rail transport, including future accessibility to workers located in the North West Growth Centre on completion of the North West Rail Link.

In December 2016, Council engaged Frost to prepare the MP Strategy, part of which included the development of a 'brand' for the North Sydney Centre to be used in the advertising campaign. The objectives of the MP Strategy were to:

- Reposition the North Sydney Centre with a clear strategic direction;
- Establish a brand for the North Sydney Centre to be promoted to all of the identified stakeholders;
- Publicise the benefits of North Sydney to workers, tenants, investors, building owners, developers and residents;
- Develop strategies for advertising to attract new tenants and retain existing tenants;
- Promote further development and investment in the centre;
- Devise strategies to address any negative perceptions regarding the centre; and
- Identify and develop suitable mediums to be utilised in any advertising campaign.

Frost, in collaboration with Council and other local stakeholders, developed a marketing campaign based on the theme of promoting the virtues of North Sydney's work/life balance. The *MP Strategy* recommends a focus on initiatives such as events and activities, rather than a reliance on more traditional print-based advertising campaigns. A corporate branding, incorporating a wordmark and tagline, has also been developed to support the *MP Strategy*. Council adopted the *MP Strategy* on 19 May 2014.

The Strategy campaign - *Happiness Works Here* – was publically launched in May 2015 with a street festival. Since then, events and activities have been generally held in the North Sydney Centre on a weekly basis.

The Happiness Works Here campaign is very flexible in its approach and allows Council to offer a wide range of activities that inject life into the Centre. It also encourages businesses to contribute their own activities and life to the Centre.

The campaign seeks to encourage a sense of community in the CBD, through social media and by posting photos using the #nthsyd on the nthsyd.com website.

To date, Council has received very strong support and encouragement for initiating this component of the Review.

2.1.4 Late Night Trading Review

In July 2013, Council Officers commenced the '*Late Night Trading, Extended Hours and Small Bars Review*' (LNT Review). The objectives of the *LNT Review* were to:

- provide greater certainty for applicants and residents;
- give a clearer direction and expectation for late night trading across all areas of the LGA;
- allow Council to adopt a consistent approach when considering development applications for late night trading; and
- set clear objectives and controls for these applications.

Council undertook preliminary consultation throughout November 2013 - January 2014 through the distribution of a brochure and questionnaire to over 18,000 residents, businesses and property owners within and surrounding those areas where late night trading is permitted.

Council received over 800 submissions in response to the brochure and questionnaire, which helped to inform the preparation of a draft amendment to North Sydney Development Control Plan 2013 (NSDCP 2013). Council resolved to adopt the draft amendment to NSDCP 2013 on 23 June 2014 and place the draft amendment on public exhibition.

On 17 November 2014 Council considered a post exhibition report to the draft amendment to NSDCP 2013. Having given consideration to the submissions made to the draft amendment, Council resolved to adopt a revised version of the draft amendment to NSDCP 2013 and re-exhibit the revised draft amendment to NSDCP 2013.

On 16 March 2015 Council considered a post exhibition report to the revised draft amendment to NSDCP 2013. Having given consideration to the submissions made to the revised draft amendment, Council resolved to adopt the revised amendment to NSDCP 2013. The draft amendment to NSDCP 2013 came into force on the 26 March 2015.

2.1.5 Capacity and Land Use Study

The *North Sydney Centre Capacity and Land Use Study* (CLU Study) seeks to:

- Develop a framework that allows for the growth of the North Sydney Centre to ensure it maintains and improves its status as a resilient, vibrant and globally relevant commercial centre;
- Accommodate forecast demand for additional commercial floor space in the North Sydney Centre;

Planning Proposal – North Sydney Centre

- Inform district planning, particularly employment and commercial floor space targets for the North Sydney Centre;
- Take advantage of planned infrastructure upgrades by intensifying land use around significant transport infrastructure;
- Offset commercial floor space losses in the mixed use zone of the Centre;
- Identify residential development opportunities in the mixed use periphery; and
- Identify and facilitate specific land uses to contribute to the Centre's diversity, amenity and commercial sustainability.

Council adopted the CLU Study on 26 October 2016 and resolved to place it on public exhibition between 3 November and 15 December 2016.

On 20 March 2017, Council considered a post exhibition report to the CLU Study, wherein it resolved to:

- Note the submissions made and Council staff's response to those submissions;
- Give additional consideration to a number of matters relating to solar access, building height, removing restrictions on the provisions of additional commercial floor space and ensuring the timely delivery of the Sydney Metro rail project;
- Prepare a final Capacity and Land Use Strategy and associated LEP and DCP amendments and have those reported back to Council.

On 1 May 2017, Council considered a finalised *North Sydney CBD Capacity and Land Use Strategy* (CLU Strategy), in conjunction with this Planning Proposal, wherein it resolved to adopt the *CLU Strategy* (refer to Annexure A). The Planning Proposal has been prepared with regard to the outcomes of the adopted *CLU Strategy*.

2.2 Additional Studies

2.2.1 Public Domain Strategy

The North Sydney Public Domain Strategy is intended to provide the basis to deliver a high quality public domain befitting a globally-oriented CBD. The Strategy will ensure that North Sydney CBD growth and the Victoria Cross Metro Station are complimented by a public domain that improves the safety, amenity, vibrancy and overall appeal of the Centre for workers, residents, students, visitors and investors. In particular, the Strategy will seek to:

- Define the future character of the North Sydney CBD based on the delivery and future operation of the Sydney Metro, growth anticipated by Council and the North District Plan, and stakeholder and community engagement;
- Identify desired locations and design requirements for through-block links, building setbacks, open spaces, sun access and active frontages;
- Coordinate streetscape upgrades by developing a masterplan that defines paving, lighting, street furnishing, landscaping, art and heritage treatments;
- Develop workable strategies to increase activity in the CBD for workers, residents, students and visitors; and
- Develop workable strategies to 'green the CBD'.

The Strategy will be used to align both private and public investment in the CBD around a common vision for its future. It will be used to inform:

- Council's planning decisions and capital works for the centre; and
- discussions with state agencies and the development industry.

Projects developed as part of the Strategy will be assessed against the following:

- *Attract* - Create a public domain that contributes to the attractiveness of the centre as a place to invest, do business, work and spend time
- *Connect* - Improve physical and psychological connectivity within the CBD, to surrounding neighbourhoods, schools and other centres
- *Diversify* - Develop socially engaging spaces that offer diverse spatial and sensory experiences
- *Satisfy* - Create places that satisfy user needs.

This Strategy is currently being prepared and is anticipated to be placed on public exhibition in February/March 2018, and finally endorsed by Council in April/May 2018.

2.2.2 Transport Masterplan

The Transport Masterplan is intended to:

- Facilitate planned growth in the North Sydney CBD and associated growth in travel demand in a manner that improves the vibrancy and appeal of the centre and supports happier, healthier and more prosperous North Sydney communities;
- Ensure that increased travel demand is channelled towards walking, cycling and public transport mode share and does not result in proportional increases in single occupant vehicle journeys;
- Identify where community aspirations for walking, cycling and public transport passenger mode share combined with the mode shift implications of the Sydney Metro will result in infrastructure and services exceeding safe use/capacity; and
- Identify a suite of interventions that will address increased travel demand and desired mode split outcomes.

The primary purpose of the Masterplan is to ensure that walking, cycling and public transport mode share is maximised, the enormous mode shift benefits of Metro are capitalised upon, and that this contributes to a happier, healthier and more prosperous North Sydney community. The work will be predicated on modelling and consultation with agencies such as Transport for NSW and the Roads and Maritime Service.

This Masterplan is currently being prepared and is anticipated to be placed on public exhibition in November/December 2017 and finally endorsed by Council in March/April 2018.

2.3 Gateway Determination

On 20 July 2017, Council received a Gateway Determination from the DPE allowing the 'North Sydney Centre' Planning Proposal to proceed to public exhibition, subject to satisfying a number of conditions. In particular, Condition No. 1 of the Gateway Determination required that:

Prior to State agency and community consultation the Planning Proposal is to be updated to:

- (a) include the outcomes of the completed North Sydney CBD Public Domain Strategy and Transport Masterplan, and an appropriate heritage analysis of the proposed LEP amendments. These documents are also to be included in the consultation material;*
- (b) identify all existing serviced apartments located in the B3 Commercial Core Zone in Schedule 1 – Additional Permitted Uses of North Sydney LEP 2013;*
- (c) include an updated project timeline; and*
- (d) rectify any discrepancies between the written text and the proposed maps relating to the proposed changes to the ‘Special Areas’.*

On 27 July 2017, Council wrote to the DPE outlining its concerns and implications with regard to satisfying the requirements of Condition No. 1 to the Gateway Determination and sought further clarification. A subsequent letter was sent to the DPE on 2 August 2017 formally requesting an amendment to Condition No.1 of the Gateway Determination for the reasons raised in its letter of 27 July 2017.

On 18 August 2017, the DPE issued an alteration to the Gateway Determination. In particular, Condition No.1 was replaced with the following:

Prior to State agency and community consultation the Planning Proposal is to be updated to:

- (a) provide a description of the public domain and transport studies being undertaken as part of the North Sydney Centre Review and their likely completion and exhibition dates and an appropriate heritage analysis of the proposed LEP amendments;*
- (b) identify all existing serviced apartments located in the B3 Commercial Core Zone in Schedule 1 – Additional Permitted Uses of North Sydney LEP 2013;*
- (c) include an updated project timeline; and*
- (d) rectify any discrepancies between the written text and the proposed maps relating to the proposed changes to the ‘Special Areas’.*

The Planning Proposal has been amended to comply with this Condition.

In addition, the Planning Proposal has been amended to correct the extent of land affected by the intent of the Planning Proposal. In particular, it now identifies those lands zoned *B3 Commercial Core* which are located outside of the North Sydney Centre to which the proposed amendments relate. As the intent of the Planning Proposal has not changed, the need to obtain a revised Gateway Determination was not deemed necessary in this regard.

3 SITE LOCALITY

The Planning Proposal applies to all land within the North Sydney Centre, as identified under NSLEP 2013 and illustrated by a red outline in FIGURE 1.



FIGURE 1:
Aerial Photograph (2017)

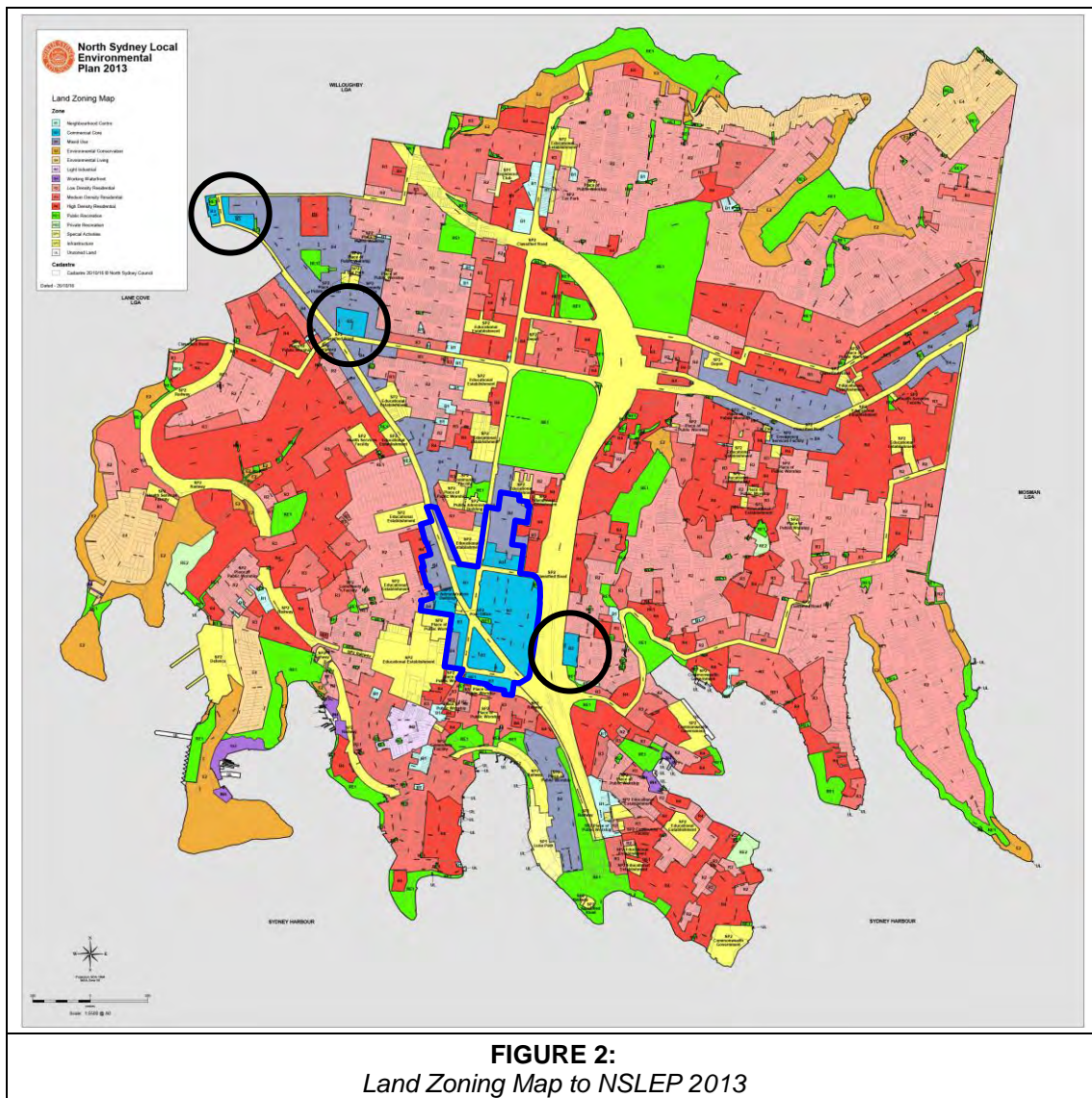
The North Sydney Centre includes the North Sydney Commercial Business District (i.e. that generally zoned *B3 Commercial Core*) and high density mixed use areas (i.e. that generally zoned *B4 Mixed Use*) at its fringes.

The North Sydney Centre is an important commercial centre as reflected by its “CBD” status under *A Plan for Growing Sydney* and draft North District Plan, which represents the highest order commercial centre in NSW. At present, it is estimated that there is approximately 820,000sqm of non-residential floor space within the North Sydney Centre accommodating approximately 45,000 jobs.

In addition, the Planning Proposal applies to all land zoned *B3 Commercial Core* on the Land Zoning Map under NSLEP 2013 (within the black outlined circles), that is located outside of the North Sydney Centre (shown in heavy blue outline), as illustrated in FIGURE 2. It principally applies to small areas of land zoned *B3*

Planning Proposal – North Sydney Centre

Commercial Core at St Leonards (adjacent Christie Street and the Pacific Highway), Crows Nest (bound by Falcon, Alexander and Burlington Streets and Willoughby Road) and North Sydney (generally bound by Alfred Street, Little Alfred Street and Whaling Road).



4 STATUTORY CONTEXT

The relevant provisions of NSLEP 2013 that relate to the Planning Proposal are discussed in the following subsections.

4.1 Aims of Plan

Clause 1.2 of NSLEP 2013 outlines the aims of the LEP. In particular, it states:

- (1) *This Plan aims to make local environmental planning provisions for land in North Sydney in accordance with the relevant standard environmental planning instrument under section 33A of the Act.*
- (2) *The particular aims of this Plan are as follows:*
 - (a) *to promote development that is appropriate to its context and enhances the amenity of the North Sydney community and environment,*
 - (b) *in relation to the character of North Sydney's neighbourhoods:*
 - (i) *to ensure that new development is compatible with the desired future character of an area in terms of bulk, scale and appearance, and*
 - (ii) *to maintain a diversity of activities while protecting residential accommodation and local amenity, and*
 - (iii) *to ensure that new development on foreshore land does not adversely affect the visual qualities of that foreshore land when viewed from Sydney Harbour and its tributaries,*
 - (c) *in relation to residential development:*
 - (i) *to ensure that new development does not adversely affect residential amenity in terms of visual and acoustic privacy, solar access and view sharing, and*
 - (ii) *to maintain and provide for an increase in dwelling stock, where appropriate,*
 - (d) *in relation to non-residential development:*
 - (i) *to maintain a diversity of employment, services, cultural and recreational activities, and*
 - (ii) *to ensure that non-residential development does not adversely affect the amenity of residential properties and public places, in terms of visual and acoustic privacy, solar access and view sharing, and*
 - (iii) *to maintain waterfront activities and ensure that those activities do not adversely affect local amenity and environmental quality,*
 - (e) *in relation to environmental quality:*
 - (i) *to maintain and protect natural landscapes, topographic features and existing ground levels, and*
 - (ii) *to minimise stormwater run-off and its adverse effects and improve the quality of local waterways,*
 - (f) *to identify and protect the natural, archaeological and built heritage of North Sydney and ensure that development does not adversely affect its significance,*
 - (g) *to provide for the growth of a permanent resident population and encourage the provision of a full range of housing, including affordable housing.*

4.2 Land Use Table

The Planning Proposal applies to land in the following zones:

- *R2 Low Density Residential;*
- *R3 Medium Density Residential (road reserve only);*
- *R4 High Density Residential (road reserve only);*

- *B3 Commercial Core;*
- *B4 Mixed Use;*
- *SP2 Infrastructure; and*
- *RE1 Public Recreation.*

The relevant objectives and provisions of these zones, other than those zones that only apply to road reserves, state:

Zone R2 Low Density Residential

1 Objectives of zone

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To encourage development of sites for low density housing, including dual occupancies, if such development does not compromise the amenity of the surrounding area or the natural or cultural heritage of the area.*
- *To ensure that a high level of residential amenity is achieved and maintained.*

2 Permitted without consent

Environmental protection works; Home occupations

3 Permitted with consent

Boarding houses; Child care centres; Dual occupancies (attached); Dwelling houses; Group homes; Health consulting rooms; Home-based child care; Information and education facilities; Medical centres; Places of public worship; Recreation areas; Respite day care centres; Roads; Semi-detached dwellings

4 Prohibited

Any development not specified in item 2 or 3

Zone B3 Commercial Core

1 Objectives of zone

- *To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.*
- *To encourage appropriate employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To prohibit further residential development in the core of the North Sydney Centre.*
- *To minimise the adverse effects of development on residents and occupiers of existing and new development.*

2 Permitted without consent

Nil

3 Permitted with consent

Amusement centres; Backpackers' accommodation; Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Medical centres; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Serviced apartments; Sex services premises; Signage; Vehicle repair stations; Veterinary hospitals

4 Prohibited

Any development not specified in item 2 or 3

Zone B4 Mixed Use**1 Objectives of zone**

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To create interesting and vibrant mixed use centres with safe, high quality urban environments with residential amenity.
- To maintain existing commercial space and allow for residential development in mixed use buildings, with non-residential uses concentrated on the lower levels and residential uses predominantly on the higher levels.

2 Permitted without consent

Nil

3 Permitted with consent

Amusement centres; Backpackers' accommodation; Boarding houses; Car parks; Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hostels; Hotel or motel accommodation; Information and education facilities; Medical centres; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Registered clubs; Residential flat buildings; Respite day care centres; Restricted premises; Roads; Seniors housing; Serviced apartments; Sex services premises; Shop top housing; Signage; Vehicle repair stations; Veterinary hospitals

4 Prohibited

Any development not specified in item 2 or 3

Zone SP2 Infrastructure**1 Objectives of zone**

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.

2 Permitted without consent

Environmental protection works

3 Permitted with consent

Roads; The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose

4 Prohibited

Any development not specified in item 2 or 3

Zone RE1 Public Recreation**1 Objectives of zone**

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To ensure sufficient public recreation areas are available for the benefit and use of residents of, and visitors to, North Sydney.

2 Permitted without consent

Environmental protection works

3 Permitted with consent

Building identification signs; Business identification signs; Community facilities; Environmental facilities; Information and education facilities; Kiosks; Recreation areas; Recreation facilities (outdoor); Roads; Water recreation structures

4 Prohibited

Any development not specified in item 2 or 3

Planning Proposal – North Sydney Centre

The zoning of land is identified on the Land Zoning Map, which comprise the following sheets:

- LNZ_001 5950_COM_LNZ_001_010_20161026
- LNZ_002 5950_COM_LNZ_002_010_20140702
- LNZ_002A 5950_COM_LNZ_002A_005_20130607
- LNZ_003 5950_COM_LNZ_003_010_20170616
- LNZ_004 5950_COM_LNZ_004_010_20130607

Land to which the Planning Proposal principally relates is identified on Sheet LNZ_002A, an extract of which is illustrated in FIGURE 3. The Planning Proposal also applies to three small areas of land zoned B3 Commercial Core, located outside of the North Sydney Centre, extracts which are located in FIGURES 4, 5 and 6.

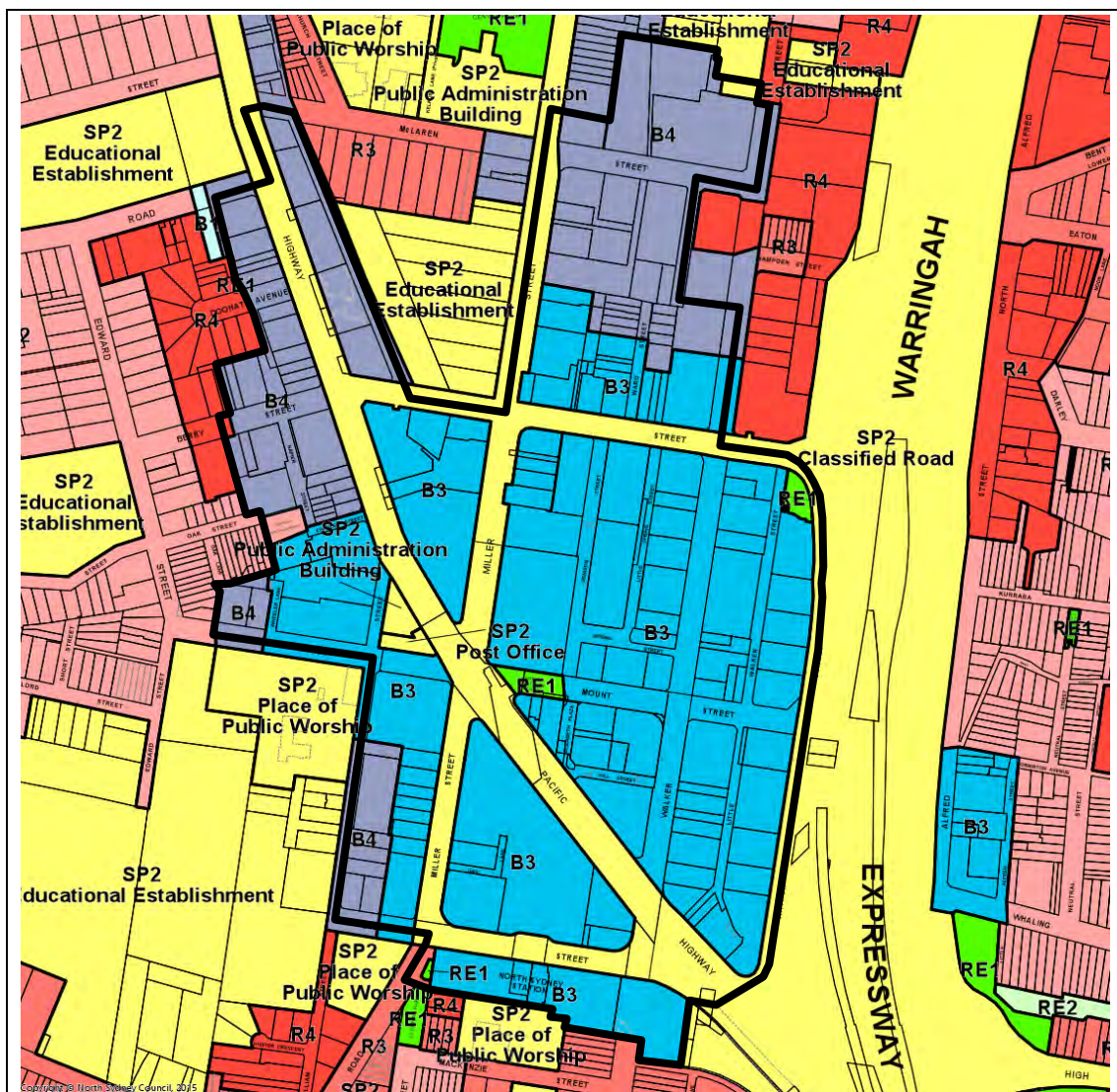
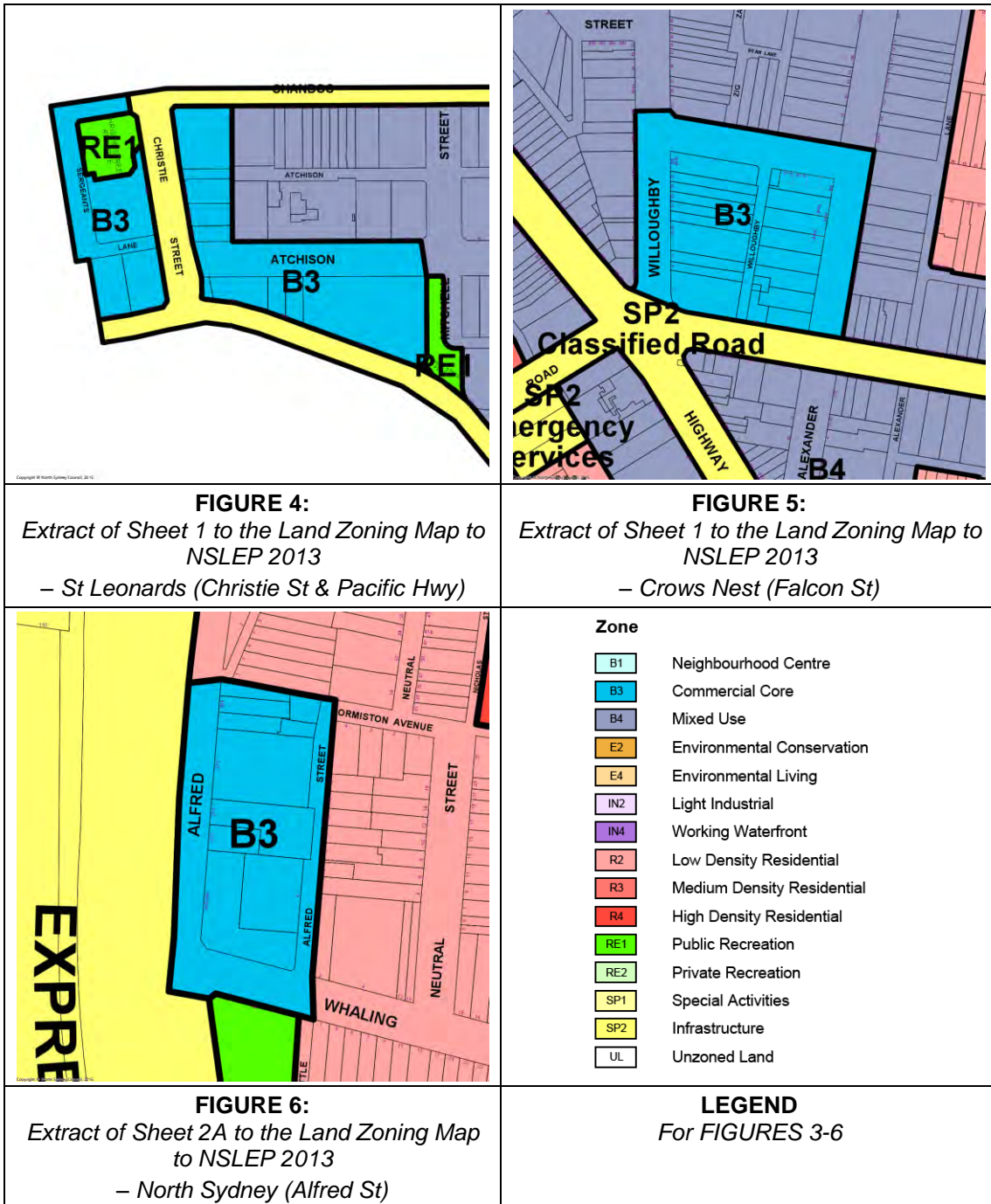


FIGURE 3:
Extract of Sheet 2A to the Land Zoning Map to NSLEP 2013
 - North Sydney Centre



4.3 Additional Permitted Uses

Clause 2.5 of NSLEP relates to additional permitted uses for particular land. In particular, the clause states:

- (1) *Development on particular land that is described or referred to in Schedule 1 may be carried out:*
 - (a) *with development consent, or*
 - (b) *if the Schedule so provides—without development consent, in accordance with the conditions (if any) specified in that Schedule in relation to that development.*
- (2) *This clause has effect despite anything to the contrary in the Land Use Table or other provision of this Plan.*

The following clauses within Schedule 1 to NSLEP 2013 are relevant to the Planning Proposal:

- 6 Use of certain land at 34–48 Alexander Street, Crows Nest**
- (1) *This clause applies to land at 34–48 Alexander Street, Crows Nest, being Lots 10–12, Section 4, DP 1265, Lot 1, DP 185720 and Lot 1, DP 1081820.*
- (2) *Development for the purposes of a car park is permitted with development consent.*
- 10 Use of certain land at 6–10 Falcon Street, Crows Nest**
- (1) *This clause applies to land at 6–10 Falcon Street, Crows Nest, being Lot 1, DP 314750, Lot 1, DP 104029, Lot 1, DP 104030, Lots 1–3, DP 455869 and Lot 13, Section 4, DP 1265.*
- (2) *Development for the purposes of a car park is permitted with development consent.*
- 25 Use of certain land at 263 Alfred Street, North Sydney**
- (1) *This clause applies to land at 263 Alfred Street, North Sydney, being SP 71563.*
- (2) *Development for the purposes of residential accommodation is permitted with development consent.*
- 26 Use of certain land at 77–81 Berry Street, North Sydney**
- (1) *This clause applies to land at 77–81 Berry Street, North Sydney, being Lots 1–241, SP 74602.*
- (2) *Development for the purposes of shop top housing is permitted with development consent.*
- 27 Use of certain land at 88 Berry Street, North Sydney**
- (1) *This clause applies to land at 88 Berry Street, North Sydney, being Lot 1, DP 1063620.*
- (2) *Development for the purposes of a registered club is permitted with development consent.*
- 34 Use of certain land at 93–95 Pacific Highway, North Sydney**
- (1) *This clause applies to land at 93–95 Pacific Highway, North Sydney, being Lots 1–49, SP 73356.*
- (2) *Development for the purposes of shop top housing is permitted with development consent.*

4.4 Building Height

Clause 4.3 of NSLEP 2013 sets maximum building heights for all land identified on the Height of Buildings Map. In particular, it states:

- (1) *The objectives of this clause are as follows:*
- (a) *to promote development that conforms to and reflects natural landforms, by stepping development on sloping land to follow the natural gradient,*
- (b) *to promote the retention and, if appropriate, sharing of existing views,*
- (c) *to maintain solar access to existing dwellings, public reserves and streets, and to promote solar access for future development,*
- (d) *to maintain privacy for residents of existing dwellings and to promote privacy for residents of new buildings,*
- (e) *to ensure compatibility between development, particularly at zone boundaries,*
- (f) *to encourage an appropriate scale and density of development that is in accordance with, and promotes the character of, an area.*
- (2) *The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.*
- (2A) - (2C) *(Repealed)*

The Height of Buildings Map comprises the following sheets:

Planning Proposal – North Sydney Centre

- HOB_001 5950_COM_HOB_001_010_20170306
- HOB_002 5950_COM_HOB_002_010_20161118
- HOB_002A 5950_COM_HOB_002A_005_20161118
- HOB_003 5950_COM_HOB_003_010_20161118
- HOB_004 5950_COM_HOB_004_010_20161118

Land to which the Planning Proposal principally relates is identified on Sheet HOB_002A, an extract of which is illustrated in FIGURE 7. The Planning Proposal also applies to three small areas of land zoned *B3 Commercial Core*, located outside of the North Sydney Centre, extracts which are located in FIGURES 8, 9 and 10.

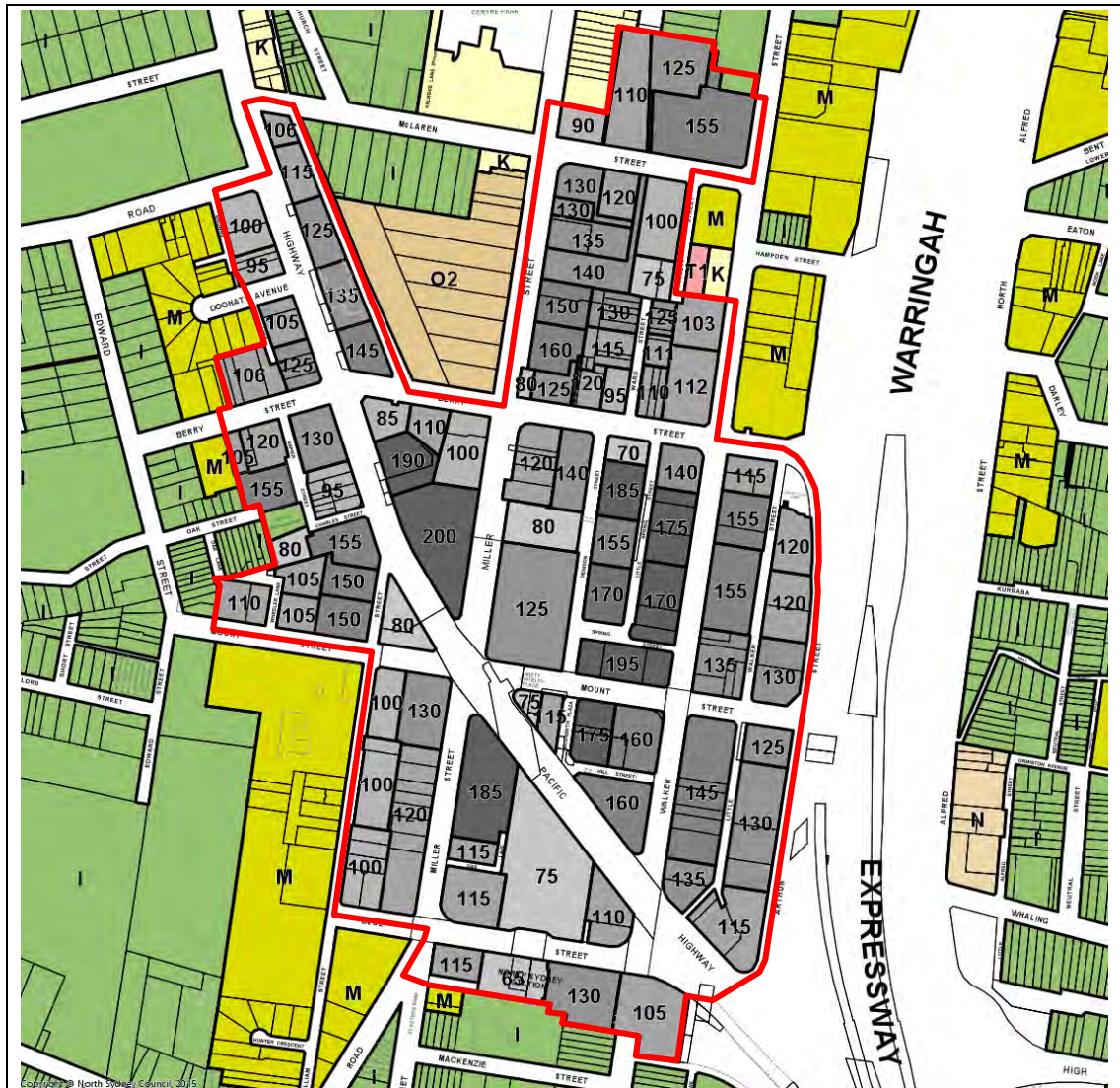


FIGURE 7:
 Extract of Sheet 2A to the Height of Buildings Map to NSLEP 2013
 - North Sydney Centre

Planning Proposal – North Sydney Centre

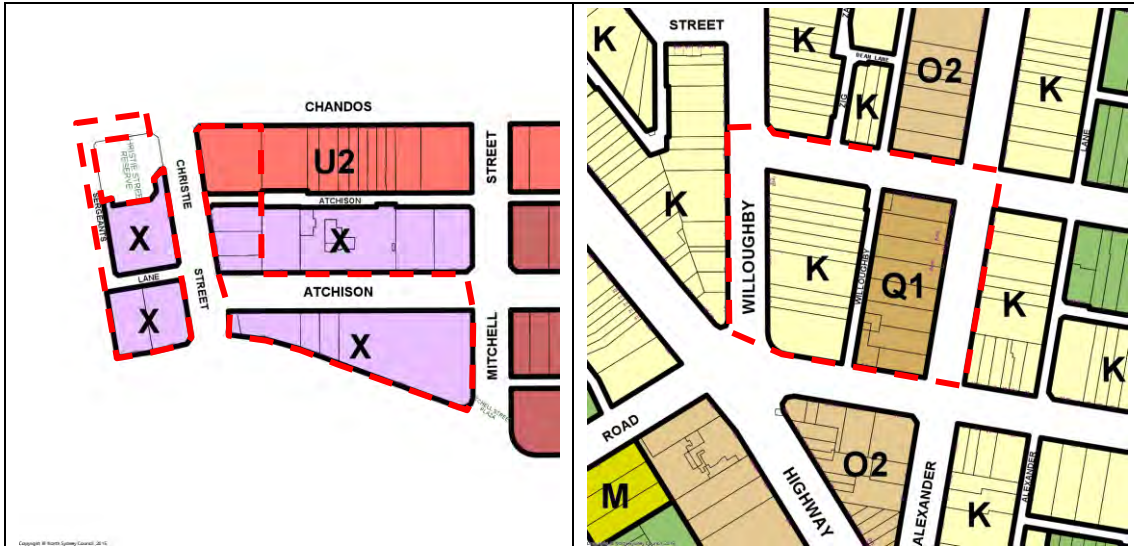


FIGURE 8:
 Extract of Sheet 1 to the Height of Buildings
 Map to NSLEP 2013
 – St Leonards (Christie St & Pacific Hwy)

FIGURE 9:
 Extract of Sheet 1 to the Height of Buildings
 Map to NSLEP 2013
 – Crows Nest (Falcon St)

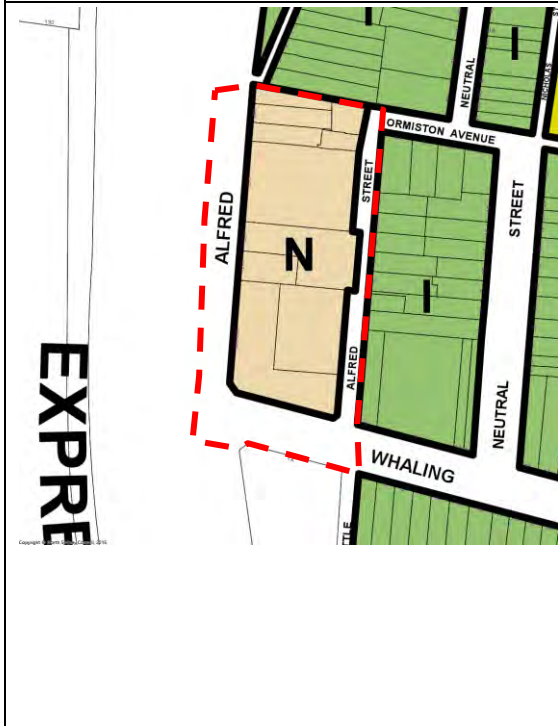


FIGURE 10:
 Extract of Sheet 2A to the Height of Buildings
 Map to NSLEP 2013
 – North Sydney (Alfred St)

Maximum Building Height (m)

A	1	S	24
I	8.5	T1	25
K	10	T2	26
L	11	U1	30
M	12	U2	33
N	13	W1	40
O1	15	W2	42
O2	16	X	49
Q1	19.15	Y	50
Q2	20		

Maximum Building Height (RL m)

[White]	0 - 20
[Light Grey]	21 - 40
[Medium-Light Grey]	41 - 60
[Medium Grey]	61 - 80
[Dark-Medium Grey]	81 - 100
[Dark Grey]	101 - 120
[Very Dark Grey]	121 - 140
[Black-1]	141 - 160
[Black-2]	161 - 180
[Black-3]	181 - 200

LEGEND
 For FIGURES 7-10

4.5 Floor space ratios

Clause 4.4 of NSLEP 2013 sets maximum floor space ratios for all land identified on the Floor Space Ratio Map. In particular, it states:

- (1) *The objectives of this clause are as follows:*
 - (a) *to ensure the intensity of development is compatible with the desired future character and zone objectives for the land,*

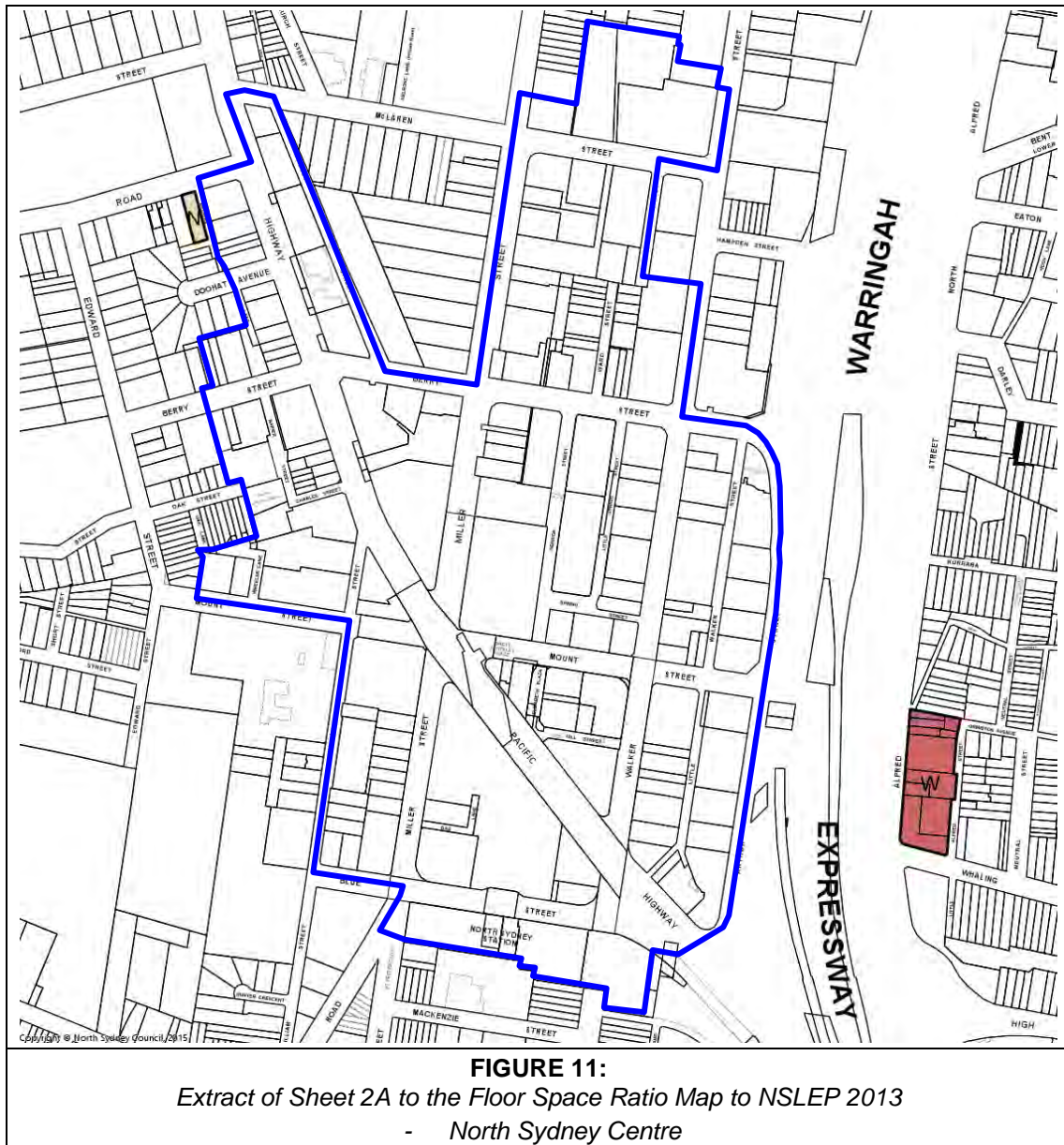
Planning Proposal – North Sydney Centre

- (b) to limit the bulk and scale of development.
- (2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

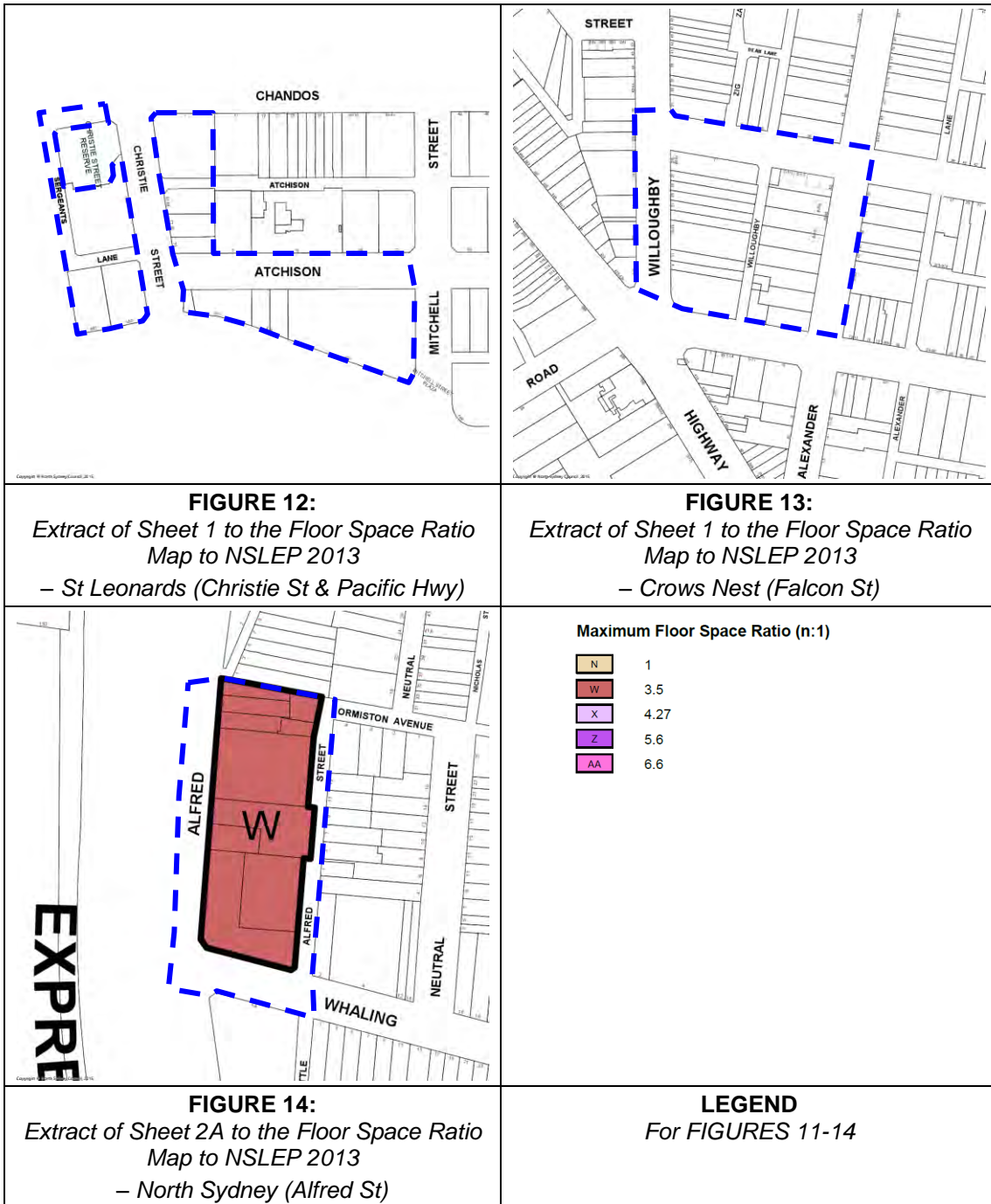
The Floor Space Ratio Map comprises the following:

- FSR_001 5950_COM_FSR_001_010_20161025
- FSR_002 5950_COM_FSR_002_010_20130607
- FSR_002A 5950_COM_FSR_002A_005_20130607
- FSR_003 5950_COM_FSR_003_010_20130607
- FSR_004 5950_COM_FSR_004_010_20130607

Land to which the Planning Proposal principally relates is identified on Sheet FSR_002A, an extract of which is illustrated in FIGURE 11. The Planning Proposal also applies to three small areas of land zoned *B3 Commercial Core*, located outside of the North Sydney Centre, extracts which are located in FIGURES 12, 13 and 14.



Planning Proposal – North Sydney Centre



4.6 Non-residential floor space ratios

Clause 4.4A of NSLEP 2013 sets minimum non-residential floor space ratios for all land identified on the Non-residential Floor Space Ratio Map. In particular, it states:

- (1) *The objectives of this clause are as follows:*
 - (a) *to provide for development with continuous and active street frontages on certain land in Zone B1 Neighbourhood Centre, Zone B4 Mixed Use and Zone SP2 Infrastructure,*
 - (b) *to encourage an appropriate mix of residential and non-residential uses,*
 - (c) *to provide a level of flexibility in the mix of land uses to cater for market demands,*
 - (d) *to ensure that a suitable level of non-residential floor space is provided to promote employment and reflect the hierarchy of commercial centres.*

Planning Proposal – North Sydney Centre

- (2) *The non-residential floor space ratio for all buildings within a site on any land must not be less than the ratio shown for the land on the Non-Residential Floor Space Ratio Map.*
- (3), (4) *(Repealed)*
- (5) *Development consent must not be granted to the erection of a building on land in Zone B1 Neighbourhood Centre or Zone B4 Mixed Use unless the consent authority is satisfied that the building will have an active street frontage after its erection.*
- (6) *Despite subclause (5), an active street frontage is not required for any part of a building that is used for any of the following:*
- (a) *entrances and lobbies (including as part of a mixed use development),*
 - (b) *access for fire services,*
 - (c) *vehicular access.*
- (7) *In this clause, a building has an active street frontage if no part of the ground floor of the building facing a street is used for residential accommodation.*
- (8) *In this clause, non-residential floor space ratio means the ratio of the gross floor area of that part of a building used or proposed to be used for any purpose in all buildings within a site to the site area, other than for any of the following purposes:*
- (a) *residential accommodation,*
 - (b) *serviced apartments, if less than 50 serviced apartments are or will be contained within the site,*
 - (c) *a car park,*
 - (d) *a telecommunications facility.*

The Non-Residential Floor Space Ratio Map comprises the following:

- LCL_001 5950_COM_LCL_001_010_20161026
- LCL_002 5950_COM_LCL_002_010_20151104
- LCL_002A 5950_COM_LCL_002A_005_20151104
- LCL_003 5950_COM_LCL_003_010_20151104
- LCL_004 5950_COM_LCL_004_010_20151104

Land to which the Planning Proposal relates is identified on Sheet LCL_002A, an extract of which is illustrated in FIGURE 15. The Planning Proposal also applies to three small areas of land zoned *B3 Commercial Core*, located outside of the North Sydney Centre, extracts which are located in FIGURES 16, 17 and 18.

Planning Proposal – North Sydney Centre

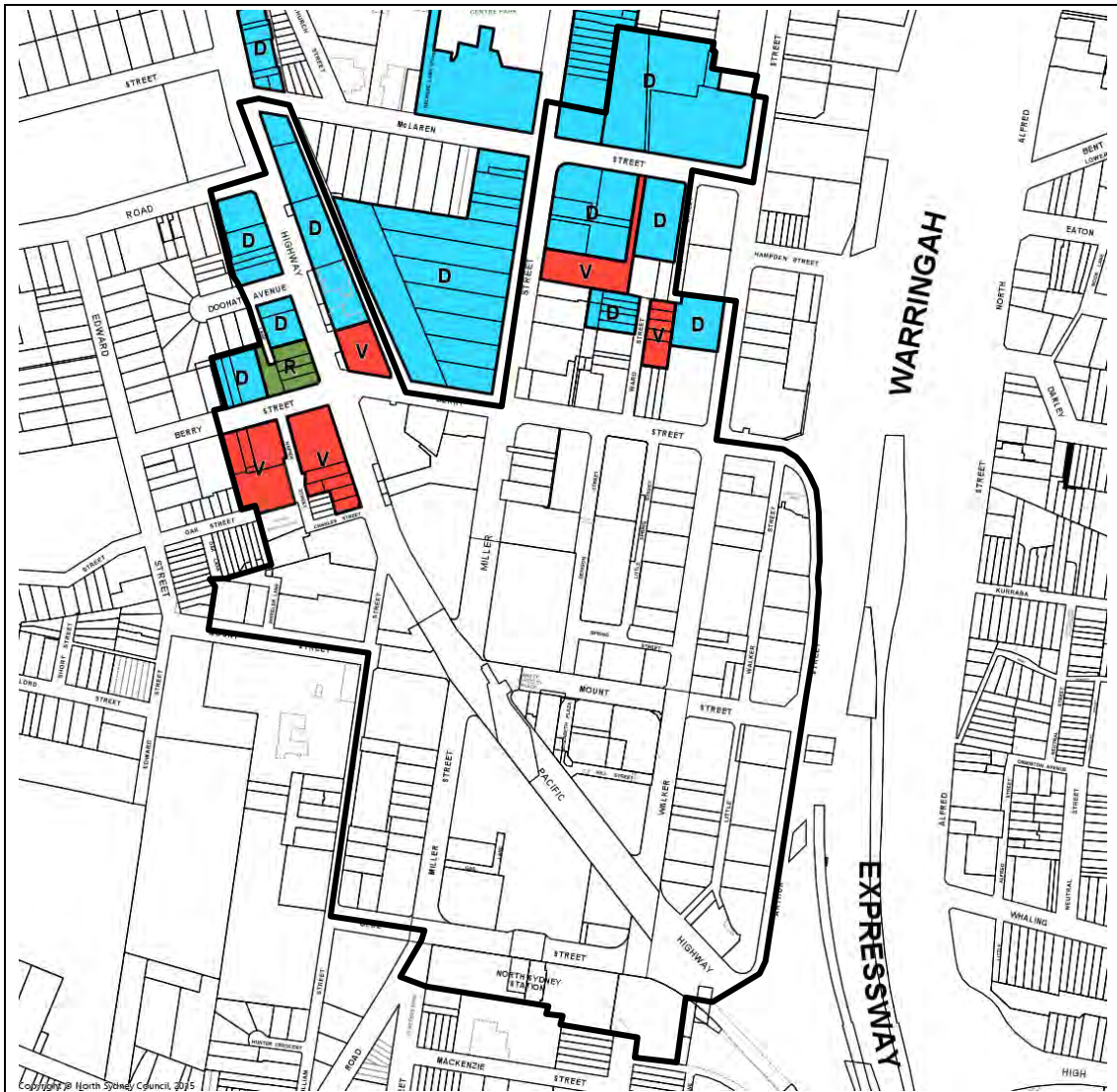


FIGURE 15:
Extract of Sheet 2A to the Non-residential FSR Map to NSLEP 2013 - North Sydney Centre

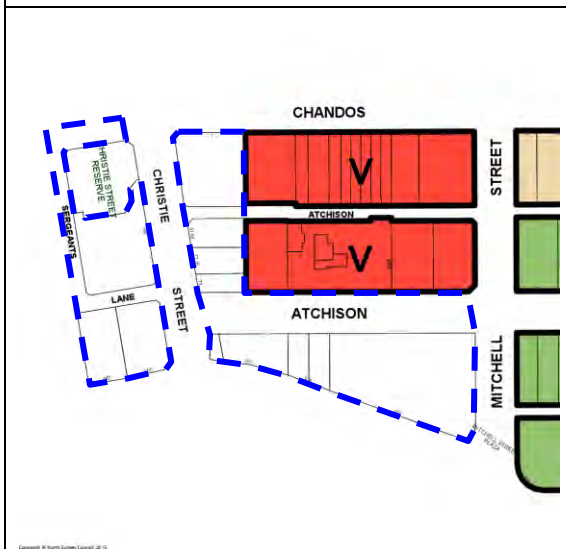


FIGURE 16:
Extract of Sheet 1 to the Non-residential FSR Map to NSLEP 2013
– St Leonards (Christie St & Pacific Hwy)

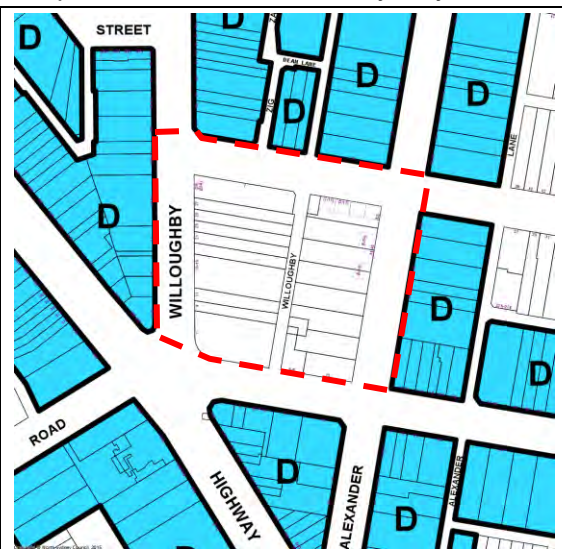
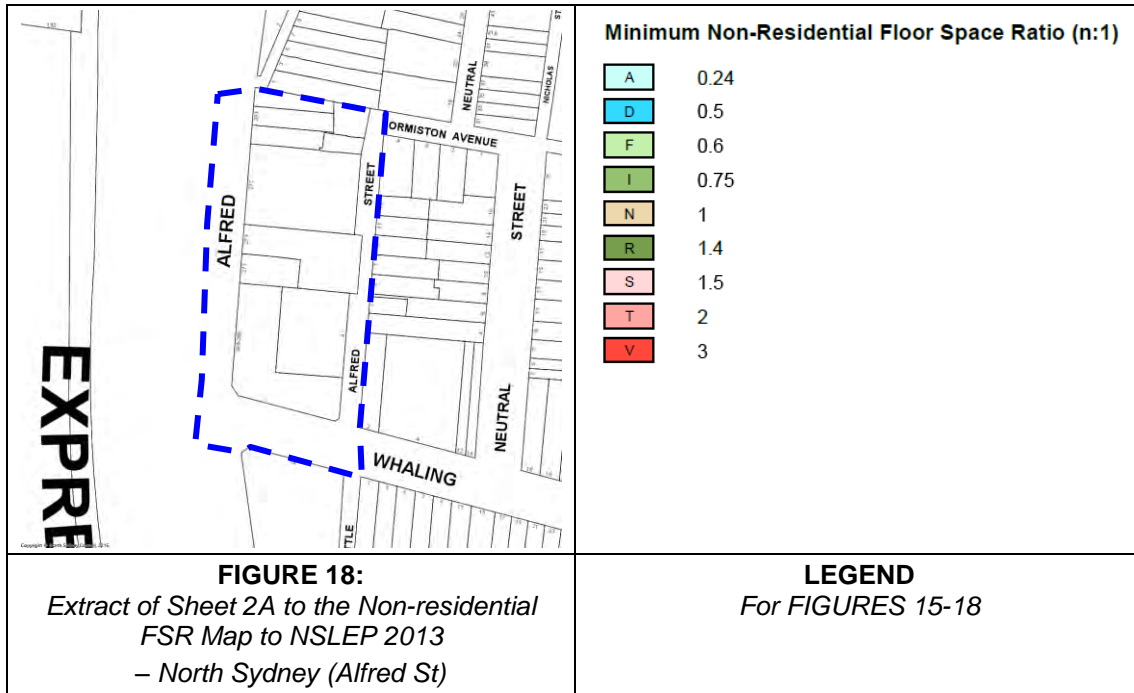


FIGURE 17:
Extract of Sheet 1 to the Non-residential FSR Map to NSLEP 2013
– Crows Nest (Falcon St)

Planning Proposal – North Sydney Centre



4.7 Variation of Development Standards

Clause 4.6 of NSLEP 2013 enables certain development standards to be varied subject to a merit assessment against relevant assessment criteria. Of particular note, is that a number of development standards that apply within the North Sydney Centre may not be varied under clause 4.6 of the LEP. In particular, development consent cannot be issued to a development where a proposal seeks a variation to the development standards under clauses 6.3(2)(a) and (b) of NSLEP 2013.

4.8 Heritage conservation

Clause 5.10 of NSLEP contains specific provisions relating to heritage conservation and states:

(1) Objectives

The objectives of this clause are as follows:

- (a) to conserve the environmental heritage of North Sydney,
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
- (c) to conserve archaeological sites,
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

(2) Requirement for consent

Development consent is required for any of the following:

- (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):
 - (i) a heritage item,
 - (ii) an Aboriginal object,
 - (iii) a building, work, relic or tree within a heritage conservation area,
- (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,
- (c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,
- (d) disturbing or excavating an Aboriginal place of heritage significance,

Planning Proposal – North Sydney Centre

- (e) *erecting a building on land:*
 - (i) *on which a heritage item is located or that is within a heritage conservation area, or*
 - (ii) *on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,*
- (f) *subdividing land:*
 - (i) *on which a heritage item is located or that is within a heritage conservation area, or*
 - (ii) *on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.*
- (3) *When consent not required*
However, development consent under this clause is not required if:
 - (a) *the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:*
 - (i) *is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and*
 - (ii) *would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or*
 - (b) *the development is in a cemetery or burial ground and the proposed development:*
 - (i) *is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and*
 - (ii) *would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or*
 - (c) *the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or*
 - (d) *the development is exempt development.*
- (4) *Effect of proposed development on heritage significance*
The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).
- (5) *Heritage assessment*
The consent authority may, before granting consent to any development:
 - (a) *on land on which a heritage item is located, or*
 - (b) *on land that is within a heritage conservation area, or*
 - (c) *on land that is within the vicinity of land referred to in paragraph (a) or (b),**require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.*
- (6) *Heritage conservation management plans*
The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.
- (7) *Archaeological sites*
The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the Heritage Act 1977 applies):
 - (a) *notify the Heritage Council of its intention to grant consent, and*
 - (b) *take into consideration any response received from the Heritage Council within 28 days after the notice is sent.*
- (8) *Aboriginal places of heritage significance*

Planning Proposal – North Sydney Centre

The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance:

- (a) *consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and*
 - (b) *notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.*
- (9) *Demolition of nominated State heritage items*
The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item:
- (a) *notify the Heritage Council about the application, and*
 - (b) *take into consideration any response received from the Heritage Council within 28 days after the notice is sent.*
- (10) *Conservation incentives*
The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that:
- (a) *the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and*
 - (b) *the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and*
 - (c) *the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and*
 - (d) *the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and*
 - (e) *the proposed development would not have any significant adverse effect on the amenity of the surrounding area.*

A note is also attached to this clause which states:

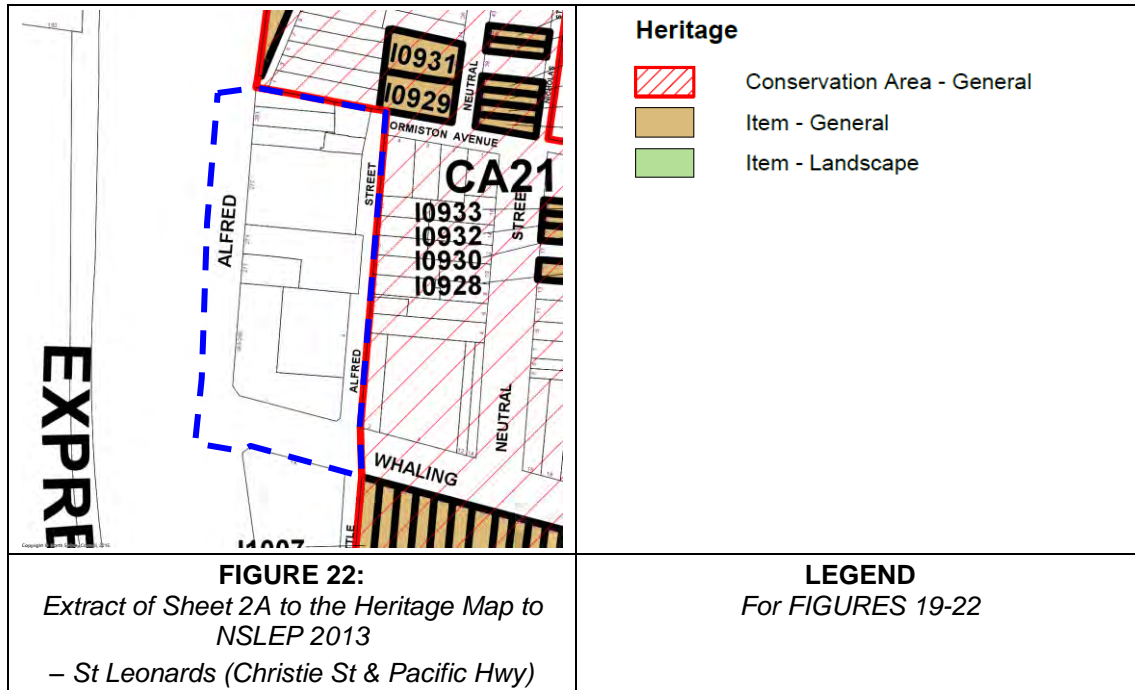
Note. Heritage items (if any) are listed and described in Schedule 5. Heritage conservation areas (if any) are shown on the Heritage Map as well as being described in Schedule 5.

The Heritage Map comprises the following sheets:

- HER_001 5950_COM_HER_001_010_20130607
- HER_002 5950_COM_HER_002_010_20161102
- HER_002A 5950_COM_HER_002A_005_20150825
- HER_003 5950_COM_HER_003_010_20150825
- HER_004 5950_COM_HER_004_010_20160308

Land to which the Planning Proposal relates is principally identified on Sheet HER_002A, an extract of which is illustrated in FIGURE 19. The Planning Proposal also applies to three small areas of land zoned *B3 Commercial Core*, located outside of the North Sydney Centre, extracts which are located in FIGURES 20, 21 and 22.

Planning Proposal – North Sydney Centre



The following clauses within Schedule 5 to NSLEP 2013 are relevant to the Planning Proposal:

Locality	Item Name	Address	Property description	Significance	Item No.
	North Sydney bus shelters	Various	Various	Local	10407
Crows Nest	Crows Nest Hotel	1-3 Willoughby Road	Lot 1, DP 4343184	Local	10181
North Sydney	Simsmetal House	41 McLaren Street	Lot 1, DP 557103	Local	10889
North Sydney	Greenwood (former North Sydney Technical High School)	101–103 Miller Street (36 Blue Street)	Lot 1, DP 814292	State	10892
North Sydney	MLC Building	105–153 Miller Street	Lot 2, DP 792740	Local	10893
North Sydney	shop	187 Miller Street	Lot 1, DP 1008019	Local	10898
North Sydney	The Rag & Famish Hotel	199 Miller Street	Lot 1, DP 708306	Local	10901
North Sydney	Commercial building	201 Miller Street	Lot 1, DP 706146	Local	10904
North Sydney	Old GPO column	Mount Street Plaza	Part of Mount Street Plaza	Local	10922
North Sydney	Former Bank of NSW	51 Mount Street	Lot 1, DP 224124	Local	10919
North Sydney	Facade of S. Thompson Building (No 67A)	67–69 Mount Street	Lot 1, DP 200724	Local	10920
North	House	67–69 Mount	Lot 1, DP 200724	Local	10921

Planning Proposal – North Sydney Centre

Sydney		Street			
North Sydney	House	1 Napier Street	Lot 21, DP 564122	Local	10923
North Sydney	House	3 Napier Street	Lot 22, DP 564122	Local	10924
North Sydney	House	5 Napier Street	Lot 23, DP 564122	Local	10925
North Sydney	Don Bank Museum	6 Napier Street	Lot 9, DP 4120	State	10926
North Sydney	House	7 Napier Street	Lot 12, DP 605732	Local	10927
North Sydney	North Sydney Post Office and court house (former police station)	92–94 Pacific Highway	Lot 1203, DP 752067; Lot 7002, DP 1075452	State*	10953
North Sydney	Former fire station	86 Walker Street	Lot 1, DP 857756	Local	10983
North Sydney	Telephone exchange	1 Wheeler Lane	Lot 101, DP 1076397	Local	11030
St Leonards	Commercial Building	1 Chandos Street	Lot 1, DP 564685	Local	11033

A small portion of the subject site (6 Napier Street, North Sydney – ‘Don Bank Museum’) is located within the Eden Street Heritage Conservation area (CA 17).

4.9 North Sydney Centre

Division 1 to Part 6 of NSLEP 2013 applies to land within the North Sydney Centre as identified on the North Sydney Centre Map. In particular, it states:

6.1 Objectives of Division

The objectives of this Division are as follows:

- (a) *to maintain the status of the North Sydney Centre as a major commercial centre,*
- (b) *to require arrangements for railway infrastructure to be in place before any additional non-residential gross floor area is permissible in relation to any proposed development in the North Sydney Centre,*
- (c) *to permit an additional 250,000 square metres of non-residential gross floor area in addition to the estimated existing (as at 28 February 2003) 700,000 square metres of non-residential gross floor area,*
- (d) *to ensure that transport infrastructure, and in particular North Sydney station, will enable and encourage a greater percentage of people to access the North Sydney Centre by public transport than by private transport and:*
 - (i) *be convenient and accessible, and*
 - (ii) *ensure that additional car parking is not required in the North Sydney Centre, and*
 - (iii) *have the capacity to service the demands generated by development in the North Sydney Centre,*
- (e) *to encourage the provision of high-grade commercial space with a floor plate, where appropriate, of at least 1,000 square metres,*
- (f) *to protect the privacy of residents, and the amenity of residential and open space areas, within and around the North Sydney Centre,*

Planning Proposal – North Sydney Centre

- (g) to prevent any net increase in overshadowing of any land in Zone RE1 Public Recreation (other than Mount Street Plaza) or any land identified as “Special Area” on the North Sydney Centre Map,
- (h) to prevent any increase in overshadowing that would adversely impact on any land within a residential zone,
- (i) to maintain areas of open space on private land and promote the preservation of existing setbacks and landscaped areas, and to protect the amenity of those areas.

6.2 Land to which this Division applies

- (1) This Division applies to the North Sydney Centre.
- (2) A provision in this Division prevails over any other provision of this Plan to the extent of any inconsistency.

6.3 Building heights and massing

- (1) The objectives of this clause are as follows:
 - (a) to achieve a transition of building heights generally from 100 Miller Street and 79–81 Berry Street to the boundaries of the North Sydney Centre,
 - (b) to promote a height and massing that has no adverse impact on land in Zone RE1 Public Recreation or land identified as “Special Area” on the North Sydney Centre Map or on the land known as the Don Bank Museum at 6 Napier Street, North Sydney,
 - (c) to minimise overshadowing of, and loss of solar access to, land in Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone R4 High Density Residential, Zone RE1 Public Recreation or land identified as “Special Area” on the North Sydney Centre Map,
 - (d) to promote scale and massing that provides for pedestrian comfort in relation to protection from the weather, solar access, human scale and visual dominance,
 - (e) to encourage the consolidation of sites for the provision of high grade commercial space.
 - (2) Development consent must not be granted for the erection of a building on land to which this Division applies if:
 - (a) the development would result in a net increase in overshadowing between 12 pm and 2 pm on land to which this Division applies that is within Zone RE1 Public Recreation or that is identified as “Special Area” on the North Sydney Centre Map, or
 - (b) the development would result in a net increase in overshadowing between 10 am and 2 pm of the Don Bank Museum, or
 - (c) the site area of the development is less than 1,000 square metres.
 - (3) Development consent for development on land to which this Division applies may be granted for development that would exceed the maximum height of buildings shown for the land on the Height of Buildings Map if the consent authority is satisfied that any increase in overshadowing between 9 am and 3 pm is not likely to reduce the amenity of any dwelling located on land to which this Division does not apply.
 - (4) Mount Street Plaza Development consent may be granted to development on land at 105–153 Miller Street, North Sydney, known as the MLC Building, that would result in a net increase in overshadowing of the land known as Mount Street Plaza that is within Zone RE1 Public Recreation.
 - (5) In determining whether to grant development consent for development on land to which this Division applies, the consent authority must consider the following:
 - (a) the likely impact of the proposed development on the scale, form and massing of the locality, the natural environment and neighbouring development and, in particular, the lower scale development adjoining North Sydney Centre,
 - (b) whether the proposed development preserves significant view lines and vistas,
 - (c) whether the proposed development enhances the streetscape in relation to scale, materials and external treatments.
- 6.4 Miller Street setback**
- (1) The objective of this clause is to maintain the established setback and landscaped setting on the eastern side of Miller Street between McLaren Street and Mount Street.
 - (2) Development consent must not be granted for the erection of a building on land identified as “Miller Street Setback” on the North Sydney Centre Map unless:
 - (a) the building height will be less than 1.5 metres, and

- (b) *the part of the building that will be on that land is used only for access to the building or landscaping purposes.*

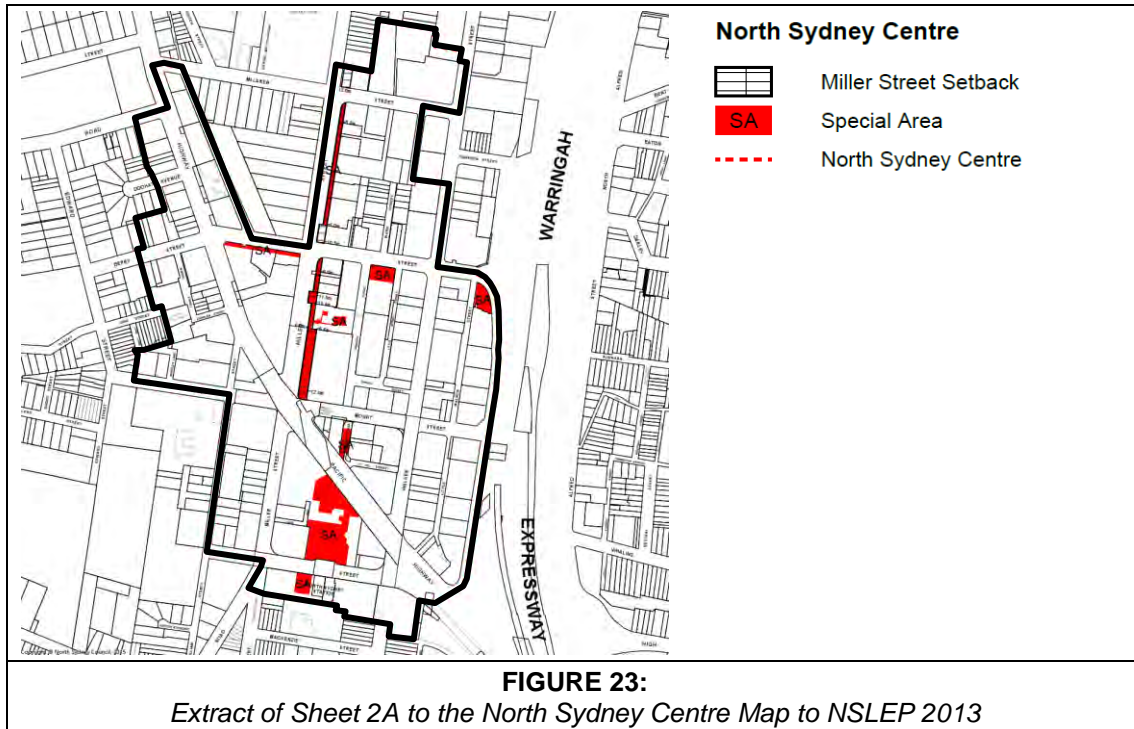
6.5 Railway infrastructure—transitional arrangements

- (1) *The objective of this clause is to require satisfactory arrangements to be made for the provision of railway infrastructure to satisfy needs that arise from development in North Sydney Centre.*
- (2) *Development consent must not be granted for development on land to which this Division applies if the total non-residential gross floor area of buildings on the land after the development is carried out would exceed the total non-residential gross floor area of buildings lawfully existing on the land immediately before the development is carried out, unless:*
- (a) *the Director-General has certified, in writing to the consent authority, that satisfactory arrangements have been made for railway infrastructure that will provide for the increased demand for railway infrastructure generated by the development, and*
- (b) *the consent authority is satisfied that the increase in non-residential gross floor area authorised under the development consent concerned when added to the increases (reduced by any decreases) in non-residential gross floor area authorised under all consents granted since 28 February 2003 in relation to land in the North Sydney Centre would not exceed 250,000 square metres.*
- (3) *In determining whether to certify arrangements in accordance with subclause (2) (a), the Director-General must consider the views of:*
- (a) *Transport for NSW, and*
- (b) *any other public authority the Director-General considers relevant.*
- (4) *The Council is to review this Division to determine whether the policy objectives of the Division remain valid and whether the terms of the Division remain appropriate for securing those objectives. The review is to be undertaken as soon as practicable after development consent has been granted that would result in the sum of increases (reduced by any decreases) in the non-residential gross floor area authorised under all consents granted in relation to land in the North Sydney Centre since 28 February 2003 exceeding 200,000 square metres.*
- (5) *For the purposes of this clause:*
- (a) *an increase in non-residential gross floor area is the amount by which the non-residential gross floor area authorised on land after a development consent is granted exceeds the non-residential gross floor area authorised on the land immediately before the development consent was granted, and*
- (b) *a decrease in non-residential gross floor area is the amount by which the non-residential gross floor area authorised on land after a development consent is granted is less than the non-residential gross floor area authorised on the land immediately before the development consent was granted, and*
- (c) *a development consent does not include a development consent that has lapsed or been surrendered.*
- (6) *In this clause, non-residential gross floor area means that part of the gross floor area of a building that is used for the purposes of business premises (excluding funeral homes), hotel or motel accommodation, office premises, retail premises (excluding pubs), serviced apartments or recreation facilities (indoor) (but only where those facilities are used for the purpose of gain).*

The North Sydney Centre Map comprises the following sheets:

- CL1_001 5950_COM_CL1_001_010_20130607
- CL1_002 5950_COM_CL1_002_010_20130607
- CL1_002A 5950_COM_CL1_002A_005_20130607
- CL1_003 5950_COM_CL1_003_010_20130607
- CL1_004 5950_COM_CL1_004_010_20130607

Land to which the Planning Proposal relates is identified on Sheet CL1_002A, an extract of which is illustrated in FIGURE 23. In particular, the Map identifies the extent of the 'North Sydney Centre', 'Miller Street Setbacks' and 'Special Areas'.



4.10 Development in the RE1 or RE2 Zone

Clause 6.7 to NSLEP 2013 relates to development undertaken in *RE1 Public Recreation* or *RE2 Private Recreation* zones. In particular, it states:

- (1) *This clause applies to land in the following zones:*
 - (a) *Zone RE1 Public Recreation,*
 - (b) *Zone RE2 Private Recreation.*
- (2) *Development consent must not be granted for development on land to which this clause applies unless the consent authority has considered the following:*
 - (a) *the need for the proposed development on the land,*
 - (b) *whether the proposed development is likely to have a detrimental impact on the existing or likely future use of the land,*
 - (c) *whether the height and bulk of any proposed building or structure has regard to the existing vegetation and topography,*
 - (d) *whether the proposed development will adversely impact on bushland and remnant bushland,*
 - (e) *whether the proposed development will adversely impact on stormwater flow,*
 - (f) *in the case of land in Zone RE1 Public Recreation, whether the proposed development will significantly diminish public access to, and use of, that public recreation area.*
- (3) *Development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied that:*
 - (a) *the proposed development is consistent with the objectives of the zone of any adjacent land, and*
 - (b) *the proposed development is not likely to result in any adverse impacts on development that is permissible on any adjacent land, and*
 - (c) *the proposed development is consistent with the most restrictive development standards applying to any adjacent land in the following zones in relation to the height of buildings, floor space ratios and setbacks:*
 - (i) *Zone R2 Low Density Residential,*
 - (ii) *Zone R3 Medium Density Residential,*
 - (iii) *Zone R4 High Density Residential,*
 - (iv) *Zone B1 Neighbourhood Centre,*

- (v) Zone B3 Commercial Core,
- (vi) Zone B4 Mixed Use,
- (vii) Zone IN2 Light Industrial,
- (viii) Zone IN4 Working Waterfront,
- (ix) Zone E4 Environmental Living.

4.11 Residential Flat Buildings in the B4 Zone

Clause 6.12A to NSLEP 2013 relates to development for the purposes residential flat buildings in the *B4 Mixed Use* zone. In particular, it states:

- (1) *The objective of this clause is to ensure that development for residential flat buildings on land in Zone B4 Mixed Use forms part of mixed use developments and does not impact on the activation of street frontages.*
- (2) *This clause applies to land in Zone B4 Mixed Use.*
- (3) *Development consent must not be granted for development for the purpose of a residential flat building on land to which this clause applies unless the consent authority is satisfied that:*
 - (a) *the residential flat building is part of a mixed use development, and*
 - (b) *no part of the ground floor of the building that is facing a street is used for residential accommodation.*

4.12 Airspace Operations

Clause 6.15 to NSLEP 2013 relates to development that will impact on airspace operations. In particular, it states:

- (1) *The objectives of this clause are as follows:*
 - (a) *to provide for the effective and ongoing operation of the Sydney (Kingsford Smith) Airport by ensuring that such operation is not compromised by proposed development that penetrates the Limitation or Operations Surface for that airport,*
 - (b) *to protect the community from undue risk from that operation.*
- (2) *If a development application is received and the consent authority is satisfied that the proposed development will penetrate the Limitation or Operations Surface, the consent authority must not grant development consent unless it has consulted with the relevant Commonwealth body about the application.*
- (3) *The consent authority may grant development consent for the development if the relevant Commonwealth body advises that:*
 - (a) *the development will penetrate the Limitation or Operations Surface but it has no objection to its construction, or*
 - (b) *the development will not penetrate the Limitation or Operations Surface.*
- (4) *The consent authority must not grant development consent for the development if the relevant Commonwealth body advises that the development will penetrate the Limitation or Operations Surface and should not be constructed.*
- (5) *In this clause:*

Limitation or Operations Surface means the Obstacle Limitation Surface or the Procedures for Air Navigation Services Operations Surface as shown on the Obstacle Limitation Surface Map or the Procedures for Air Navigation Services Operations Surface Map for the Sydney (Kingsford Smith) Airport.

Obstacle Limitation Surface Map means the Obstacle Limitation Surface Map for the Sydney (Kingsford Smith) Airport prepared by the relevant Commonwealth body.

relevant Commonwealth body means the body, under Commonwealth legislation, that is responsible for development approvals for development that penetrates the Limitation or Operations Surface for the Sydney (Kingsford Smith) Airport.

4.13 Definitions

Clause 1.4 of NSLEP 2013 makes reference to the Dictionary which provides definitions of terms used within the LEP. In particular, the relevant terms to the Planning Proposal are defined as follows:

North Sydney Centre means the land identified as “North Sydney Centre” on the North Sydney Centre Map.

North Sydney Centre Map means the North Sydney Local Environmental Plan 2013 North Sydney Centre Map.

serviced apartment means a building (or part of a building) providing self-contained accommodation to tourists or visitors on a commercial basis and that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner’s or manager’s agents.

Note. Serviced apartments are a type of tourist and visitor accommodation—see the definition of that term in this Dictionary.

5 THE PLANNING PROPOSAL

5.1 PART 1: STATEMENT OF OBJECTIVES

The primary purpose of this Planning Proposal is to give effect to the outcomes of the North Sydney Centre Review. In particular, it is proposed to implement the recommended actions of the adopted *North Sydney CBD Capacity and Land Use Strategy* which seeks to:

- Prohibit development for the purposes of ‘serviced apartments’ within the *B3 Commercial Core* zone;
- Apply new height controls to the North Sydney Centre based on the following:
 - Maintaining solar access to residential land outside of the North Sydney Centre between 10am to 2pm; and
 - The continued prohibition of additional overshadowing to land identified as ‘Special Areas’.
- Enable development to occur on sites less than 1000sqm, but only where new development does not exceed 45m in height;
- Remove clauses relating to the provision of railway infrastructure within the North Sydney Centre;
- Remove clauses relating to the restriction on the amount of additional commercial floor space that can be accommodated within the North Sydney Centre;
- Removal of the Elizabeth Plaza, Blue Street, and Tower Square ‘Special Areas’; and
- Applying a ‘Special Area’ to the rear of 100 Pacific Highway.

5.2 PART 2: EXPLANATIONS OF PROVISIONS

The intent of the Planning Proposal can be achieved by:

- Removing ‘serviced apartments’ from the list of permissible uses in the *B3 Commercial Core* zone to the Land Use Table.
- Amending Schedule 1 – Additional permitted uses to allow serviced apartments to be permitted with development consent on the following sites:
 - 80 Arthur Street, North Sydney
- Amending the Height of Building Map to NSLEP 2013 to increase the maximum building height limit on the following sites, consistent with the *North Sydney CBD Capacity and Land Use Strategy*:
 - 122,132, 140 and 146 Arthur Street, North Sydney;
 - 65 and 77-81 Berry Street, North Sydney;
 - 1 Denison Street, North Sydney;
 - 54, 60, 73, 155-167, 181, 187 and 189 Miller Street, North Sydney;
 - 40, 60, 80, 90, 99, 100, 104, 107, 118 Mount Street, North Sydney;
 - 100 and 177 Pacific Highway, North Sydney;
 - 86, 88, 99, 100, 107, 110, 118, 121, 122, 123, 124, 141, 153 and 157 Walker Street, North Sydney; and
 - 1 Wheeler Lane, North Sydney.
- Amending the North Sydney Centre Map to NSLEP 2013 by:
 - adding a special area to the rear of 100 Pacific Highway; and
 - removing the special areas:

- to 155-167 Miller Street (Tower Square), with the exception of a 6m wide strip across the western frontage to Miller Street;
 - to the Elizabeth Plaza road reserve; and
 - to 5 Blue Street.
- Amending clause 6.1 such that the objectives of Division 1 to Part 6 better relate to the provisions contained within that Division.
- Amending clause 6.3 to:
 - Ensure the objectives and provisions of the clause align with the outcomes of the *North Sydney CBD Capacity and Land Use Strategy* by preventing adverse overshadowing impacts occurring to important public places within the North Sydney Centre and to minimise overshadowing impacts to residential development and open space areas located outside of the North Sydney Centre; and
 - Restrict the development of sites less than 1000sqm in area to 45m in height.
- Deletion of clause 6.5 in its entirety, to remove the requirements for railway infrastructure provision and the gross floor space cap for non-residential development.

The specific amendments sought to the written instrument and associated maps are identified in the following subsections.

5.2.1 Land Use Table

The intent of the Planning Proposal is proposed to be achieved by the Land Use Table being amended as follows (~~red strike-through~~ represents a deletion):

Zone B3 Commercial Core

1 Objectives of zone

- *To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.*
- *To encourage appropriate employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To prohibit further residential development in the core of the North Sydney Centre.*
- *To minimise the adverse effects of development on residents and occupiers of existing and new development.*

2 Permitted without consent

Nil

3 Permitted with consent

Amusement centres; Backpackers' accommodation; Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Medical centres; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; ~~Serviced apartments~~; Sex services premises; Signage; Vehicle repair stations; Veterinary hospitals

4 Prohibited

Any development not specified in item 2 or 3

5.2.2 Schedule 1 – Additional permitted uses

The intent of the Planning Proposal is proposed to be achieved by Schedule 1 – Additional permitted uses being amended as follows (blue underline represents an insertion):

Use of certain land at 80 Arthur Street, North Sydney(1) This clause applies to land at 80 Arthur Street, North Sydney, being Lot 1, DP 539001.(2) Development for the purposes of serviced apartments is permitted with development consent.**5.2.3 North Sydney Centre Provisions**

The intent of the Planning Proposal is proposed to be achieved by amending Division 1 to Part 6 of NSLEP 2013 (comprising clauses 6.1 to 6.5 inclusive) being amended as follows (~~red strike through~~ represents a deletion and blue underline represents an insertion):

Division 1 – North Sydney Centre**6.1 Objectives of Division**

The objectives of this Division are as follows:

- (a) to maintain the status of the North Sydney Centre as a major commercial centre,
- ~~(b) to require arrangements for railway infrastructure to be in place before any additional non-residential gross floor area is permissible in relation to any proposed development in the North Sydney Centre,~~
- ~~(c) to permit an additional 250,000 square metres of non-residential gross floor area in addition to the estimated existing (as at 28 February 2003) 700,000 square metres of non-residential gross floor area,~~
- ~~(d) to ensure that transport infrastructure, will enable and encourage a greater percentage of people to access the North Sydney Centre by public transport than by private transport and:

 - ~~(i) be convenient and accessible, and~~
 - ~~(ii) ensure that additional car parking is not required in the North Sydney Centre, and~~
 - ~~(iii) have the capacity to service the demands generated by development in the North Sydney Centre,~~~~
- (b) to maximise commercial floor space capacity and employment growth within the constraints of the North Sydney Centre's environmental context,
- (ce) to encourage the provision of high-grade commercial space with a floor plate, where appropriate, of at least 1,000 square metres,
- ~~(df) to protect the privacy of residents, and the amenity of residential and open space areas, within and around the North Sydney Centre,~~
- (dg) to prevent any net increase in overshadowing of any land in Zone RE1 Public Recreation (other than Mount Street Brett Whiteley Plaza) or any land identified as a "Special Area" on the North Sydney Centre Map,
- ~~(eh) to prevent minimise any increase in overshadowing that would adversely impact on any land within a residential zone~~ to ensure that any land within a residential zone is afforded a reasonable amount of solar access,
- (fi) to maintain areas of open space on private land and promote the preservation of existing setbacks and landscaped areas, and to protect the amenity of those areas.

6.2 Land to which this Division applies

- (1) This Division applies to the North Sydney Centre.
- (2) A provision in this Division prevails over any other provision of this Plan to the extent of any inconsistency.

6.3 Building heights and massing

(1) The objectives of this clause are as follows:

- ~~(a) to achieve a transition of building heights generally from 100 Miller Street and 79-81 Berry Street to the boundaries of the North Sydney Centre,~~
- (ab) to promote a height and massing that has no adverse impact on land within the North Sydney Centre that is:

 - (i) located in Zone RE1 Public Recreation; or
 - (ii) land identified as a "Special Area" on the North Sydney Centre Map; or
 - (iii) on the land known as the Don Bank Museum at 6 Napier Street, North Sydney,

Planning Proposal – North Sydney Centre

- (b) to minimise overshadowing of, and loss of solar access to, land in Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone R4 High Density Residential ~~or~~, Zone RE1 Public Recreation ~~or land identified as “Special Area” on that is located outside of~~ the North Sydney Centre Map,
 - (c) to promote scale and massing that provides for pedestrian comfort in relation to protection from the weather, solar access, human scale and visual dominance,
 - (d) to encourage the consolidation of sites for the provision of high grade commercial space.
- (2) Development consent must not be granted for the erection of a building on land to which this Division applies if:
- (a) the development would result in a net increase in overshadowing between 12 pm and 2 pm on land to which this Division applies that is within Zone RE1 Public Recreation or that is identified as “Special Area” on the North Sydney Centre Map, or
 - (b) the development would result in a net increase in overshadowing between 10 am and 2 pm of the Don Bank Museum, or
 - (c) the development exceeds a building height of 45m where the site area of the development is less than 1,000 square metres.
- (3) Development consent for development on land to which this Division applies may be granted for development that would exceed the maximum height of buildings shown for the land on the Height of Buildings Map if the consent authority is satisfied that any increase in overshadowing between 9 am and 3 pm ~~is not likely to reduce the amenity of~~ will not result in any dwelling located on land to which this Division does not apply:
- (a) receiving less than 2 hours of direct sunlight to any window of a habitable room or principle private open space; or
 - (b) where any window to a habitable room or principle private open space currently receives less than 2 hours of direct sunlight, the amount of direct sunlight access must not be further reduced.
- (4) ~~Mount Street~~ **Brett Whiteley Plaza**
Development consent may be granted to development on land at 105–153 Miller Street, North Sydney, known as the MLC Building, that would result in a net increase in overshadowing of the land known as ~~Mount Street~~ **Brett Whiteley Plaza** that is within Zone RE1 Public Recreation.
- (5) In determining whether to grant development consent for development on land to which this Division applies, the consent authority must consider the following:
- (a) the likely impact of the proposed development on the scale, form and massing of the locality, the natural environment and neighbouring development and, in particular, the lower scale development adjoining North Sydney Centre,
 - (b) whether the proposed development preserves significant view lines and vistas,
 - (c) whether the proposed development enhances the streetscape in relation to scale, materials and external treatments.

6.4 Miller Street setback

- (1) The objective of this clause is to maintain the established setback and landscaped setting on the eastern side of Miller Street between McLaren Street and Mount Street.
- (2) Development consent must not be granted for the erection of a building on land identified as “Miller Street Setback” on the North Sydney Centre Map unless:
- (a) the building height will be less than 1.5 metres, and
 - (b) the part of the building that will be on that land is used only for access to the building or landscaping purposes.

~~6.5 Railway infrastructure transitional arrangements~~

- ~~(1) The objective of this clause is to require satisfactory arrangements to be made for the provision of railway infrastructure to satisfy needs that arise from development in North Sydney Centre.~~
- ~~(2) Development consent must not be granted for development on land to which this Division applies if the total non-residential gross floor area of buildings on the land after the development is carried out would exceed the total non-residential gross floor area of buildings lawfully existing on the land immediately before the development is carried out, unless:~~
- ~~(a) the Director-General has certified, in writing to the consent authority, that satisfactory arrangements have been made for railway infrastructure that will~~

Planning Proposal – North Sydney Centre

- ~~provide for the increased demand for railway infrastructure generated by the development, and~~
- ~~(b) the consent authority is satisfied that the increase in non-residential gross floor area authorised under the development consent concerned when added to the increases (reduced by any decreases) in non-residential gross floor area authorised under all consents granted since 28 February 2003 in relation to land in the North Sydney Centre would not exceed 250,000 square metres.~~
- ~~(3) In determining whether to certify arrangements in accordance with subclause (2) (a), the Director-General must consider the views of:~~
- ~~(a) Transport for NSW, and~~
- ~~(b) any other public authority the Director-General considers relevant.~~
- ~~(4) The Council is to review this Division to determine whether the policy objectives of the Division remain valid and whether the terms of the Division remain appropriate for securing those objectives. The review is to be undertaken as soon as practicable after development consent has been granted that would result in the sum of increases (reduced by any decreases) in the non-residential gross floor area authorised under all consents granted in relation to land in the North Sydney Centre since 28 February 2003 exceeding 200,000 square metres.~~
- ~~(5) For the purposes of this clause:~~
- ~~(a) an increase in non-residential gross floor area is the amount by which the non-residential gross floor area authorised on land after a development consent is granted exceeds the non-residential gross floor area authorised on the land immediately before the development consent was granted, and~~
- ~~(b) a decrease in non-residential gross floor area is the amount by which the non-residential gross floor area authorised on land after a development consent is granted is less than the non-residential gross floor area authorised on the land immediately before the development consent was granted, and~~
- ~~(c) a development consent does not include a development consent that has lapsed or been surrendered.~~
- ~~(6) In this clause, non-residential gross floor area means that part of the gross floor area of a building that is used for the purposes of business premises (excluding funeral homes), hotel or motel accommodation, office premises, retail premises (excluding pubs), serviced apartments or recreation facilities (indoor) (but only where those facilities are used for the purpose of gain).~~

5.2.4 Height of Buildings Map

The Planning Proposal requires the replacement of all existing sheets to the Height of Buildings Map (refer to Annexure B) comprising:

- HOB_001 5950_COM_HOB_001_010_20170306
- HOB_002 5950_COM_HOB_002_010_20161118
- HOB_002A 5950_COM_HOB_002A_005_20161118
- HOB_003 5950_COM_HOB_003_010_20161118
- HOB_004 5950_COM_HOB_004_010_20161118

with new sheets that incorporate updated legends on all sheets and the proposed amendments to specific properties as outlined in TABLE 1 and FIGURE 24 on Sheet HOB_002A. Copies of the replacement maps are provided in Annexure C.

Site			Existing Height (RL m)	New Height (RL m)	Increase (m)
1	122 Arthur St	SP 57439	130	179	49
2	132 Arthur St	Lot 1 DP 539864	120	180	60
3	140 Arthur St	Lot 202 DP 534733	120	180	60
4	146 Arthur St	Lot 1 DP 788579	120	188	68

Planning Proposal – North Sydney Centre

TABLE 1: Change in Maximum Building Height					
Site			Existing Height (RL m)	New Height (RL m)	Increase (m)
5	65 Berry St	Lot 155 DP 70119	140	230	90
6	77-81 Berry St	SP 74602; SP 77895; SP 88618	70 (north)	70	0
			185 (south)	289	104
7	1 Denison St	Lots 2, 3 and 4 DP 1078998	155 (north)	238	83
			170 (south)	238	68
8	54 Miller St	Lots 1 & 2 DP 362642	120	135	15
9	60 Miller St	Lot 10 DP 749713	100 (west)	166	66
			130 (east)	130	0
10	73 Miller St	Lot 38 DP 868462	115	128 (north)	13
				115 (south)	0
11	155-167 Miller St	SP 35644; SP 79612; SP 81092	80	193 (west)	113
				135 (east)	55
12	181 Miller St	Lot 15 DP 69345	120	201	81
		Lot 1 DP 123056	120	201 (south)	81
		Lot 2 DP 123056	120	230 (north)	110
		Lot 10 DP 70667	140	201	81
13	187 Miller St	Lot A DP 160018	120	230	110
14	189 Miller St	Lot 1 DP 633088	120	230	110
15	40 Mount St	Lot 102 DP 1076397	105	220	115
			150	220	70
16	80 Mount St	Lot 1 DP 566189	195	209	14
17	90 Mount St	Lot 1 DP 702144	195	209	14
18	99 Mount Street	Lot 6 DP 215737 Lots 10 & 12 DP621745 Lot 112 DP 632759 Lots 1 & 3 DP 635319	160	180	20
19	100 Mount St	SP 76561	195	209	14
20	104 Mount St	Lot 1 DP 102264 Lot 6 Sec A DP 977100	135	219	84
21	107 Mount St	Lot 1 DP 533647	125	178	53
22	118 Mount St	Lot 1 DP 635642	130	179	49
23	100 Pacific Hwy	Lot 1 DP 1119395	155	171	16
24	177 Pacific Hwy	Lot 1 DP 1190933	85	131	46
			190	190	0
25	86 Walker St	Lot 1 DP 857756	170	227	57
26	88 Walker St	Lot 1 DP 832416	170	227	57
27	99 Walker St	Lot 101 DP 748911	145	174	29
28	100 Walker St	Lots 1 & 2 DP 542915	170	227	57
29	107 Walker St	SP 21592; SP 22966; SP 30432; SP 31342	135	219	84

Planning Proposal – North Sydney Centre

TABLE 1: Change in Maximum Building Height					
Site			Existing Height (RL m)	New Height (RL m)	Increase (m)
30	110 Walker St	Lot 1 DP 777779	175	260	85
31	118 Walker St	Lot 101 DP 730995	175	260	85
32	121 Walker St	SP 35343; SP 49345; SP 50222; SP 50399	135	219	84
33	122 Walker St	Lot 8 DP 304	175	260	85
34	123 Walker St	Lot 1 DP438095 Lot 10 DP 531795	135	219	84
35	124 Walker St	Lot 1 DP 551401	140	260	120
36	141 Walker St	Lot 1 DP 738392	155	215	60
37	153 Walker St	SP 50411	155	215	60
38	157 Walker St	Lot 1 DP 84729	155	215	60
39	1 Wheeler Ln	Lot 101 DP 1076397	105 (west)	171	66
			150 (east)	171	31

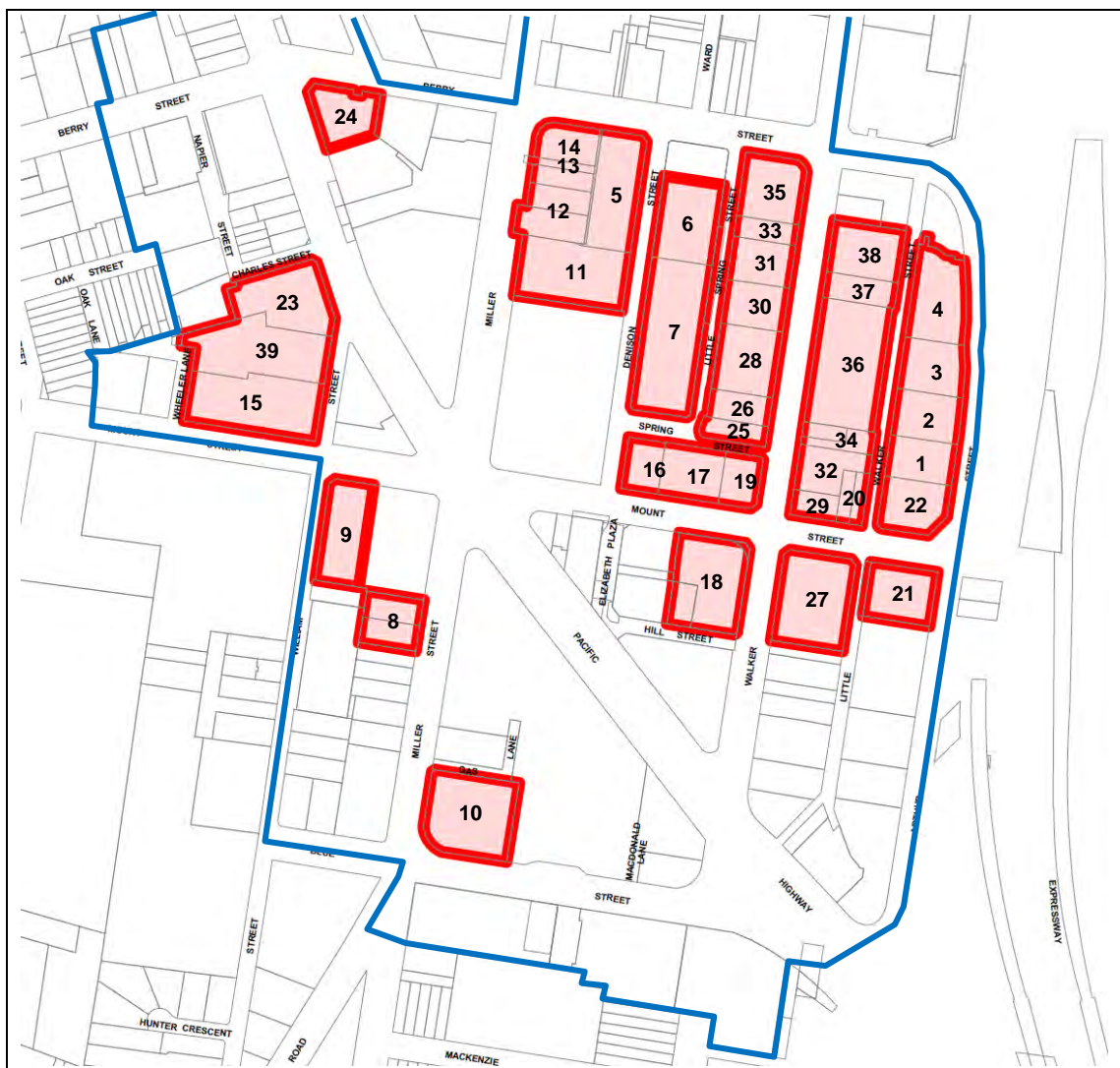


FIGURE 24:
Properties affected by a proposed change in maximum building height

5.2.5 North Sydney Centre Map

The Planning Proposal requires the replacement of the following sheet to the North Sydney Centre Map:

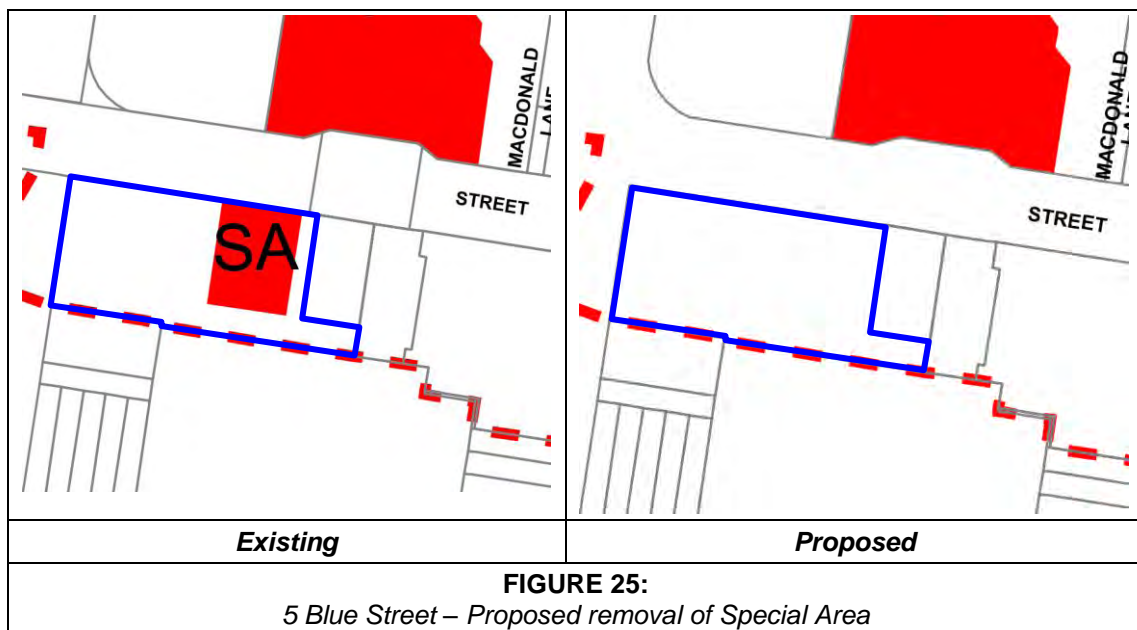
- CL1_002A 5950_COM_CL1_002A_005_20130607
(refer to Annexure D)

with:

- CL1_002A 5950_COM_CL1_002A_005_20170410
(refer to Annexure E)

The replacement of Sheet CL1_002A will incorporate the following amendments:

- Removal of the special area in its entirety to:
 - 5 Blue Street comprising Lot 4 DP 1134234 and Lot 2 DP 713944 (refer to FIGURE 25); and
 - Elizabeth Plaza comprising Lots 101 and 102 DP 837893 (refer to FIGURE 26);
- Amendment of the special area to 155-167 Pacific Highway comprising SP 35644, SP 79612 and SP 81092 to remove the special area in its entirety, with the exception of a 6m wide strip located adjacent to Miller Street (refer to FIGURE 27); and
- Adding a new special area to 100 Miller Street comprising Lot 2 DP 1119395 (refer to FIGURE 28)



Planning Proposal – North Sydney Centre

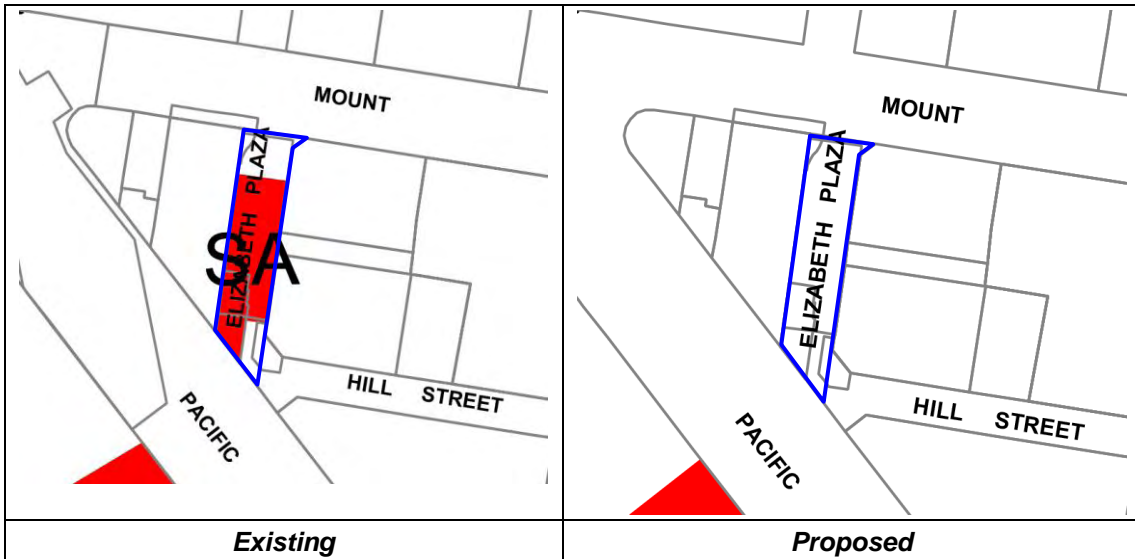


FIGURE 26:
Elizabeth Plaza – Proposed removal of Special Area

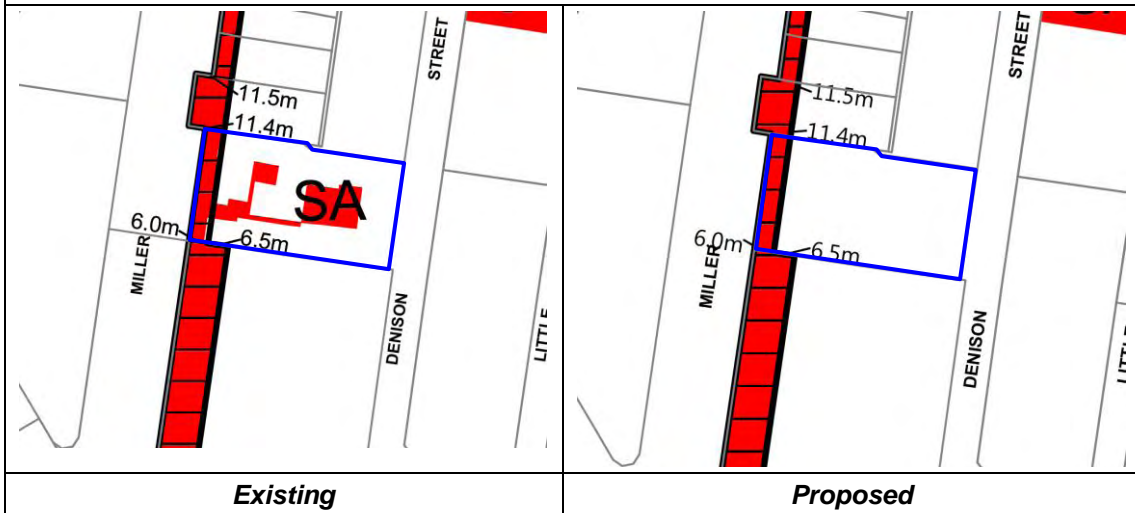


FIGURE 27:
155-167 Miller Street – Proposed amendment of Special Area

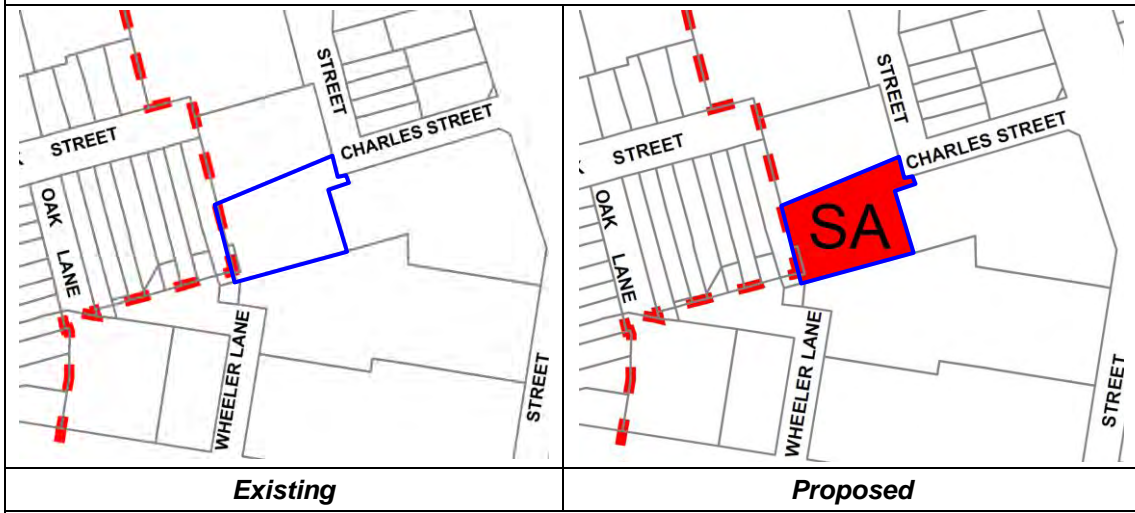


FIGURE 28:
100 Pacific Highway – Proposed new Special Area

5.3 PART 3: JUSTIFICATION

5.3.1 Section A – Need for the planning proposal

1. *Is the planning proposal a result of any strategic study or report?*

YES.

The Planning Proposal is informed by the outcomes of the *North Sydney Centre Review*. In particular, it implements the outcomes of the *North Sydney Land Use and Capacity Study* which was adopted by Council on 1 May 2017 (refer to Annexure A).

2. *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

YES

There are no known alternative mechanisms available to achieve the intent of the Planning Proposal.

5.3.2 Section B – Relationship to strategic planning framework

3. *Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?*

A Plan for Growing Sydney (2014)

Released in December 2014, *A Plan for Growing Sydney* (Metropolitan Plan) sets the planning framework for the growth of the Sydney metropolitan area over the next 25 years. The Metropolitan Plan sets targets for an additional 664,000 homes and 689,000 jobs by 2031.

Goals, Directions and Actions identified in the Metropolitan Plan which are relevant to the Planning Proposal are as follows:

Goal 1: A competitive economy with world-class services and transport

- *Direction 1.1: Grow a more internationally competitive Sydney CBD*
 - *Action 1.1.1: Create new and innovative opportunities to grow Sydney CBD office space by identifying redevelopment opportunities and increasing building heights in the right locations*
- *Direction 1.6: Expand the Global Economic Corridor*
 - *Action 1.6.1: Grow high-skilled jobs in the Global Economic Corridor by expanding employment opportunities and mixed-use activities*
 - *Action 1.6.2: Invest to improve infrastructure and remove bottlenecks to grow economic activity*
- *Direction 1.7: Grow strategic centres – providing more jobs closer to home*
 - *Action 1.7.1: Invest in strategic centres across Sydney to grow jobs and housing and create vibrant hubs of activity*
- *Direction 1.11: Deliver infrastructure*
 - *Action 1.11.1: Preserve future transport and road corridors to support future growth*

- *Action 1.11.3: Undertake long-term planning for social infrastructure to support growing communities*

The Planning Proposal is considered to be generally consistent with the relevant goals, directions and actions of the Metropolitan Plan, as it will provide opportunities to substantially increase the provision of jobs, helping to reinforce North Sydney as a primary commercial centre located along the Global Economic Corridor.

The Regional Plan also sets out a number of priorities for the North Subregion and Strategic Centres within the subregion. The relevant priorities as they relate to the subject site are as follows:

Priorities for the North Subregion

A competitive economy

- *Improve transit connections throughout the Global Economic Corridor to better link centres and transport gateways.*
- *Improve subregional connections, particularly from the Northern Beaches to Global Sydney and to the Global Economic Corridor.*
- *Preserve the corridor for Sydney Rapid Transit including a second harbour rail crossing.*
- *Facilitate the movement of people and freight through the North subregion to the Central Coast, Newcastle, the Hunter, Northern NSW and Brisbane, including through delivery of the NorthConnex project (a twin tunnel motorway linking the M2 and M1 under Pennant Hills Road).*

Accelerate housing supply, choice and affordability and build great places to live

- *Work with councils to identify suitable locations for housing and employment growth coordinated with infrastructure delivery (urban renewal) and train services, established and new centres, and along key public transport corridors including the North West Rail Link, the Western Line, the Cumberland Line, the Carlingford Line, the Bankstown Line and Sydney Rapid Transit.*

Priorities for Strategic Centres – North Sydney

- *Retain a commercial core in North Sydney CBD for long-term employment growth.*
- *Investigate potential future employment and housing opportunities associated with a Sydney Rapid Transit train station at Victoria Cross (North Sydney).*
- *Work with the City of Sydney and North Sydney Council to:*
 - *recognise and plan Global Sydney as a transformational place;*
 - *plan Sydney CBD as Australia's premier location for employment, supported by a vibrant mixture of land uses and cultural activity, and iconic places and buildings including Sydney Harbour, the Opera House and the Sydney Harbour Bridge;*
 - *provide capacity for long-term office growth in Sydney CBD;*
 - *provide capacity for additional mixed-use development in the precincts that make up Global Sydney for offices, retail, tourism, arts, culture, services and housing;*
 - *improve access to the CBD including through Sydney Rapid Transit and the CBD and South East Light Rail;*

- *improve walking and cycling connections between Global Sydney precincts and to the surrounding area.*

The Planning Proposal is unlikely to adversely impact upon the implementation of these priorities. Whilst the proposal does not directly increase the potential for increased residential accommodation, this objective can be achieved, when Council looks to implement the outcomes of the North Sydney Centre Review which focus on the mixed use fringe areas of the Centre.

Draft North District Plan

In November 2016, the NSW Government released the draft North District Plan (draft NDP). The North Sydney LGA is located within the North District along with the other LGAs of Hornsby, Ku-ring-gai, Ryde, Hunter Hill, Lane Cove, Willoughby, Mosman and Northern Beaches. The Draft NDP sets the following relevant targets:

- **Employment:** an additional 15,600-21,100 jobs by 2036 in the North Sydney Strategic Centre; and
- **Housing:** an additional 3,000 dwellings by 2021 for the North Sydney LGA; and
an additional 97,000 dwellings by 2036 for the North District.

Priorities identified in the draft NDP which are relevant to the Planning Proposal are as follows:

- *Productivity Priority 2: Manage growth and change in strategic and district centres and, as relevant, local centres*
- *Productivity Priority 3: Prioritise the provision of retail floor space in centres*
- *Liveability Priority 1: Deliver the North District 5 year housing supply target.*
- *Liveability Priority 2: Deliver housing diversity*
- *Liveability Priority 3: Implement the Affordable Rental Housing Target*
- *Liveability Priority 4: Increase social housing provision.*
- *Liveability Priority 5: Facilitate the delivery of safe and healthy places.*
- *Liveability Priority 6: Facilitate enhanced walking and cycling connections.*
- *Liveability Priority 7: Conserve heritage and unique local characteristics.*
- *Liveability Priority 8: Support the creative arts and culture*
- *Liveability Priority 9: Share resources and spaces.*
- *Liveability Priority 11: Provide socially and culturally appropriate infrastructure and services.*
- *Liveability Priority 12: Support planning for health infrastructure.*
- *Sustainability Priority 1: Maintain and improve water quality and waterway health.*
- *Sustainability Priority 2: Protect and conserve the values of Sydney Harbour.*
- *Sustainability Priority 4: Avoid and minimise impacts on biodiversity.*
- *Sustainability Priority 12: Mitigate the urban heat island effect.*

- *Sustainability Priority 13: Integrate land use and transport planning to consider emergency evacuation needs.*

The Planning Proposal is considered to be consistent with the above priorities of the draft NDP as it will enable the future growth of the North Sydney Centre to help accommodate the number of jobs targeted for North Sydney. As indicated, whilst the proposal does not directly increase the potential for increased residential accommodation, this priority can be achieved, when Council looks to implement the outcomes of the North Sydney Centre Review which focus on the mixed use fringe areas of the Centre.

4. *Is the planning proposal consistent with a council's local strategy or other local strategic plan?*

YES

North Sydney Residential Development Strategy

The North Sydney Residential Development Strategy (RDS) identifies the potential for an additional 6,199 dwellings in the North Sydney LGA by 2031 under the provisions of NSLEP 2013. Of that potential it was envisaged that 2,097 additional dwellings would be located in the suburb of North Sydney, 2,023 of which would be within the Mixed Use zone.

Implementing the Planning Proposal is unlikely to affect the attainment of the forecast residential potential envisaged under the RDS.

North Sydney Local Development Strategy

The North Sydney Local Development Strategy (LDS) reflects the outcomes sought by the Metropolitan Plan, former draft Inner North Subregional Strategy. These issues are addressed in the previous subsection to this report.

North Sydney CBD Capacity and Land Use Strategy

This Planning Proposal has specifically been prepared to give effect to the recommendations of the *North Sydney CBD Capacity and Land Use Strategy* (refer to Annexure A).

Community Strategic Plan 2013-2023

The North Sydney Community Strategic Plan 2013–2023 (CSP) outlines the community-wide priorities and aspirations for the LGA, and provides long-term goals, objectives and actions to achieve these visions. The CSP is Council's most important strategic document and is used to guide and inform Council's decision making and planning for the next ten years.

The relevant Directions, Outcomes, and Strategies of the CSP are as follows:

Direction:	1	<i>Our Living Environment</i>
Outcome	1.2	<i>Quality urban green spaces</i>
Outcome	1.4	<i>Improved environmental footprint and responsible use of natural resources</i>
Strategies	1.4.1	<i>Promote sustainable energy, water and waste practices</i>
Outcome	1.5	<i>Public open space, recreation facilities and services that meet community needs</i>
Strategies	1.5.1	<i>Provide a range of recreational facilities and services for people of all ages and abilities</i>

1.5.2 *Improve equity of access to open space and recreation facilities*

Direction: 2 Our Built Environment

Outcome: 2.1 *Infrastructure, assets and facilities that meet community needs*

Strategies: 2.1.2 *Expand capacity of existing community infrastructure*
2.1.3 *Advocate for improved state infrastructure and adequate funding for maintenance and improvement of community assets*

Outcome: 2.2 *Improved mix of land use and quality development through design excellence*

Strategies: 2.2.1 *Maintain a contemporary Local Environmental Plan (LEP)*
2.2.3 *Encourage sustainable design in future development and refurbishment of existing buildings for better environmental performance*

Outcome: 2.4 *North Sydney's heritage is preserved and valued*

Strategies: 2.4.1 *Protect and promote the heritage values of residential amenity including significant architecture, objects, places and landscapes*
2.4.2 *Encourage the use and adaptation of heritage and other existing buildings*

Outcome: 2.5 *Sustainable transport is encouraged*

Strategies: 2.5.1 *Promote the use of public transport and encourage the use of alternative modes of transport e.g. car share schemes*

Outcome: 2.6 *Improved traffic management*

Strategies: 2.6.1 *Plan, design, investigate and manage traffic and transport in accordance with safety and community priorities*

Outcome: 2.7 *Improved parking options and supply*

Strategies: 2.7.1 *Provide integrated and efficient parking options in residential and commercial areas*

Direction: 3 Our Economic Vitality

Outcome: 3.1 *Diverse, strong, sustainable and vibrant local economy*

Strategies: 3.1.1 *Expand opportunities for business particularly after hours and weekends through planning initiatives e.g. late night trading and small bars*
3.1.2 *Encourage a diverse mix of businesses*
3.1.3 *Expand employment growth capacity*

Outcome: 3.2 *North Sydney CBD is one of Australia's largest commercial centres*

Strategies: 3.2.2 *Ensure major infrastructure and public domain design contributes to North Sydney's business needs*

Outcome: 3.3 *North Sydney is a place that attracts events*

Strategies: 3.3.1 *Balance visitor impacts with residents' lifestyles and economic development*

Direction: 4 Our Social Vitality

Outcome: 4.4 *North Sydney's history is preserved and recognised*

Strategies: 4.4.1 *Protect and maintain sacred and historic sites*

The Planning Proposal will allow these Directions, Outcomes and Strategies to be pursued in a robust and strategic manner. In particular, it will:

Planning Proposal – North Sydney Centre

- Enable the North Sydney Centre to maintain its status as one of Australia's largest commercial centres; and
- Encourage public and sustainable transport as the mode choice for movements to, from and within the LGA.

North Sydney Council Delivery Program 2013/14-2016/17

The North Sydney Council Delivery Program 2013/14-2016/17 (Delivery Program) was prepared in accordance with NSW State Government's Integrated Planning and Reporting Framework requirements. The Delivery Program outlines Council's priorities and service delivery programs over four years that will contribute to the long-term strategies and desired outcomes of the Plan.

The Planning Proposal directly supports the vision of the Delivery Program as the five Directions mirror those of the CSP.

5. *Is the planning proposal consistent with applicable state environmental planning policies?*

The Planning Proposal is consistent with those State Environmental Planning Policies (SEPPs) which are relevant to the North Sydney Local Government Area, as demonstrated in TABLE 2.

TABLE 2: Consistency with SEPPs		
Direction	Consist-ency	Comment
SEPP No. 1 – Development Standards	N/A	This SEPP does not apply pursuant to Clause 1.9 of NSLEP 2013.
SEPP No. 19 - Bushland in urban areas	N/A	This SEPP does not apply as the lands affected by the Planning Proposal do not contain bushland or are located adjacent to land containing bushland.
SEPP No. 33 - Hazardous and offensive development	N/A	This SEPP does not apply as the Planning Proposal does not relate to land upon which hazardous and offensive development is permitted.
SEPP No. 50 - Canal estate development	YES	The Planning Proposal is consistent with the SEPP by maintaining a prohibition on canal estate development.
SEPP No. 55 - Remediation of land	N/A	The Planning Proposal does not seek to amend the permissibility of land use within any zone, nor introduce a site specific use which may be sensitive to contamination issues.
SEPP No. 64 - Advertising and signage	N/A	The Planning Proposal is consistent with the SEPP as it does not affect the attainment of the SEPP's aims and objectives.
SEPP No. 65 - Design Quality of Residential Apartment Development	YES	The Planning Proposal is consistent with the SEPP as it does not affect the attainment of the SEPP's aims and objectives.

Planning Proposal – North Sydney Centre

TABLE 2: Consistency with SEPPs		
Direction	Consist -ency	Comment
SEPP (Affordable Rental Housing) 2009	YES	The Planning Proposal is consistent with the SEPP as it does not affect the attainment of the SEPP's aims and objectives.
SEPP (Building Sustainability Index: BASIX) 2004	N/A	The Planning Proposal does not relate to building sustainability.
SEPP (Educational Establishments and Child Care Facilities) 2017	YES	The Planning Proposal is consistent with the SEPP as it does not affect the attainment of the SEPP's aims and objectives.
SEPP (Exempt and Complying Development Codes) 2008	N/A	The Planning Proposal does not seek to introduce any additional exempt or complying development types.
SEPP (Housing for Seniors or People with a Disability) 2004 - <i>formerly SEPP (Seniors Living) 2004</i>	YES	The Planning Proposal is consistent with the SEPP as it does not affect the attainment of the SEPP's aims and objectives.
SEPP (Infrastructure) 2007	YES	The Planning Proposal is consistent with the SEPP as it does not affect the attainment of the SEPP's aims and objectives.
SEPP (Major Development) 2005 - <i>formerly SEPP Major Projects & SEPP State Significant Development</i>	N/A	The Planning Proposal does not relate to any state significant sites identified under this SEPP and therefore does not apply.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	YES	The Planning Proposal is consistent with the SEPP as it will not impede the attainment of the aims and objectives of this SEPP.
SEPP (Miscellaneous Consent Provisions) 2007 - <i>formerly SEPP (Temporary Structures) 2007</i>	N/A	This SEPP does not apply as the Planning Proposal does not relate to development for the purposes of temporary structures.
SEPP (State and Regional Development) 2011	N/A	This SEPP does not apply as the Planning Proposal does not relate to state or regional development nor the operation of joint regional planning panels.
SEPP (Vegetation in Non-Rural Areas) 2017	YES	The Planning Proposal is consistent with the SEPP as it does not affect the attainment of the SEPP's aims and objectives.
Sydney REP (Sydney Harbour Catchment) 2005	YES	The Planning Proposal is consistent with the SEPP as it will not impede the attainment of the aims and objectives of this SEPP.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The Planning Proposal is consistent with the relevant Directions issued under Section 117(2) of the EP&A Act by the Minister to Councils, as demonstrated in TABLE 3.

Planning Proposal – North Sydney Centre

TABLE 3: Consistency with s.117 Directions		
Direction	Consist -ency	Comment
1. Employment and Resources		
1.1 Business & Industrial Zones	YES	The Planning Proposal does not seek to reduce any commercial or industrial zoning under NSLEP 2013 nor does it seek to reduce the level of permissible non-residential floor space achievable on the affected lands.
1.2 Rural Zones	N/A	This Direction does not apply as there are no existing rural zones under NSLEP 2013 or proposed under the Planning Proposal.
1.3 Mining, Petroleum Production & Extractive Industries	YES	The Planning Proposal does not seek to alter the permissibility of these types of land uses.
1.4 Oyster Aquaculture	N/A	This Direction does not apply as the Planning Proposal is not located in a water catchment area that directly drains to a water body containing a Priority Oyster Aquaculture Area or a current oyster aquaculture lease in the national parks estate.
1.5 Rural Lands	N/A	This Direction does not apply as the Planning Proposal does not propose any changes that will affect development in a rural or environmental protection zone.
2 Environmental Heritage		
2.1 Environmental Protection Zones	N/A	This Direction does not apply as the Planning Proposal does not affect land in an environmental protection zone.
2.2 Coastal Protection	N/A	This Direction does not apply as the Planning Proposal does not affect land within a coastal zone.
2.3 Heritage Conservation	YES	The Planning Proposal does not alter the existing heritage conservation provisions within NSLEP 2013 which already satisfy the requirements of the Direction. Nor is it proposed to remove any heritage items from Schedule 5.
2.4 Recreation Vehicle Areas	N/A	The Planning Proposal does not enable land to be developed for the purposes of a recreational vehicle area.
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	N/A	This Direction does not apply as the Planning Proposal does not relate to any of the identified LGAs.
3 Housing, Infrastructure & Urban Development		
3.1 Residential Zones	YES	The Planning Proposal is consistent with the requirements of the Direction as it may enhance the ability to provide limited increased residential development potential through increased height limits at 77-81 Berry Street.

Planning Proposal – North Sydney Centre

TABLE 3: Consistency with s.117 Directions		
Direction	Consist-ency	Comment
3.2 Caravan Parks & Manufactured Home Estates	N/A	This Direction does not apply as the Planning Proposal does not seek to permit caravan parks or manufactured home estates under NSLEP 2013.
3.3 Home Occupations	YES	The Planning Proposal does not alter the existing provisions within NSLEP 2013 that relate to home occupations, which already satisfy the requirements of the Direction.
3.4 Integrating Land Use & Transport	YES	The Planning Proposal seeks to significantly increase development potential within the core of the North Sydney Centre, directly servicing both the existing North Sydney Railway Station and the proposed Victoria Cross Metro Station and thereby maximising public transportation use.
3.5 Development Near Licensed Aerodromes	NO	<p>Despite not being located in close proximity to Sydney Airport, the subject site is affected by an Obstacle Limitation Surface (OLS) of 156m AHD. The Planning Proposal seeks to introduce new maximum building heights within the North Sydney Centre which exceed the OLS by approximately 133m (based on a proposed maximum RL of 289m AHD). It is also considered that any activities associated with the construction of development in accordance with the proposed height controls, would further encroach above the OLS on a temporary basis.</p> <p>The Planning Proposal has not been referred to the Commonwealth Department of Infrastructure and Regional Development, nor the Sydney Airport Corporation for their comment and permission in accordance with subclauses (4)(a) and (d) of the Direction.</p> <p>Notwithstanding, referral can still be undertaken and permission obtained as a requirement of any future Gateway Determination and before public exhibition consistent with the requirements of the Direction.</p>
3.6 Shooting Ranges	N/A	This Direction does not apply as the Planning Proposal does not relate to land in the vicinity of a shooting range.
4 Hazard and Risk		
4.1 Acid Sulfate Soils	N/A	This Direction does not apply as the Planning Proposal does not relate to land affected by Acid Sulfate Soils.

Planning Proposal – North Sydney Centre

TABLE 3: Consistency with s.117 Directions		
Direction	Consist-ency	Comment
4.2 Mine Subsidence & Unstable Land	N/A	This Direction does not apply as the Planning Proposal does not relate to land affected by mine subsidence nor has it been identified as being unstable land.
4.3 Flood Prone Land	N/A	This Direction does not apply as the Planning Proposal does not relate to land identified as being flood prone land.
4.4 Planning for Bushfire Protection	N/A	This Direction does not apply as the Planning Proposal does not relate to land identified as being bushfire prone land.
5 Regional Planning		
5.1 Implementation of Regional Strategies	N/A	This Direction does not apply as the Planning Proposal does not relate to land affected by one of the identified strategies.
5.2 Sydney Drinking Water Catchment	N/A	This Direction does not apply as the Planning Proposal does not relate to any of the identified LGAs.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast.	N/A	This Direction does not apply as the Planning Proposal does not relate to any of the identified LGAs.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast.	N/A	This Direction does not apply as the Planning Proposal does not relate to any the identified LGAs.
5.8 Second Sydney Airport: Badgerys Creek	N/A	This Direction does not apply as the Planning Proposal does not relate to any of the identified LGAs.
5.9 North West Rail Link Corridor Strategy	N/A	This Direction does not apply as the Planning Proposal does not relate to any of the identified LGAs.
5.10 Implementation of Regional Plans	YES	Refer to question 3 to Section 5.3.2 of this report.
6 Local Plan Making		
6.1. Approval & Referral Requirements	YES	The Planning Proposal seeks to remove the Director General's certification requirements for the satisfactory provision of railway infrastructure.
6.2 Reserving Land for Public Purposes	YES	The Planning Proposal does not create, alter or reduce existing zonings or reservations of land for public purposes.
6.3 Site Specific Provisions	N/A	This Direction does not apply, as it does not allow a particular type of development to be carried out.
7 Metropolitan Planning		
7.1 Implementation of the A Plan for Growing Sydney	YES	Refer to question 3 to Section 5.3.2 of this report.
7.2 Implementation of Greater Macarthur Land Release Investigation	N/A	This Direction does not apply as the Planning Proposal does not relate to any the identified LGAs.

TABLE 3: Consistency with s.117 Directions		
Direction	Consist-ency	Comment
7.3 Parramatta Road Corridor Urban Transformation Strategy	N/A	This Direction does not apply as the Planning Proposal does not relate to any the identified LGAs.

5.3.3 Section C – Environmental, social and economic impact.

7. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

The Planning Proposal relates to land in densely urbanised areas and it is unlikely that the Planning Proposal will adversely affect any critical habitat or threatened species, populations or ecological communities, or their habitats.

8. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

The Planning Proposal will result in some increased overshadowing of residential properties located outside of the North Sydney Centre due to the proposed increase in the maximum building height on a number of sites.

North Sydney Council has an established tradition of protecting residential properties located outside of the North Sydney Centre from the impacts of a growing North Sydney Centre, especially in terms of solar access and overshadowing. However, this is often difficult to achieve when trying to balance the need to accommodate additional commercial floor space to meet regional and district level employment targets.

The premise of the *North Sydney CBD Capacity and Land Use Strategy* has been to unlock additional commercial floor space capacity in the CBD, whilst maintaining a reasonable standard of solar amenity protection to surrounding areas. The Strategy has sought to achieve this by marginally reducing the time period within which residential properties located outside of the North Sydney Centre have their solar access protected. In particular, the time frame has been reduced from 9am to 3pm down to 10am to 2pm at the Winter Solstice.

Additional height may also be achieved if dwellings located outside of the North Sydney Centre are able to receive a minimum 2 hours of direct sunlight between 9am and 3pm at the Winter Solstice.

This approach provides an acceptable balance between allowing the Centre to grow whilst minimising impacts on residents located adjacent to a very important employment and economic centre.

Proposed increases in building height may also result in adverse wind impacts on the public domain. However, such issues can be appropriately addressed at the development application stage through the incorporation of suitable design elements and treatments.

The proposed amendments' potential impact on the heritage significance of heritage items directly affected by the Planning Proposal is provided in Annexure F. In summary:

- With regard to the removal of 'serviced apartments' from the *B3 Commercial Core* zone, there is likely to be a negligible impact on the heritage significance of listed heritage items, as there are typically a large number of other compatible and sympathetic uses that are permissible within the zone that could be considered in the reuse of those items should the current use no longer be viable. Furthermore, subclause 5.10(10) to NSLEP 2013 enables 'serviced apartments' to be provided on a site comprising a heritage item, despite any prohibition under the Land Use Table, subject to meeting a number of heritage conservation outcomes.
- With regard to amendment of building heights, there is likely to be a negligible impact on the heritage significance of listed heritage items, principally due to the significant differences between the heights of the heritage item and that already permitted on adjoin sites. Notwithstanding, impacts on heritage significance can be considered as part of any future development proposal for sites where a change is being proposed or on adjacent sites.
- With regard to removal of the railway infrastructure and non-residential floor space provisions, there is likely to be no impact on the heritage significance of heritage items. This is due to there being no requirement to physically alter the built form or use of the heritage item.
- With regard to the amendment of the extent of Special Areas within the North Sydney Centre, there is unlikely to be any impact on the heritage significance of heritage items. This is principally due to Special Areas not being located on sites containing heritage items and not being located in the vicinity of a Special Area. Where they are located on a site containing a heritage item, it is not proposed to amend the Special Area, or the heritage item has been demolished or is already scheduled for demolition.

Accordingly, the Planning Proposal's impact on heritage significance is considered to have a negligible overall impact. Specific impacts can still be addressed in the assessment of any development proposal.

No other adverse environmental effects are anticipated by the implementation of the Planning Proposal.

9. *How has the planning proposal adequately addressed any social and economic effects?*

The Planning Proposal principally seeks to remove existing restrictions within NSLEP 2013 that prevent the North Sydney Centre from achieving the desired outcomes of regional, district and strategic plans. In particular, the Planning Proposal will enable Council accommodate a significant increase in commercial floor space afforded by increased maximum building heights and therefore contribute to meeting the employment targets set for North Sydney.

It is acknowledged that the removal of serviced apartments as a permissible use in the *B3 Commercial Core* zone may have a minor economic impact.

However, serviced apartments have the ability to undermine the employment generation potential of commercial floor space in the North Sydney Centre, due to their extremely low employee to floor space ratio. This has been partially addressed in the *B4 Mixed Use* zone, whereby NSLEP 2013 requires a minimum of 50 serviced apartments be provided to qualify as non-residential floor space within the *B4 Mixed Use* zone.

The North Sydney Centre has a relatively small footprint. The intrinsic value of commercially zoned land and its contribution to employment is therefore high, particularly in the current and recent climate of residential development easily eclipsing the commercial property market in terms of feasibility and risk.

As serviced apartments are still permissible in the *B4 Mixed Use* zone, they are not prohibited outright and can still be undertaken in the LGA. Therefore, the prohibition of 'serviced apartments in the *B3 Commercial Core* zone is considered appropriate in this instance.

The only land within the North Sydney Centre, that is also zoned *B3 Commercial Core* and has approval for the use of that land for serviced apartments is at 80 Arthur Street, North Sydney. To protect the permissibility of this existing lawfully approved serviced apartment development, it is proposed to include a new clause within Schedule 1 – *Additional permitted uses* to remove the need to rely on existing use rights. This is consistent with Condition 1(b) to the amended Gateway Determination.

5.3.4 Section D – State and Commonwealth interests

10. *Is there adequate public infrastructure for the planning proposal?*

NSLEP 2013 currently restricts the level of commercial floor space being provided within the North Sydney Centre until such time as sufficient public transport infrastructure is provided to cater for the increased demand in public transport services.

The State Government's announcement in November 2015 to construct the Sydney Metro rail line and a new railway station (Victoria Cross) within the heart of the North Sydney Centre provides the impetus for removing the commercial floor space cap and increasing the development potential of sites in the North Sydney Centre. A new railway station will cater for more than the additional uplift in floor space capable under this Planning Proposal.

Implementation of the Planning Proposal is unlikely to adversely impact upon the provision of other public infrastructure services within the locality.

11. *What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?*

The Planning Proposal has not yet been considered by State or Commonwealth public authorities.

Condition 3 of the Gateway Determination required that consultation be undertaken with the following public authorities:

- Transport for NSW;
- Transport of NSW: Road and Maritime Services;
- Office of Environment and Heritage – Heritage Branch;

Planning Proposal – North Sydney Centre

- Sydney Airport Corporation Ltd;
- Air Services Australia; and
- Civil Aviation Safety Authority.

In accordance with this Condition, each of the above public authorities was provided with a copy of the Planning Proposal and all relevant supporting material and given a minimum of 21 days within which to comment. This consultation is being undertaken concurrently with the public exhibition of the Planning Proposal.

Any comments received will be considered as part of Council's post exhibition report to the Planning Proposal.

5.4 PART 4 : MAPPING

Table 3 identifies all the maps which are required to be replaced to achieve the intent of the Planning Proposal. Copies of the existing and proposed maps are contained within Annexures B, C, D and E.

TABLE 3 – REPLACEMENT MAPS		
Map Types	Existing Map Sheet Identification No.	Proposed Map Sheet Identification No.
Height of Buildings Map		
HOB_001	5950_COM_HOB_001_010_20170306	5950_COM_HOB_001_010_20170825
HOB_002	5950_COM_HOB_002_010_20161118	5950_COM_HOB_002_010_20170410
HOB_002A	5950_COM_HOB_002A_005_20161118	5950_COM_HOB_002A_005_20170410
HOB_003	5950_COM_HOB_003_010_20161118	5950_COM_HOB_003_010_20170410
HOB_004	5950_COM_HOB_004_010_20161118	5950_COM_HOB_004_010_20170410
North Sydney Centre Map		
CL1_002A	5950_COM_CL1_002A_005_20130607	5950_COM_CL1_002A_005_20170410

5.5 PART 5: COMMUNITY CONSULTATION

Consultation will be undertaken in accordance with the requirements made by the Gateway Determination and Council's guidelines.

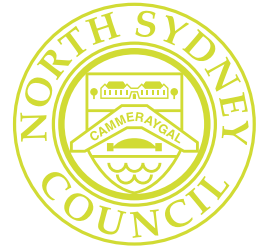
5.6 PART 6: PROJECT TIMELINE

TABLE 3 provides a project timeline having regard to identified milestones and estimating approximately 12 months from submitting the proposal to the DPE to the amending LEP being made.

TABLE 3 – Project Timeline												
Milestone	May 2017	June 2017	July 2017	Aug 2017	Sept 2017	Oct 2017	Nov 2017	Dec 2017	Jan 2018	Feb 2018	Mar 2017	Apr 2017
1. Request for Gateway Determination sent to DPE												
2. DPE considers Request												
3. Gateway Determination Issued to Council												
4. Public Exhibition Undertaken												
5. Council considers post exhibition report												
6. Submission to DPE requesting making of LEP												
7. Drafting of LEP and making												

ANNEXURE A

- North Sydney CBD Capacity and Land Use Strategy



North Sydney CBD

Capacity and Land Use Strategy

Final Strategy Document

May 2017





Contents

1	Background	5
1.1	Strategic Context	7
1.2	Catalyst for Study	7
1.3	Objectives	7
1.4	General Approach	7
1.5	Recommendations of Study	8
1.6	Special Areas Review	9
2	Public Exhibition and Report to Council	11
2.1	Public Exhibition	13
2.2	Submissions Overview	13
2.3	Post-Exhibition Report to Council	14
3	Strategy Development	17
3.1	Key Strategy Drivers and Elements	19
3.2	Height of Buildings	20
3.3	Special Areas	29
3.4	Small Sites	30
3.5	Serviced Apartments	31
3.6	Floor Space Limitations and Railway Contributions	32
3.7	Ward Street Masterplan	33
3.8	Sydney Metro	34
3.9	Value Sharing	35
3.10	Recommendations Summary	36
4	Implementation	39
4.1	Implementation Mechanism and Timing	41
	Appendix 1 - Council Report and Resolution 20 March 2017	
	Appendix 2 - Council Report and Resolution 1 May 2017	

Note on Terminology

The term 'North Sydney Centre' will no longer be used in an official capacity to describe the area defined by North Sydney LEP 2013 and referred to throughout the North Sydney Centre Review process.

The word 'Centre' will be replaced by 'CBD' (Central Business District) within this document. Reference may still be made to the 'commercial core', referring specifically to that part of the CBD that is zoned B3 Commercial Core under LEP 2013.

NSLEP 2013 will maintain the use of the term 'North Sydney Centre' and be amended at a later date.



1

Background





1.1 Strategic Context

The North Sydney Centre Capacity and Land Use Study forms part of Council's comprehensive North Sydney Centre Planning Review.

The aim of the North Sydney Centre Planning Review is to identify and implement policies and strategies to ensure that the North Sydney Centre retains and strengthens its role as a key component Sydney's global economic arc, remains the principle economic engine of Sydney's North Shore, and becomes a more attractive, sustainable and vibrant place for residents, workers and businesses.

1.2 Catalyst for Study

The Capacity and Land Use Study was undertaken as a policy response to the following key drivers:

- Council has a statutory obligation to review its North Sydney Centre controls upon approval of an additional 200,000 m² of commercial floor space is approved (reached in 2015);
- State government metropolitan planning requires employment and housing growth within the North Sydney LGA; and
- Proposed new public transport infrastructure presents opportunities will improve the amenity, accessibility and competitiveness of the North Sydney Centre.

1.3 Objectives

The Capacity and Land Use Study is the final component of the wider Review, and seeks to:

- Develop a framework that allows for the growth of the North Sydney Centre to ensure it maintains and improves its status as a resilient, vibrant and globally relevant commercial centre;
- Accommodate forecast demand for additional commercial floor space in the North Sydney Centre;

- Inform and respond to district planning, particularly employment and commercial floor space targets for the North Sydney Centre;
- Take advantage of planned infrastructure upgrades by intensifying land use around significant transport infrastructure;
- Offset commercial floor space losses in the mixed use zone of the Centre;
- Identify residential development opportunities in the mixed use periphery; and
- Identify and facilitate specific land uses to contribute to the Centre's diversity, amenity and commercial sustainability.

At its meeting on 24 October 2016, Council adopted the draft Study, without amendment, for the purposes of public exhibition.

1.4 General Approach

The Study and wider North Sydney Centre Review have been informed by a number of significant pieces of work undertaken by external consultants, including the North Sydney Commercial Centre Study (2015) by Urbis and the North Sydney Centre Economic Study (2013), prepared by Hill PDA.

The capacity and planning scenario analysis (Section 5 of the Study) was based on 3D modelling work undertaken by SJB Architects in 2016.

The Special Areas Review was undertaken by Council staff, drawing on the work undertaken by Place Partners in the preparation of the North Sydney Public Domain Review 2015.

Informing studies and other information can be accessed at https://www.northsydney.nsw.gov.au/Building_Development/North_Sydney_CBD.



Process Flowchart

Background

1.5 Recommendations of Study

The Capacity and Land Use Study recommended that the following strategies be implemented to help achieve the above objectives:

Strategy 1

Apply new height controls to the North Sydney Centre based on the following:

- A 10 am to 2 pm restriction on additional overshadowing to residential land outside of the North Sydney Centre; and
- The continued prohibition of additional overshadowing to land identified as special areas under NSLEP 2013.
- Any other measure identified as a result of further detailed consideration.

Strategy 2

Apply new height controls via the following mechanisms:

B3 Commercial Zone

New heights controls will be applied via a Council-initiated planning proposal.

B4 Mixed Use

The achievement of potential additional height identified by the Study will be subject to the consideration of a proponent-initiated planning proposal, where appropriate land uses and development mix can be assessed and assured.

Strategy 3

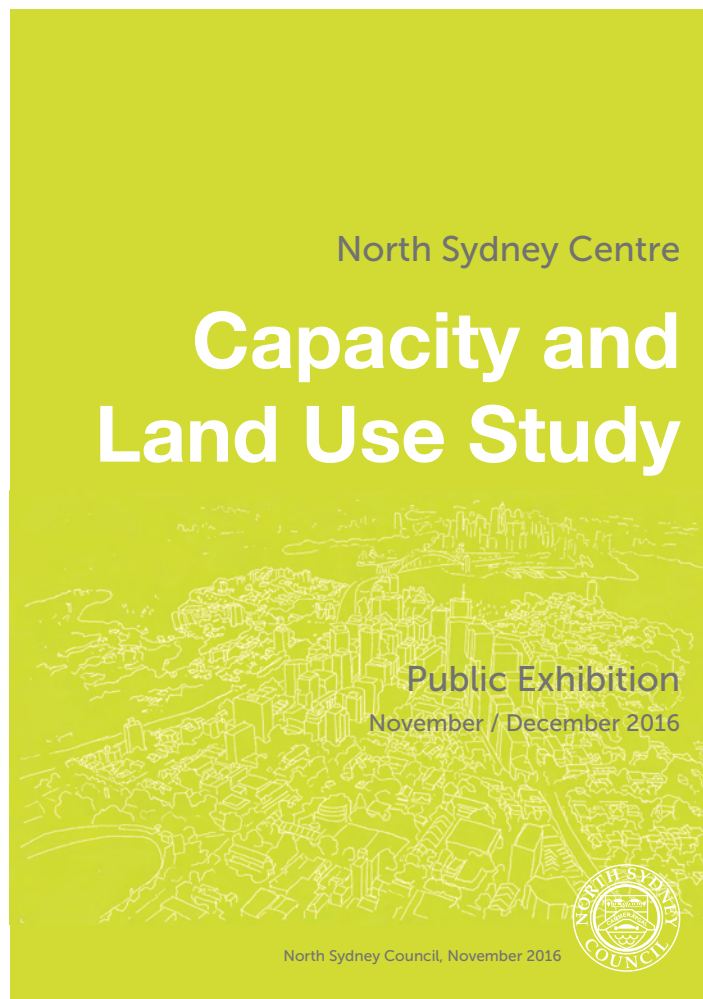
- Amend the Special Areas Map of NSLEP 2013 to remove Blue Street and Elizabeth Plaza special areas and add the green space at the rear of 100 Pacific Highway.
- Revisit Miller Street Central and Tower Square special areas to align with the public domain outcomes of the Victoria Cross Metro station.
- Review Berry Square as part of the Ward Street Masterplan.

Strategy 4

Prohibit the development of serviced apartments within the B3 Commercial Core zone.

Strategy 5

Undertake a review of North Sydney DCP 2013 Part B Section 2 Commercial Development and Part 3 Section 2 North Sydney Planning Area Character Statement, to further consider built form issues within the Centre.



1.6 Special Areas Review

The Study included, as an appendix, a review of all areas within the North Sydney Centre identified by NSLEP 2013 as 'special areas'. The purpose of the Review was to assess the relative value or contribution of existing special areas to the amenity of the North Sydney Centre, and to ascertain whether they should continue to be protected under existing policy settings. The Study made the following recommendations:

Recommendation 1: Retain Special Areas

The following outdoor spaces, as identified under NSLEP2013, are recommended to be retained as special areas:

- Miller Street (North);
- Miller Street (Central);
- Tower Square;
- Berry Street (West);
- Berry Square (subject to further detailed consideration in Ward Street Masterplan);
- Doris Fitton Park;
- Greenwood Plaza;
- Brett Whitely Place; and
- Don Bank Museum.

Recommendation 2: Remove Special Areas

The following special areas, as identified under NSLEP 2013, are recommended to be removed as their existing shadow and context does not qualify their status as special areas:

- Elizabeth Plaza; and
- Blue Street Plaza.

Recommendation 3: Add New Special Areas

It is recommended that the park located on the western portion of 100 Pacific Highway, directly adjacent to the Don Bank Museum, become a new special area. Both this site and the Don Bank Museum are identified important open spaces in the Education Precinct Planning Study (2015). The value of these spaces is expected to increase with the scheduled upgrades to Charles and Napier Streets, due to commence in mid 2016.

Recommendation 4: Further Consideration

The review recommends the following amendments to NSLEP 2013, pending North Sydney Centre strategic policy outcomes:

- Tower Square: Review the status of the Tower Square special area once the built form and public domain outcomes of the Sydney Metro are known;



- Miller Street (Central): Consideration should be given to potentially expanding the Miller Street (Central) special area in accordance with Sydney Metro public domain outcomes;
- Victoria Cross Plaza: Consideration should be given to potentially identifying Victoria Cross Plaza a special area, pending Sydney Metro and North Sydney Centre Public Domain Strategy outcomes; and
- Ward Street Precinct: Review existing special areas and investigate opportunities for new special areas in line with the outcomes of the Ward Street Precinct Masterplan.

Recommendation 5: Minor Variations

Prepare a Planning Proposal to amend NSLEP 2013 to enable consideration to be given for the re-cladding or other cosmetic upgrades of existing buildings that seek to improve their appearance in the North Sydney Centre, as long as such proposals do not constitute additional floor space.



2

Public Exhibition & Report to Council





2.1 Public Exhibition

The Capacity and Land Use Study was publicly exhibited from Thursday 3 November 2016 to Thursday 15 December 2016.

Public consultation during this time included the following:

- Notification in the Mosman Daily;
- Approximately 9,400 letters sent to owners and residents in and around the North Sydney Centre;
- A presentation to the Combined Precincts Committee and written notification to all Precincts;
- An 8-page summary brochure made available on-line and in hard copy;
- A dedicated exhibition web page including all documentation, contact information and on-line submission form; and
- Hard copy documentation made available for viewing at Council Chambers and Stanton Library.

The Study was also the subject of a Mosman Daily article published on 17 November 2016.

2.2 Submissions Overview

A total of 35 submissions were received, including several lodged after the formal exhibition period.

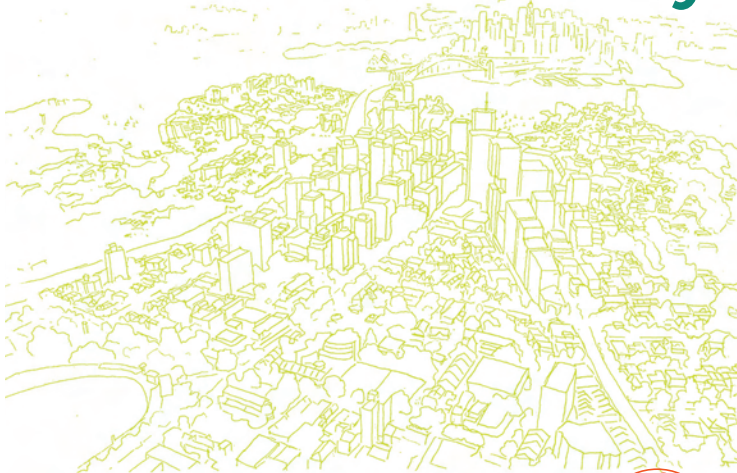
The key themes of the submissions can be generally characterised as follows:

- Concerns regarding potential losses of amenity to land within and outside of the North Sydney Centre;
- The identification of specific amendments required to realise development outcomes on particular sites within the North Sydney Centre; and
- Comments or concerns regarding the wider strategic approach recommended by the Study.

A complete summary of and response to submissions formed a part of the post-exhibition report to Council, which forms an attachment to this Strategy.

North Sydney Centre

Capacity and Land Use Study



Public Exhibition Summary
November / December 2016



2.3 Post-Exhibition Report to Council

2.3.1 Report

As noted above in Section 2.2, a post-exhibition report was prepared for and considered by Council at its meeting of 20 March 2017.

The report provided a summary of all submissions received, accompanied by Council's response to each issue raised. The report also provided detailed discussion of a number of issues, and highlighted matters that required further consideration prior to the finalisation of a strategy.

The complete Council report and resolution forms Appendix 1 to this document.

2.3.2 Key Elements of Report

Section 3 Further Detailed Consideration of the Council report included discussion of the following key issues:

- Capacity Study summary and clarifications
- Height of buildings
- Variation controls
- Interface issues
- Limits to additional commercial floor space
- Special areas
- Opportunity sites
- Sydney Metro
- Ward Street Masterplan
- Voluntary planning agreements and mixed use development

The directions contained within the resolution of Council reflect the outcomes of that detailed discussion.

2.3.3 Resolution

Council adopted the recommendations of the report, resolving:

1. THAT Council note the submissions and staff response;
2. THAT additional consideration be given to matters detailed in this report, particularly Directions 1-6 as follows:
 - 1.1 DIRECTION 1: Apply the 10 am to 2 pm solar access protection approach to set the basis for changes to LEP 2013 height limits for properties within the B3 Commercial zone.
 - 1.2 DIRECTION 2: Further consider amending Clause 6.3 of LEP 2013 to apply height variation controls based on ensuring a minimum of two hours solar access between 9 am and 3 pm to residential properties outside the North Sydney Centre, consistent with the provisions of the Apartment Design Guidelines.
 - 1.3 DIRECTION 3: Review indicative height controls for several sites identified in section 3.6 Interface Issues.
 - 1.4 DIRECTION 4: Continue to work with the DPE and TfNSW to remove existing restrictions on new commercial floor space within the North Sydney Centre.
 - 1.5 DIRECTION 5: Ensure that height controls accurately reflect development potential of commercially zoned sites, and wherever possible, avoid the need for significant variations through the DA process.
 - 1.6 DIRECTION 6: Take necessary steps to ensure that the potential for the Sydney Metro site to realise significant additional commercial floor space is facilitated in a timely manner.
3. THAT a final Capacity and Land Use Strategy and associated draft LEP 2013 and DCP 2013 amendments be prepared and reported to Council.

Section 3 of this Strategy incorporates consideration of each of the above directions.





3

Strategy Development





3.1 Key Strategy Drivers and Elements

This section outlines the key elements and further considerations required to develop a final strategy for implementation.

3.1.1 Key Drivers

The final North Sydney CBD Capacity and Land Use Strategy will be based upon the recommendations of the publicly exhibited Capacity and Land Use Study, and the directions contained within Council's resolution of 20 March 2017. The following sub-sections detail each of these matters in turn.

3.1.2 Key Elements

The following key elements make up the final Strategy:

- A refined indicative height of buildings map, reflecting both the 10-2 overshadowing restriction approach and further detailed consideration as described within the section;
- Confirmation of the recommendations of the Special Areas Review undertaken as part of the Capacity and Land Use Study;
- A relaxation of the small sites redevelopment prohibition, to allow redevelopment to take place under certain circumstances;
- The prohibition of serviced apartments within the commercial core of the CBD;
- A refined height of buildings variation clause; and
- The removal of certain existing statutory restrictions on further commercial growth within the CBD.

3.2 Height of Buildings

3.2.1 Introduction

The Capacity and Land Use Study recommended that height controls within the North Sydney CBD be based upon the continued protection of 'special areas' within the CBD and the application of a 10 am to 2 pm mid-winter restriction of overshadowing to residential properties outside of the CBD.

The Indicative Future Height Controls map of Section 7.6 of the Capacity and Land Use Study (reproduced below) represents the application of those two planning elements.

Both Recommendation 1 of the exhibited Study and Directions 3 and 5 of the 20 March 2017 Council resolution require the refinement of this map, which is the basis of a planning proposal to amend NSLEP 2013 and consider future planning proposals within the CBD.

It is proposed that this indicative map be refined to reflect the further detailed consideration undertaken and outlined throughout this Section. Specifically, the following considerations will impact on the existing indicative heights map:

- Height controls on heritage sites;
- Interface issues; and
- Further consideration of 'opportunity sites' as identified in the post-exhibition report to Council.



Capacity and Land Use Study Indicative Future Height Controls map as exhibited.

3.2.2 Heritage Items

The exhibited Capacity and Land Use Study did not include a detailed analysis or discussion of heritage sites within the CBD.

North Sydney is proud of its rich built form heritage, and this planning process does not seek to diminish the role or significance of heritage items within the CBD.

As such, it is proposed that heritage sites within the CBD retain their existing building height controls, with exceptions as noted below. These will be reflected in an amended indicative height map (see Section 3.2.5).

Heritage Site	LEP 2013 Height Control (RL)	Capacity Study Indicative Height (RL)	Recommended Indicative Height (RL)
41 McLaren Street	100	105	*
101-103 Miller Street (Greenwood)	75	75	75
105 Miller Street (MLC)	125	125	125
187 Miller Street (Watchmaker)	120	201	230**
199 Miller Street (Rag & Famish)	80	80	*
201 Miller Street	160	160	*
51 & 67-69 Mount Street	75 / 115	95 / 115	75 / 115
1-7 Napier Street	95	95	95
92-94 Pacific Hwy (Post Office & Court House)	80	130	80
168-172 Pacific Hwy	95 / 100	95 / 100	95 / 100
86 Walker Street (Firehouse)	170	227	227***
1 Wheeler Lane (telephone exchange)	105 / 150	245 / 171	171****

* Sites within the Ward Street Precinct are deferred from this Strategy's indicative height map, pending the outcomes of the Ward Street Masterplan (see Section 3.7 for further details).

** The property is set to be demolished as part of the Sydney Metro project. The recommended indicative height is the result of further detailed consideration under Direction 5 of Council's 20 March 2017 resolution (see Section 3.2.4 and 3.8 for further details).

*** The old firehouse site has an existing height control (RL 170) which is well beyond the height of the existing building (RL 62), and shares that control with properties to the north. For consistency, the recommended height control for the site will follow those that it is currently grouped with.

**** The heritage listing of the site is a mapping anomaly to be dealt with separately to this process. See Section 3.2.3 for further details on this site.

3.2 Height of Buildings (cont.)

3.2.3 Interface Issues

As in the introduction to this section, Section 3.6 of the 20 March 2017 Council report (Appendix 1) reiterated that the indicative future height control map presented in the Capacity and Land Use Study demonstrated the result of a blanket 10 - 2 shadow restriction approach.

It was also noted that these indicative heights would be subject to further consideration, particularly where sites interface directly with lower-scale and residential properties outside of the North Sydney Centre. The report specifically identified the following properties for further consideration:

50 & 52 McLaren Street

These properties are located at the northern boundary of the North Sydney CBD, and directly adjoin both large scale development and low-scale properties. Submission 33 presents an argument for further increases in permissible height to that indicated by the indicative future height controls map in the exhibited Study.

The site is subject to an existing 2011 Joint Regional Planning Panel development approval that allows a building height on the larger site (No.52) above that of the existing LEP 2013 height controls. It is considered that the indicative height controls produced by the 10-2 approach produce unsupportable potential height and scale outcomes on the site.

The site was given significant consideration during both the DA assessment and the preparation of LEP 2013. As such, the existing approved maximum building heights of RL 101 (50 McLaren) and RL 118 (52 McLaren) are considered appropriate as indicative heights in this Strategy, particularly given the site's transition toward the low scale Miller Street streetscape, which is rich in heritage value.

It is recommended that the indicative future height control map at Section 3.2.5 show RL 101 and RL 118 as detailed above.



1 McLaren Street

Submission 13 to the exhibited Study raised concerns with the indicative height control for 1 McLaren Street, primarily in relation to potential overshadowing of a rooftop garden at 245 Pacific Highway and issues relating to urban design and scale.

The site is located at the northern boundary of the North Sydney Centre. The LEP 2013 height control for the site is RL 106, which increases on neighbouring sites, southwards towards the centre of the CBD. The site is surrounded by lower scale 1-2 storey buildings, with the exception of the apartment building to the south.

In-house modelling suggests that a building to RL 133 would impact upon the communal open space at 245 Pacific Highway, with a likely non-compliance with the relevant NSDCP 2013 controls. It is considered, however, that impact could be reduced through the design process.

Of more importance, however, is the issue of scale and interface impacts that such a building may produce. A reduction in potential height to RL 118 will better address these issues and produce a more suitable built form outcome within its context. A building to this height would also ensure compliance with solar access provisions under Part B Section 2.3 of NSDCP 2013.

It is recommended that the indicative future height map at Section 3.2.5 show RL 118 for this site.



10 & 12 Mount Street

The indicative height control across these sites represents an 18m increase over existing LEP 2013 controls. Number 10 Mount Street directly adjoins two storey dwellings on Edward Street. The impact of a 5-6 storey increase to a neighbouring property is considered unsupportable.

As outlined in the post-exhibition report to Council, consideration has been given to splitting the indicative future height to maintain RL 110 at 10 Mount Street and indicate a supportable height of RL 128 at 12 Mount Street.

It is recommended that the indicative future height map at Section 3.2.5 show RL 110 and RL 128 as described above.

1 Wheeler Lane

The existing telephone exchange site receives an increase in potential building height under the 10-2 approach from RL 105 to RL 245 at the rear or western portion of the site, and RL 150 to RL 171 on the eastern side.

A building height limit of around 165m on the western portion of this site is not considered supportable, given its proximity to single storey residential properties in Oak Street. There is, however, support for some level of potential height increase, given the absence of overshadowing impact of these lower scale properties, and the context of adjoining commercial development.

It is recommended that a single height control of RL 171 be applied across the site, and that being on land zoned B3 Commercial Core, this form part of the planning proposal to amend NSLEP 2013.



3.2 Height of Buildings (cont.)

3.2.4 Site-Specific Opportunities

Several submissions to the Study's exhibition provided more detailed modelling on specific sites, demonstrating additional capacity under a 10-2 approach than that shown in the indicative height control map of Section 7.6 of the Study.

The ability for more detailed modelling being able to demonstrate additional capacity is acknowledged. The methodology undertaken to derive heights used whole-of-site envelopes when modelling potential height. On some sites, particularly large ones, there may be instances where breaches of the applied controls apply to only a small portion of the site. The methodology was unable, in most cases, to provide the level of detail to reflect these modelling outcomes. By 'splitting' sites for the purposes of height mapping, additional capacity may exist, along with the potential to more accurately reflect this in the height controls.

NSLEP 2013 currently contains controls which provide some flexibility in considering variations to height controls, provided certain environmental outcomes are met as part of the DA assessment process. However, variation controls have been quite conservatively applied in the past during the development assessment process and are not considered to represent an avenue to demonstrate significant additional development potential. Relying on variation clauses also creates a level of uncertainty for property owners and other stakeholders in terms of development yield and expectations.

It is considered that a future planning proposal to give effect to an adopted final strategy should, wherever possible, give the most accurate representation of development standards under the preferred approach.

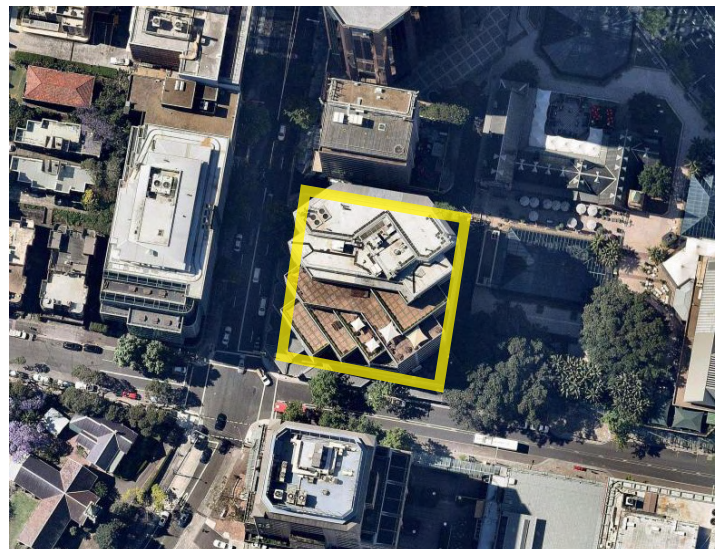
The following sites have been highlighted by submissions or approaches made through the exhibition and post-exhibition period as having additional commercial floor space capacity beyond that presented in the exhibited Study. The planning proposal and final Strategy presented to Council reflects the additional modelling and policy work that was undertaken.

The public exhibition of a planning proposal giving effect to an adopted final strategy is likely to result in further detailed modelling of individual sites being submitted. Insofar as this gives a more accurate reflection of development potential under a 10-2 solar access approach, such submissions will be welcomed and considered.

73 Miller Street

Further consideration of this site indicates that a more nuanced building envelope could avoid additional overshadowing of the Greenwood Plaza special area and provide a limited additional amount of building height across some of the site, if split for the purposes of 10-2 solar modelling.

It is recommended that the indicative future height map at Section 3.2.5 be amended to show RL 115 (south) and RL 128 (north).



76 Berry Street

In reviewing the submission for this site, it was noted that a significant portion of this site could achieve additional height under the recommended 10-2 planning approach.

This site falls within the Ward Street Precinct - therefore any potential changes to planning controls will be deferred to the Ward Street Masterplan process. It is noted that any uplift in development potential may be subject to a voluntary planning agreement to aid the achievement of the objectives of the Ward Street Masterplan (see Section 3.7).



Sydney Metro Site

For the purposes of height modelling, this large site was split into three height zones. Initial testing suggests that splitting the northern portion of the site again may provide a more accurate reflection of the 10-2 solar access approach, i.e. increased height potential at the corner of Miller and Berry Streets.

It is recommended that this large site be split into four height zones, as per the indicative future height map at Section 3.2.5, and that this form part of the planning proposal to amend LEP 2013.



3.2 Height of Buildings (cont.)

3.2.5 Indicative Future Height Controls Map

The preceding sections have reviewed a number of issues and sites in accordance with the recommendations and directions of the exhibited Capacity and Land Use Study and Council's resolution of 20 March 2017.

The map on page 27 represents an updated indicative future height controls map, amended in accordance with the recommendations made in previous sections. This map will form the basis of amendments to NSLEP 2013 as outlined in Section 4 of this Strategy. For sites not within the area bordered by the blue line, the map will be used as the basis for consideration of developer-led planning proposals which seek to amend height controls applying to their site.

An extract of the NSLEP 2013 Height of Buildings map (existing height controls) is provided below for reference purposes.

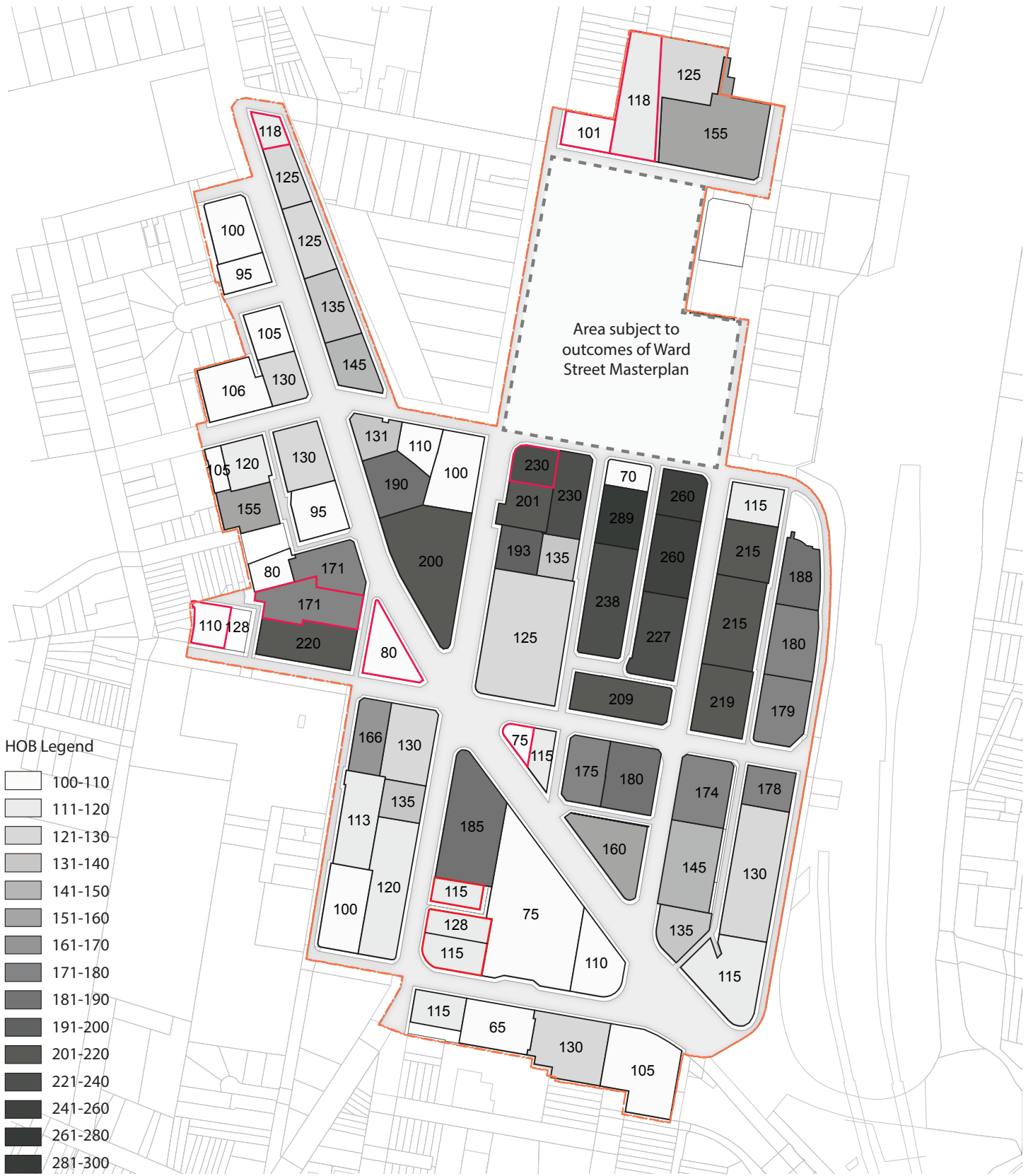
Ward Street Precinct

In the interests of clarity, the portion of the North Sydney CBD known as the Ward Street Precinct and subject to the Ward Street Precinct Masterplan, has been omitted from this map. Amendments to indicative height controls or actual controls under LEP 2013 will be subject to the outcomes of the Masterplan process.

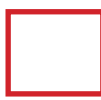
The Ward Street Precinct Masterplan is further discussed in Section 3.7 of this Strategy.



Existing LEP 2013 Building Height Controls (RLs)



Indicative Future Height Controls Map - Updated

 Sites with amended indicative height to that exhibited in the Capacity and Land Use Study Nov / Dec 2016.

3.2 Height of Buildings (cont.)

3.2.6 Variation to Height Controls

Direction 2 of Council's 20 March 2017 resolution states:

Further consider amending Clause 6.3 of LEP 2013 to apply height variation controls based on ensuring a minimum of two hours solar access between 9 am and 3 pm to residential properties outside the North Sydney Centre, consistent with the provisions of the Apartment Design Guidelines.

The post-exhibition report noted that Clause 6.3(3) of North Sydney LEP 2013 provides an avenue to vary existing height controls within the North Sydney CBD, and that under a 10-2 planning approach, this would need to be revised.

Having considered the submissions relating to the variation of height controls, it is reiterated that applying a variation clause of this type has merit for two reasons – it would potentially 'unlock' certain development that may, for example, cause additional overshadowing between 10-2 to a residential property, but where that property currently enjoys significant amounts of solar access and may not be disproportionately impacted by a decrease in that direct solar access. Similarly, a site that enjoys more limited solar access would be protected to ensure a minimum level of solar access amenity.

It is noted that, historically, Clause 6.3(3) of NSLEP 2013 has been applied in a reasonably conservative manner by Council. Where proposed variations are considered significant, proponents have been urged to pursue changes to the planning controls via the planning proposal process. It is expected that this approach will continue.

The purpose, therefore, of the proposed variation control is to provide some level of flexibility where it can be demonstrated that residential amenity outside the North Sydney CBD is not unreasonably affected.

It is recommended that the planning proposal include a height variation control based on the maintenance of two hours solar access to residential properties outside the North Sydney CBD.

3.2.7 Variations to 10-2 Approach

The indicative future height controls map at Section 3.2.5 represents, with exceptions as described, the wholesale application of the 10-2 approach adopted during this process.

This has been a purely quantitative approach. It is acknowledged, however, that there may, under certain circumstances, be merit for the base NSLEP 2013 height controls to vary from the strict 10-2 application.

The consideration of submissions to the planning proposal demonstrating minor or insignificant instances of additional overshadowing between 10 am and 2 pm caused by proposed increases in the height control, may allow for an increase in height on commercial sites, thereby contributing positively to the overall employment objectives of this Strategy, specifically, increases in commercial floor space.

3.3 Special Areas



Blue Street Special Area

Appendix 1 - Special Areas Review of the exhibited Capacity and Land Use Study, made a number of recommendations with regard to special areas in the North Sydney CBD.

This section details the final recommendations of this Strategy. Proposed changes to special areas will form part of the planning proposal to amend NSLEP 2013.

Blue Street Special Area

No change is made to the recommendation to remove this special area.

Elizabeth Plaza Special Area

No change is made to the recommendation to remove this special area.

100 Pacific Highway

No change is made to the recommended addition of this area to the special areas map.

Tower Square Special Area

The site known as Tower Square forms a part of the Sydney Metro Victoria Cross Station site. As the building is currently being demolished, the special area is redundant. The existing control represents a significant statutory barrier to development on the Metro site. It is, therefore, recommended that the special area be formally removed from NSLEP 2013.

As recommended by the Land Use and Capacity Study, other special area controls in and around the Metro site will be reviewed once the built form and public domain outcomes of the Metro station are known. This will include the opportunity to create new areas of lunchtime solar access protection.

Section 3.8 provides more detail on the Victoria Cross Metro site.



Elizabeth Plaza



Tower Square



Rear 100 Pacific Highway

3.4 Small Sites

Clause 6.3(2)(c) of NSLEP 2013 currently prevents development consent from being granted on sites that are less than 1000m² in area. The purpose of this clause is to encourage the consolidation of sites to provide high grade commercial floor space and to ensure that the scale and massing of buildings provides for pedestrian comfort in relation to solar access, human scale, weather protection and visual dominance.

The exhibited Capacity and Land Use Study concluded that, on balance, the ability for smaller commercial sites to redevelop is considered desirable, and that the market will ultimately deliver the building and floor plate sizes demanded by it.

It is therefore recommended that the planning proposal amend NSLEP 2013 to allow development on commercial sites less than 1000 m².

To ensure that built form and massing of such buildings do not negatively impact on the amenity of the public realm, and that amalgamation continues to be encouraged, it is also recommended that a height limit of 45m be applied to such sites where development is proposed.



3.5 Serviced Apartments

The exhibited Capacity and Land Use Study recommended that serviced apartments be removed as a permissible use within the B3 Commercial Core zone.

Currently, serviced apartments are permissible within the B3 – Commercial Core zone and B4 - Mixed Use zone under the North Sydney LEP 2013. Council has expressed concern that serviced apartments are undermining the employment generation potential of commercial floorspace in the CBD. This has been addressed in the B4 Mixed Use zone, via an LEP control requiring a minimum of 50 serviced apartments be provided to qualify as non residential floor space within the B4 zone.

As noted in the Study, the North Sydney CBD has a relatively small footprint. The intrinsic value of commercially zoned land and its contribution to employment is therefore high, particularly in the current and recent climate of residential development easily eclipsing the commercial property market in terms of feasibility and risk.

Council has a long standing policy of prohibiting residential development within the Commercial Core (discussed further at 7.4 and 7.8).

Consistent with Council's previous amendment to the North Sydney LEP outlined above, it is considered prudent to prohibit serviced apartments within the B3 zone. Specifically, the following points are made to support this recommendation:

- The recent history of serviced apartments being proposed to be converted to residential uses (eight sites in total) and the relative physical ease in which this can be achieved;
- The relatively minimal employment contribution that serviced apartments make to the CBD;
- The permissibility of hotels within the B3 zone which make a greater employment contribution to the North Sydney centre; and
- The development of serviced apartments displace the limited opportunities of more traditional commercial floor space which makes a greater economic contribution to the centre.

It is recommended that the planning proposal giving effect to this Strategy prohibit further serviced apartment development within the B3 Commercial Core zone.



3.6 Floor Space Limitations and Railway Contributions

Direction 4 of Council's 20 March resolution stated that Council:

Continue to work with the DPE and TfNSW to remove existing restrictions on new commercial floor space within the North Sydney Centre.

The existing restrictions referred to are those under Clause 6.5 *Railway Infrastructure Transitional Arrangements* of North Sydney LEP 2013. Clause 6.5(2)(b) in particular prohibits approvals of additional commercial floorspace within the North Sydney Centre above 250,000 m² above that existing on 28 February 2003.

Further, Clause 6.5(4) requires that Council review the North Sydney Centre Division of LEP 2013 once 200,000 m² of additional commercial floor space is approved under that plan. This review trigger point was reached in 2012 and is a key driver of the Capacity and Land Use review process.

Clause 6.5(2) specifies that 'satisfactory arrangements' must also be made for railway infrastructure prior to the granting of consent for additional commercial floor space. This contribution is levied by the Ministry of Transport and collected by Council on its behalf.

Council has engaged with both the Department of Planning and Environment and Transport for NSW on this matter, identifying both the statutory barriers to future growth and suggesting avenues to address them.

Council has been advised to proceed with a planning proposal to amend NSLEP 2013. The issue of any future floor space limit and / or the continuation of a transport infrastructure contribution levy will be considered by the relevant State agencies in their assessment of the planning proposal lodged by Council.

It is recommended that the planning proposal giving effect to this Strategy seek to amend NSLEP 2013 to remove limitations to future commercial floor space development.



3.7 Ward Street Masterplan

The draft Ward Street Masterplan was publicly exhibited from 26 January to 10 March 2017. The Capacity and Land Use Study's indicative height control exercise included sites within the Ward Street Precinct for demonstrative purposes, but indicated that sites within the Precinct would be subject to more detailed consideration during the masterplan process.

The on-going Masterplan process will incorporate further specialist input and design development that responds to community, industry and landowner input received during public exhibition.

Given this, the indicative height map at Section 3.2.5 and any related planning proposal related to this Capacity and Land Use Strategy do not include sites within the Ward Street Precinct, pending the further detailed consideration outlined above.



3.8 Sydney Metro

Direction 6 of the 20 March Council resolution states:

Take necessary steps to ensure that the potential for the Sydney Metro site to realise significant additional commercial floor space is facilitated in a timely manner.

The site of the future Victoria Cross Metro station represents an opportunity for significant additional commercial floor space within the North Sydney CBD. Existing NSLEP 2013 prohibitions, including those described in Section 3.6, severely curtail potential development outcomes on the site.

The other limitation is the Tower Square special area. Section 3.3 identified that the existing building is proposed to be demolished as part of the Metro project, thus rendering the special area obsolete. A reasonable built form cannot be approved on the station site whilst the special area control remains in place.

The Council report of 20 March 2017 advised that a separate planning proposal may be desirable to enable assessment of development proposals on the Metro site in line with the objectives of the final endorsed strategy. It is not, however, considered necessary for a separate planning proposal process to be undertaken.

It is recommended that the planning proposal giving effect to this Strategy include provisions for:

- The amendment of the Metro site's height control as per the indicative future height control map at Section 3.2.5;
- The removal of the Tower Square special area; and
- Amendments to Part 6 Division 1 of NSLEP 2013 as detailed in Section 3.6.



3.9 Value Sharing

As per the recommendations of the exhibited Capacity and Land Use Study, it is proposed that a planning proposal giving effect to this Strategy will include changes to height controls based on the 10-2 approach for sites zoned B3 Commercial Core within the North Sydney Centre (not including sites within the Ward Street Precinct).

In a competitive market for commercial floor space, decisions to redevelop in North Sydney's commercial centre will be aided by Council increasing certainty for landowners and investors. Preparing a Council-initiated planning proposal that identifies increased height limits on B3 Commercial Core zoned land consistent with this Strategy will provide such certainty and facilitate the growth and rejuvenation of the CBD that the Strategy seeks to achieve. The planning proposal will not contain changes to height controls on land zoned B4 Mixed Use.

With regard to land zoned B4 Mixed Use in the North Sydney CBD, any increases in development yield based on the indicative future height control map at Section 3.2.5 will be subject to a proponent-led planning proposal process. Such a process will seek to capture developer contributions (or works in kind), via a voluntary planning agreement, for key public domain and land use works within the CBD. These works will be specified in the North Sydney CBD Public Domain Strategy, currently being undertaken.

Value sharing mechanisms have been used in St Leonards and Crows Nest to leverage public benefit from recent development and planning proposals. This approach acknowledges that large scale residential redevelopment in Sydney is characterised by different economic cycles to commercial development and is more likely to sustain a value sharing approach to increases in density and height.

The implementation approaches identified in the Study have the benefits of increasing the likelihood of attracting commercial investment to the Centre in a timely manner, whilst sharing in value increases from mixed use development that will represent benefits to the CBD's infrastructure and amenity.

Ward Street Precinct

Notwithstanding the above approach, for sites within the Ward Street Precinct, the current Ward Street Masterplan process will identify all sites that will be subject to a value sharing process. This may include sites regardless of zoning. The final Masterplan will include a schedule of public benefits that development proposals within the precinct will be required to contribute to.

3.10 Recommendations Summary

This section has considered a number of directions made and issues raised by the exhibited Capacity and Land Use Study and Council's resolution of 20 March 2017.

3.10.1 Recommendations of this Document

The following recommendations are made within this section and are reproduced here for clarity:

Section	Recommendation Summary	Reflected in Final Recommendation #
3.2.2	Assign height controls on heritage listed sites in accordance with the table at Section 3.2.2 of this Strategy.	1
3.2.3	Amend the indicative height control on 50 & 52 McLaren Streets to RL 101 and RL 118.	1
3.2.3	Amend the indicative height control on 1 McLaren Street to RL 118.	1, 2
3.2.3	Amend the indicative height control on 10 Mount Street to RL 110	1, 2
3.2.3	Amend the indicative height control on 73 Miller Street to RL 115 (south) and RL 128 (north).	1
3.2.4	Amend the indicative height control map on the Sydney Metro Victoria Cross Station site.	1
3.2.6	Amend the NSLEP height variation provision to be based on the maintenance of two hours solar access to residential properties outside the North Sydney CBD.	3
3.3	Remove Tower Square Special Area.	4
3.4	Amend NSLEP 2013 to allow development on commercial sites less than 1000 m2. Impose a building height limit of 45m to such sites.	10
3.6	Amend NSLEP 2013 to remove clauses relating to railway infrastructure and limitations on future commercial floor space development.	9

3.10.2 Overall / Final Recommendations

The following recommendations represent the combined recommendations listed in Section 3.10.1 and those recommendations remaining unchanged from the exhibited Capacity and Land Use Study.

The implementation mechanisms of the recommendations below are detailed at Section 4 of this Study.

Rec. #	Recommendation
1	Apply new height controls to B3 Commercial Core sites in accordance with the future indicative height map at Section 3.2.5.
2	Consider planning proposals for sites within the B4 Mixed Use zone, based on the future indicative height map at Section 3.2.5.
3	Apply a new height variation control based on the maintenance of at least two hours of solar access to residential properties outside of the North Sydney CBD.
4	Remove the Elizabeth Plaza, Blue Street, and Tower Square special areas.
5	Apply special area status to the rear of 100 Pacific Highway.
6	Prohibit development for the purposes of serviced apartments within the B3 Commercial Core zone.
7	Amend NSDCP 2013 in accordance with the recommendations of this Strategy and the planning proposal to amend NSLEP 2013.
8	Ensure that adequate future provisions are made for a mechanism to capture value share from development within the B4 Mixed Use zone and within the Ward Street Precinct as defined by the Ward Street Masterplan 2017.
9	Amend NSLEP 2013 to remove clauses relating to railway infrastructure and limitations on future commercial floor space development.
10	Amend NSLEP 2013 to allow development on commercial sites less than 1000 m ² . Impose a building height limit of 45m to such sites.



4

Implementation





Recommendation	
1	Apply new height controls to B3 Commercial Core sites in accordance with the future indicative height map at Section 3.2.5.
2	Consider planning proposals for sites within the B4 Mixed Use zone, based on the future indicative height map at Section 3.2.5.
3	Apply a new height variation control based on the maintenance of at least two hours of solar access to residential properties outside of the North Sydney CBD.
4	Remove the Elizabeth Plaza, Blue Street, and Tower Square special areas.
5	Apply special area status to the rear of 100 Pacific Highway.
6	Prohibit development for the purposes of serviced apartments within the B3 Commercial Core zone.
7	Amend NSDCP 2013 in accordance with the recommendations of this Strategy and the planning proposal to amend NSLEP 2013.
8	Ensure that adequate future provisions are made for a mechanism to capture value share from development within the B4 Mixed Use zone and within the Ward Street Precinct as defined by the Ward Street Masterplan 2017.
9	Amend NSLEP 2013 to remove clauses relating to railway infrastructure and limitations on future commercial floor space development.
10	Amend NSLEP 2013 to allow development on commercial sites less than 1000 m ² . Impose a building height limit of 45m to such sites.

4.1 Implementing Recommendations

The table below indicates the mechanism via which the final recommendations listed in Section 3.10.2 will be implemented.

Implementation Mechanism	Expected Timing
Council-initiated planning proposal to amend NSLEP 2013.	Initiation May 2017. Estimated process time to gazettal - 9-12 months.
Developer-led planning proposal process.	Assessment and processing times vary. 9-12 months.
Council-initiated planning proposal to amend NSLEP 2013.	Initiation May 2017. Estimated process time to gazettal - 9-12 months.
Council-initiated planning proposal to amend NSLEP 2013.	Initiation May 2017. Estimated process time to gazettal - 9-12 months.
Council-initiated planning proposal to amend NSLEP 2013.	Initiation May 2017. Estimated process time to gazettal - 9-12 months.
Council-initiated planning proposal to amend NSLEP 2013.	Initiation May 2017. Estimated process time to gazettal - 9-12 months.
Draft NSDCP amendment to relevant clauses of Part B Section 2 <i>Commercial and Mixed Use Development</i> and Part C Section 2 <i>North Sydney Planning Area</i> .	Amendment will be prepared once this Strategy and planning proposal are adopted. Exhibited concurrently with planning proposal. 6-12 months.
Policy document to be prepared or form part of the North Sydney CBD Public Domain Strategy. For Ward Street Precinct, Masterplan process to provide policy and process guidance.	Public Domain Strategy 6-12 months. Ward Street Masterplan 6-12 months.
Council-initiated planning proposal to amend NSLEP 2013.	Initiation May 2017. Estimated process time to gazettal - 9-12 months.
Council-initiated planning proposal to amend NSLEP 2013.	Initiation May 2017. Estimated process time to gazettal - 9-12 months.



Appendix 1:

Council Report and Resolution 20 March 2017

Reports in full, including attachments, can be accessed at
https://www.northsydney.nsw.gov.au/Council_Meetings/Meetings/Council_Meetings

**DECISION OF 3689th COUNCIL MEETING
HELD ON 20 MARCH 2017**

**50. CiS05: North Sydney Centre Capacity and Land Use Study
– Post-Exhibition Report**

Report of Brad Stafford, Executive Planner Metro Project and Katerina Papas, Graduate Strategic Planner

A capacity and land use study was undertaken for the North Sydney Centre, as part of the wider North Sydney Centre Review, initiated in 2014. The draft Capacity and Land Use Study (Attachment 1) seeks primarily to explore and assess mechanisms to increase commercial floor space capacity within the Centre. The draft Study also included a review of the North Sydney Centre's special areas, recommending the removal of two areas and the addition of a new special area.

The draft Study was adopted by Council at its meeting of 24 October 2016 for the purposes of public exhibition. A total of 35 submissions were received during and after the exhibition period, which ran from 3 November 2016 to 15 December 2016.

This is an interim report prior to finalisation of the draft Study, providing a background overview of the Capacity and Land Use Study, a summary of submissions and a response to each, and additional detail regarding certain key issues and future directions required to finalise the Study.

It is expected that a final Strategy will be reported to an upcoming Council meeting, accompanied by a planning proposal to amend NSLEP 2013 and a draft amendment to DCP 2013 to give effect to the final Strategy.

A copy of submissions has been made available in the Councillors' Room.

Local Government Act 1993: Section 23A Guidelines - Council Decision Making During Merger Proposal Period

The Guidelines have been considered in the preparation of this report and are not applicable.

Recommending:

- 1. THAT** Council note the submissions and staff response;
- 2. THAT** additional consideration be given to matters detailed in this report, particularly Directions 1-6 as follows:
 - 1.1 **DIRECTION 1:** Apply the 10 am to 2 pm solar access protection approach to set the basis for changes to LEP 2013 height limits for properties within the B3 Commercial zone.
 - 1.2 **DIRECTION 2:** Further consider amending Clause 6.3 of LEP 2013 to apply height variation controls based on ensuring a minimum of two hours solar access between 9 am and 3 pm to residential properties outside the North Sydney Centre, consistent with the provisions of the Apartment Design Guidelines.
 - 1.3 **DIRECTION 3:** Review indicative height controls for several sites identified in section 3.6 Interface Issues
 - 1.4 **DIRECTION 4:** Continue to work with the DPE and TfNSW to remove existing restrictions on new commercial floor space within the North Sydney Centre
 - 1.5 **DIRECTION 5:** Ensure that height controls accurately reflect development potential of commercially zoned sites, and wherever possible, avoid the need for significant variations through the DA process.
 - 1.6 **DIRECTION 6:** Take necessary steps to ensure that the potential for the Sydney Metro site to realise significant additional commercial floor space is facilitated in a timely manner.
- 3. THAT** a final Capacity and Land Use Strategy and associated draft LEP 2013 and DCP 2013 amendments be prepared and reported to Council.

Ms Yvette Carr addressed Council.

The Motion was moved by Councillor Baker and seconded by Councillor Barbour.

Voting was as follows:

For/Against 8/0

Councillor	Yes	No	Councillor	Yes	No
Gibson	Y		Beregi	Y	
Reymond	Y		Barbour	Y	
Clare	Y		Morris	Absent	
Baker	Y		Marchandean	Y	
Carr	Absent		Bevan	Y	

RESOLVED:

1. **THAT** Council note the submissions and staff response;
2. **THAT** additional consideration be given to matters detailed in this report, particularly Directions 1-6 as follows:
 - 1.1 DIRECTION 1: Apply the 10 am to 2 pm solar access protection approach to set the basis for changes to LEP 2013 height limits for properties within the B3 Commercial zone.
 - 1.2 DIRECTION 2: Further consider amending Clause 6.3 of LEP 2013 to apply height variation controls based on ensuring a minimum of two hours solar access between 9 am and 3 pm to residential properties outside the North Sydney Centre, consistent with the provisions of the Apartment Design Guidelines.
 - 1.3 DIRECTION 3: Review indicative height controls for several sites identified in section 3.6 Interface Issues
 - 1.4 DIRECTION 4: Continue to work with the DPE and TfNSW to remove existing restrictions on new commercial floor space within the North Sydney Centre
 - 1.5 DIRECTION 5: Ensure that height controls accurately reflect development potential of commercially zoned sites, and wherever possible, avoid the need for significant variations through the DA process.
 - 1.6 DIRECTION 6: Take necessary steps to ensure that the potential for the Sydney Metro site to realise significant additional commercial floor space is facilitated in a timely manner.
3. **THAT** a final Capacity and Land Use Strategy and associated draft LEP 2013 and DCP 2013 amendments be prepared and reported to Council.

**Report to General Manager**

Attachments:

1. Submissions Summary Table
2. Capacity and Land Use Study October 2016 (as exhibited)

SUBJECT: North Sydney Centre Capacity and Land Use Study – Post-Exhibition Report**AUTHOR:** Brad Stafford, Executive Planner Metro Project and Katerina Papas, Graduate Strategic Planner**ENDORSED BY:** Joseph Hill, Director City Strategy**EXECUTIVE SUMMARY:**

A capacity and land use study was undertaken for the North Sydney Centre, as part of the wider North Sydney Centre Review, initiated in 2014. The draft Capacity and Land Use Study (Attachment 1) seeks primarily to explore and assess mechanisms to increase commercial floor space capacity within the Centre. The draft Study also included a review of the North Sydney Centre's special areas, recommending the removal of two areas and the addition of a new special area.

The draft Study was adopted by Council at its meeting of 24 October 2016 for the purposes of public exhibition. A total of 35 submissions were received during and after the exhibition period, which ran from 3 November 2016 to 15 December 2016.

This is an interim report prior to finalisation of the draft Study, providing a background overview of the Capacity and Land Use Study, a summary of submissions and a response to each, and additional detail regarding certain key issues and future directions required to finalise the Study.

It is expected that a final Strategy will be reported to an upcoming Council meeting, accompanied by a planning proposal to amend NSLEP 2013 and a draft amendment to DCP 2013 to give effect to the final Strategy.

A copy of submissions has been made available in the Councillors' Room.

FINANCIAL IMPLICATIONS:

Nil

Local Government Act 1993: Section 23A Guidelines - Council Decision Making During Merger Proposal Period

The Guidelines have been considered in the preparation of this report and are not applicable.

Report of Brad Stafford, Executive Planner Metro Project and Katerina Papas, Graduate Strategic Planner

Re: North Sydney Centre Capacity and Land Use Study – Post-Exhibition Report

(2)

RECOMMENDATION:

1. **THAT** Council note the submissions and staff response;
2. **THAT** additional consideration be given to matters detailed in this report, particularly Directions 1-6 as follows;
 - 2.1. **DIRECTION 1:** Apply the 10 am to 2 pm solar access protection approach to set the basis for changes to LEP 2013 height limits for properties within the B3 Commercial zone.
 - 2.2. **DIRECTION 2:** Further consider amending Clause 6.3 of LEP 2013 to apply height variation controls based on ensuring a minimum of two hours solar access between 9 am and 3 pm to residential properties outside the North Sydney Centre, consistent with the provisions of the Apartment Design Guidelines.
 - 2.3. **DIRECTION 3:** Review indicative height controls for several sites identified in section 3.6 Interface Issues
 - 2.4. **DIRECTION 4:** Continue to work with the DPE and TfNSW to remove existing restrictions on new commercial floor space within the North Sydney Centre
 - 2.5. **DIRECTION 5:** Ensure that height controls accurately reflect development potential of commercially zoned sites, and wherever possible, avoid the need for significant variations through the DA process.
 - 2.6. **DIRECTION 6:** Take necessary steps to ensure that the potential for the Sydney Metro site to realise significant additional commercial floor space is facilitated in a timely manner.
3. **THAT** a final Capacity and Land Use Strategy and associated draft LEP 2013 and DCP 2013 amendments be prepared and reported to Council.

Report of Brad Stafford, Executive Planner Metro Project and Katerina Papas, Graduate Strategic Planner

Re: North Sydney Centre Capacity and Land Use Study – Post-Exhibition Report

(3)

LINK TO DELIVERY PROGRAM

The relationship with the Delivery Program is as follows:

Direction: 3. Our Economic Vitality

Outcome: 3.1 Diverse, strong, sustainable and vibrant local economy

Outcome: 3.2 North Sydney is one of Australia's largest commercial centres

Direction: 5. Our Civic Leadership

Outcome: 5.1 Council leads the strategic direction of North Sydney

BACKGROUND

1.1 Strategic Context

The North Sydney Centre Capacity and Land Use Study forms part of Council's comprehensive North Sydney Centre Planning Review.

The aim of the North Sydney Centre Planning Review is to identify and implement policies and strategies to ensure that the North Sydney Centre retains and strengthens its role as a key component Sydney's global economic arc, remains the principle economic engine of Sydney's North Shore, and becomes a more attractive, sustainable and vibrant place for residents, workers and businesses.

1.2 Catalyst for Study

The Capacity and Land Use Study was undertaken as a policy response to the following key drivers:

- Council has a statutory obligation to review its North Sydney Centre controls upon approval of an additional 200,000m² of commercial floor space is approved (reached in 2015);
- State government metropolitan planning requires employment and housing growth within the North Sydney LGA; and
- Proposed new public transport infrastructure presents opportunities will improve the amenity, accessibility and competitiveness of the North Sydney Centre.

1.3 Objectives

The Capacity and Land Use Study is the final component of the wider Review, and seeks to:

- Develop a framework that allows for the growth of the North Sydney Centre to ensure it maintains and improves its status as a resilient, vibrant and globally relevant commercial centre;
- Accommodate forecast demand for additional commercial floor space in the North Sydney Centre;
- Inform and respond to district planning, particularly employment and commercial floor space targets for the North Sydney Centre;
- Take advantage of planned infrastructure upgrades by intensifying land use around significant transport infrastructure;
- Offset commercial floor space losses in the mixed use zone of the Centre;
- Identify residential development opportunities in the mixed use periphery; and

Report of Brad Stafford, Executive Planner Metro Project and Katerina Papas, Graduate Strategic Planner

Re: North Sydney Centre Capacity and Land Use Study – Post-Exhibition Report

(4)

-
- Identify and facilitate specific land uses to contribute to the Centre’s diversity, amenity and commercial sustainability.

At its meeting on 24 October 2016, Council adopted the draft Study, without amendment, for the purposes of public exhibition.

1.4 Recommendations of Study

The Capacity and Land Use Study recommended that the following strategies be implemented to help achieve the above objectives:

Strategy 1

Apply new height controls to the North Sydney Centre based on the following:

- A 10 am to 2 pm restriction on additional overshadowing to residential land outside of the North Sydney Centre; and
- The continued prohibition of additional overshadowing to land identified as special areas under NSLEP 2013.
- Any other measure identified as a result of further detailed consideration

Strategy 2

Apply new height controls via the following mechanisms:

- B3 Commercial Zone
New heights controls will be applied via a Council-initiated planning proposal.
- B4 Mixed Use
The achievement of potential additional height identified by the Study will be subject to the consideration of a proponent-initiated planning proposal, where appropriate land uses and development mix can be assessed and assured.

Strategy 3

- Amend the Special Areas Map of NSLEP 2013 to remove Blue Street and Elizabeth Plaza special areas and add the green space at the rear of 100 Pacific Highway.
- Revisit Miller Street Central and Tower Square special areas to align with the public domain outcomes of the Victoria Cross Metro station.
- Review Berry Square as part of the Ward Street Masterplan

Strategy 4

Prohibit the development of serviced apartments within the B3 Commercial Core zone.

Strategy 5

Undertake a review of North Sydney DCP 2013 Part B Section 2 Commercial Development and Part 3 Section 2 North Sydney Planning Area Character Statement, to further consider built form issues within the Centre.

Report of Brad Stafford, Executive Planner Metro Project and Katerina Papas, Graduate Strategic Planner

Re: North Sydney Centre Capacity and Land Use Study – Post-Exhibition Report

(5)

1.5 Special Areas Review

The Study included, as an appendix, a review of all areas within the North Sydney Centre identified by NSLEP 2013 as ‘special areas’. The purpose of the Review was to assess the relative value or contribution of existing special areas to the amenity of the North Sydney Centre, and to ascertain whether they should continue to be protected under existing policy settings.

Recommendation 1: Retain Special Areas

The following outdoor spaces, as identified under NSLEP2013, are recommended to be retained as special areas:

- Miller Street (North);
- Miller Street (Central);
- Tower Square;
- Berry Street (West);
- Berry Square (subject to further detailed consideration in Ward Street Masterplan);
- Doris Fitton Park;
- Greenwood Plaza;
- Brett Whitely Place; and
- Don Bank Museum*.

*Don Bank Museum is not technically a special area but is subject to similar provisions and protection as valuable publicly accessible space serving the North Sydney Centre.

Recommendation 2: Remove Special Areas

The following special areas, as identified under NSLEP 2013, are recommended to be removed as their existing shadow and context does not qualify their status as special areas:

- Elizabeth Plaza; and
- Blue Street Plaza.

Recommendation 3: Add New Special Areas

It is recommended that the park located on the western portion of 100 Pacific Highway, directly adjacent to the Don Bank Museum, become a new special area. Both this site and the Don Bank Museum are identified important open spaces in the Education Precinct Planning Study (2015). The value of these spaces is expected to increase with the scheduled upgrades to Charles and Napier Streets currently underway.

Recommendation 4: Further Consideration

The review recommends the following amendments to NSLEP 2013, pending North Sydney Centre strategic policy outcomes:

- Tower Square: Review the status of the Tower Square special area once the built form and public domain outcomes of the Sydney Metro are known.
- Miller Street (Central): Consideration should be given to potentially expanding the Miller Street (Central) special area in accordance with Sydney Metro public domain outcomes.
- Victoria Cross Plaza: Consideration should be given to potentially identifying Victoria Cross Plaza a special area, pending Sydney Metro and North Sydney Centre Public Domain Strategy outcomes.

Report of Brad Stafford, Executive Planner Metro Project and Katerina Papas, Graduate Strategic Planner

Re: North Sydney Centre Capacity and Land Use Study – Post-Exhibition Report

(6)

- Ward Street Precinct: Review existing special areas and investigate opportunities for new special areas in line with the outcomes of the Ward Street Precinct Masterplan.

Recommendation 5: Minor Variations

Prepare a Planning Proposal to amend NSLEP 2013 to enable consideration to be given for the re-cladding or other cosmetic upgrades of existing buildings that seek to improve their appearance in the North Sydney Centre, provided such proposals do not constitute additional floor space.

2 PUBLIC EXHIBITION AND SUBMISSIONS

2.1 Public Exhibition

The Capacity and Land Use Study was publicly exhibited from Thursday 3 November 2016 to Thursday 15 December 2016. Public consultation during this time included the following:

- Notification in the Mosman Daily;
- Approximately 9,400 letters sent to owners and residents in and around the North Sydney Centre;
- A presentation to the Combined Precincts Committee and written notification to all Precincts;
- An 8-page summary brochure made available on-line and in hard copy;
- A dedicated exhibition web page including all documentation, contact information and on-line submission form; and
- Hard copy documentation at made available for viewing at Council Chambers and Stanton Library.

The Study was also the subject of a Mosman Daily article published on 17 November 2016.

2.2 Submissions Overview

A total of 35 submissions were received, including several lodged after the formal exhibition period. The key themes of the submissions can be generally characterised as follows:

- Concerns regarding potential losses of amenity to land within and outside of the North Sydney Centre;
- The identification of specific amendments required to realise development outcome on particular sites within the North Sydney Centre; and
- Comments or concerns regarding the wider strategic approach recommended by the Study.

Section 2.3 provides a summary of and response to all submissions, while Section 3 provides further detailed consideration of key or complex matters raised during public exhibition.

2.3 Submissions Summary and Response

Attachment 1 summarises each submission received (in order of lodgement) and provides a response and recommended action where applicable. The table also specifies matters which are subject to further detailed consideration in Section 3. In accordance with Council policy, names and addresses of public submitters are not provided.

Report of Brad Stafford, Executive Planner Metro Project and Katerina Papas, Graduate Strategic Planner

Re: North Sydney Centre Capacity and Land Use Study – Post-Exhibition Report

(7)

CONSULTATION REQUIREMENTS

Community engagement will be undertaken in accordance with Council's Community Engagement Protocol.

The recommendations of the Study include a significant amendment to the basis upon which planning controls for the North Sydney Centre are developed and applied. This will necessitate the engagement of a broad range of stakeholders, including land owners, residents and commercial entities.

SUSTAINABILITY STATEMENT

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

3 FURTHER DETAILED CONSIDERATION

3.1 Introduction

This section considers several matters in further detail, either raised in the submissions or brought to light since the draft Study was finalised for exhibition purposes.

The following key issues are discussed in this section:

- Capacity Study summary and clarifications
- Height of buildings
- Variation controls
- Interface issues
- Limits to additional commercial floor space
- Special areas
- Opportunity sites
- Sydney Metro
- Ward Street Masterplan
- Voluntary planning agreements and mixed use development

3.2 Capacity Study Summary and Clarification

Architectural consultants SJB Architects were engaged to undertake a future capacity analysis. A number of hypothetical planning scenarios were undertaken to assess both the potential impact on floor space capacity within the North Sydney Centre, and the viability or acceptability of certain potential planning interventions.

The tests are summarised below:

- Base Case - a business as usual scenario used as a basis for relative comparison of each scenario and its potential to accommodate growth;
- Test 1 - removal of the LEP 2013 'special area' controls;

Report of Brad Stafford, Executive Planner Metro Project and Katerina Papas, Graduate Strategic Planner

Re: North Sydney Centre Capacity and Land Use Study – Post-Exhibition Report

(8)

- Test 2 - removal of LEP 2013 controls relating to small sites;
- Test 3 - removal of LEP 2013 height of buildings controls;
- Test 3A - a refinement of Test 3 to apply a level of market reality;
- Test 4 - the application of new height controls based on revised solar access parameters to special areas and residential land outside the North Sydney Centre; and
- Test 4A - refinement of Test 4.

Clarification and Use of Capacity Data

Two submissions noted a small number of discrepancies in the capacity data provided in Section 5.2 of the Study. For clarification, the table below provides the correct figures. The noted discrepancies are considered to have no material impact on the outcomes or recommendations of the Study, and should not have caused a fundamental misunderstanding of the objectives or relative outcomes of each test.

It is noted that existing GFA figures were derived from the 3D model created for the capacity testing. As such, it differs from the actual estimated GFA within the North Sydney Centre (822,496m² commercial GFA - Property Council of Australia, January 2017). This is the result of applying a standard methodology to convert the gross building area (GBA) of a 3D model to a gross floor space area (GFA) figure – it is not possible to capture the true variations between GBA and GFA on individual sites across the North Sydney Centre.

It is, therefore, important to note the limitations of the GFA figures in the table below, which should be viewed as a basis from which tests were compared. As such, the percentages are of greater importance in estimating potential capacity uplift of each test.

It is also noted that there were some instances where, as a result of the methodology applied to the tests, certain sites were excluded from tests that are known to either actually or potentially contribute to future increases in commercial floor space in the Centre. These include 100 Mount Street and the Sydney Metro site.

	Existing	Base Case	Test 1	Test 2	Test 3	Test 3A	Test 4	Test 4A
Total GFA	1,142,524	1,537,369	1,837,924	1,570,421	3,331,282	2,067,194	1,990,664	1,684,800
Commercial GFA	908,192	1,290,988	1,567,300	1,336,089	2,964,426	1,689,129	1,743,009	1,437,145
Residential GFA	234,332	246,381	270,624	234,332	366,856	378,066	247,655	247,655
Additional GFA	-	394,845	695,400	427,897	2,188,758	924,670	848,140	542,276
Commercial GFA	-	382,796	659,108	427,897	2,056,234	780,937	834,817	528,953
Residential GFA	-	12,049	36,292	0	132,524	143,734	13,323	13,323

Report of Brad Stafford, Executive Planner Metro Project and Katerina Papas, Graduate Strategic Planner

Re: North Sydney Centre Capacity and Land Use Study – Post-Exhibition Report

(9)

	Existing	Base Case	Test 1	Test 2	Test 3	Test 3A	Test 4	Test 4A
Total GFA	1,142,524	1,537,369	1,837,924	1,570,421	3,331,282	2,067,194	1,990,664	1,684,800
Total GFA Uplift (above existing)	-	35%	61%	37%	192%	81%	74%	47%
Commercial	-	42%	73%	47%	226%	86%	92%	58%
Residential	-	5%	15%	0%	57%	61%	6%	6%
Total Additional GFA (above Base Case)	-	-	300,555	33,052	1,793,913	529,825	467,600	140,486
%	-	-	20%	2%	117%	34%	30%	9%
Total Additional Commercial GFA (above Base Case) %	-	-	21%	3%	130%	31%	35%	11%

Capacity Review Outcomes

As a basis for unlocking additional floor space capacity in the North Sydney Centre, tests 1 to 3 were not considered to deliver both a theoretical increase in floor space nor respect the established principles that seek to protect amenity both inside and outside the Centre.

Test 4 was based on the application of a restriction on additional overshadowing to special areas and residential land outside the North Sydney Centre between 10 am and 2 pm at the Winter solstice. This scenario was considered to have the potential to achieve the unlocking of additional floor space capacity within the North Sydney Centre, whilst avoiding wholesale changes to established principles of environmental and amenity protection.

This test then set the basis from which an indicative future height control map was developed (see Section 7.6 of draft Study).

Regional Planning Context

Since preparation and exhibition of the draft Study, the NSW Government has placed on public exhibition a draft North District Plan, prepared by the Greater Sydney Commission. The draft North District Plan details the priorities and actions required to realise the objectives and strategies of the *A Plan for Growing Sydney*.

The draft Plan sets out that the North Sydney Centre will accommodate an increase in employment floor space of between 26% and 34% above existing over the next 20 years. This

Report of Brad Stafford, Executive Planner Metro Project and Katerina Papas, Graduate Strategic Planner

Re: North Sydney Centre Capacity and Land Use Study – Post-Exhibition Report

(10)

represents (using a reasonably conservative figure of 15m² per worker) an increase of between 175,000 and 225,000m² of commercial floor space.

Given the limitations of the future capacity analysis and the feasibility testing undertaken, it is difficult to assess the preferred approach outlined in this report as to its ability to deliver on the above targets. It is noted, however, that there is evidence to suggest that the commercial market is improving, and that the demand for commercial floor space, coupled with improvements in the overall attractiveness of North Sydney, will assist in the meeting of these targets.

3.3 Protecting Amenity

North Sydney Council has an established tradition of protecting residential properties outside of the North Sydney Centre from the impacts of a growing North Sydney Centre, especially in terms of solar access and overshadowing. The premise of the Capacity and Land Use Study has been to unlock additional commercial floor space capacity in the CBD, but maintain a reasonable standard of solar amenity protection to surrounding areas.

Several submissions related to the potential impacts of increased floor space and overshadowing in and around the North Sydney Centre. It is acknowledged that given its context within a major commercial CBD, there will be some impact on residential development both within and outside of the Centre as a result of the CBD's growth.

SEPP 65 and Part B Section 2.3 and 2.4 to NSDCP 2013 contains provisions regarding residential amenity, including solar access, views, visual privacy and setbacks provisions. Should development of surrounding sites occur, the application of these provisions are designed to provide for a reasonable and accepted level of amenity for residents.

Special provisions beyond those provided by the above mentioned protections are considered an unreasonable constraint of development within a growing central business district that will continue to perform an important employment and economic function within the Sydney Metropolitan Area.

Sections 3.4 and 3.5 explore this matter further in terms of the application of and response to the 10-2 approach.

3.4 Height of Buildings

Basis of 10-2 Approach

As outlined in Section 3.2, the Capacity Study presented a map (see below) of potential building heights that were based on a planning approach restricting additional overshadowing of special areas within the North Sydney Centre, and residential property outside it between the hours of 10 am and 2 pm on the 21 June.

The rationale of this approach is that the height limits currently applied to the North Sydney Centre are based on a composite shadow map that formed part of LEP 2001. The Composite Shadow Map illustrated shadows cast by the Centre between 9 am and 3 pm, 21 June. The current height controls under LEP 2013 are essentially a translation of that map into heights, expressed as reduced levels (RLs - metres above sea level).

Report of Brad Stafford, Executive Planner Metro Project and Katerina Papas, Graduate Strategic Planner

Re: North Sydney Centre Capacity and Land Use Study – Post-Exhibition Report

(11)

Potentially re-setting height controls to reflect a 10-2 additional overshadowing restriction are considered to represent a supportable balance between unlocking capacity and maintaining a level of amenity protection that has been the foundation of past and present controls.

Application of 10-2 Approach

The map below was developed by applying the 10-2 approach across all sites within the North Sydney Centre, as opposed to Test 4 of the capacity scenarios, which, owing to the methodology applied, discounted numerous sites from inclusion in the test.

The objective of this mapping exercise was to ascertain what this approach may look like and how its impact on height controls may be spatially distributed. The 3D model opposite gives an indication of the spatial outcomes of the approach, with potential uplift distributed unevenly throughout the Centre.

The recommendations of the Study made clear that whilst this was considered an appropriate basis from which to develop height controls, the indicative heights of Section 7.6 of the Study would be subject to further refinement. The following sections discuss some of the key issues that need to be addressed in developing a final strategy and planning proposal for the Centre.

Response to 10-2 Approach

Submissions received during public exhibition are detailed in Section 2 of this Report. Generally, submissions regarding the 10-2 approach fell into two categories:

- Those concerned with any potential loss to amenity, particularly from residential land, that the approach may cause; and
- Those referring to specific sites, particularly those not benefiting from any potential uplift as a result of the approach.

With regard to amenity, it should be noted that the 10-2 approach concerns itself only with solar access. It is acknowledged that the term ‘amenity’ can be applied to a number of different measures contributing to the liveability of a place.

As noted, the 10-2 approach created most potential uplift in building height controls towards the east of the CBD. The buffer provided by the Warringah Freeway ensures that whilst there is potential for additional overshadowing (to a maximum of one additional hour mid-winter), the impact of this would be mitigated, owing to the distance between new development and affected properties.

A number of submissions were received regarding the lack of additional potential for sites at the southern end of the CBD. This is due to 10 am to 2 pm shadows falling to the south of the CBD. Given the proximity of residential land in Lavender Bay to the North Sydney CBD, the relative lack of potential uplift is considered appropriate. Notwithstanding this, Sections 3.5 and 3.9 discuss options whereby some flexibility may improve opportunities for increased floor space in the southern portion of the CBD, whilst ensuring a minimum level of solar access to nearby residential land.

Report of Brad Stafford, Executive Planner Metro Project and Katerina Papas, Graduate Strategic Planner

Re: North Sydney Centre Capacity and Land Use Study – Post-Exhibition Report

(12)

Shore School

Submission 2 outlined concerns regarding the potential overshadowing of Shore School as a result of the application of the 10-2 approach. The figures below give an indication of the potential shadow outcomes as created by the indicative height modelling undertaken. A more refined version of this approach – discounting unlikely built form outcomes – is also provided.

The submission stated that the potential building height controls identified in the Capacity Study will have unacceptable impacts on the school grounds and buildings. The mid-winter analysis below shows:

- Existing shadows;
- Potential shadows as per the exhibited capacity study; and
- A more refined potential shadow outcome.

The third scenario is provided, as the potential shadows model exaggerates potential increases in overshadowing, for the following reasons:

- The unlikelihood of 40 Mount Street (Coca Cola Place) being redeveloped in the short or medium term;
- The unlikelihood or inability of 100 Miller Street (Northpoint) to build a tower on the southern portion of that site).

Report of Brad Stafford, Executive Planner Metro Project and Katerina Papas, Graduate Strategic Planner

Re: North Sydney Centre Capacity and Land Use Study – Post-Exhibition Report

(13)

Existing Shadows 21 June



Potential Shadows as per Capacity Study



Potential Shadows Refined



Mid-Winter potential solar analysis, Shore School.

The refined scenario therefore has the potential building height envelopes removed on the above two sites.

It is noted also that the yellow building height envelopes are modelled to all boundaries on each site, therefore illustrating a very unlikely worst case built form scenario.

The modelling demonstrates that Shore School enjoys good solar access from 10 am. The potential shadows as per the Capacity Study heights produce reasonably significant potential additional shadows on some of the site until approx. 1 pm.

The refined block model at far right indicates that at worst, the site may potential be impacted by a tower built at 1 Wheeler Lane. A relatively fast moving tower shadow from this site would cease to impact the site by approx. 1 pm.

Report of Brad Stafford, Executive Planner Metro Project and Katerina Papas, Graduate Strategic Planner

Re: North Sydney Centre Capacity and Land Use Study – Post-Exhibition Report

(14)

DIRECTION 1: Apply the 10 am to 2 pm solar access protection approach to set the basis for changes to LEP 2013 height limits for properties within the B3 Commercial zone.

1.5 Variation Controls

Clause 6.3(3) of North Sydney LEP 2013 provides that:

Development consent for development on land to which this Division applies may be granted for development that would exceed the maximum height of buildings shown for the land on the Height of Buildings Map if the consent authority is satisfied that any increase in overshadowing between 9 am and 3 pm is not likely to reduce the amenity of any dwelling located on land to which this Division does not apply.

Adopting a 10-2 approach to derive height controls would necessitate an amendment to this clause.

One submission at least, however, raised the prospect of a variation control being developed to better align with established amenity controls, particularly those under the State Government's Apartment Design Guide and SEPP65. Specifically, it was suggested that a height variation control could allow for the variation of building heights, but only where it could be demonstrated that a dwelling (and associated private space) would not receive less than two hours of direct solar access between 9am and 3pm on 21 June, as a result of any additional overshadowing caused by a proposed development.

Applying a variation clause of this type has merit for two reasons – it would potentially 'unlock' certain development that may, for example, cause additional overshadowing between 10-2 to a residential property, but where that property currently enjoys significant amounts of solar access and may not be disproportionately impacted by a decrease in that direct solar access. Similarly, a site that enjoys more limited solar access would be protected to ensure a minimum level of solar access amenity.

It is noted that, historically, clause 6.3(3) has been applied in a reasonably conservative manner by Council. Where proposed variations are considered significant, proponents have been urged to pursue changes to the planning controls via the planning proposal process.

DIRECTION 2: Further consider amending Clause 6.3 of LEP 2013 to apply height variation controls based on ensuring a minimum of two hours solar access between 9 am and 3 pm to residential properties outside the North Sydney Centre, consistent with the provisions of the Apartment Design Guidelines.

3.6 Interface Issues

The blanket application of the 10-2 approach produced an indicative height map, illustrated above in Section 3.4. It was advised in the Study that those indicative heights would be subject to further detailed consideration, particularly where sites interface directly with lower-scale and residential properties outside of the North Sydney Centre (but may not overshadow those properties).

Report of Brad Stafford, Executive Planner Metro Project and Katerina Papas, Graduate Strategic Planner

Re: North Sydney Centre Capacity and Land Use Study – Post-Exhibition Report

(15)

Both LEP 2013 and DCP 2013 contain objectives regarding the principle of a general stepping down of building heights from the centre of the CBD to the periphery. This principle is still considered important in preserving the amenity of adjoining low scale development, and should be applied particularly where overshadowing constraints do not facilitate the meeting of that principle.

The final Capacity and Land Use Strategy and any accompanying planning proposal will reflect a more detailed consideration and application of this principle to sites where the broad application of the 10-2 approach has produced unreasonable or unsupportable results on the indicative height map.

Identified Sites requiring further consideration

Through the exhibition process, a number of sites have been identified that require further consideration in terms of their adherence to the principle above. Key sites include:

- 50 & 52 McLaren Street

These properties are located at the northern boundary of the North Sydney Centre, and directly adjoin both large scale development and low-scale properties. Submission 33 presents an argument for further increases in permissible height to that indicated under the exhibited Study.

The site is subject to an existing 2011 JRPP development approval that allows a building height on the larger No.52 site above that of the existing LEP 2013 height controls. It is considered that the indicative height controls produced by the 10-2 approach produce unsupportable potential height and scale outcomes on the site.

The site was the subject of much consideration during the preparation of LEP 2013, with Council maintaining that the height controls under LEP 2013 (when in draft form) were the most appropriate heights for that site, given its proximity to the adjacent low scale and heritage buildings on Miller Street, the Wenona School campus to the north, and the Civic precinct to the west.

The final Capacity and Land Use Strategy will reflect further consideration of the most appropriate height control for the site in this context.

- 1 McLaren Street

Submission 13 raised concerns with the indicative height control identified in Section 7.6 of the Study for 1 McLaren Street, primarily those of potential overshadowing of a rooftop garden at 245 Pacific Highway and issues relating to urban design and scale.

The site is located at the northern boundary of the North Sydney Centre. The LEP 2013 height control for the site is RL106, with that control increasing on neighbouring sites towards the centre of the CBD. The site is surrounded by lower scale 1-2 storey buildings, with the exception of the apartment building to the south.

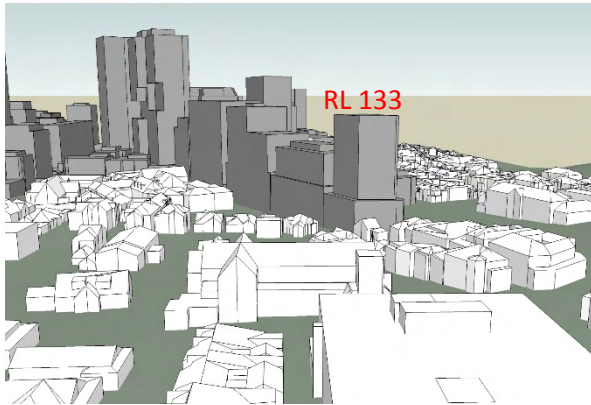
Preliminary modelling suggests that a reduction in potential height to RL 118 may better

Report of Brad Stafford, Executive Planner Metro Project and Katerina Papas, Graduate Strategic Planner

Re: North Sydney Centre Capacity and Land Use Study – Post-Exhibition Report

(16)

address interface issues relating to scale and produce a more suitable built form outcome within its context. A building to this height would also ensure compliance with solar access provisions under Part B Section 2.3 of NSDCP 2013.



3D Model screen shot of potential building envelopes at 1 McLaren Street, as viewed from the north.

- 1 Wheeler Lane

The existing telephone exchange site receives an increase in potential building height under the 10-2 approach from RL 105 at the rear portion of the site, to RL 245. The indicative height limit at the front portion of the site increases from RL 150 to RL 171 under the Study.



1 Wheeler Lane as viewed from Oak Street.

Additional consideration is required as to whether a building height limit of around 165m on the rear portion of this site is supportable, given its proximity to single storey residential properties in Oak Street.

- 10 and 12 Mount Street

Report of Brad Stafford, Executive Planner Metro Project and Katerina Papas, Graduate Strategic Planner

Re: North Sydney Centre Capacity and Land Use Study – Post-Exhibition Report

(17)

The indicative height control across these sites represents an 18m increase over existing LEP 2013 controls. Number 10 Mount Street directly adjoins two storey dwellings on Edward Street. Consideration needs to be given to splitting the indicative height controls on the sites to ensure an appropriate scale is maintained.



10 and 12 Mount Street (behind tree line) as viewed from Mount Street.

Design Excellence Panel

It is recommended that the Design Excellence Panel is consulted on the matter of interface issues and scale at the North Sydney Centre's boundaries.

DIRECTION 3: Review indicative height controls for several sites identified in section 3.6 *Interface Issues*

3.7 Floor Space Limitations

The maximum additional floor space of 250,000 m² under LEP 2013, based on the carrying capacity of North Sydney Railway Station, represents a barrier to future commercial growth in the Centre. The arrival of the Sydney Metro line and Victoria Cross station renders this restriction redundant.

Council is working with TfNSW and the DPE to remove this restriction. It is expected that the planning proposal that accompanies the final strategy will contain provisions for the removal of all relevant railway contribution clauses.

DIRECTION 4: Continue to work with the DPE and TfNSW to remove existing restrictions on new commercial floor space within the North Sydney Centre

3.8 Special Areas

The Special Areas Review formed an appendix to the Capacity and Land Use Study. The key recommendations of the Review included the removal of the Elizabeth Place Special Area and the Blue Street Special Area. A new special area at the rear of 100 Pacific Highway, adjacent to the Don Bank Museum, was also recommended.

Submissions relating to the Blue Street Special Area are addressed in Section 2 of this report.

Report of Brad Stafford, Executive Planner Metro Project and Katerina Papas, Graduate Strategic Planner

Re: North Sydney Centre Capacity and Land Use Study – Post-Exhibition Report

(18)

In summary, the removal of the plaza's special area status is supported, due to the limited solar access the site receives. Amenity of surrounding land, particularly nearby residential zones, will be maintained, as no increase in the height control on the site is recommended.

One submission was received regarding the Berry Street West special area (between Pacific Highway and Miller Street). Submission 20 in Section 2 of this Report details the submission and the response. The submission demonstrated that significant development potential exists on the site, if special areas controls were to apply only to mid-winter and not all year round.

Whilst acknowledging the efforts made to demonstrate mid-winter solar compliance, it is considered that the all year-round solar protection of special areas serves an important amenity protection function in the North Sydney Centre. Amending controls to suit particular built form outcomes on certain special areas is not supported.

In summary, the special area is recommended for retention, owing primarily to its excellent solar access and future potential as a place of high pedestrian amenity and activity, particularly in light of its potential role linking Metro to the Education Precinct in future. It is prudent to apply a cautious approach to this special area, with potential to revisit the matter once the outcomes of Council's Public Domain Strategy and the Sydney Metro are known.

No submissions were received regarding the proposed removal of the Elizabeth Place Special Area.

3.9 Opportunity Sites

Several submissions have provided more detailed modelling on specific sites which demonstrate additional capacity under a 10-2 approach than that shown in the indicative height control map of Section 7.6 of the Study. The ability for more detailed modelling being able to demonstrate additional capacity is acknowledged. The methodology undertaken to derive heights, outlined above in Section 3.4, used whole-of-site envelopes when modelling potential height. On some sites, particularly large ones, there may be instances where breaches of the applied controls apply to only a small portion of the site. The methodology was unable in most cases to provide the level of detail to reflect these modelling outcomes. By 'splitting' sites for the purposes of height mapping, additional capacity may exist, along with the potential to more accurately reflect this in the controls.

As outlined in Section 3.5, controls exist in the LEP to provide some flexibility in considering variations to height controls, provided certain environmental outcomes are met as part of the DA assessment process. However, variation controls have been quite conservatively applied in the past during the development assessment process and are not considered to represent an avenue to demonstrate significant additional development potential. Relying on variation clauses also creates a level of uncertainty for property owners and other stakeholders in terms of development yield and expectations.

It is considered that a future planning proposal to give effect to an adopted final strategy should, wherever possible, give the most accurate representation of development standards under the preferred approach.

Report of Brad Stafford, Executive Planner Metro Project and Katerina Papas, Graduate Strategic Planner

Re: North Sydney Centre Capacity and Land Use Study – Post-Exhibition Report

(19)

The following sites have been identified through the exhibition and post-exhibition period as having additional commercial floor space capacity beyond that presented in the exhibited Study. The planning proposal and final strategy presented to Council will reflect the additional modelling and policy work that is currently being undertaken.

- 73 Miller Street

Modelling has been provided showing that a more nuanced building envelope could avoid additional overshadowing of the Greenwood Plaza special area and provide an additional amount of building height across the majority of the site.

- 76 Berry Street

Initial modelling suggests that a significant portion of this site could achieve additional height under a refined building envelope. This site falls within the Ward Street Precinct. Any uplift in development potential may be subject to a voluntary planning agreement to aid the achievement of the objectives of the Ward Street Masterplan (see Section 3.12).

- Sydney Metro Site, Miller Street

For the purposes of height modelling, this large site was split into three height zones. Initial testing suggests that splitting the northern portion of the site again may provide a more accurate reflection of a 10-2 solar access approach, i.e. increased height potential at the corner of Miller and Berry Streets.

The public exhibition of a planning proposal giving effect to an adopted final strategy is likely to result in further detailed modelling of individual sites being submitted. Insofar as this gives a more accurate reflection of development potential under a 10-2 solar access approach, such submissions will be welcomed and considered.

DIRECTION 5: Ensure that height controls accurately reflect development potential of commercially zoned sites, and wherever possible, avoid the need for significant variations through the DA process.

3.10 Sydney Metro

The site of the future Victoria Cross Metro station represents an opportunity for significant additional commercial floor space within the North Sydney CBD. Existing LEP 2013 prohibitions, however, severely curtail potential development outcomes on the site. Section 3.7 outlined one of these prohibitions – the floor space cap that currently applies to the North Sydney Centre.

The other limitation is the Tower Square special area. This special area applies to the land at the southern portion of the Metro site known as Tower Square. The building is proposed to be demolished as part of the Metro project, thus rendering the special area obsolete. As any over station development is severely curtailed by this special area, a future planning proposal will include the removal of the Tower Square special area.

It may, depending on confirmation of Transport for NSW's project timetable for over station

Report of Brad Stafford, Executive Planner Metro Project and Katerina Papas, Graduate Strategic Planner

Re: North Sydney Centre Capacity and Land Use Study – Post-Exhibition Report

(20)

development, be advisable that a separate planning proposal be prepared to enable assessment of development proposals on the Metro site in line with the objectives of the final endorsed strategy. It is unclear at the moment as to the necessity of this direction.

As per the recommendation of the Special Areas Review, the adjoining Miller Street special area will remain in place and be revisited once the built form and public domain outcomes of the Metro project are known.

DIRECTION 6: Take necessary steps to ensure that the potential for the Sydney Metro site to realise significant additional commercial floor space is facilitated in a timely manner.

3.11 Relationship to Ward Street Masterplan

The draft Ward Street Masterplan was publicly exhibition from 26 January to 10 March 2017. The Capacity and Land Use Study's indicative height control exercise included sites within the Ward Street Precinct for demonstrative purposes, but indicated that sites within the Precinct would be subject to more detailed consideration during the masterplan process. This further consideration relates to height controls for certain opportunity sites.

It is expected that a planning proposal giving effect to the final adopted Capacity and Land Use Study will defer sites within the Ward Street Precinct from the planning proposal, pending that further detailed consideration.

3.12 Voluntary Planning Agreements

As per the recommendations of the exhibited Capacity and Land Use Study, it is proposed that a planning proposal giving effect to a final adopted strategy will include, amongst other provisions, changes to height controls based on the 10-2 approach for sites zoned B3 Commercial Core within the North Sydney Centre (not including sites within the Ward Street Precinct).

In a competitive market for commercial floor space, decisions to redevelop in North Sydney's commercial centre will be aided by Council increasing certainty for landowners and investors. Preparing a planning proposal that identifies increased height limits on B3 – Commercial Core zoned land consistent with the Study will provide such certainty and facilitate the growth and rejuvenation of the Centre that the Study seeks to achieve. The planning proposal will not contain changes to height controls on land zoned B4 Mixed Use.

In relation to land zoned B4 Mixed Use in and around the Ward Street Masterplan area, increases in development yield based on the 10-2 approach will be subject to a proponent-led planning proposal process. Such a process will seek to capture developer contributions (or works in kind), via a voluntary planning agreement, for key public domain and land use works proposed by the Ward Street Masterplan.

Value sharing in this manner has worked well in St Leonards and Crows Nest for largely residential development. This approach acknowledges that large scale residential

Report of Brad Stafford, Executive Planner Metro Project and Katerina Papas, Graduate Strategic Planner

Re: North Sydney Centre Capacity and Land Use Study – Post-Exhibition Report

(21)

redevelopment in Sydney is characterised by different economic cycles to commercial development and is more likely to sustain a value sharing approach to increases in density and height.

The implementation approaches identified in the Study have the benefits of increasing the likelihood of attracting commercial investment to the Centre in a timely manner, whilst sharing in value increases from mixed use development that will represent benefits to the Centre's infrastructure.

The Ward Street Masterplan will identify all sites that will be subject to this value sharing process. A final adopted Capacity and Land Use Strategy will identify clear public benefits that mixed use sites outside of the Ward Street Precinct will be asked to contribute to which will seek to embellish Council infrastructure investment to make the Centre a more attractive and inviting place in the longer term.

4 CONCLUSION

The draft Capacity and Land Use Study has been publicly exhibited. A final Capacity and Land Use Strategy will now be prepared reflecting the directions and further required consideration outlined in Sections 2 and 3 of this Report.

Draft amendments to LEP 2013 and DCP 2013 will also be prepared to give effect to the final Strategy.



Appendix 2:

Council Report and Resolution 1 May 2017

Reports in full, including attachments, can be accessed at
https://www.northsydney.nsw.gov.au/Council_Meetings/Meetings/Council_Meetings

**DECISION OF 3690th COUNCIL MEETING
HELD ON 1 MAY 2017**

102. CiS06: North Sydney CBD Capacity and Land Use Strategy and Planning Proposal

(This matter was considered en globo. See page 86)

Report of Brad Stafford, Executive Planner Metro Project

The draft North Sydney Centre Capacity and Land Use Study was prepared to explore opportunities for growth in order to improve the Centre's employment capacity, its resilience and vibrancy as well as its investment attractiveness.

After Council endorsement, the Study was publicly exhibited in November and December of 2016. At its meeting of 20 March 2017, Council adopted a post-exhibition report, resolving, among other things, to produce a final Capacity and Land Use Strategy document and associated Planning Proposal to amend North Sydney Local Environmental Plan (NSLEP) 2013.

This report and Attachment 1 detail the additional consideration undertaken as a result of Council's 20 March 2017 resolution, and presents a final North Sydney CBD Capacity and Land Use Strategy.

In addition, in accordance with the recommendations of both Council's 20 March 2017 resolution and the attached North Sydney CBD Capacity and Land Use Strategy, a Planning Proposal has been prepared (Attachment 2) that seeks to amend NSLEP 2013 by amending certain planning controls as they relate to the North Sydney Centre.

The attached Planning Proposal:

- Generally complies with the relevant Local Environment Plan making provisions under the Environmental Planning & Assessment Act 1979; and
- Generally complies with the Department of Planning's 'A guide to preparing planning proposals' (August 2016);

The Planning Proposal will give statutory effect to the Strategy and is recommended to be forwarded to the Department of Planning and Environment for Gateway Determination.

Should a gateway determination be issued enabling public exhibition, both the Planning Proposal and informing North Sydney CBD Capacity and Land Use Strategy will be publicly exhibited in accordance with that determination.

Local Government Act 1993: Section 23A Guidelines - Council Decision Making During Merger Proposal Period

The Guidelines have been considered in the preparation of this report and are not applicable.

Recommending:

- 1. THAT** Council adopts the North Sydney CBD Capacity and Land Use Strategy at Attachment 1.
- 2. THAT** Council adopts the Planning Proposal at Attachment 2 to give statutory effect to the Strategy.
- 3. THAT** the Planning Proposal and relevant accompanying information be forwarded to the Department of Planning and Environment seeking a Gateway Determination.

Voting was as follows:

For/Against 7/0

Councillor	Yes	No	Councillor	Yes	No
Gibson	Y		Beregi	Y	
Reymond	Y		Barbour	Absent	
Clare	Absent		Morris	Absent	
Baker	Y		Marchandean	Y	
Carr	Y		Bevan	Y	

RESOLVED:

1. **THAT** Council adopts the North Sydney CBD Capacity and Land Use Strategy at Attachment 1.
2. **THAT** Council adopts the Planning Proposal at Attachment 2 to give statutory effect to the Strategy.
3. **THAT** the Planning Proposal and relevant accompanying information be forwarded to the Department of Planning and Environment seeking a Gateway Determination.



Report to General Manager

Attachments:

1. North Sydney CBD Capacity and Land Use Strategy
2. Planning Proposal

SUBJECT: North Sydney CBD Capacity and Land Use Strategy and Planning Proposal

AUTHOR: Brad Stafford, Executive Planner Metro Project

ENDORSED BY: Joseph Hill, Director City Strategy

EXECUTIVE SUMMARY:

The draft North Sydney Centre Capacity and Land Use Study was prepared to explore opportunities for growth in order to improve the Centre's employment capacity, its resilience and vibrancy as well as its investment attractiveness.

After Council endorsement, the Study was publicly exhibited in November and December of 2016. At its meeting of 20 March 2017, Council adopted a post-exhibition report, resolving, among other things, to produce a final Capacity and Land Use Strategy document and associated Planning Proposal to amend North Sydney Local Environmental Plan (NSLEP) 2013.

This report and Attachment 1 detail the additional consideration undertaken as a result of Council's 20 March 2017 resolution, and presents a final North Sydney CBD Capacity and Land Use Strategy.

In addition, in accordance with the recommendations of both Council's 20 March 2017 resolution and the attached North Sydney CBD Capacity and Land Use Strategy, a Planning Proposal has been prepared (Attachment 2) that seeks to amend NSLEP 2013 by amending certain planning controls as they relate to the North Sydney Centre.

The attached Planning Proposal:

- Generally complies with the relevant Local Environment Plan making provisions under the Environmental Planning & Assessment Act 1979; and
- Generally complies with the Department of Planning's '*A guide to preparing planning proposals*' (August 2016);

The Planning Proposal will give statutory effect to the Strategy and is recommended to be forwarded to the Department of Planning and Environment for Gateway Determination.

Should a gateway determination be issued enabling public exhibition, both the Planning Proposal and informing North Sydney CBD Capacity and Land Use Strategy will be publicly exhibited in accordance with that determination.

Report of Brad Stafford, Executive Planner Metro Project
Re: North Sydney CBD Capacity and Land Use Strategy and Planning Proposal

(2)

FINANCIAL IMPLICATIONS:

Nil

Local Government Act 1993: Section 23A Guidelines - Council Decision Making During Merger Proposal Period

The Guidelines have been considered in the preparation of this report and are not applicable.

RECOMMENDATION:

- 1.THAT** Council adopts the North Sydney CBD Capacity and Land Use Strategy at Attachment 1.
- 2.THAT** Council adopts the Planning Proposal at Attachment 2 to give statutory effect to the Strategy.
- 3.THAT** the Planning Proposal and relevant accompanying information be forwarded to the Department of Planning and Environment seeking a Gateway Determination.

Report of Brad Stafford, Executive Planner Metro Project
 Re: North Sydney CBD Capacity and Land Use Strategy and Planning Proposal

(3)

LINK TO DELIVERY PROGRAM

The relationship with the Delivery Program is as follows:

Direction: 3.	Our Economic Vitality
Outcome:	3.1 Diverse, strong, sustainable and vibrant local economy
Outcome:	3.2 North Sydney is one of Australia's largest commercial centres
Direction: 5.	Our Civic Leadership
Outcome:	5.1 Council leads the strategic direction of North Sydney

CONSULTATION REQUIREMENTS

Community engagement will be undertaken in accordance with Council's Community Engagement Protocol.

It is not recommended that the North Sydney CBD Capacity and Land Use Strategy be publicly exhibited prior to the seeking of a gateway determination for the attached Planning Proposal. The attached Capacity and Land Use Strategy contains no significant departures from the recommendations of the exhibited Capacity and Land Use Study and subsequent directions of Council's 20 March 2017 resolution.

In any case, both the Planning Proposal and the North Sydney CBD Capacity and Land Use Strategy will be publicly exhibited once a gateway determination has been issued by the Department of Planning and Environment, enabling submissions to be made on both documents.

SUSTAINABILITY STATEMENT

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

1. Background – Capacity and Land Use Study

1.1 Strategic Context

The North Sydney Centre Capacity and Land Use Study (together with attached final Strategy document) forms the final component of Council's comprehensive North Sydney Centre Planning Review.

The aim of the North Sydney Centre Planning Review is to identify and implement policies and strategies to ensure that the North Sydney Centre retains and strengthens its role as a key component Sydney's global economic arc, remains the principle economic engine of Sydney's North Shore, and becomes a more attractive, sustainable and vibrant place for residents, workers and businesses.

Report of Brad Stafford, Executive Planner Metro Project
 Re: North Sydney CBD Capacity and Land Use Strategy and Planning Proposal

(4)

1.2 Objectives

The Capacity and Land Use Study sought to:

- Develop a framework that allows for the growth of the North Sydney Centre to ensure it maintains and improves its status as a resilient, vibrant and globally relevant commercial centre;
- Accommodate forecast demand for additional commercial floor space in the North Sydney Centre;
- Inform and respond to district planning, particularly employment and commercial floor space targets for the North Sydney Centre;
- Take advantage of planned infrastructure upgrades by intensifying land use around significant transport infrastructure;
- Offset commercial floor space losses in the mixed use zone of the Centre;
- Identify residential development opportunities in the mixed use periphery; and
- Identify and facilitate specific land uses to contribute to the Centre's diversity, amenity and commercial sustainability.

1.3 Recommendations of Study

The Capacity and Land Use Study recommended that the following strategies be implemented to help achieve the above objectives:

Strategy 1	<p>Apply new height controls to the North Sydney Centre based on the following:</p> <ul style="list-style-type: none"> • A 10 am to 2 pm restriction on additional overshadowing to residential land outside of the North Sydney CBD; and • The continued prohibition of additional overshadowing to land identified as special areas under NSLEP 2013. • Any other measure identified as a result of further detailed consideration
Strategy 2	<p>Apply new height controls via the following mechanisms:</p> <ul style="list-style-type: none"> • B3 Commercial Zone New heights controls will be applied via a Council-initiated planning proposal. • B4 Mixed Use The achievement of potential additional height identified by the Study will be subject to the consideration of a proponent-initiated planning proposal, where appropriate land uses and development mix can be assessed and assured.
Strategy 3	<ul style="list-style-type: none"> • Amend the Special Areas Map of NSLEP 2013 to remove Blue Street and Elizabeth Plaza special areas and add the green space at the rear of 100 Pacific Highway. • Revisit Miller Street Central and Tower Square special areas to align with the public domain outcomes of the Victoria Cross Metro station. • Review Berry Square as part of the Ward Street Masterplan
Strategy 4	Prohibit the development of serviced apartments within the B3 Commercial Core zone.
Strategy 5	Undertake a review of North Sydney DCP 2013 Part B Section 2 Commercial Development and Part 3 Section 2 North Sydney Planning Area Character Statement, to further consider built form issues within the Centre.

Report of Brad Stafford, Executive Planner Metro Project
 Re: North Sydney CBD Capacity and Land Use Strategy and Planning Proposal

(5)

1.4 Special Areas Review

The exhibited Study included, as an appendix, a review of all areas within the North Sydney Centre identified by NSLEP 2013 as 'special areas'. The purpose of the Review was to assess the relative value or contribution of existing special areas to the amenity of the North Sydney Centre, and to ascertain whether they should continue to be protected under existing policy settings.

Key recommendations of the Review included the removal of the Blue Street and Elizabeth Plaza special areas, and the addition of a new special area at the rear of 100 Pacific Highway, North Sydney.

1.5 Council Adoption October 2016

At its meeting on 24 October 2016, Council adopted the draft Capacity and Land Use Study, without amendment, for the purposes of public exhibition.

1.6 Public Exhibition and Post-Exhibition Report to Council

The Capacity and Land Use Study was publicly exhibited from Thursday 3 November 2016 to Thursday 15 December 2016.

A total of 35 submissions were received, with key themes of the submissions generally characterised as follows:

- Concerns regarding potential losses of amenity to land within and outside of the North Sydney Centre;
- The identification of specific amendments required to realise development outcome on particular sites within the North Sydney Centre; and
- Comments or concerns regarding the wider strategic approach recommended by the Study.

At its meeting of 20 March 2017, Council considered a post-exhibition report and resolved:

1. **THAT** Council note the submissions and staff response;
2. **THAT** additional consideration be given to matters detailed in this report, particularly Directions 1-6 as follows:

1.1 DIRECTION 1: Apply the 10 am to 2 pm solar access protection approach to set the basis for changes to LEP 2013 height limits for properties within the B3 Commercial zone.

1.2 DIRECTION 2: Further consider amending Clause 6.3 of LEP 2013 to apply height variation controls based on ensuring a minimum of two hours solar access between 9 am and 3 pm to residential properties outside the North Sydney Centre, consistent with the provisions of the Apartment Design Guidelines.

1.3 DIRECTION 3: Review indicative height controls for several sites identified in section 3.6 Interface Issues

1.4 DIRECTION 4: Continue to work with the DPE and TfNSW to remove existing restrictions on new commercial floor space within the North Sydney Centre

Report of Brad Stafford, Executive Planner Metro Project
 Re: North Sydney CBD Capacity and Land Use Strategy and Planning Proposal

(6)

1.5 DIRECTION 5: Ensure that height controls accurately reflect development potential of commercially zoned sites, and wherever possible, avoid the need for significant variations through the DA process.

1.6 DIRECTION 6: Take necessary steps to ensure that the potential for the Sydney Metro site to realise significant additional commercial floor space is facilitated in a timely manner.

3. **THAT** a final Capacity and Land Use Strategy and associated draft LEP 2013 and DCP 2013 amendments be prepared and reported to Council.

1.7 Note on Terminology

The term 'North Sydney Centre' is proposed to be replaced by 'North Sydney CBD' (Central Business District) within the final Strategy document. This represents a step towards greater consistency between Council's policy documentation and marketing material. The term 'CBD' as used here refers to the whole of North Sydney Centre as defined by NSLEP 2013, including land zoned *B4 Mixed Use*. NSLEP 2013 will maintain the use of the term 'North Sydney Centre' and may be amended at a later date.

2. North Sydney CBD Capacity and Land Use Strategy

2.1 Introduction

A final Strategy document has been prepared in accordance with the 20 March 2017 Council resolution and forms Attachment 1 to this report. The Strategy details the work and consideration undertaken in response to that resolution, in particular the directions detailed within it, resulting in a final set of recommendations for implementation.

2.2 Strategy Development

Section 3 of the Capacity and Land Use Strategy provides detailed responses to the following key matters raised either in or during public exhibition of the Capacity and Land Use Study, and in doing so informs the development of the Strategy's final recommendations:

- Height of Buildings;
- Small Sites;
- Serviced Apartments;
- Floor Space Limitations and Railway Contributions;
- Ward Street Masterplan;
- Sydney Metro; and
- Value Sharing.

Amendments, refinements or departures from the exhibited Study proposed as a result of directions or further detailed consideration are detailed in Section 3 of the Strategy. These include:

- A refined indicative height control map based on the consideration undertaken in Section 3.2 (Section 3.2.5);
- Clarification of proposed amendments to special areas (Section 3.3);
- Refinement of the proposed small sites control relaxation (Section 3.4);
- Proposed changes to floor space limitations and railway contributions (Section 3.6);
- Further consideration of the Sydney Metro site (Sections 3.2.4 and 3.8); and
- Further consideration of proposed value sharing arrangements.

Report of Brad Stafford, Executive Planner Metro Project
 Re: North Sydney CBD Capacity and Land Use Strategy and Planning Proposal

(7)

2.3 Recommendations and Implementation

The Capacity and Land Use Strategy at Attachment 1 makes the following final recommendations and outlines expected implementation mechanisms and timings. The table to Section 4.1 of the Strategy is reproduced below:

	Recommendation	Implementation Mechanism	Expected Timing
1	Apply new height controls to B3 Commercial Core sites in accordance with the future indicative height map at Section 3.2.5.	Council-initiated planning proposal to amend NSLEP 2013. (Attachment 2)	Initiation May 2017. Estimated process time to gazettal – 9-12 months.
2	Consider planning proposals for sites within the B4 Mixed Use zone, based on the future indicative height map at Section 3.2.5.	Developer-led planning proposal process.	Assessment and processing times vary. 9-12 months.
3	Apply a new height variation control based on the maintenance of at least two hours of solar access to residential properties outside of the North Sydney CBD.	Council-initiated planning proposal to amend NSLEP 2013. (Attachment 2)	Initiation May 2017. Estimated process time to gazettal - 9-12 months.
4	Remove the Elizabeth Plaza, Blue Street, and Tower Square special areas.	Council-initiated planning proposal to amend NSLEP 2013. (Attachment 2)	Initiation May 2017. Estimated process time to gazettal - 9-12 months.
5	Apply special area status to the rear of 100 Pacific Highway.	Council-initiated planning proposal to amend NSLEP 2013. (Attachment 2)	Initiation May 2017. Estimated process time to gazettal - 9-12 months.
6	Prohibit development for the purposes of serviced apartments within the B3 Commercial Core zone.	Council-initiated planning proposal to amend NSLEP 2013. (Attachment 2)	Initiation May 2017. Estimated process time to gazettal - 9-12 months.
7	Amend NSDCP 2013 in accordance with the recommendations of this Strategy and the planning proposal to amend NSLEP 2013.	Draft NSDCP amendment to relevant clauses of Part B Section 2 Commercial and Mixed Use Development and Part C Section 2 North Sydney Planning Area.	Amendment will be prepared once this Strategy and planning proposal are adopted. Exhibited concurrently with planning proposal. 6-12 months.
8	Ensure that adequate future provisions are made for a mechanism to capture value share from development within the B4 Mixed Use zone and within the Ward Street Precinct as defined by the Ward Street Masterplan 2017.	Policy document to be prepared or form part of the North Sydney CBD Public Domain Strategy. For Ward Street Precinct, Masterplan process to provide policy and process guidance.	Public Domain Strategy 6-12 months. Ward Street Masterplan 6-12 months.
9	Amend NSLEP 2013 to remove clauses relating to railway infrastructure and limitations on future commercial floor space development.	Council-initiated planning proposal to amend NSLEP 2013. (Attachment 2)	Initiation May 2017. Estimated process time to gazettal - 9-12 months.

Report of Brad Stafford, Executive Planner Metro Project
 Re: North Sydney CBD Capacity and Land Use Strategy and Planning Proposal

(8)

	Recommendation	Implementation Mechanism	Expected Timing
10	Amend NSLEP 2013 to allow development on commercial sites less than 1000 m2. Impose a building height limit of 45m to such sites.	Council-initiated planning proposal to amend NSLEP 2013. (Attachment 2)	Initiation May 2017. Estimated process time to gazettal - 9-12 months.

3. Planning Proposal

Attachment 2 represents a planning proposal giving effect to the relevant recommendations of the above table in Section 3.3 of this report.

3.1 Proposed LEP Amendment

The principle purpose of the Planning Proposal (refer to Attachment 2) is to amend NSLEP 2013 such that it incorporates the recommended outcomes of the North Sydney Centre Planning Review. In particular, it is proposed to implement the recommendations of the attached *North Sydney Capacity and Land Use Strategy* which seeks to:

- Prohibit development for the purposes of ‘serviced apartments’ within the *B3 Commercial Core* zone;
- Apply new height controls to the North Sydney Centre based on the following:
 - Maintaining solar access to residential land outside of the North Sydney Centre between 10am to 2pm; and
 - The continued prohibition of additional overshadowing to land identified as ‘Special Areas’.
- Enable development to occur on sites less than 1000sqm, but only where new development does not exceed 45m in height;
- Remove clauses relating to the provision of railway infrastructure within the North Sydney Centre;
- Remove clauses relating to the restriction on the amount of additional commercial floor space that can be accommodated within the North Sydney Centre;
- Removal of the Elizabeth Plaza, Blue Street, and Tower Square ‘Special Areas’;
- Applying a ‘Special Area’ to the rear of 100 Pacific Highway;

The intent of the Planning Proposal can be achieved by:

- Removing ‘serviced apartments’ from the list of permissible uses in the *B3 Commercial Core* zone to the Land Use Table;
- Amending the Height of Building Map to NSLEP 2013 to increase the maximum building height limit on the following sites, consistent with the *North Sydney Land Use and Capacity Strategy*:
 - 122,132, 140 and 146 Arthur Street, North Sydney
 - 65 and 77-81 Berry Street, North Sydney;
 - 1 Denison Street, North Sydney;
 - 54, 60, 73, 155-167, 181, 187 and 189 Miller Street, North Sydney;
 - 40, 60, 80, 90, 99, 100, 104, 107, 118 Mount Street, North Sydney;
 - 100 and 177 Pacific Highway, North Sydney;

Report of Brad Stafford, Executive Planner Metro Project
 Re: North Sydney CBD Capacity and Land Use Strategy and Planning Proposal

(9)

- 86, 88, 99, 100, 107, 110, 118, 121, 122, 123, 124, 141, 153 and 157 Walker Street, North Sydney; and
- 1 Wheeler Lane, North Sydney;
- Amending the North Sydney Centre Map to NSLEP 2013 by:
 - adding a special area to the rear of 100 Pacific Highway;
 - removing the special areas:
 - to 155-167 Miller Street (Tower Square), with the exception of a 6m wide strip across the western frontage to Miller Street;
 - to the Elizabeth Plaza road reserve; and
 - to 5 Blue Street.
- Amending clause 6.1 such that the objectives of Division 1 to Part 6 better relate to the provisions contained within that Division.
- Amending clause 6.3 to:
 - Ensure the objectives and provisions of the clause align with the outcomes of the *North Sydney Land Use and Capacity Strategy* by preventing adverse overshadowing impacts occurring to important public places within the North Sydney Centre and to minimise overshadowing impacts to residential development and open space areas located outside of the North Sydney Centre; and
 - Restrict the development of sites less than 1000sqm in area to 45m in height.
- Deletion of clause 6.5 in its entirety.

3.2 Planning Proposal Structure

The Planning Proposal (Refer to Attachment 2) is generally in accordance with the requirements under Section 55(2) of the Environmental Planning and Assessment Act 1979 and the Department of Planning and Environment's (DPE) '*A guide to preparing planning proposals*' (August 2016). In particular, the Planning Proposal adequately sets out the following:

- A statement of the objectives or intended outcomes of the proposed local environmental plan;
- An explanation of the provisions that are to be included in the proposed local environmental plan;
- Justification for those objectives, outcomes and provisions and the process for their implementation; and
- Details of the community consultation that is to be undertaken on the Planning Proposal.

3.3 Justification of the Planning Proposal

The proposed LEP amendment seeks to implement the recommendations of the *North Sydney Capacity and Land Use Strategy* which outlines the importance of removing the existing restrictions on commercial development within the North Sydney Centre as a means to achieving regional, sub-regional and local strategic plans.

3.4 Other Matters

Past experience has indicated that it can take up to 6 months to obtain the appropriate approvals from the Commonwealth Department of Infrastructure and Regional Development and Sydney Airport Corporation with regard to satisfying the requirements of Direction 3.5 to the s.117 Directions. Therefore, to minimise any delays in getting the Planning Proposal on public exhibition, it is recommended that Council forward a copy of the adopted Planning Proposal to

Report of Brad Stafford, Executive Planner Metro Project
Re: North Sydney CBD Capacity and Land Use Strategy and Planning Proposal

(10)

these two bodies currently with the request to the Department of Planning for a Gateway Determination.

4. Amendment to North Sydney Development Control Plan 2013

There will, as a result of the recommendations of the North Sydney CBD Capacity and Land Use Strategy and associated Planning Proposal, be a need to amend NSDCP 2013. Draft amendments will be prepared to ensure consistency between Strategy, Statutory and Policy documents.

It is expected that a draft amendment to NSDCP 2013 will be prepared following Council's adoption of the attached Strategy and Planning Proposal, and be publicly exhibited concurrently with those documents once a gateway determination has been issued by the Department of Planning and Environment.

5. Other Relevant Plans and Strategies

It is acknowledged that the effects of the Planning Proposal attached to this report to give effect to the objectives of the Strategy, will only generally deliver those components of the urban landscape that are relevant to the private domain. To more holistically plan for the future of the North Sydney CBD, Council staff are currently in the early stages of preparing documentation for the following:

North Sydney CBD Public Domain Strategy

The Public Domain Strategy will seek to integrate the private and public domain and investigate improvements to the latter. A draft Strategy is expected to be completed by Q4 2017.

North Sydney CBD Transport Masterplan

The Transport Masterplan will seek to exploit and build on the benefits of Metro by enhancing the walking, cycling and public transport usability and attractiveness of the Centre. A consultant team has been engaged, with a draft strategy expected by Q3 2017.

These component strategies will complement the Planning Proposal that has resulted from the North Sydney CBD Capacity and Land Use Strategy and assist in delivering its objectives.

6. Conclusion

The North Sydney CBD Capacity and Land Use Strategy (Attachment 1) represents the final component of the North Sydney Centre Planning Review.

In accordance with the recommendations of the Strategy, Council officers have prepared a Planning Proposal to amend NSLEP 2013 to give effect to the Strategy.

The relevant requirements under section 55 of the EP&A Act and the matters identified in the Department of Planning's 'A guide to preparing planning proposals' (August 2016) have been adequately addressed in the Planning Proposal. The proposal is appropriate and is adequately justified.

Report of Brad Stafford, Executive Planner Metro Project
Re: North Sydney CBD Capacity and Land Use Strategy and Planning Proposal

(11)

It is therefore recommended that Council support the forwarding of the Planning Proposal to the Department of Planning and Environment, seeking a Gateway Determination under section 56 of the EP&A Act 1979.



ANNEXURE B

- Existing Height of Buildings Map Sheets



Height of Buildings Map
- Sheet HOB_001

Maximum Building Height (m)

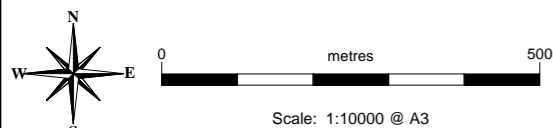
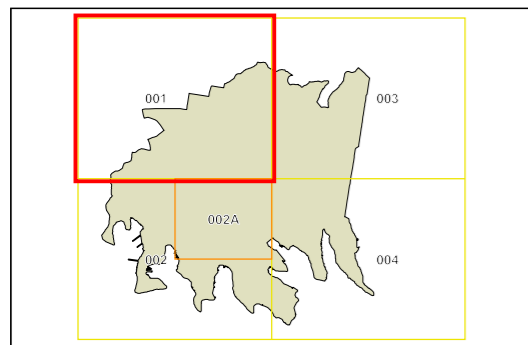
A	1	S	24
I	8.5	T1	25
K	10	T2	26
L	11	U1	30
M	12	U2	33
N	13	W1	40
O1	15	W2	42
O2	16	X	49
Q1	19.15	Y	50
Q2	20		

Maximum Building Height (RL m)

[White]	0 - 20
[Light Grey]	21 - 40
[Medium-Light Grey]	41 - 60
[Medium Grey]	61 - 80
[Dark-Medium Grey]	81 - 100
[Dark Grey]	101 - 120
[Very Dark Grey]	121 - 140
[Black-White]	141 - 160
[Black]	161 - 180
[Dark Grey]	181 - 200

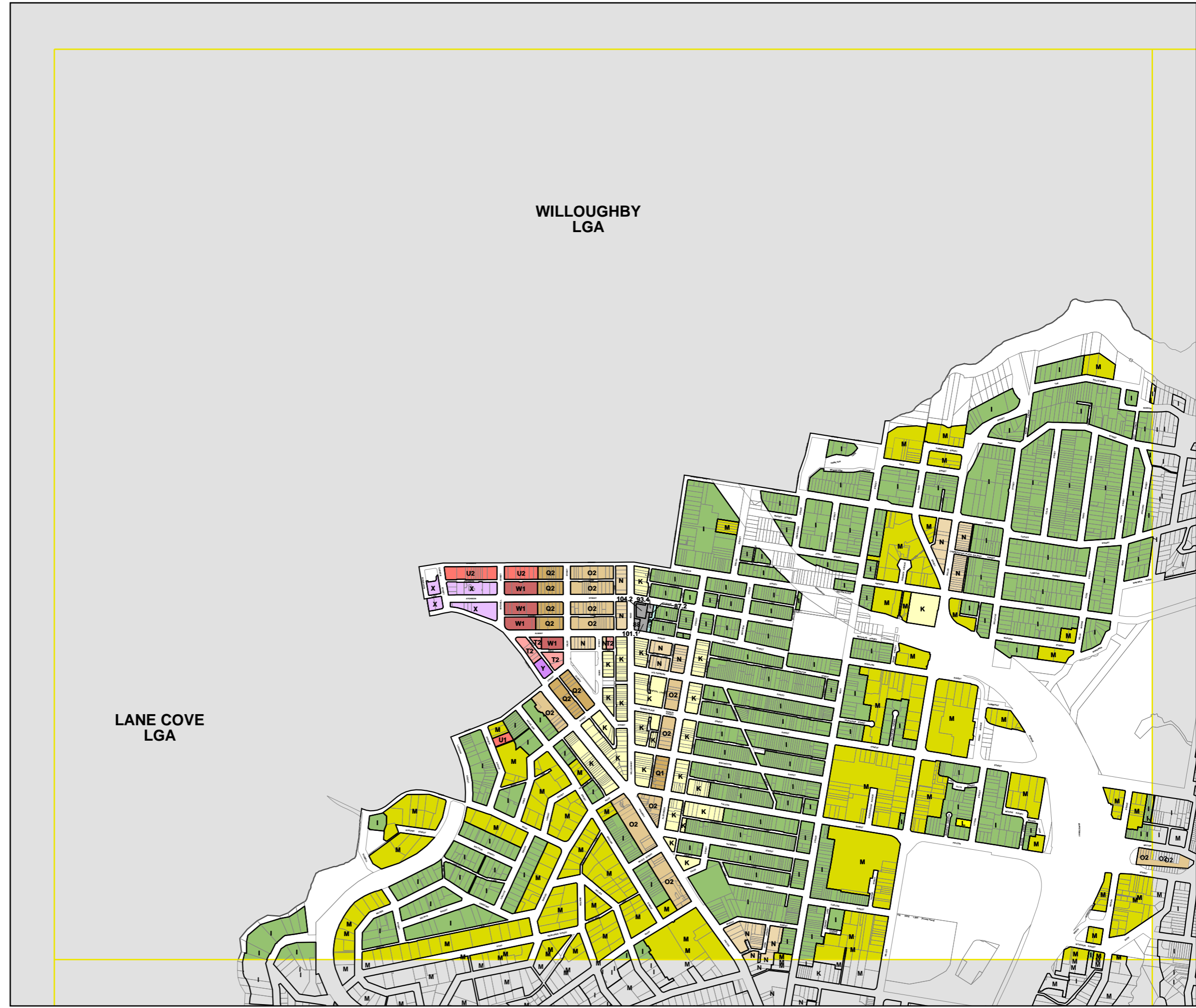
Cadastre

[White Box] Cadastre 18/11/16 © North Sydney Council



Projection GDA 1994
MGA Zone 56

Map identification number:
5950_COM_HOB_001_010_20170306





North Sydney Local Environmental Plan 2013

Height of Buildings Map - Sheet HOB_002

Maximum Building Height (m)

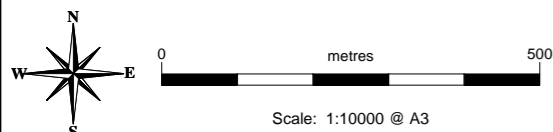
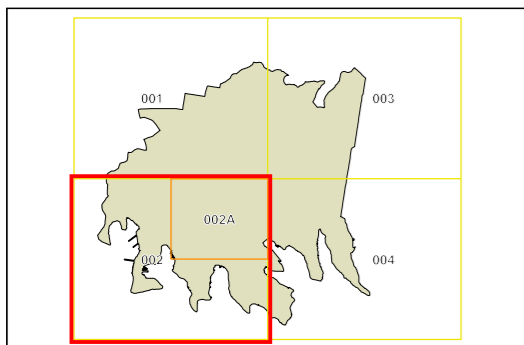
A	1	S	24
I	8.5	T1	25
K	10	T2	26
L	11	U1	30
M	12	U2	33
N	13	W1	40
O1	15	W2	42
O2	16	X	49
Q1	19.15	Y	50
Q2	20		

Maximum Building Height (RL m)

[White]	0 - 20
[Light Grey]	21 - 40
[Medium-Light Grey]	41 - 60
[Medium Grey]	61 - 80
[Dark-Medium Grey]	81 - 100
[Dark Grey]	101 - 120
[Very Dark Grey]	121 - 140
[Black-White]	141 - 160
[Black]	161 - 180
[Dark Grey]	181 - 200

Cadastre

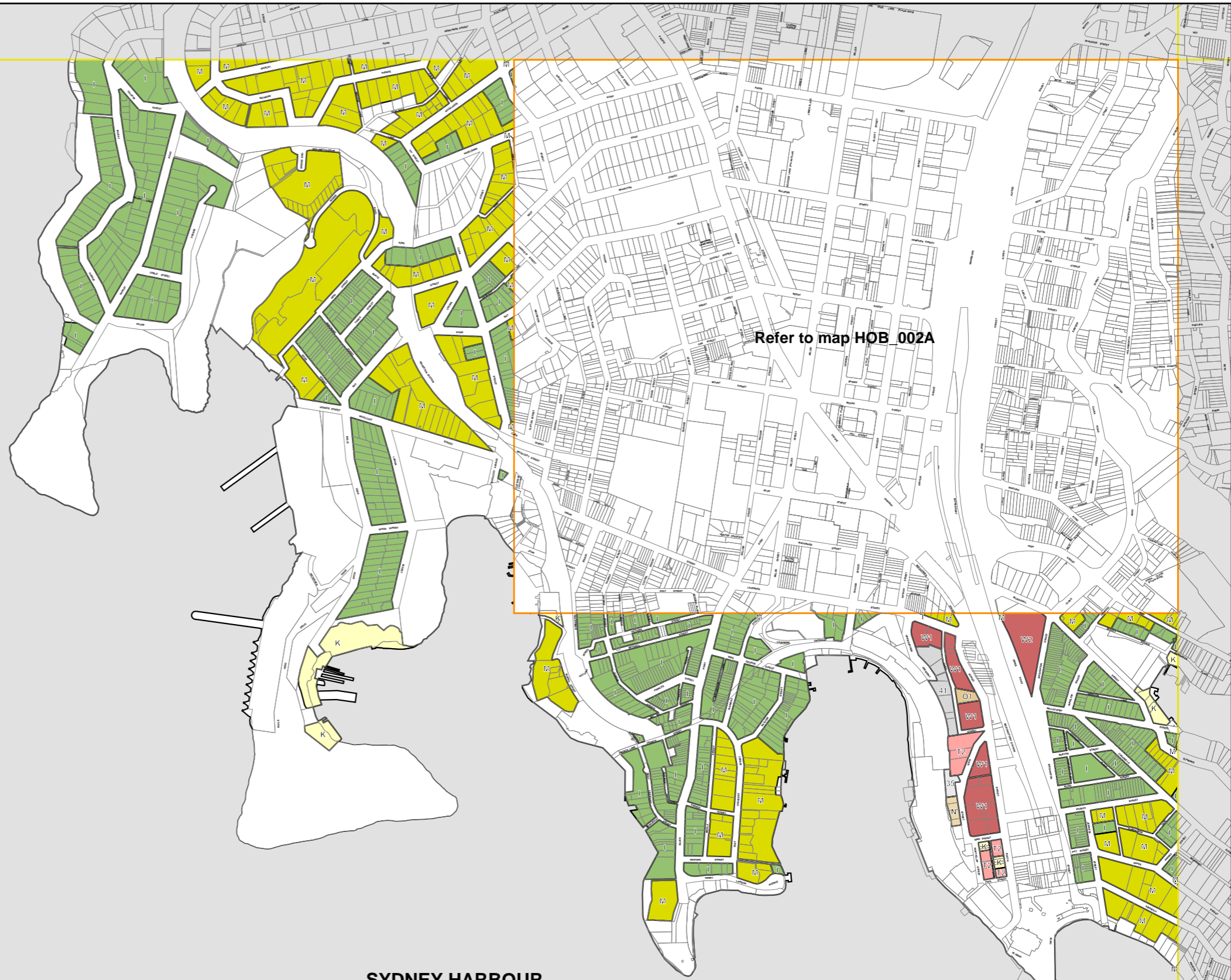
[White outline] Cadastre 18/11/16 © North Sydney Council



Projection GDA 1994
MGA Zone 56

Map identification number:
5950_COM_HOB_002_010_20161118

LANE COVE LGA



Refer to map HOB_002A

SYDNEY HARBOUR



North Sydney Local Environmental Plan 2013

Height of Buildings Map - Sheet HOB_002A

Maximum Building Height (m)

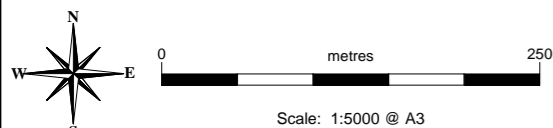
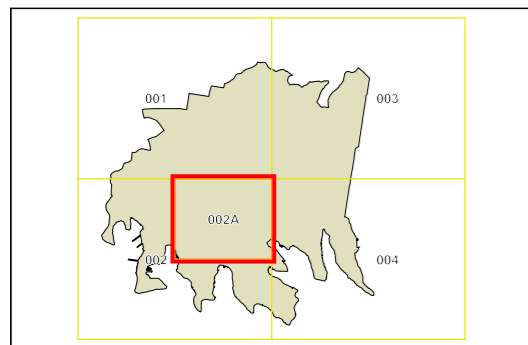
A	1	S	24
I	8.5	T1	25
K	10	T2	26
L	11	U1	30
M	12	U2	33
N	13	W1	40
O1	15	W2	42
O2	16	X	49
Q1	19.15	Y	50
Q2	20		

Maximum Building Height (RL m)

[White]	0 - 20
[Lightest Grey]	21 - 40
[Light Grey]	41 - 60
[Medium-Light Grey]	61 - 80
[Medium Grey]	81 - 100
[Medium-Dark Grey]	101 - 120
[Dark Grey]	121 - 140
[Very Dark Grey]	141 - 160
[Darkest Grey]	161 - 180
[Black]	181 - 200

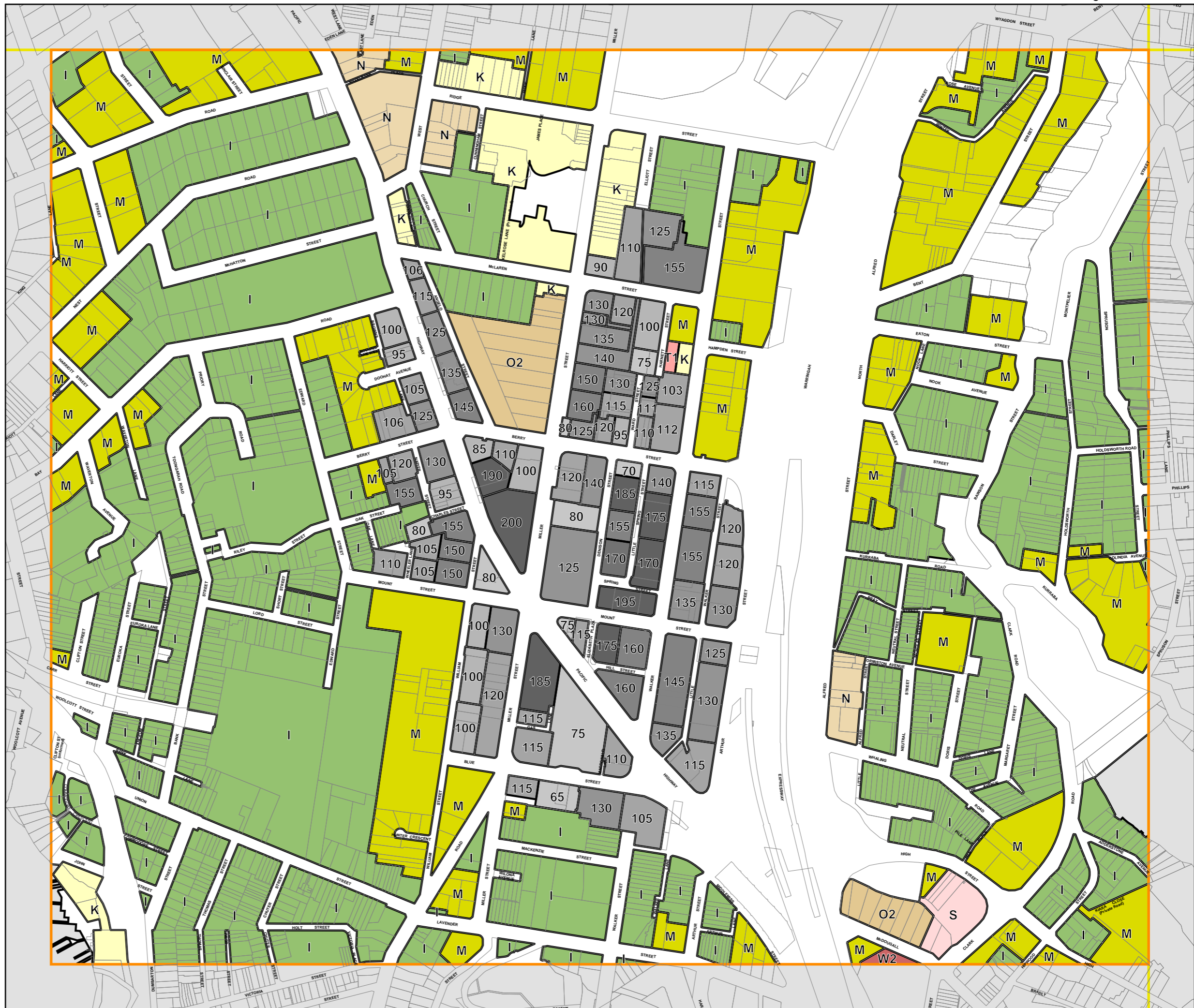
Cadastre

Cadastre 18/11/16 © North Sydney Council



Projection GDA 1994
MGA Zone 56

Map identification number:
5950_COM_HOB_002A_005_20161118





North Sydney Local Environmental Plan 2013

Height of Buildings Map - Sheet HOB_003

Maximum Building Height (m)

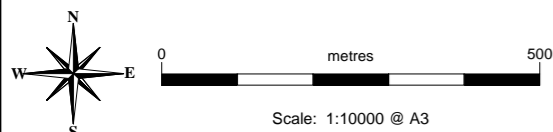
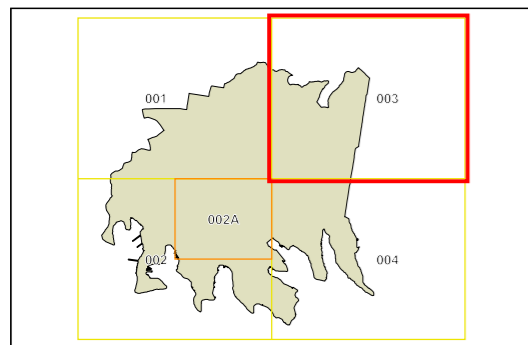
A	1	S	24
I	8.5	T1	25
K	10	T2	26
L	11	U1	30
M	12	U2	33
N	13	W1	40
O1	15	W2	42
O2	16	X	49
Q1	19.15	Y	50
Q2	20		

Maximum Building Height (RL m)

0 - 20
21 - 40
41 - 60
61 - 80
81 - 100
101 - 120
121 - 140
141 - 160
161 - 180
181 - 200

Cadastre

Cadastre 18/11/16 © North Sydney Council



Projection GDA 1994
MGA Zone 56

Map identification number:
5950_COM_HOB_003_010_20161118



MOSMAN LGA

WILLOUGHBY LGA



North Sydney Local Environmental Plan 2013

Height of Buildings Map - Sheet HOB_004

Maximum Building Height (m)

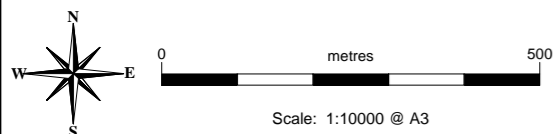
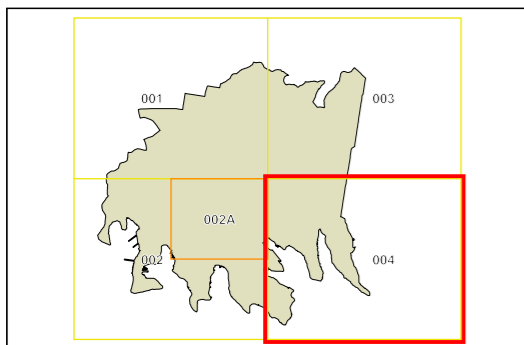
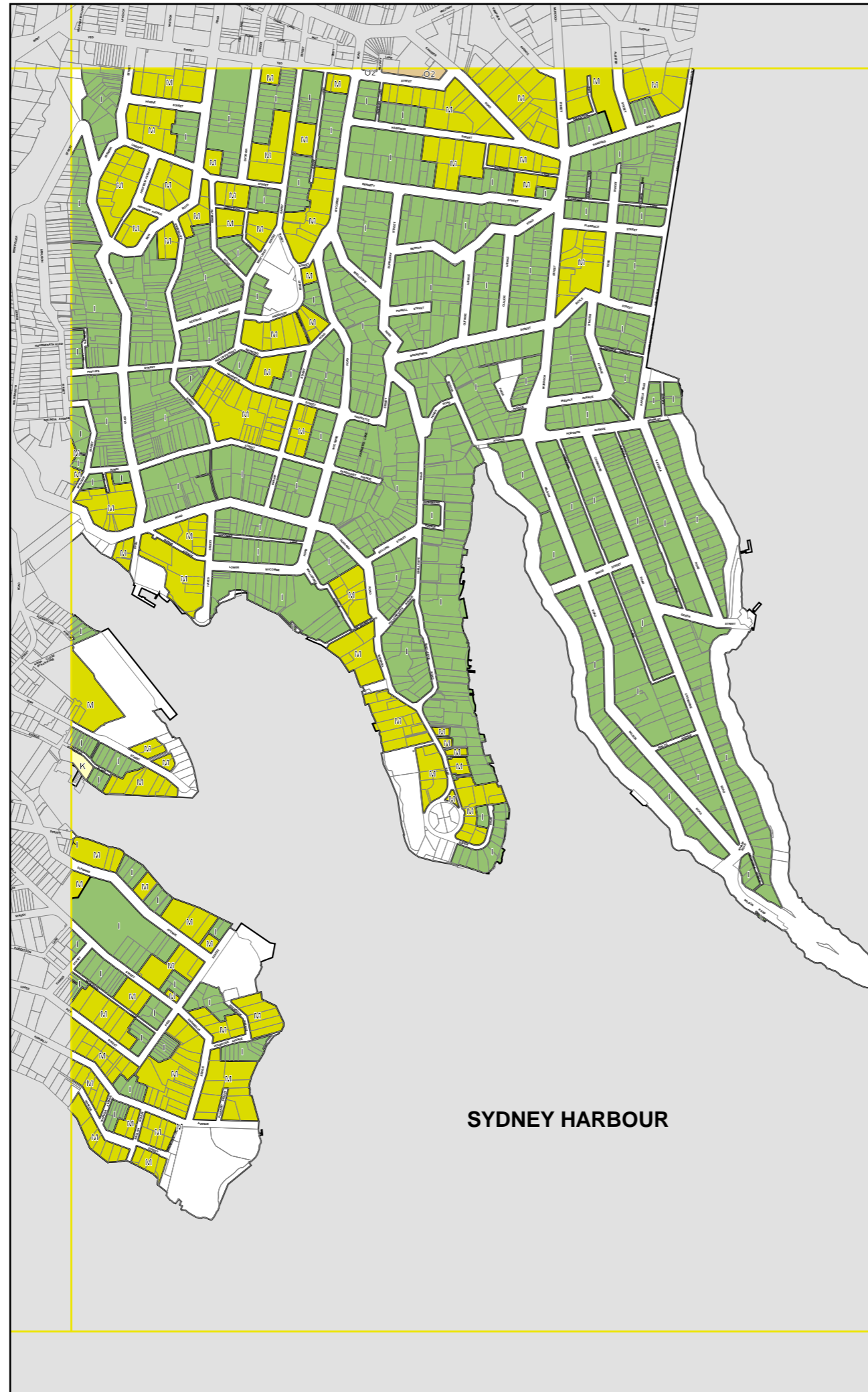
A	1	S	24
I	8.5	T1	25
K	10	T2	26
L	11	U1	30
M	12	U2	33
N	13	W1	40
O1	15	W2	42
O2	16	X	49
Q1	19.15	Y	50
Q2	20		

Maximum Building Height (RL m)

	0 - 20
	21 - 40
	41 - 60
	61 - 80
	81 - 100
	101 - 120
	121 - 140
	141 - 160
	161 - 180
	181 - 200

Cadastre

Cadastre 18/11/16 © North Sydney Council



Projection GDA 1994
MGA Zone 56

Map identification number:
5950_COM_HOB_004_010_20161118

ANNEXURE C

- Proposed Height of Buildings Map Sheets



North Sydney Local Environmental Plan 2013

Height of Buildings Map - Sheet HOB_001

Maximum Building Height (m)

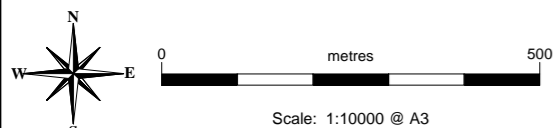
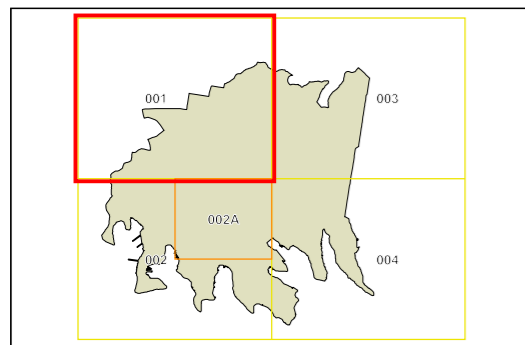
I	8.5	S	24
K	10	T1	25
L	11	T2	26
M	12	U1	30
N	13	U2	33
O1	15	W1	40
O2	16	W2	42
Q1	19.15	X	49
Q2	20	Y	50

Maximum Building Height (RL m)

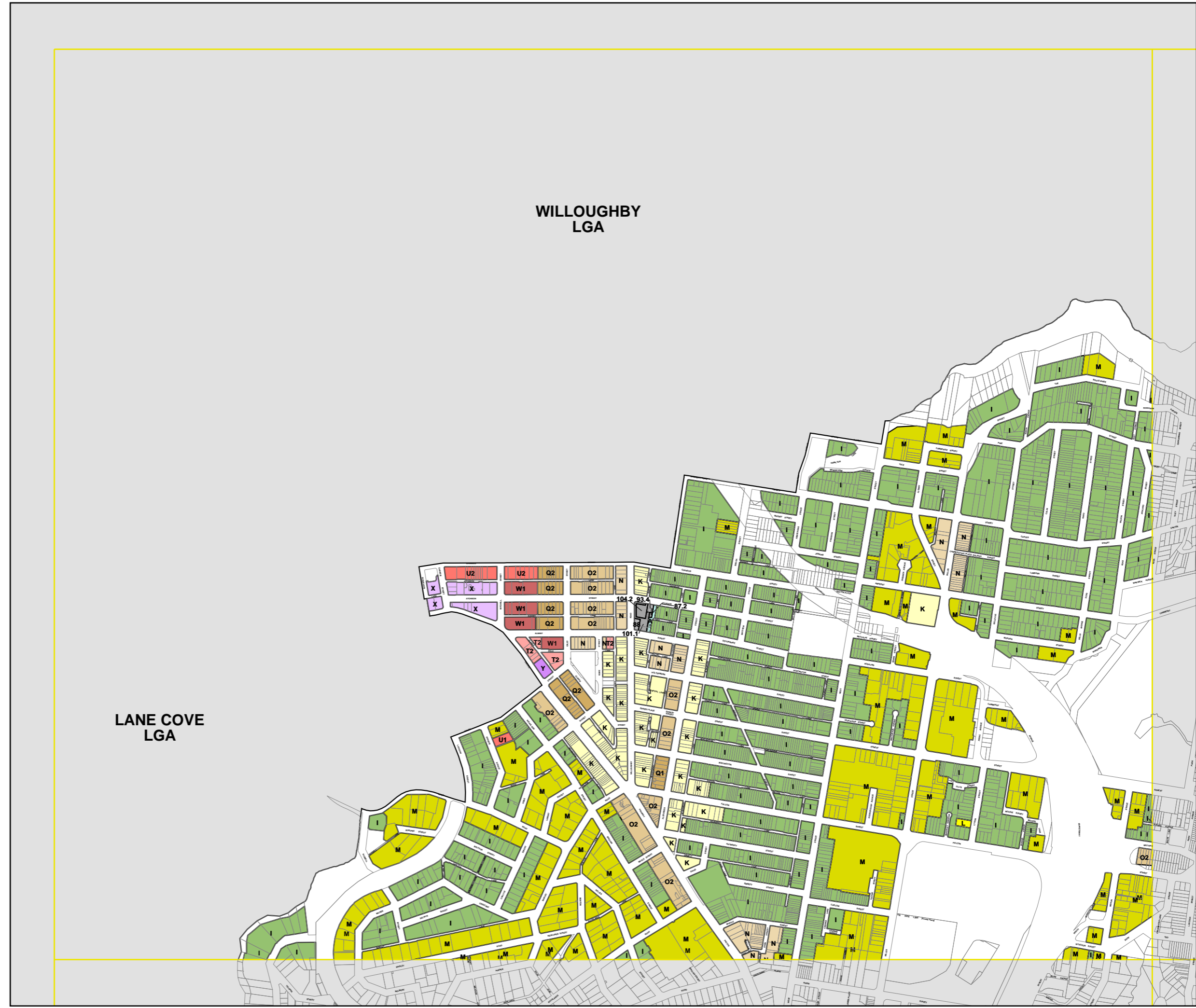
[White]	0 - 20
[Light Grey]	21 - 40
[Medium-Light Grey]	41 - 60
[Medium Grey]	61 - 80
[Dark-Medium Grey]	81 - 100
[Dark Grey]	101 - 120
[Very Dark Grey]	121 - 140
[Black-White]	141 - 160
[Black-White]	161 - 180
[Black-White]	181 - 200
[Black-White]	200 +

Cadastre

[White Box] Cadastre 10/04/17 © North Sydney Council



Map identification number: 5950_COM_HOB_001_010_20170825



WILLOUGHBY LGA

LANE COVE LGA



North Sydney Local Environmental Plan 2013

Height of Buildings Map - Sheet HOB_002

Maximum Building Height (m)

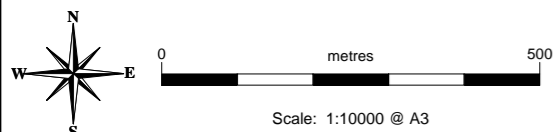
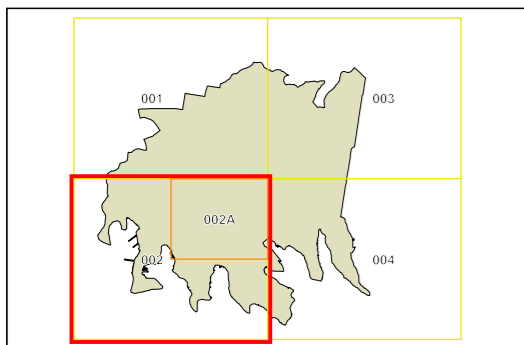
I	8.5	S	24
K	10	T1	25
L	11	T2	26
M	12	U1	30
N	13	U2	33
O1	15	W1	40
O2	16	W2	42
Q1	19.15	X	49
Q2	20	Y	50

Maximum Building Height (RL m)

[White]	0 - 20
[Light Grey]	21 - 40
[Medium-Light Grey]	41 - 60
[Medium Grey]	61 - 80
[Dark-Medium Grey]	81 - 100
[Dark Grey]	101 - 120
[Very Dark Grey]	121 - 140
[Black-Grey]	141 - 160
[Black]	161 - 180
[Dark Grey]	181 - 200
[Black]	200 +

Cadastre

[White outline] Cadastre 10/04/17 © North Sydney Council



Projection GDA 1994
MGA Zone 56

Map identification number:
5950_COM_HOB_002_010_20170410

LANE COVE LGA



Refer to map HOB_002A

SYDNEY HARBOUR



North Sydney Local Environmental Plan 2013

Height of Buildings Map - Sheet HOB_002A

Maximum Building Height (m)

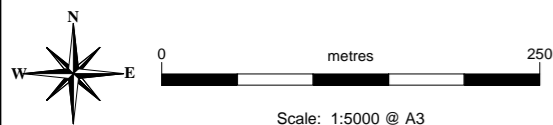
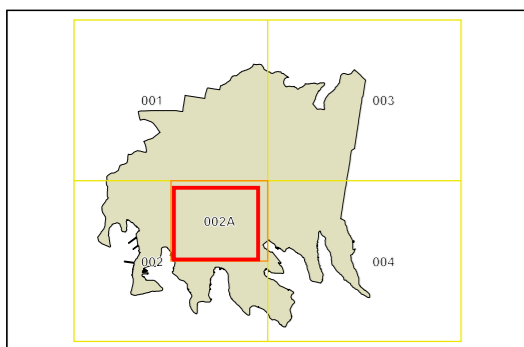
I	8.5	S	24
K	10	T1	25
L	11	T2	26
M	12	U1	30
N	13	U2	33
O1	15	W1	40
O2	16	W2	42
Q1	19.15	X	49
Q2	20	Y	50

Maximum Building Height (RL m)

0 - 20
21 - 40
41 - 60
61 - 80
81 - 100
101 - 120
121 - 140
141 - 160
161 - 180
181 - 200
200 +

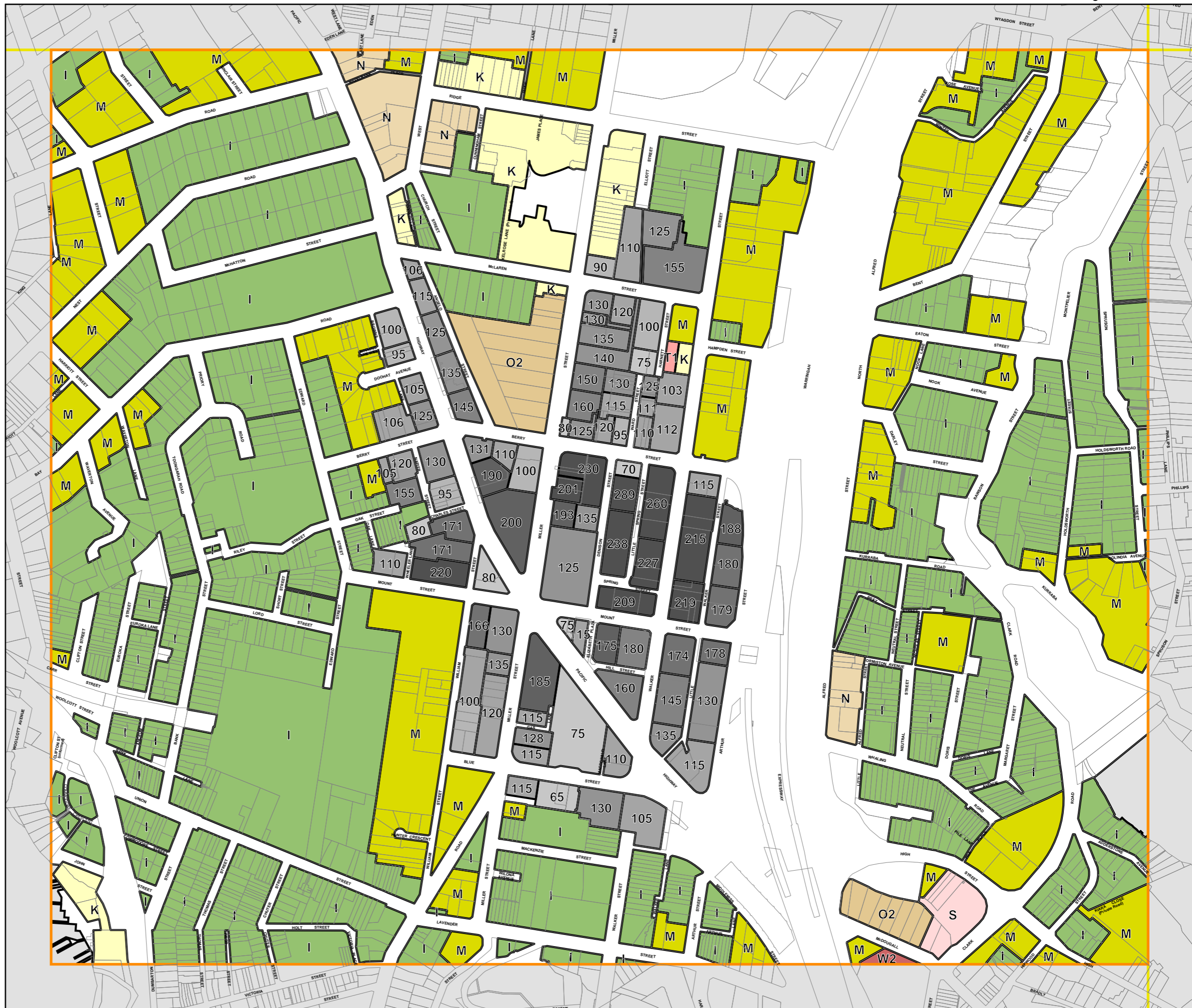
Cadastre

Cadastre 10/04/17 © North Sydney Council



Projection GDA 1994
MGA Zone 56

Map identification number:
5950_COM_HOB_002A_005_20170410





North Sydney Local Environmental Plan 2013

Height of Buildings Map - Sheet HOB_003

Maximum Building Height (m)

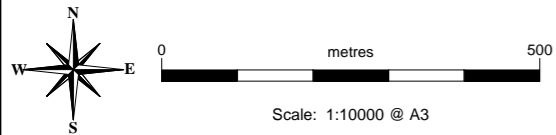
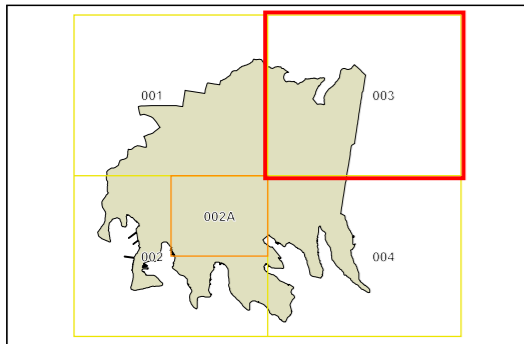
I	8.5	S	24
K	10	T1	25
L	11	T2	26
M	12	U1	30
N	13	U2	33
O1	15	W1	40
O2	16	W2	42
Q1	19.15	X	49
Q2	20	Y	50

Maximum Building Height (RL m)

[White]	0 - 20
[Light Grey]	21 - 40
[Medium-Light Grey]	41 - 60
[Medium Grey]	61 - 80
[Dark-Medium Grey]	81 - 100
[Dark Grey]	101 - 120
[Very Dark Grey]	121 - 140
[Black-White]	141 - 160
[Black-White]	161 - 180
[Black-White]	181 - 200
[Black-White]	200 +

Cadastre

[White Box] Cadastre 10/04/17 © North Sydney Council



Map identification number: 5950_COM_HOB_003_010_20170410



MOSMAN LGA

WILLOUGHBY LGA



North Sydney Local Environmental Plan 2013

Height of Buildings Map - Sheet HOB_004

Maximum Building Height (m)

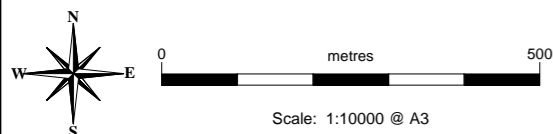
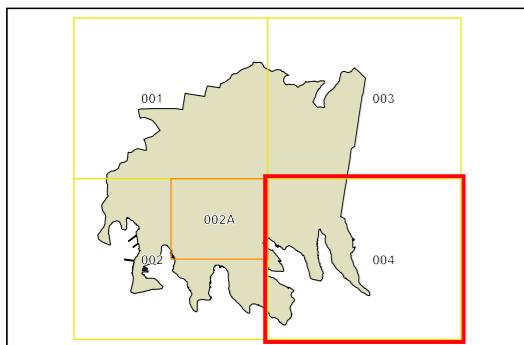
I	8.5	S	24
K	10	T1	25
L	11	T2	26
M	12	U1	30
N	13	U2	33
O1	15	W1	40
O2	16	W2	42
Q1	19.15	X	49
Q2	20	Y	50

Maximum Building Height (RL m)

0 - 20
21 - 40
41 - 60
61 - 80
81 - 100
101 - 120
121 - 140
141 - 160
161 - 180
181 - 200
200 +

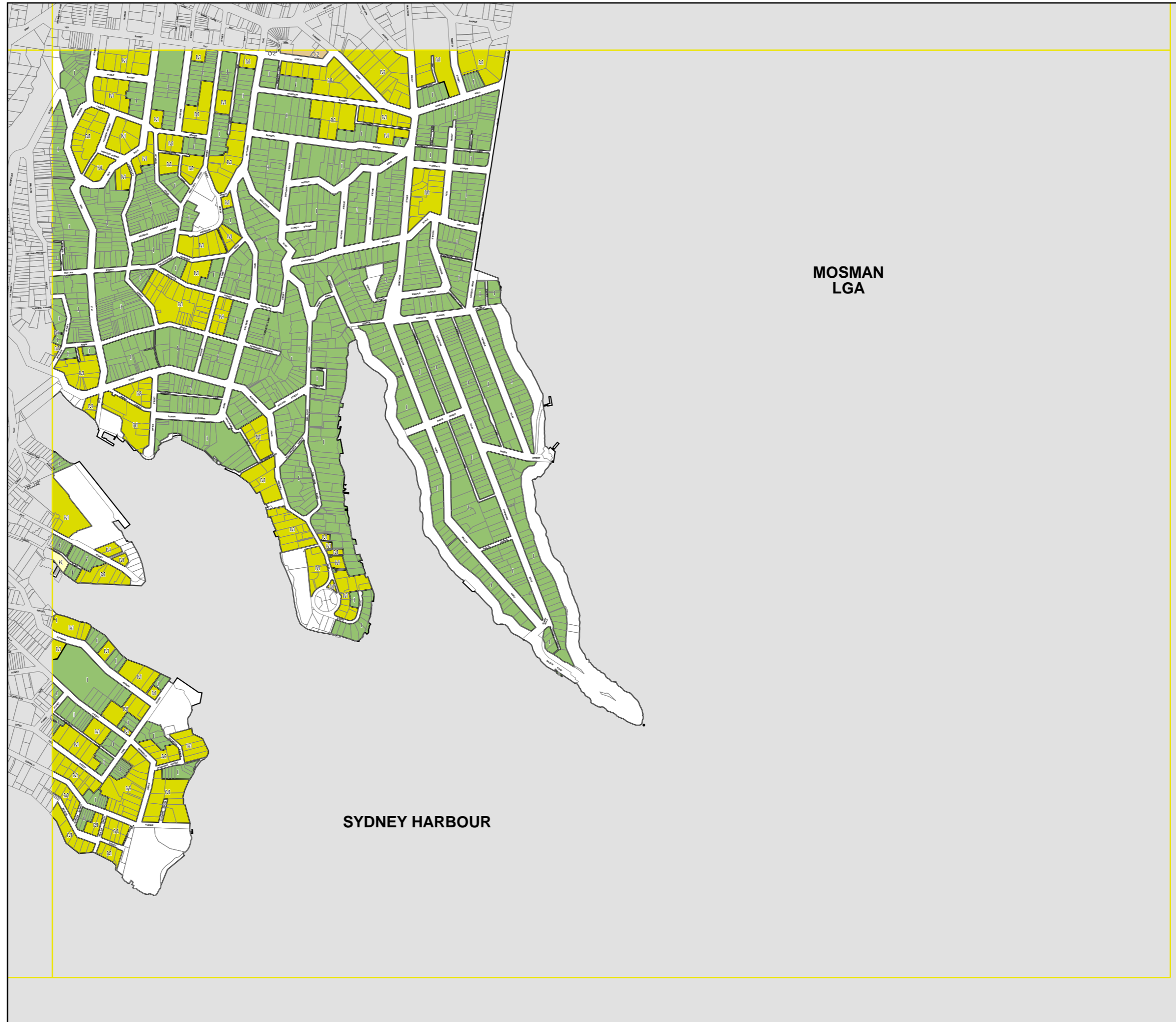
Cadastre

Cadastre 10/04/17 © North Sydney Council



Projection GDA 1994
MGA Zone 56

Map identification number:
5950_COM_HOB_004_010_20170410



MOSMAN
LGA

SYDNEY HARBOUR

ANNEXURE D

- Existing North Sydney Centre Map Sheet



North Sydney Local Environmental Plan 2013

Foreshore Building Line Map North Sydney Centre Map Exceptions to Development Standards Map - Sheet CL1_002A

Foreshore Building Line

- Foreshore Area
- Foreshore Building Line

North Sydney Centre

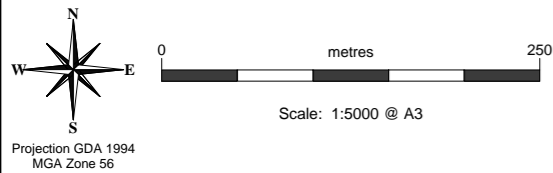
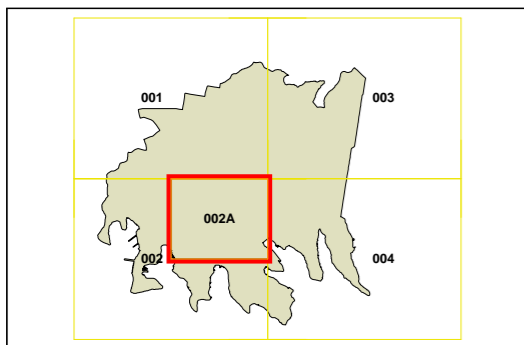
- Miller Street Setback
- Special Area
- North Sydney Centre

Exceptions to Development Standards

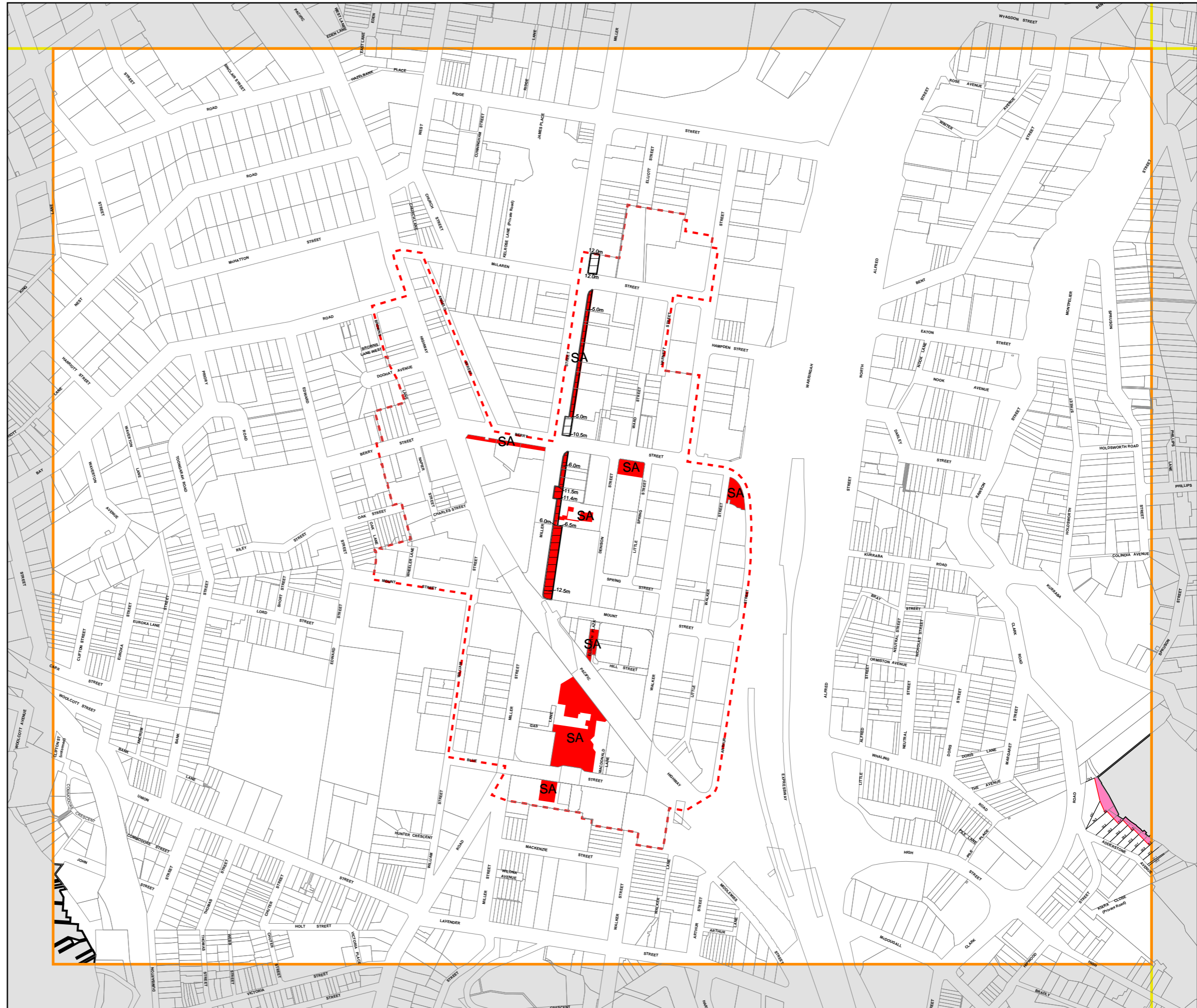
- Land in St Leonards

Cadastre

- Cadastre 07/06/13 © North Sydney Council



Map identification number:
5950_COM_CL1_002A_005_20130607



ANNEXURE E

- Proposed North Sydney Centre Map Sheet



North Sydney Local Environmental Plan 2013

Foreshore Building Line Map North Sydney Centre Map Exceptions to Development Standards Map - Sheet CL1_002A

Foreshore Building Line

- Foreshore Area
- Foreshore Building Line

North Sydney Centre

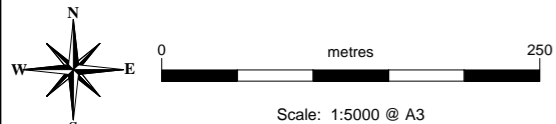
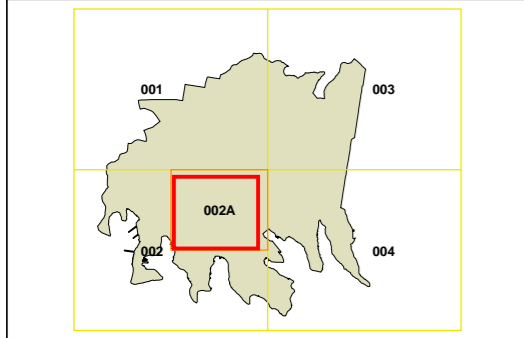
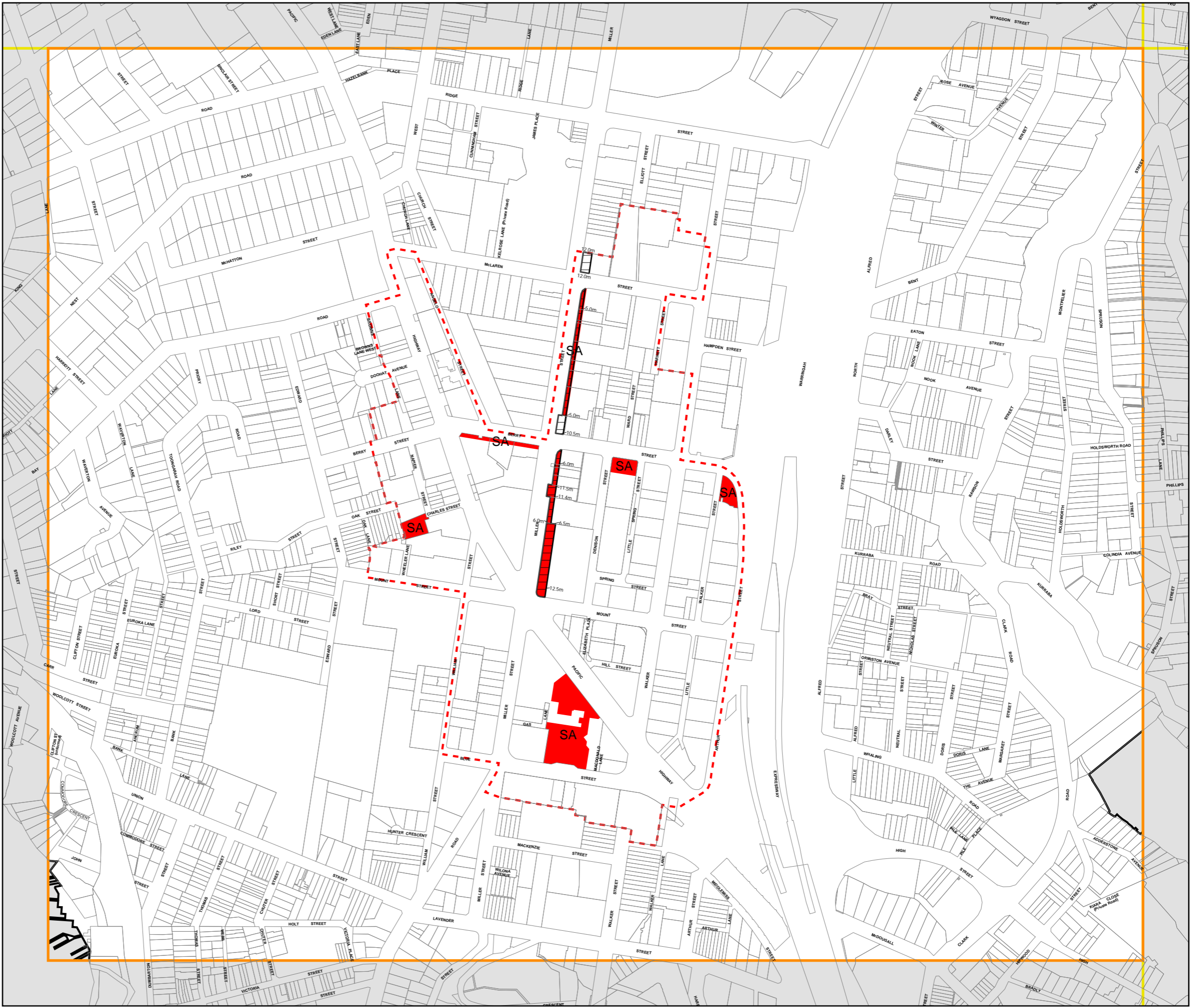
- Miller Street Setback
- Special Area
- North Sydney Centre

Exceptions to Development Standards

- Land in St Leonards

Cadastre

- Cadastre 10/04/17 © North Sydney Council



Projection GDA 1994
MGA Zone 56

Map identification number:
5950_COM_CL1_002A_005_20170410

ANNEXURE F

- Summary of Heritage Impacts

ANNEXURE F: Planning Proposal – North Sydney Centre - Summary of Heritage Impacts							
Heritage Item						Proposed LEP changes	Impact of Changes
Locality	Item Name	Address	Property description	Signif.	Item No.		
	<i>North Sydney bus shelters</i>	<i>Various</i>	<i>Various</i>	<i>Local</i>	<i>10407</i>	Serviced Apartments	Nil. All heritage bus shelters are of a size, scale and form that are incapable of being used as a serviced apartment. Therefore, the removal of serviced apartments from the Land Use Table in the <i>B3 Commercial Core</i> zone is unlikely to affect the heritage significance of these structures.
						Building Height	Nil. All heritage bus shelters are located in road reserves where no height limit currently applies or is proposed to be applied.
						Railway Infrastructure	Nil. The removal of the requirement to provide railway infrastructure will not impact upon maintaining the heritage significance of these structures.
						Non-Residential GFA Cap	Nil. All heritage bus shelters do not contain gross floor area. Therefore, the removal of the gross floor area cap will not impact upon maintaining the heritage significance of these structures.
						Special Areas	Nil. None of the heritage bus shelters are located in the visual curtilage of any of the Special Areas proposed to be removed, amended or incorporated.

ANNEXURE F: Planning Proposal – North Sydney Centre - Summary of Heritage Impacts							
Heritage Item						Proposed LEP changes	Impact of Changes
Locality	Item Name	Address	Property description	Signif.	Item No.		
Crows Nest	Crows Nest Hotel	1-3 Willoughby Road	Lot 1, DP 4343184	Local	10181	Serviced Apartments	Negligible. The removal of serviced apartments from the Land Use Table in the <i>B3 Commercial Core</i> zone is unlikely to impact on the heritage significance of this heritage item. There are a large number of other compatible and sympathetic uses that are permissible within the zone that could be considered in the reuse of this building should its original use for listing (i.e. a hotel) no longer be a viable use.
						Building Height	Nil. It is not proposed to change the height limit on this site nor on adjoining sites or neighbouring sites.
						Railway Infrastructure	Nil. The heritage item is not located with the North Sydney Centre to which these amendments relate.
						Non-Residential GFA Cap	
						Special Areas	
North Sydney	Simsmetal House	41 McLaren Street	Lot 1, DP 557103	Local	10889	Serviced Apartments	Negligible. The removal of serviced apartments from the Land Use Table in the <i>B3 Commercial Core</i> zone is unlikely to impact on the heritage significance of this heritage item. There are a large number of other compatible and sympathetic uses that are permissible within the zone that could be considered in the reuse of this building should its original use for listing no longer be a viable use.

ANNEXURE F: Planning Proposal – North Sydney Centre - Summary of Heritage Impacts							
Heritage Item						Proposed LEP changes	Impact of Changes
Locality	Item Name	Address	Property description	Signif.	Item No.		
						Building Height	Nil. It is not proposed to amend the height limit on this site, nor on adjacent sites. This site forms part of the Ward Street Precinct and is subject to a separate master planning process, wherein future amendments to building heights will be considered in more detail.
						Railway Infrastructure	Nil. The removal of the requirement to provide railway infrastructure will not impact upon maintaining the heritage significance of this building
						Non-Residential GFA Cap	Nil. The removal of the gross floor area cap for non-residential development will not impact upon maintaining the heritage significance of this item.
						Special Areas	Nil. The building is not located in the visual curtilage of any of the Special Areas proposed to be removed, amended or incorporated.
North Sydney	Greenwood (former North Sydney Technical High School)	101–103 Miller Street (36 Blue Street)	Lot 1, DP 814292	State	10892	Serviced Apartments	Negligible. The removal of serviced apartments from the Land Use Table in the <i>B3 Commercial Core</i> zone is unlikely to impact on the heritage significance of this heritage item. There are a large number of other compatible and sympathetic uses that are permissible within the zone that could be considered in the reuse of this building should its original or current use no longer be viable.

ANNEXURE F: Planning Proposal – North Sydney Centre - Summary of Heritage Impacts							
Heritage Item						Proposed LEP changes	Impact of Changes
Locality	Item Name	Address	Property description	Signif.	Item No.		
						<p>Building Height</p> <p>Negligible. It is not proposed change the maximum building heights over this site. However, it is proposed to allow a minor increase in the maximum building heights on the site immediately to the west at 73 Miller Street by 13m. This minor increase in height is unlikely to have a negative impact on the heritage significance of the item and can be considered in detail during any future development proposal.</p>	
						<p>Railway Infrastructure</p> <p>Nil. The removal of the requirement to provide railway infrastructure will not impact upon maintaining the heritage significance of this item.</p>	
						<p>Non-Residential GFA Cap</p> <p>Nil. The removal of the gross floor area cap for non-residential development will not impact upon maintaining the heritage significance of this item.</p>	
						<p>Special Area</p> <p>Nil. Much of site and surrounds is identified as a Special Area under NSLEP 2013. The Planning Proposal does not propose changes to this Special Area.</p>	
North Sydney	MLC Building	105–153 Miller Street	Lot 2, DP 792740	Local	10893	<p>Serviced Apartments</p> <p>Negligible. The removal of serviced apartments from the Land Use Table in the <i>B3 Commercial Core</i> zone is unlikely to impact on the heritage significance of this heritage item. There are a large number of other compatible and sympathetic uses that are permissible within the zone that could be considered in the reuse of this item should its original or current use no longer be viable.</p>	

ANNEXURE F: Planning Proposal – North Sydney Centre - Summary of Heritage Impacts							
Heritage Item						Proposed LEP changes	Impact of Changes
Locality	Item Name	Address	Property description	Signif.	Item No.		
						Building Height	Negligible. It is not proposed change the maximum building heights over this site. Increased height controls on sites to the north (155-189 Miller Street) may impact on the curtilage of the building, however, heights step down towards it from north to south. Heritage impacts will be considered during any future development proposal.
						Railway Infrastructure	Nil. The removal of the requirement to provide railway infrastructure will not impact upon maintaining the heritage significance of this item.
						Non-Residential GFA Cap	Nil. The removal of the gross floor area cap for non-residential development will not impact upon maintaining the heritage significance of this item.
						Special Area	Nil. Much of the site and surrounds is identified as a Special Area under NSLEP 2013. The Planning Proposal does not propose changes to this Special Area.
North Sydney	shop	187 Miller Street	Lot 1, DP 1008019	Local	10898	Serviced Apartments	It is proposed to increase the maximum building height limit on this site from RL 120m to RL 230m. There is no proposed change to the extent of the Special Area that traverses the site. The building to which this listing refers has approval to be demolished as part of the construction of the Sydney Metro Victoria Cross Station works. This Planning Proposal does not propose to remove the current heritage listing and will be dealt with in a future general housekeeping amendment to NSLEP 2013.
						Building Height	
						Railway Infrastructure	
						Non-Residential GFA Cap	
						Special Area	

ANNEXURE F: Planning Proposal – North Sydney Centre - Summary of Heritage Impacts							
Heritage Item						Proposed LEP changes	Impact of Changes
Locality	Item Name	Address	Property description	Signif.	Item No.		
North Sydney	The Rag & Famish Hotel	199 Miller Street	Lot 1, DP 708306	Local	10901	Serviced Apartments	Negligible. The removal of serviced apartments from the Land Use Table in the <i>B3 Commercial Core</i> zone is unlikely to impact on the heritage significance of this heritage item. There are a large number of other compatible and sympathetic uses that are permissible within the zone that could be considered in the reuse of this building should its original use for listing (i.e. a hotel) no longer be a viable use.
						Building Height	It is not proposed change the maximum building heights over this site. This site also forms part of the Ward Street Precinct and is subject to a separate master planning process, wherein future amendments to building heights will be considered in more detail. It is proposed to allow a significant increase in the maximum building heights on the site immediately to the south of the site on the opposite side of Berry Street. Despite this increase in height, the increase will not significantly alter the contextual relationship with the heritage item as it currently stands due to buildings on those adjacent sites already being able to be constructed to a height of 55m. Therefore, it is unlikely to have a negative impact on the heritage significance of the item and can be considered in detail during any future development proposal.
						Railway Infrastructure	Nil. The removal of the requirement to provide railway infrastructure will not impact upon maintaining the heritage significance of this building
						Non-Residential GFA Cap	Nil. The removal of the gross floor area cap for non-residential development will not impact upon maintaining the heritage significance of this item.

ANNEXURE F: Planning Proposal – North Sydney Centre - Summary of Heritage Impacts							
Heritage Item						Proposed LEP changes	Impact of Changes
Locality	Item Name	Address	Property description	Signif.	Item No.		
						Special Area	Nil. The building is not located in the visual curtilage of any of the Special Areas proposed to be removed, amended or incorporated.
North Sydney	Commercial building	201 Miller Street	Lot 1, DP 706146	Local	10904	Serviced Apartments	Negligible. The removal of serviced apartments from the Land Use Table in the <i>B3 Commercial Core</i> zone is unlikely to impact on the heritage significance of this heritage item. There are a large number of other compatible and sympathetic uses that are permissible within the zone that could be considered in the reuse of this building should its original use for listing no longer be a viable use.
						Building Height	Nil. It is not proposed change the maximum building heights over this site, nor on any adjacent site. This site also forms part of the Ward Street Precinct and is subject to a separate master planning process, wherein future amendments to building heights will be considered in more detail.
						Railway Infrastructure	Nil. The removal of the requirement to provide railway infrastructure will not impact upon maintaining the heritage significance of this building
						Non-Residential GFA Cap	Nil. The removal of the gross floor area cap for non-residential development will not impact upon maintaining the heritage significance of this item.

ANNEXURE F: Planning Proposal – North Sydney Centre - Summary of Heritage Impacts							
Heritage Item						Proposed LEP changes	Impact of Changes
Locality	Item Name	Address	Property description	Signif.	Item No.		
						Special Area	Nil. The building is not located in the visual curtilage of any of the Special Areas proposed to be removed, amended or incorporated.
North Sydney	Old GPO column	Mount Street Plaza	Part of Mount Street Plaza	Local	10922	Serviced Apartments	Nil The structure to which this listing refers was removed and gifted to the City of Sydney in 2016. This Planning Proposal does not propose to remove the current heritage listing and will be dealt with in a future general housekeeping amendment to NSLEP 2013.
						Building Height	
						Railway Infrastructure	
						Non-Residential GFA Cap	
						Special Area	
North Sydney	Former Bank of NSW	51 Mount Street	Lot 1, DP 224124	Local	10919	Serviced Apartments	Negligible. The removal of serviced apartments from the Land Use Table in the <i>B3 Commercial Core</i> zone is unlikely to impact on the heritage significance of this heritage item. There are a large number of other compatible and sympathetic uses that are permissible within the zone that could be considered in the reuse of this building should its original use for listing no longer be a viable use.
						Building Height	
						Railway Infrastructure	
						Building Height	Nil. It is not proposed change the maximum building heights over this site, nor on any adjacent site.
						Railway Infrastructure	Nil. The removal of the requirement to provide railway infrastructure will not impact upon maintaining the heritage significance of this building

ANNEXURE F: Planning Proposal – North Sydney Centre - Summary of Heritage Impacts							
Heritage Item						Proposed LEP changes	Impact of Changes
Locality	Item Name	Address	Property description	Signif.	Item No.		
						Non-Residential GFA Cap	Nil. The removal of the gross floor area cap for non-residential development will not impact upon maintaining the heritage significance of this item.
						Special Area	Nil. The building is not located in the visual curtilage of any of the Special Areas proposed to be removed, amended or incorporated.
North Sydney	Facade of S. Thompson Building (No 67A)	67–69 Mount Street	Lot 1, DP 200724	Local	10920	Serviced Apartments	Negligible. The removal of serviced apartments from the Land Use Table in the <i>B3 Commercial Core</i> zone is unlikely to impact on the heritage significance of this heritage item. There are a large number of other compatible and sympathetic uses that are permissible within the zone that could be considered in the reuse of this building should its original use for listing no longer be a viable use.
						Building Height	Nil. It is not proposed change the maximum building heights over this site, nor on any adjacent site.
						Railway Infrastructure	Nil. The removal of the requirement to provide railway infrastructure will not impact upon maintaining the heritage significance of this building
						Non-Residential GFA Cap	Nil. The removal of the gross floor area cap for non-residential development will not impact upon maintaining the heritage significance of this item.

ANNEXURE F: Planning Proposal – North Sydney Centre - Summary of Heritage Impacts							
Heritage Item						Proposed LEP changes	Impact of Changes
Locality	Item Name	Address	Property description	Signif.	Item No.		
						Special Area	Nil. The building is not located in the visual curtilage of any of the Special Areas proposed to be removed, amended or incorporated.
North Sydney	House	67–69 Mount Street	Lot 1, DP 200724	Local	10921	Serviced Apartments	Negligible. The removal of serviced apartments from the Land Use Table in the <i>B3 Commercial Core</i> zone is unlikely to impact on the heritage significance of this heritage item. There are a large number of other compatible and sympathetic uses that are permissible within the zone that could be considered in the reuse of this building should its original use for listing no longer be a viable use.
						Building Height	Nil. It is not proposed change the maximum building heights over this site, nor on any adjacent site.
						Railway Infrastructure	Nil. The removal of the requirement to provide railway infrastructure will not impact upon maintaining the heritage significance of this building
						Non-Residential GFA Cap	Nil. The removal of the gross floor area cap for non-residential development will not impact upon maintaining the heritage significance of this item.
						Special Area	Nil. The building is not located in the visual curtilage of any of the Special Areas proposed to be removed, amended or incorporated.

ANNEXURE F: Planning Proposal – North Sydney Centre - Summary of Heritage Impacts							
Heritage Item						Proposed LEP changes	Impact of Changes
Locality	Item Name	Address	Property description	Signif.	Item No.		
North Sydney	House	1 Napier Street	Lot 21, DP 564122	Local	10923	Serviced Apartments	Nil. The subject site is zoned <i>B4 Mixed Use</i> and is therefore not affected by the proposed amendment.
						Building Height	Nil. It is not proposed change the maximum building heights over this site, nor on any adjacent site.
						Railway Infrastructure	Nil. The removal of the requirement to provide railway infrastructure will not impact upon maintaining the heritage significance of this building.
						Non-Residential GFA Cap	Nil. The removal of the gross floor area cap for non-residential development will not impact upon maintaining the heritage significance of this item.
						Special Area	Nil. The building is not located in the visual curtilage of any of the Special Areas proposed to be removed, amended or incorporated.
North Sydney	House	3 Napier Street	Lot 22, DP 564122	Local	10924	Serviced Apartments	Nil. The subject site is zoned <i>B4 Mixed Use</i> and is therefore not affected by the proposed amendment.
						Building Height	Nil. It is not proposed change the maximum building heights over this site, nor on any adjacent site.
						Railway Infrastructure	Nil. The removal of the requirement to provide railway infrastructure will not impact upon maintaining the heritage significance of this building.

ANNEXURE F: Planning Proposal – North Sydney Centre - Summary of Heritage Impacts							
Heritage Item						Proposed LEP changes	Impact of Changes
Locality	Item Name	Address	Property description	Signif.	Item No.		
						Non-Residential GFA Cap	Nil. The removal of the gross floor area cap for non-residential development will not impact upon maintaining the heritage significance of this item.
						Special Area	Nil. The building is not located in the visual curtilage of any of the Special Areas proposed to be removed, amended or incorporated.
North Sydney	House	5 Napier Street	Lot 23, DP 564122	Local	10925	Serviced Apartments	Nil. The subject site is zoned <i>B4 Mixed Use</i> and is therefore not affected by the proposed amendment.
						Building Height	Nil. It is not proposed change the maximum building heights over this site, nor on any adjacent site.
						Railway Infrastructure	Nil. The removal of the requirement to provide railway infrastructure will not impact upon maintaining the heritage significance of this building.
						Non-Residential GFA Cap	Nil. The removal of the gross floor area cap for non-residential development will not impact upon maintaining the heritage significance of this item.
						Special Area	Nil. The building is not located in the visual curtilage of any of the Special Areas proposed to be removed, amended or incorporated.
North Sydney	Don Bank Museum	6 Napier Street	Lot 9, DP 4120	State	10926	Serviced Apartments	Nil. The subject site is zoned <i>R2 Low Density Residential</i> and is therefore not affected by the proposed amendment.

ANNEXURE F: Planning Proposal – North Sydney Centre - Summary of Heritage Impacts							
Heritage Item						Proposed LEP changes	Impact of Changes
Locality	Item Name	Address	Property description	Signif.	Item No.		
						Building Height	Nil. It is not proposed to amend the building heights applying to this site. The height controls protecting solar access to this item for development within the North Sydney Centre are also to be retained.
						Railway Infrastructure	Nil. The removal of the requirement to provide railway infrastructure will not impact upon maintaining the heritage significance of this building
						Non-Residential GFA Cap	Nil. The removal of the gross floor area cap for non-residential development will not impact upon maintaining the heritage significance of this item.
						Special Area	Nil. The building is not located in the visual curtilage of any of the Special Areas proposed to be removed, amended or incorporated.
North Sydney	House	7 Napier Street	Lot 12, DP 605732	Local	10927	Serviced Apartments	Nil. The subject site is zoned <i>B4 Mixed Use</i> and is therefore not affected by the proposed amendment.
						Building Height	Nil. It is not proposed change the maximum building heights over this site, nor on any adjacent site.
						Railway Infrastructure	Nil. The removal of the requirement to provide railway infrastructure will not impact upon maintaining the heritage significance of this building.

ANNEXURE F: Planning Proposal – North Sydney Centre - Summary of Heritage Impacts							
Heritage Item						Proposed LEP changes	Impact of Changes
Locality	Item Name	Address	Property description	Signif.	Item No.		
						Non-Residential GFA Cap	Nil. The removal of the gross floor area cap for non-residential development will not impact upon maintaining the heritage significance of this item.
						Special Area	Nil. The building is not located in the visual curtilage of any of the Special Areas proposed to be removed, amended or incorporated.
North Sydney	North Sydney Post Office and court house (former police station)	92–94 Pacific Highway	Lot 1203, DP 752067; Lot 7002, DP 1075452	State*	10953	Serviced Apartments	Negligible. The removal of serviced apartments from the Land Use Table in the <i>B3 Commercial Core</i> zone is unlikely to impact on the heritage significance of this heritage item. There are a large number of other compatible and sympathetic uses that are permissible within the zone that could be considered in the reuse of this building should its original use for listing no longer be a viable use.
						Building Height	Negligible. It is not proposed change the maximum building height control applying to this site. However, it is proposed to increase the maximum building height for the adjacent properties to the west along the William Street frontage at 100 Pacific Highway from RL 155 to RL 171, 1 Wheeler Lane from RL150 to RL 171 and 40 Mount Street from RL 150 to RL 220. It is also proposed to increase the maximum building height for the adjacent properties to the south along the Mount Street frontage at 60 Miller Street from RL 100 to RL 166. Despite this increase in height, the increases will not significantly alter the contextual relationship with the heritage item as it currently stands due to buildings on those adjacent sites already being able to be

ANNEXURE F: Planning Proposal – North Sydney Centre - Summary of Heritage Impacts							
Heritage Item						Proposed LEP changes	Impact of Changes
Locality	Item Name	Address	Property description	Signif.	Item No.		
							constructed to a height of at least 35m. Therefore, it is unlikely to have a negative impact on the heritage significance of the item and can be considered in detail during any future development proposal.
						Railway Infrastructure	Nil. The removal of the requirement to provide railway infrastructure will not impact upon maintaining the heritage significance of this building.
						Non-Residential GFA Cap	Nil. The removal of the gross floor area cap for non-residential development will not impact upon maintaining the heritage significance of this item.
						Special Area	Nil. The building is not located in the visual curtilage of any of the Special Areas proposed to be removed, amended or incorporated.
North Sydney	Former fire station	86 Walker Street	Lot 1, DP 857756	Local	10983	Serviced Apartments	Negligible. The removal of serviced apartments from the Land Use Table in the <i>B3 Commercial Core</i> zone is unlikely to impact on the heritage significance of this heritage item. There are a large number of other compatible and sympathetic uses that are permissible within the zone that could be considered in the reuse of this building should its original use for listing no longer be a viable use.

ANNEXURE F: Planning Proposal – North Sydney Centre - Summary of Heritage Impacts							
Heritage Item						Proposed LEP changes	Impact of Changes
Locality	Item Name	Address	Property description	Signif.	Item No.		
						<p>Building Height</p> <p>Negligible.</p> <p>It is proposed increase the maximum building height control applying to this site from RL170 to RL227.</p> <p>It is also proposed to increase the maximum building height on all adjacent properties from a minimum of RL 135 to a maximum of RL 238.</p> <p>The site on which this item is located already has a maximum height of RL170 which is well in excess of the existing building (RL62) and shares the same height control with the properties to the north.</p> <p>Despite this increase in height, the increases will not significantly alter the contextual relationship with the heritage item as it currently stands due to buildings on those adjacent sites already being able to be constructed to a height of at least 73m above that of the current height of the heritage item.</p> <p>It also provides potential for a future development at the north to cantilever over the heritage item to free up additional non-residential floor space capacity, subject to addressing relative heritage issues. City of Sydney has permitted similar scenarios at Governor Philip Towers which are partially cantilevered above a number of 3 storey heritage listed terrace buildings.</p> <p>Therefore, the proposed amendment is unlikely to have a negative impact on the heritage significance of the item, assuming a sufficient vertical separation is provided and can be considered in detail during any future development proposal.</p>	
						<p>Railway Infrastructure</p> <p>Nil.</p> <p>The removal of the requirement to provide railway infrastructure will not impact upon maintaining the heritage significance of this building.</p>	

ANNEXURE F: Planning Proposal – North Sydney Centre - Summary of Heritage Impacts							
Heritage Item						Proposed LEP changes	Impact of Changes
Locality	Item Name	Address	Property description	Signif.	Item No.		
						Non-Residential GFA Cap	Nil. The removal of the gross floor area cap for non-residential development will not impact upon maintaining the heritage significance of this item.
						Special Area	The building is not located in the visual curtilage of any of the Special Areas proposed to be removed, amended or incorporated.
<i>St Leonards</i>	<i>Commercial Building</i>	<i>1 Chandos Street</i>	<i>Lot 1, DP 564685</i>	<i>Local</i>	<i>I1033</i>	Serviced Apartments	Negligible. The proposed amendment does not prevent the heritage item from being used for other forms of tourism and visitor accommodation. There are also a substantial range of other permissible uses still available for which the building may be used.
						Building Height	Nil. It is not proposed to change the height limit on this site.
						Railway Infrastructure	Nil. The heritage item is not located with the North Sydney Centre to which these amendments relate.
						Non-Residential GFA Cap	
						Special Areas	



SECTION 2 NORTH SYDNEY PLANNING AREA

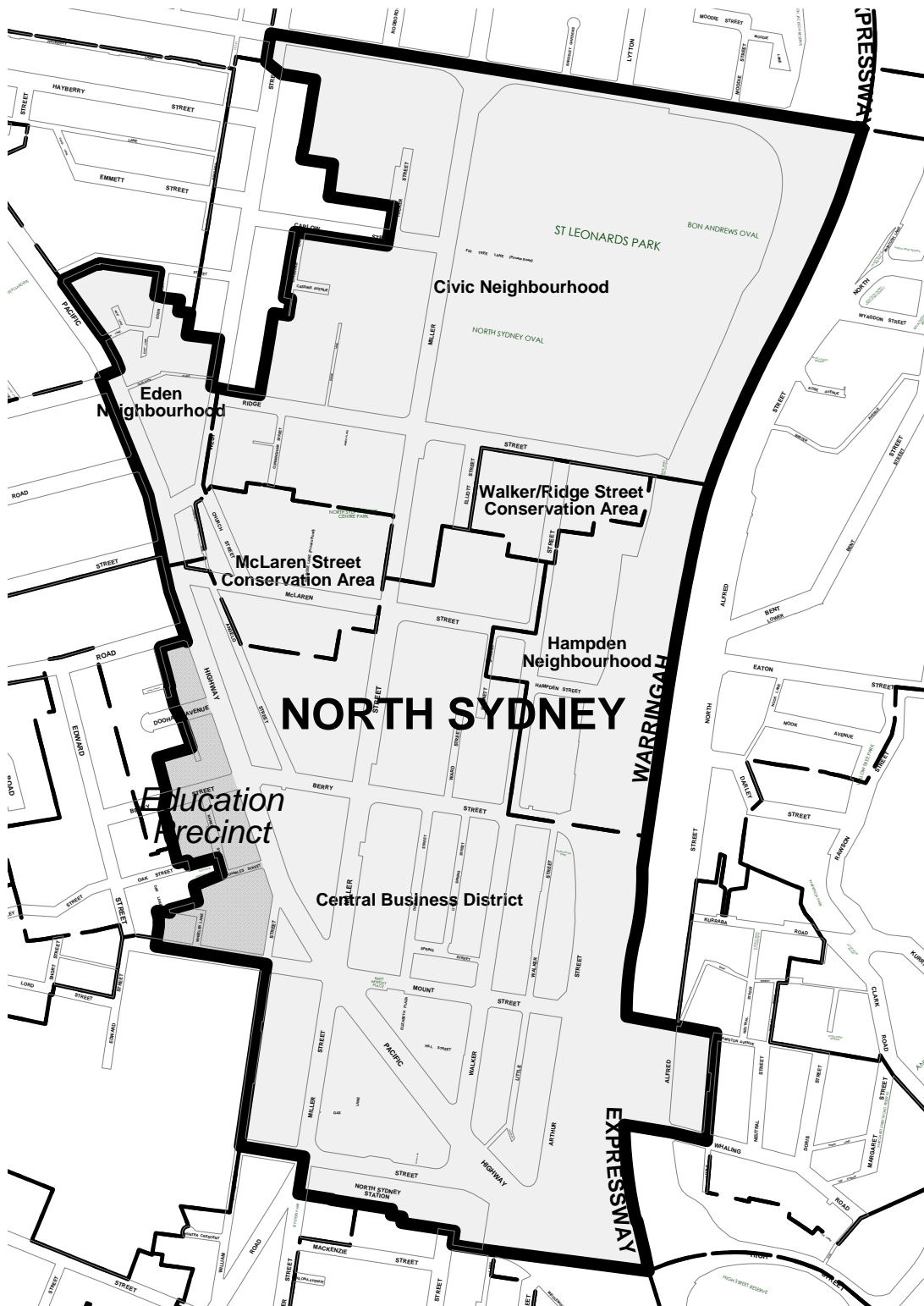
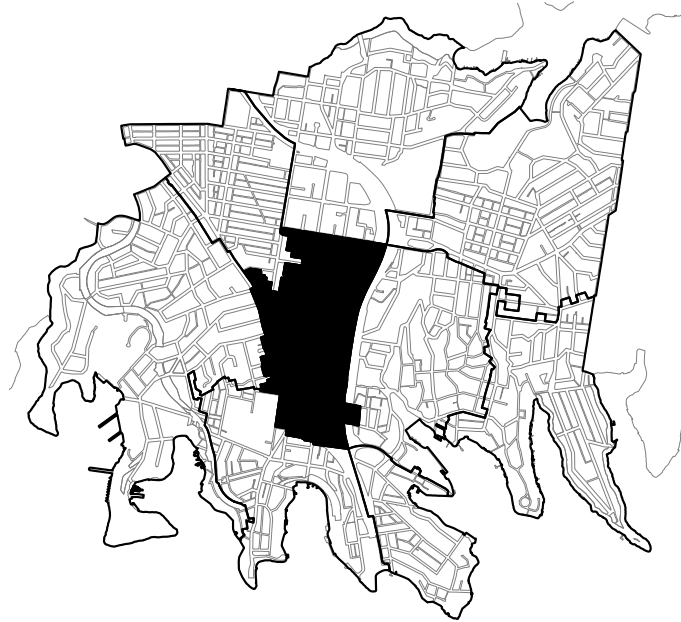


Figure C-2.1: North Sydney Planning Area and associated Locality Areas

Draft North Sydney Development Control Plan 2013**Area Character Statements - North Sydney Planning Area**

2.0 NORTH SYDNEY PLANNING AREA CHARACTER STATEMENT



The North Sydney Planning Area is an iconic, attractive, and sustainable area, with the focus on the North Sydney ~~Centre~~**CBD**, which is identified under the Metropolitan Strategy 2036 as a global commercial centre. A portion of the Education Precinct is located within the Planning Area on the western edge of the North Sydney ~~Centre~~**BD**.

New development within the Planning Area should result in:

- a viable and attractive employment centre
- a diverse range of living, employment, recreation and social opportunities being provided that attract both local and regional populations which contribute to the vibrancy of the **North Sydney CBD**~~entre~~
- a vibrant and engaging Education Precinct with safe pedestrian networks and a range of formal and informal public spaces for students to study, socialise and engage with the local community
- a high level of amenity for residents, workers, students and visitors to enjoy
- a high quality ~~of the~~ built form
- a high level of public transport patronage which is easily accessible to residents, workers, students and visitors
- the area being linked to the Sydney CBD, other suburban centres and many parts of the Sydney Region by rail and bus as well as by road and is a place of interchange between the various modes

and where:

Function

- The North Sydney **CBD**~~entre~~ comprises one of Australia's largest commercial centres serving the local population and that of the Sydney region
- There is a mix of uses and activities to meet the demands of the residents, workforce, students and visitors

Draft North Sydney Development Control Plan 2013**Area Character Statements - North Sydney Planning Area**

- There is a civic focus supported by community facilities such as North Sydney Oval, the Stanton Library and the Independent Theatre
- There is an education focus in the Education Precinct, supported by educational establishments such as the Australian Catholic University (ACU), the Sydney Church of England Grammar School (Shore) and North Sydney Demonstration School
- Community facilities meet the needs of the ~~Centre~~^{CBD}'s working and resident population, students, visitors, and residents of nearby neighbourhoods, in terms of wellbeing, culture and recreation, and add to the diversity and activity of the ~~Centre~~^{BD}
- Various grades and sizes of commercial floorspace accommodate a mix of small and larger business, services and retail
- ~~New r~~^Residential development ~~should~~^{will} not occur in the commercial core, with further high density housing to be concentrated in the areas zoned mixed-use
- There is housing choice in the mix of dwelling sizes and in the range of affordability
- There are active uses outside of standard business hours
- Parks and public spaces are well used and provide for a range of social and recreational activities

Environmental Criteria

- The extremes of sun, wind and rain are mitigated by good building design
- Buildings, public places and streets all receive good access to natural light
- Mechanical noise and other commercial noise is controlled, to protect residential amenity
- Use of local flora extends habitats for native birds and other fauna
- Solar access to special areas and open spaces is maintained and contributes to the enjoyment of those spaces for use by the public
- There is an opportunity to enjoy the views from and within the area towards the Sydney CBD, Sydney Harbour, heritage items and surrounding areas
- ~~A~~^{Additional} public open space is provided for increased ~~worker and~~^{residential} populations

Built Form

- There is a pleasant, well designed and ~~well lit~~^{well-lit} series of ~~easily accessible and connected~~^{easily accessible and connected} urban plazas and gardens, ~~connected by a continuous pedestrian walkway~~
- The setback on the eastern edge of Miller Street between McLaren Street and Mount Street is maintained and incorporates landscaped areas and actively utilised open space
- ~~The grid pattern of streets and lanes imposes order and allows freedom of movement~~
- ~~Miller and Walker Streets are the principal access north/south through the Centre~~
- The significance of heritage items is retained, and promotes the rich development history and provides interest in the physical fabric of the area
- Heritage items are protected, and significant streetscape elements are conserved in the Walker and McLaren Street Conservation Areas
- Predominant early 20th Century character of the McLaren Street Conservation Area is maintained and protected

Draft North Sydney Development Control Plan 2013**Area Character Statements - North Sydney Planning Area**

- Victorian and Federation character of streets in the Walker Street ~~conservation~~Conservation Area is maintained and protected
- ~~Buildings are stepped down from Northpoint (100 Miller Street) and Shopping World (79-81 Berry Street) towards the boundaries of the Centre~~
- Pedestrian connections provide alternate east/west routes through the ~~centre~~ CBD to promote pedestrian movement

Quality Urban Environment

- There are links to the Sydney CBD, other suburban centres and many parts of the Sydney region by ferry, rail, bus and road and the ~~Centre~~BD is a place of interchange between the various transport modes
- Public transport, including walking and cycling, is the main form of access to the North Sydney CBD~~Centre~~ and the Education Precinct
- Traffic is managed so that pedestrians can move within the area freely and safely, and amenity is maintained
- Parking is managed in a way that maintains pedestrian safety and the quality of the public realm and minimises traffic generation
- Rear lanes allow for the primary vehicular access to properties
- ~~The level of public parking within the centre is maintained~~
- Limited increase to the capacity of private parking
- Pedestrians are assisted to safely cross barriers such as the Pacific Highway
- Educational establishments are oriented to the public domain to provide increased surveillance and activation
- Loading and delivery facilities should be located away from the street and where possible be located underground.

Efficient Use of Resources

- Energy efficient design and life cycle assessment of buildings enables the conservation of natural resources and minimisation of use of non-renewable energy resources
- Stormwater runoff is minimised, and recycled on-site where possible

Public Domain

- Additional open space is provided to service the increased residential, ~~and~~ working and student population of the North Sydney ~~Centre~~CBD and the Education Precinct
- Streetscape improvements occur in accordance with the *North Sydney Centre Public Domain Strategy* and *Education Precinct Public Domain Masterplan*

In addition to the above character statement for the Planning Area, the relevant character statement for the following Locality Areas also requires consideration:

- Section 2.1: Central Business District
- Section 2.2: Civic Neighbourhood
- Section 2.3: Eden Neighbourhood
- Section 2.4: Hampden Neighbourhood
- Section 2.5: McLaren Street Conservation Area
- Section 2.6: Walker Street Conservation Area

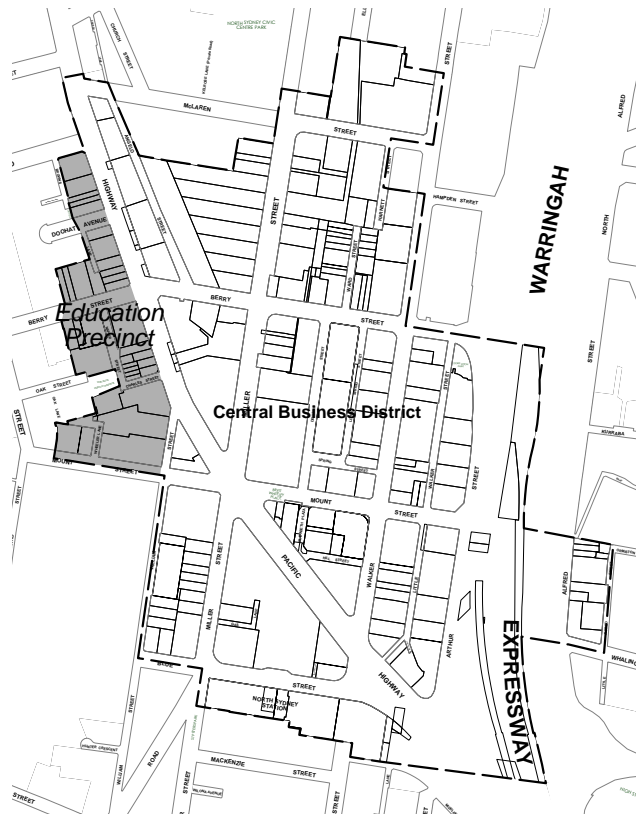
Draft North Sydney Development Control Plan 2013

Area Character Statements - North Sydney Planning Area



Draft North Sydney Development Control Plan 2013**Area Character Statements - North Sydney Planning Area**

2.1 CENTRAL BUSINESS DISTRICT



2.1.1 Significant Elements

Land Use

- P1 Predominantly high rise commercial development.
- P2 Medium to high rise mixed commercial and residential development at the fringes.
- P3 Educational facilities.
- P4 Regional **road and rail** **and road** infrastructure.

Topography

- P5 Typically falling from the north to the south towards Sydney Harbour.

Natural Features

- P6 Natural rock outcrops at 136 Walker Street.

Views

- P7 The following views and vistas are to be preserved and where possible enhanced:
 - ~~(a) Views to between buildings on east side of Miller Street, between Berry and McLaren Streets.~~
 - ~~(b) From the plaza at No.5 Blue Street and located over North Sydney Rail Station to the Sydney Harbour Bridge.~~
 - (a) From the plaza at No.5 Blue Street and located over North Sydney Rail Station to the Sydney Harbour Bridge.
 - ~~(c)~~ (b) From Doris Fitton Park (160-166 Arthur Street) to Sydney Harbour and Neutral Bay district.

Draft North Sydney Development Control Plan 2013**Area Character Statements - North Sydney Planning Area**

~~(d)~~(c) Views along the Pacific Highway to the Post Office on Mount Street from the south-east.

~~(e)~~(d) Views along the Pacific Highway to Sydney Harbour from the intersection with Mount Street.

Identity / Icons

~~P8~~ P8 Brett Whitely Place

~~P8~~P9 Greenwood.

~~P9~~P10 Post Office and Court House.

~~P10~~P11 MLC Building.

~~P11~~P12 Don Bank Museum.

~~P12~~ ~~Monte St Angelo Convent and Girls School.~~

Subdivision

P13 Predominantly large consolidated allotments within a rigid grid pattern.

P14 Smaller allotments generally along the Pacific Highway north of Berry Street.

Streetscape

P15 Wide fully paved footpaths, promoting heavy pedestrian use.

P16 Active street frontages provided with a variety of shops, cafes and other commercial uses.

P17 Buildings generally built to the boundary, with entry at street level.

P18 Continuous awnings provided on commercial buildings.

P19 ~~Irregular planting of s~~S Street trees.

Public transport

P20 Development is to take advantage of ~~the accessibility provided by existing and planned public transport infrastructure.~~ high levels of accessibility to high frequency public train and bus services.

2.1.2 Desired Future Character**Diversity of activities, facilities, opportunities and services**

P1 High rise and medium density, commercial and mixed use developments.

P2 Provision of a variety of different sized office, retail, community and entertainment spaces.

P3 Provision of a variety of outdoor and indoor community spaces (e.g. urban plazas, gymnasium; gardens; outdoor and indoor dining areas and food courts).

P4 The commercial focus of the ~~Centre~~BD is to be enhanced by preventing any further residential development from occurring in its core (i.e. the B3- Commercial Core zone).

P5 Development above the Victoria Cross metro station will provide significant commercial floorspace, as well as retail, dining and community uses that will contribute to the overall amenity and vitality of the CBD.

P6 Council will pursue its vision for Miller Street as the civic heart of North Sydney. This will involve significant interventions and public domain improvements aimed at creating a vibrant place for people, with vehicle movements removed or minimised as much as practicable and both sides of Miller Street activated.

P7 Brett Whitely Place is a key public space for the North Sydney CBD which will incorporate an expanded Elizabeth Plaza, as well as portions of Denison Street and

Draft North Sydney Development Control Plan 2013**Area Character Statements - North Sydney Planning Area**

Mount Street. This expanded plaza will provide dedicated space for outdoor dining, large and small events, and other activities.

P8 The Central Laneways precinct will become a major focal point of pedestrian activity and amenity.

P9 Active frontages at the Metro site, 1 Denison Street and the MLC building will contribute to the activation of the public domain in the Central Laneways Precinct.

P10 A new laneway is provided across the redevelopment of 1 Denison Street to link the Metro site, Denison Street, Little Spring Street and Walker Street.

P11 Alternatives to the current entry of the commercial car park entry at 100 Miller Street (Northpoint) will be pursued to reduce or remove traffic on Miller Street and improve pedestrian amenity.

P4P12 Public open space and a community facility is provided at Ward Street Plaza (car parking station site).

P13 Provide roof top gardens and/or public facilities that allow the public and/or residents to access district views.

P5P14 Development should maximise opportunities to incorporate retail, restaurant, bar facilities and other non-residential floor space at ground level to promote street level activation, amenity, diversity and place making objectives.

~~P6—Mount Street Plaza comprises a focus point for North Sydney CBD.~~

P7P15 Provide a diverse mix of higher density, non-residential land uses in the B4 Mixed Use zone of the Education Precinct, including education, shops, cafes, gyms, entertainment and small businesses.

P8P16 Provide continuous active uses such as shops and cafes at the ground level of all buildings along Pacific Highway, Berry Street and Napier Street, especially within the Education Precinct.

P9P17 Consideration should be given to the inclusion of educational or community-related purposes in the redevelopment of 110, 112, 116 and 120 Pacific Highway and 9 Napier Street.

Accessibility and permeability

~~P10—North Sydney railway station is designed to accommodate the predicted growth of the Centre.~~ Victoria Cross metro station is designed to enhance the North Sydney CBD as a major commercial centre and further encourage the use of public transport.

P18 Pedestrians are prioritised throughout the CBD with a number of interconnected pedestrian routes that facilitates all direction movement and encourages fine grain retail and dining uses.

P19 Barriers to pedestrian movement, particularly Miller Street, Berry Street and the Pacific Highway, will be reimagined such that their function and treatment favour pedestrian movement and amenity.

~~P11~~P20 New development focuses on the use of public transport, cycling and walking.

P21 Pick up and drop off points for public transport and taxi ranks are located as close as possible to public spaces and activities, and main building entries.

~~P12~~P22 Loading and delivery facilities should be located away from the street and where possible be located underground.

P13P23 The following through site links are to be provided, retained and enhanced:

- (a) A north - south pedestrian link from McLaren Street to Elliot Street across 54 McLaren Street.
- (b) A north - south pedestrian link from McLaren Street to Ward Street across the vehicle access of 221 Miller Street.

Draft North Sydney Development Control Plan 2013**Area Character Statements - North Sydney Planning Area**

- (c) A east - west pedestrian link from Miller Street to Ward Street across 221 Miller Street.
- (d) A north - south pedestrian link from Charles Street to Wheeler Lane across 100 Pacific Highway and 16 Mount Street.
- (e) A east - west pedestrian link from Harnett Street to Walker Street across 142 Walker Street.
- (f) A east - west pedestrian link from Harnett Street to Walker Street across 144-150 Walker Street.
- (g) A east - west pedestrian link from Walker Street to Little Walker Street across 81-83 Walker Street.
- (h) A east - west pedestrian link from Little Walker Street to Arthur Street across 100 Arthur Street.
- (i) A east - west pedestrian link from Ward Street to the open space area at the north-western corner of 76 Berry Street across 3-11 Ward Street.
- (j) A east - west pedestrian link from Napier Street to Oak Street across the southern side of 8-20 Napier Street.
- (k) A north - south pedestrian link from the green space of 100 Pacific Highway to Wheeler Lane across the western side of 1 Wheeler Lane. The pedestrian link may be made through the building envelope or an alternative architectural treatment that gradually 'reveals' the establishments on either side.
- (l) [An east - west pedestrian link through the Victoria Cross metro station linking Miller Street and Denison Street.](#)
- (m) [A new laneway is provided across the redevelopment of 1 Denison Street to link the Metro site, Denison Street, Little Spring Street and Walker Street.](#)
- ~~(n)~~(n) [A widened and improved pedestrian link from Little Spring Street and Walker Street across 102 Walker and 110 Walker Street.](#)
- P24 Consideration should be given to the provision of an east - west pedestrian link from the Pacific Highway to Napier Street across either the northern side of 120 Pacific Highway or the southern side of 33 Berry Street.
- P25 [Consideration should be given to the demolition of the single storey structure at the northern end of 105 Miller Street \(MLC Building\) to improve accessibility and permeability to Miller Street and the Victoria Cross metro station.](#)

2.1.3 Desired Built Form**Subdivision**

- P1 Development sites should be of a size which enables the creation of large high quality floor plates which helps to reinforce the Centre's role as a Global City as identified within the Metropolitan Strategy.
- ~~P1~~P2 [Development on small sites should not detrimentally impact on the long term ability of the amalgamation of sites for significant commercial development.](#)
- ~~P2~~ ~~Proposals involving the complete redevelopment of a site should comply with site amalgamation criteria as indicated outlined in cl.6.3(2)(c) to the LEP.~~
- ~~P3~~ ~~Where a proposed development will result in an adjacent property becoming isolated and incapable of complying with the minimum site criteria to cl.6.3(2)(c) of the LEP, the applicant must undertake negotiations with the affected property owner/s prior to the lodgement of the development application to determine whether the site is capable of being incorporated within the proposal.~~
- ~~P4~~ ~~Where no satisfactory result is achieved from the negotiations undertaken pursuant to P3 above, the details of the negotiations undertaken between the two parties and their outcomes must be submitted with the development application. Details of the~~

Draft North Sydney Development Control Plan 2013**Area Character Statements - North Sydney Planning Area**

~~negotiations should include offers to the owner of the isolated property. A reasonable offer, for the purposes of determining the development application and addressing the planning implications of an isolated lot, is to be based on at least one recent independent valuation and may include other reasonable expenses likely to be incurred by the owner of the isolated property in the sale of the property. The level of negotiation and any offers made for the isolated site are matters that can be given weight in the consideration of the development application. The amount of weight will depend on the level of negotiation, whether any offers are deemed reasonable or unreasonable and any relevant planning requirements.~~

Form, massing and scale

~~P5P3~~ Buildings should ~~generally step down in height from the tallest buildings, being Northpoint (100 Miller Street) and Shopping World (79-81 Berry Street) to the boundary of the North Sydney Centre and~~ be carefully designed to minimise the impact of their height and bulk on surrounding residential areas.

~~P6P4~~ Roof design contributes to building's appearance from a regional view catchment.

~~P7P5~~ Buildings on 116 and 120 Pacific Highway and 9 Napier Street should be designed such that their bulk steps down from the Pacific Highway to Napier Street to protect sunlight access to the Don Bank Museum and enhance pedestrian amenity to Napier Street.

Setbacks

~~P8P6~~ Zero setback to all street frontages at the ground floor level and adjacent to heritage items, with the following exceptions:

- (a) In accordance with cl.6.4 of the LEP for all properties on the eastern side of Miller Street, north of the Pacific Highway.
- (b) 7m from the western side of Walker Street, north of Berry Street.
- (c) 5.4m from the southern side of Berry Street, between Pacific Highway and Miller Street.
- (d) 14.5m from the western side of Miller Street, at No.60 Miller Street.
- (e) 15m from the southern side of Mount Street, at No.60 Miller Street.
- (f) Maintaining the setback of existing buildings to all properties comprising Monte St Angelo Convent and Girls School.
- (g) Maintaining the setback of existing buildings to all properties on the northern side of McLaren Street.
- (h) 1.5m whole of building setback from the eastern side of Napier Street, at No. 1-9 Napier Street and No.120 Pacific Highway.

~~P9P7~~ Buildings must be setback to conserve views to, and the setbacks and settings of, heritage items at 86 and 146 - 150 Walker Street, 94 Pacific Highway (Post Office), 36 Blue Street (Greenwood), 153 Miller Street (MLC Building), 168 - 172 Pacific Highway and 1-7 Napier Street.

~~P10P8~~ The setback of new buildings or alterations and additions to existing buildings on land fronting McLaren Street between Miller and Walker Streets are to match that existing to protect the existing fig trees. Encroachments will only be permitted where the development does not cover the drip line of any of the existing trees.

Podiums

~~P11P9~~ A maximum podium of 5 storeys to all streets, with a weighted setback of 5m above the podium with the following exceptions:

- (a) No podium to Arthur Street.
- (b) A maximum podium of 3 storeys to McLaren Street and Miller and Walker Streets north of McLaren Street, with a weighted setback of 3m above the podium.

Draft North Sydney Development Control Plan 2013**Area Character Statements - North Sydney Planning Area**

- (c) A podium of between 2 and 3 storeys to Wheeler Lane and Angelo, Charles, Denison, Harnett, Napier, Little Spring and Little Walker Spring, Ward Streets, with a weighted setback of 4m above the podium

P12P10 Podium heights should match or provide a transition in height between immediately adjacent buildings.

P13P11 Podium heights should match the height of adjacent heritage items.

P14P12 Podium height may be reduced to that part of the building devoted to commercial use in mixed-use buildings.

P15P13 If there is no commercial component, and therefore no podium, adequate side separation should be provided for residential amenity.

Building design

P16P14 Provide architectural detailing, high quality materials and ornamentation provide a rich visual texture and a symbolic/decorative reference to the history of the place, the building's use or occupant.

P17P15 Provide a visually rich intimate pedestrian environment with active street frontages at ground level.

P18P16 The natural rock outcrop at 136 Walker Street should be incorporated into the design of any redevelopment proposal for the site.

Awnings

P19P17 Continuous awnings must be provided to all commercial buildings, except on the eastern side of Miller Street between the Pacific Highway and McLaren Street.

P20P18 Consideration should be given to the provision of weather protection at the pedestrian entrances or over outdoor seating areas for buildings fronting Miller Street between the Pacific Highway and McLaren Street.

Streetscape

P21P19 A 'sense of arrival' is established at North Sydney Station with strong linkage to the north to connect with the pedestrian bridge over Pacific Highway and Denison Street.

P22P20 The Greenwood historic school building and large Moreton Bay Figs are retained and incorporated as the southern pedestrian gateway to the North Sydney **CentreBD**.

P23P21 The intersection of Miller Street and Pacific Highway forms an important focal point of the North Sydney Centre with a distinctive character reinforced by the Post Office and the MLC building.

P24P22 Improve amenity and safety by installing lighting, public art and/or landscape along the eastern facade of 12-14 Mount Street.

P25P23 Provide a consolidated green space over the Don Bank Museum and 100 Pacific Highway. Consideration should be given to extending this green space over the western side of 1 Wheeler Lane to allow for a more direct north - south pedestrian link from Charles/Napier Street to Wheeler Lane.

P26P24 33 Berry Street should be designed such that Napier Street is activated by non residential tenancies such as commercial or educational facilities (At least 50% of its frontage should comprise of non residential tenancies at the ground level).

Public Domain

P27P25 Have regard to Public Domain designed in accordance with the *North Sydney Centre Public Domain Strategy* and *North Sydney Council Infrastructure Manual*.

Landscaping

P28P26 Continued use of tree planting and use of native vegetation to enhance the urban environment and attract birdlife.

Draft North Sydney Development Control Plan 2013**Area Character Statements - North Sydney Planning Area**

~~P29~~P27 Choice of trees and vegetation in accordance with *North Sydney Centre Public Domain Strategy, Street Tree Strategy* and *North Sydney Council Infrastructure Manual*.

Car accommodation

~~P30~~P28 Short stay parking spaces should be located within or as close as possible to meeting places.

~~P31~~P29 Reduce the amount of long stay commuter parking on site.

P30 Reduce the amount of non-residential parking on site.

Draft North Sydney Development Control Plan 2013**Area Character Statements - North Sydney Planning Area****2.2 CIVIC NEIGHBOURHOOD****2.2.1 Significant elements****Land Use**

- P1 Predominantly community based facilities such as educational establishments, places of public worship and public administration buildings.
- P2 Mixed commercial and residential development.
- P3 Passive and active recreational spaces.

Topography

- P4 Generally flat forming the top of the ridgeline, with a fall from the north to the south along Miller Street south of McLaren Street

Views

- P5 The following views and vistas are to be preserved and where possible enhanced:
 - (a) To Kirribilli and Sydney Harbour from St Leonards Park.

Identity / Icons

- P6 Stanton Library
- P7 St Leonards Park & North Sydney Oval
- P8 North Sydney Council Chambers
- P9 Independent Theatre
- P10 Civic Centre and Park
- P11 Warringah Freeway a major arterial thoroughfare.
- P12 Miller and Falcon Streets a major sub-arterial thoroughfare.

Subdivision

- P13 Regular grid pattern with rectangular lots of varying sizes.

Streetscape

- P14 Wide fully paved footpaths.

Draft North Sydney Development Control Plan 2013**Area Character Statements - North Sydney Planning Area**

P15 Buildings are aligned to the street.

P16 Awnings generally provided for shops, cafes and other commercial uses on Miller Street.

P17 A variety of street trees and shrubs.

Public transport

P18 Development is to take advantage of high accessibility to high frequency public bus services along Miller and Falcon Streets.

P19 Public transport, cycling and walking are the main forms of public transport.

P20 Traffic calming measures along Miller Street, Falcon Street, and Ridge Street.

2.2.2 Desired Future Character**Diversity of activities, facilities, opportunities and services**

P1 A variety of specialty uses including education, public services, community facilities and recreational parks.

P2 Active street frontages from such activities as cafes and shops at ground level on both Miller and Ridge Streets.

P3 Limited residential development in the form of dwelling houses, semi detached dwellings, multi dwelling housing and residential flat buildings according to zone.

P4 Open space used by local residents, students and the wider regional population for social and recreational purposes.

Accessibility and permeability

P5 Pedestrian connections are to be provided to Stanton Library from Ridge and Miller Streets.

P6 Pedestrian connections through Civic Park and St Leonards Park.

P7 Pedestrian routes are as direct as possible with direct through views from adjacent streets or public domain.

Public spaces and facilities

P8 Cohesiveness throughout the area is achieved through landscaping and tree planting.

P9 Safe pedestrian links with improved lighting and passive surveillance.

Junction and termination of streets

P10 Junction at Miller and Falcon Streets provides a gateway to North Sydney Centre.

2.2.3 Desired Built Form**Form, scale and massing**

P1 Generally 1-3 storeys in height with a strong relationship with adjacent building heights.

Setbacks

P2 Minimum front setback of 3m for residential zoned land with landscaping, including trees and shrubs provided at street frontage.

Fences

P3 Front fences no higher than 800mm.

Gardens

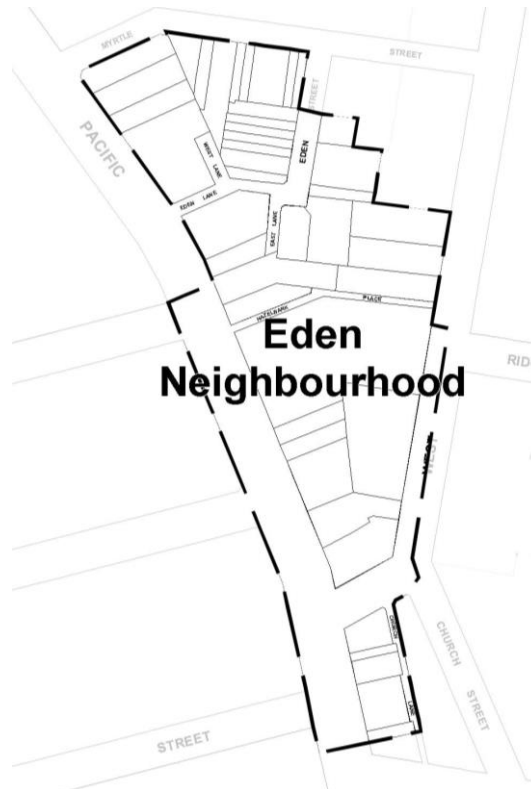
P4 Substantial planting including trees in front gardens to complement street trees.

Draft North Sydney Development Control Plan 2013**Area Character Statements - North Sydney Planning Area****Car accommodation**

- P5 Short stay metered car parking for visitors on-street.
- P6 Retention and enhancement of off-street public car parking at the Ridge Street car park.

Streetscape

- P7 Avenue of trees to line roads provides attractive streetscape and provides borders to the road.
- P8 Encourage open street frontages with low fences or no fences, landscaping to complement street planting.

Draft North Sydney Development Control Plan 2013**Area Character Statements - North Sydney Planning Area****2.3 EDEN NEIGHBOURHOOD****2.3.1 Significant elements****Land Use**

P1 Predominantly commercial and mixed commercial and residential development.

Topography

P2 Slight falls to the south west from West and Myrtle Streets.

Views

P3 The following views and vistas are to be preserved and where possible enhanced:

(a) Views to the North Sydney CBD along the Pacific Highway.

Identity / Icons

P4 Union Hotel

P5 Freemasons Hall (Wellbeing Centre)

P6 Pacific Highway, a major sub regional thoroughfare.

Subdivision

P7 Irregular grid pattern, due to the streets aligning with the topography.

Streetscape

P8 Wide fully paved footpaths.

P9 Buildings built to street along the Pacific Highway.

P10 Awnings provided along the Pacific Highway

P11 Irregular planting of street trees and shrubs.

Draft North Sydney Development Control Plan 2013**Area Character Statements - North Sydney Planning Area****Public transport**

- P12 Development to take advantage of high levels of accessibility to high frequency bus services along the Pacific Highway.

2.3.2 Desired Future Character**Diversity**

- P1 Diverse range of activities including residential, public services (including the postal service and police) commercial and retail.
- P2 A variety of different sized non-residential spaces (e.g. smaller showrooms, small offices).
- P3 Pick up and drop off points for public transport and taxi ranks are located close to public spaces and activities, and main building entrances.

Accessibility and permeability

- P4 The following through site links are to be provided, retained and enhanced:
- (a) An east-west pedestrian link along Hazelbank Place from West Street to Pacific Highway, with good lighting and paving.
 - (b) New pedestrian links which encourage access along Eden Lane to Myrtle Street, West Street and Pacific Highway.
 - (c) New pedestrian links which encourage access to and from Pacific Highway, West Street and Ridge Street.
- P5 Through site links are made safe through adequate lighting and passive surveillance.

2.3.3 Desired Built Form**Form, massing and scale**

- P1 A variety of building heights in the mixed use area with the average height being 4 storeys.
- P2 Buildings adjacent to conservation areas transition in height to match building height in conservation areas.

Podiums

- P3 A podium of 4 storeys to all streets, with a weighted setback of 3m above the podium with the following exceptions:
- (a) A podium of 4 storeys to Eden Street, Eden Lane and Myrtle Street, with a setback of 1.5m above the podium.
 - (b) A podium of 3 storeys to Hazelbank Lane and Church Lane, with a setback of 1.5m above the podium.

Building Design

- P4 Building form differs throughout the area, with an emphasis on quality mixed use design to complement heritage items.
- P5 Form, scale and massing reflects surrounding development to provide visual interest through a range of detailing such as recesses, balconies and a variety of materials.
- P6 Ground floor commercial/retail uses to provide activity and interest along Pacific Highway, Eden Street and Eden Lane.
- P7 Active uses along Eden Street and Eden Lane such as outdoor dining to encourage activity outside standard business hours.
- P8 Mixed use development complements lower scale residential development in adjoining conservation areas.

Draft North Sydney Development Control Plan 2013**Area Character Statements - North Sydney Planning Area****Noise**

- P9 Elevations of buildings fronting the Pacific Highway are to be designed and incorporate design features to minimise traffic noise transmission (e.g. the use of cavity brick walls, double glazing, minimal glazing, solid core doors, concrete floors, enclosed balconies etc).

Awnings

- P10 Consistent awnings along Pacific Highway to provide shelter from weather conditions.

Car accommodation

- P11 Short stay metered on-street parking for visitors.
- P12 Access to underground car parking should be provided through a single combined entry and exit.

Public Spaces and facilities

- P13 Footpath paving along property frontages in accordance with Council's specifications.
- P14 Roof top gardens and public facilities that allow public access to district views from higher floors.
- P15 Encourage active uses outside standard business hours to encourage active streets and street surveillance.
- P16 Locate any outdoor dining within clearly defined areas located away from main roads; provide weather protection providing equal and unobstructed pedestrian movement.

Streetscape

- P17 Streetscape to provide consistency with surround areas with street tree planting and use of street furniture.
- P18 Tree lined streets encourage birdlife and lessen impact to traffic noise.

Draft North Sydney Development Control Plan 2013**Area Character Statements - North Sydney Planning Area****2.4 HAMPDEN NEIGHBOURHOOD****2.4.1 Significant elements****Land Use**

- P1 Residential accommodation.
- P2 Educational establishments.

Topography

- P3 Moderate falls to the south from Ridge Street and steep falls to the east from Walker Street to the Warringah Expressway.

Views

- P4 The following views and vistas are to be preserved and where possible enhanced:
 - (a) Maintain views of Kirribilli and the Harbour from Walker Street.
 - (b) Strong vista along Walker Street to southern part of CBD.

Identity / Icons

- P5 North Sydney Club
- P6 Warringah Expressway, a major arterial thoroughfare.
- P7 Sandstone wall in the middle of Walker Street

Streetscape

- P8 Tree lined streets with grassed verges and concrete footpaths.
- P9 Split level streets to Hampden Street.
- P10 Landscaped medians on Hampden Street.
- P11 Double rail timber fences on Hampden Street.



Draft North Sydney Development Control Plan 2013

Area Character Statements - North Sydney Planning Area

P12 Low front fences of brick or masonry on Walker Street.

P13 Residential flat buildings are setback from the boundary and aligned with the street frontage.

Public transport

P14 Development to take advantage of reasonable proximity to high levels of public bus and train services.

P15 Public transport, cycling and walking are the main forms of public transport.

2.4.2 Desired Future Character

Diversity

P1 A mixture of modern multi-level residential flat buildings with older low rise residential flat buildings.

P2 Retention of the 2-3 storey original attached dwelling houses on Hampden Street.

Accessibility and permeability

P3 Pedestrian walk along the western side of Warringah Expressway accessed from Hampden Street.

2.4.3 Desired Built Form

Form, scale and massing

P1 Early and original residential buildings complement the topography to maintain views and easy access.

P2 Ground floors may not relate to street level due to topography of the area, with high sandstone retaining walls at ground level.

P3 Generally a maximum of 2 storeys on Hampden Street.

Setbacks

P4 Maintain existing setbacks from property boundary along the eastern side of Walker Street and the northern side of Berry Street.

Fences

P5 Low fences (max 800mm)

P6 Small picket fences above sandstone bases

Car parking

P7 Located off-street and below ground for all residential flat buildings and multi dwelling housing.

P8 Located on-street parking for all heritage listed attached dwellings.

P9 Short term on-street meter parking.

P10 Existing sandstone retaining walls on street frontages must not be breached to accommodate garages or car parking spaces.

Streetscape

P11 Heritage features such as Walker Street and Hampden Street sandstone walls.

P12 Substantial gardens within front setback area.

P13 Steps and pathways along Walker and Hampden Streets are maintained.

P14 Landscaping in front gardens/private open space.

P15 Tree lined streets and mature vegetation on median enhances area.

Draft North Sydney Development Control Plan 2013**Area Character Statements - North Sydney Planning Area****Noise**

- P16 Elevations of buildings fronting the Warringah Freeway are to be designed and incorporate design features to minimise traffic noise transmission (e.g. the use of cavity brick walls, double glazing, minimal glazing, solid core doors, concrete floors, enclosed balconies etc).



2.5 WALKER/RIDGE STREETS CONSERVATION AREA



2.5.1 History

The Walker/Ridge Streets Conservation Area was subdivided as part of the Town Plan for North Sydney, known at the time as St Leonards, but remained largely undeveloped until the 1880s. Some of the first buildings were "Lamona", built by Dr Kelynack in 1883, "Park House" built by Francis Punch in 1886, followed by "St Helens" 1889.

Land on the western side of Walker Street was owned by Francis Lord as part of an estate surrounding his house "The Lodge". A smaller block was owned by William Tucker. Subdivision and development on the western side of Walker Street occurred in the late 19th century, mostly for private homes. The area was once comprised part of "the Macquarie Street of the north" due to the number of doctors surgeries and cottage hospitals. A portion of the area is now occupied by Wenona School.

The main building period is 1880-1900.

2.5.2 Description

The Walker/Ridge Streets Conservation Area includes the eastern end of Ridge Street and the sloping, northern portion of Walker Street. It is bounded St Leonards Park to the north, Elliot Street to the west and the Warringah Expressway to the east.

The landform falls to the south. Subdivision is determined by the grid pattern of the streets and lot sizes are irregular and many are developed for attached housing.

The area is characterised by intact groups of single and two storey detached and attached dwelling houses in a mix of Victorian Italianate and Federation styles with St. Helens being a remnant of the Victorian Georgian. The main buildings at the northern end of Walker Street are substantial residences in the Federation Arts and Crafts and Queen Anne styles. There is some modern residential infill and educational buildings associated with Wenona.

Street verges are 3.5 metres wide with concrete footpaths and lined with regularly spaced street trees.

The vista towards the War Memorial in St Leonards Park up Walker Street is a significant feature of the Conservation Area and there are views from the eastern edge to Sydney Harbour. Original fencing and retaining walls are important unifying elements in the streetscape.

Mature landscaping is a unifying and significant feature of the Conservation Area and the gardens to Walker Street contribute to this. There are street trees to Walker Street.

Uncharacteristic elements include contemporary multi-storey buildings; over-scaled, two storey additions; over-scaled and poorly detailed carports and garages; front and side

Draft North Sydney Development Control Plan 2013




Area Character Statements - North Sydney Planning Area

dormers and rooflights; removal of original detailing; verandah infill; rendered and painted face brickwork; modernised facades; high walls and fences to the street.

2.5.3 Statement of Significance

The Walker/Ridge Streets Conservation Area is significant:

- (a) For its late 19th and early 20th century character defined by the number of intact heritage items in the area.

	<p>Figure C-2.1 (left): Circa 1890</p>
	<p>Figure C-2.2 (below left): Circa 1943</p>
	<p>Figure C-2.3 (below): Circa 2008</p>
	

2.5.4 Significant elements

Topography

P1 Steeply sloping to the south along Walker Street from Ridge Street.

Subdivision

P2 Lot sizes – 700m² to 1250m².

P3 Rectilinear with narrow boundary to street.

Streetscape

P4 Continuity of fences and landscaping.

Views

P5 Warringah Expressway Lookout at the end of Ridge Street. Towards St Leonards Park War Memorial along Walker Street.

Draft North Sydney Development Control Plan 2013**Area Character Statements - North Sydney Planning Area****2.5.5 Characteristic buildings**

- P1 Detached and attached Victorian Italianate dwelling houses.
 P2 Detached Federation Queen Anne and Arts and Crafts style dwelling houses.

2.5.6 Characteristic built elements**Siting**

- P1 Dwellings are oriented to face the street, parallel to the street alignment.
 P2 Dwellings are sited forward and middle of lot.

Form, massing and height

- P3 Single storey and two storey dwelling houses with hipped and gabled roofs with skillion rear wings.
 P4 Reduced height and scale to rear.
 P5 Open verandahs to front.
 P6 Projecting front gables beside recessed verandahs.
 P7 Detached and semi-detached dwelling houses of identical design often have continuous front verandahs.
 P8 Strong skyline of simple pitched roofs and chimneys visible from street and St Leonards Park.
 P9 Front setbacks generally between 4-5m.
 P10 Side setbacks of 1.5m.

Roofs

- P11 Pitched between 30 and 45 degrees without dormers or openings that can be seen from the street.
 P12 Hipped roofs with some gabled elements.
 P13 Gabled ends for projecting bays to the street.
 P14 Skillion roofs to rear extensions.
 P15 Brick and rendered chimneys with terracotta chimney pots.

External Materials

- P16 Face brick on Federation buildings with sandstone foundations.
 P17 Original rendered walls on Victorian buildings.
 P18 Slate, corrugated metal and terracotta tiled roofs.
 P19 Timber windows, doors and joinery.
 P20 Original front garden landscaping.

Windows, doors and joinery

- P21 Consistent with building period and style. Timber

Fences

- P22 Original front fences less than 800 mm height with views to the garden.
 P23 Timber fences to rear and side.
 P24 Sandstone plinths, sandstone piers, metal palisade and gates, timber pickets, timber rails and mesh, pipe and mesh gates, original face brick with piers.

Draft North Sydney Development Control Plan 2013**Area Character Statements - North Sydney Planning Area****Car accommodation**

P25 No garages or carports located in front of building line.

Draft North Sydney Development Control Plan 2013**Area Character Statements - North Sydney Planning Area**

2.6 McLAREN STREET CONSERVATION AREA



2.6.1 History

The McLaren Street Conservation Area was subdivided as part of the Town Plan for North Sydney, known at the time as St Leonards.

The land for St Thomas' Church was allocated in 1842 and the first church erected in 1843. Further land was purchased by the Church and a schoolhouse was erected in 1848. The original Church was replaced by a larger Church erected around it between 1877 and 1884 to a design by Edmund Blacket.

A rectory, designed by E. Jeaffreson Jackson, was built to the east of the Church in 1900, and a memorial hall was added to the site in 1922. The earliest recorded occupant of adjacent land was James Husband, and plans from 1892 show "St Thomas' Terrace" fronting Miller Street.

During the 1890's a large residence and doctor's surgery, designed by E. Jeaffreson Jackson, was erected for Dr Capper at the corner of Miller and McLaren Streets. The building was acquired in 1926 and remodelled as Council Chambers for North Sydney Council.

At the turn of the 20th century Miller Street was known as the "Macquarie Street of the North Shore" because of the concentration of doctors, dentists and hospitals.

2.6.2 Description

The McLaren Street Conservation Area is made up of two areas either side of McLaren Street and Church Street including the park to the north of the North Sydney Council Chambers.

The topography slopes down from Ridge Street towards McLaren Street with Church Street following the slope. The park is modelled with small rises and a terraced area towards Miller Street. The subdivision pattern relates only to McLaren Street and Church Street and the Victorian pattern has been lost in the Civic precinct.

The characteristic buildings in the area are typically Federation and Edwardian Queen Anne with pockets of Victorian dwelling houses along Church Street. The area contains several public buildings including St Thomas's Church and Hall and the North Sydney Council Chambers, a Federation building with modern extension. The buildings are typically:

- single and two storey, freestanding buildings with materials relating to the age of construction,
- Victorian rendered dwelling houses with verandahs and slate and corrugated metal roofs, and
- Federation face brick dwelling houses with verandahs and terracotta tile roofs.

The church is a prominent, stone building with associated vestry building and halls.

Draft North Sydney Development Control Plan 2013



Area Character Statements - North Sydney Planning Area

There are street plantings along each of the streets and plantings in the park.

2.6.3 Statement of Significance

The McLaren Street Conservation Area is significant:

- (a) As an area that is close to the centre of North Sydney that retains representative details from its development from the late 19th and early 20th centuries, including street formation, buildings, gardens and fencing.
- (b) For its landmark qualities and associations with St Thomas' Church, North Sydney Council buildings, park and public court



Figure C-2.4 (left):
Circa 1890



Figure C-2.5 (below left):
Circa 1943

Figure C-2.6 (below):
Circa 2008



2.6.4 Significant elements

Topography

P1 Sloping to the south from Ridge Street

Draft North Sydney Development Control Plan 2013**Area Character Statements - North Sydney Planning Area****Subdivision**

- P2 Variety of lot sizes related to land use and building/dwelling type. Generally rectilinear with narrowest frontage to street for perimeter development.

Streetscape

- P3 Buildings at street level or raised above it.
 P4 Varying scale of housing facing the street in garden settings located forward on the lot.
 P5 Public buildings in landscaped setting.
 P6 Concrete and stone kerbs, sandstone walls, palisade fences, street gardens.
 P7 Street trees and Stanton Park.

Views

- P8 Views within area along Miller and McLaren Streets to St Thomas' Church and the Council buildings.

2.6.5 Characteristic buildings

- P1 Victorian and Federation.

2.6.6 Characteristic elements**Siting**

- P1 Dwellings are oriented to face the street, parallel to the street alignment, forward on lots.
 P2 Front setback 6-8m and side setbacks of 1.5-2m.

Form, massing and height

- P3 Single and two storey, detached dwelling houses.
 P4 Simple forms articulated with verandahs to front.
 P5 Reduced bulk and scale to the rear.
 P6 Multi-storey public buildings.
 P7 Mainly gabled and hipped roofs pitched between 30 and 45 degrees.

Materials

- P8 Walls: render, stone and face brick on sandstone foundations.
 P9 Roofs: slate, terracotta and corrugated metal on rear extensions.
 P10 Windows and doors: Timber.
 P11 Tall chimneys with chimney pots, stucco and face brick.
 P12 Tessellated tiles to verandahs.

Windows and doors

- P13 Consistent with building period and style. Timber

Fences

- P14 Brick or sandstone piers and base with metal palisade and timber panels.
 P15 Stone boundary wall to Church.

Car accommodation

- P16 Locate garages and carports to rear of the property.
 P17 No garages or carports located in front of building line.

Draft North Sydney Development Control Plan 2013**Area Character Statements - North Sydney Planning Area**

P18 Single driveways.

2.6.7 Uncharacteristic elements

- P1 Modern additions and buildings; painting and rendering of face brick; high fences to street; excessive paved areas for parking; buildings built to the front boundary.
- P2 Modern shopfront to 5-7 McLaren St.



Draft North Sydney Development Control Plan 2013

Area Character Statements - North Sydney Planning Area

[THIS PAGE IS INTENTIONALLY BLANK]