



**ADDENDUM TO REPORT OF "Caitlin Summers, Strategic Planner - Urban Design" DATED
25/10/2021**

SUBJECT: 8.14 Draft North Sydney DCP 2013 amendment: North Sydney CBD – Commercial tower setbacks and separation – Post-exhibition report

AUTHOR: Caitlin Summers, Strategic Planner – Urban Design

DATE: 25.10.2021

Attachments: 8.14.1.1. Addendum to submissions summary

SUMMARY

Further to the report of 8.14 'Draft North Sydney DCP 2013 amendment: North Sydney CBD – Commercial tower setbacks and separation – Post-exhibition report,' for the Council meeting on 25 October 2021, two submissions were omitted due to a technical error.

An addendum to the submissions summary table of the report [8.14.1.1] is included at Attachment 1.

RECOMMENDATION:

It is recommended that the two submissions included in the addendum submissions summary at Attachment 1 be noted along with other submissions made to the public exhibition of the draft amendments to North Sydney Development Control Plan (NSDCP 2013) in the original report.

SIGNED Caitlin Summers

Draft amendment to NSDCP 2013 – North Sydney CBD Commercial tower setbacks and separation
Addendum to Summary of submissions received during public exhibition period
(19 July – 30 August 2021)

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

1. The Draft amendment to NSDCP 2013 – North Sydney CBD Commercial tower setbacks and separation **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 or;
 - e indicated omissions, inaccuracies or a lack of clarity.

2. The Draft amendment to NSDCP 2013 – North Sydney CBD Commercial tower setbacks and separation **would not be** amended if the issues raised in the submission:
 - a addressed issues beyond the scope of the proposal.
 - b was already in the 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 proposal.
 - e was an alternate viewpoint received on the topic but the recommendation 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.

Name and address withheld (use this to copy and paste below as necessary, then delete)

Draft amendment to NSDCP 2013 – North Sydney CBD Commercial tower setbacks and separation SUBMISSIONS SUMMARY (19 July – 16 August 2021)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
82.	Tom Forrest, Chief Executive Officer – Urban Taskforce L12, 32 Martin Place, SYDNEY	Commercial viability of the CBD	The proposed DCP amendment comes some time after the making of a Planning Proposal to encourage revitalisation of the CBD by allowing additional employment floor space. This unanticipated change in direction creates uncertainty for investors.	The proposed amendment is an expected review and articulation of building envelopes in the North Sydney CBD, included in both a Council resolution on 20 March 2017 and a recommended strategy in the final <i>North Sydney Capacity and Land Use Strategy</i> adopted on 1 May 2017.	Nil	2c
			DCP amendment may impede the vision for the North Sydney CBD being realised by limiting and/or delaying the development of key sites.	Please refer to section 4.4 of the Council report for a detailed response.	Nil	2c
		Site-specific controls	Council’s proposed amendments are overly prescriptive and run counter to the recommendation from the NSW Productivity Commission for a ‘more informed approach to building design regulation and approval process.’	Please refer to section 4.3 of the Council report for a detailed response. Recommendation 7.2 & 7.3 of the Productivity Commission White Paper 2021, as quoted in the submission, refer to building design regulations and approval processes for residential development, not commercial.	Nil	2c
			The DCP should be revised with a view to allowing a more flexible and merit based assessment on a site by site basis.	Please refer to section 4.3 of the Council report for a detailed response.	Nil	2e
		Alfred Street Precinct	The Alfred Street Precinct is separated by the Warringah Freeway from the North Sydney CBD.	Alfred Street Precinct is part of the existing Central Business District Area Character Statement map within NSDCP 2013 (Part C, 2.1). The draft DCP amendment relates specifically to this Area Character Statement and the controls apply to all areas within this boundary.	Nil	2c

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No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
			The Alfred Street Precinct was not considered as part of the ‘North Sydney Centre’ in Council’s <i>Capacity and Land Use Strategy</i> and associated North Sydney CBD Planning Proposal and should not be included in the boundary for the draft DCP amendment.	Alfred Street Precinct is currently zoned B3 Commercial Core and included in the existing Central Business District Area Character Statement map within NSDCP 2013 (Part C, 2.1). The draft DCP amendment applies to land zoned B3 Commercial Core or B4 Mixed Use within this Area Character Statement boundary.	Nil	2e
			Urban Taskforce understand there is a Planning Proposal being considered for the Alfred Street Precinct to rezone it to B4 Mixed Use which incorporates a Site Specific DCP. In this context, controls for commercial towers within a CBD are irrelevant for the precinct.	The amendment is applicable to land zoned B3 Commercial Core or any commercial element of B4 Mixed Use within the Central Business District Area Character Statement map in NSDCP 2013 (Part C, 2.1). This includes the Alfred Street Precinct. Any Planning Proposal and Site Specific DCP can still be drafted and supported by VPAs. This process will identify the optimal height and setbacks and be exhibited for public comment separately.	Nil	2c
83.	Jamie Nelson, Head of Development – Office, GPT Group (on behalf of GPT Group and Urbis)		Do not support the proposed amendments to NSDCP 2013 and believe they will hinder and stifle office development, and North Sydney’s competitiveness as a commercial centre.	Noted.	Nil	2c
		Commercial viability in the CBD	DCP amendments should not act to undermine or stifle the positive momentum delivered by Council’s overhaul of the LEP building height controls in recent years.	The proposed amendment is an expected review and articulation of building envelopes in the North Sydney CBD, included in both a Council resolution on 20 March 2017 and a recommended strategy in the final <i>North Sydney Capacity and Land Use Strategy</i> adopted on 1 May 2017.	Nil	2c

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No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
	Land owners at 51 Walker Street and 96 Pacific Highway Lv151, 25 Martin Place, SYDNEY		GPT's decision to invest in the CBD was undertaken in the knowledge that the LEP planning controls have been in place for the last few years and that any required refinements to NSDCP 2013 would have been made concurrently with the LEP amendments.	The proposed amendment is an expected review and articulation of building envelopes in the North Sydney CBD, included in both a Council resolution on 20 March 2017 and a recommended strategy in the final <i>North Sydney Capacity and Land Use Strategy</i> adopted on 1 May 2017.	Nil	2c
			Draft amendment will have a significant impact on building floor plate forms and may significantly impact development on GPT and AIG sites and stifle employment growth in North Sydney CBD.	Please refer to sections 4.4 and 4.5 for a detailed response.	Nil	2c
			The proposed amendments have taken into account precedence in markets such as Sydney and Parramatta CBD. The land constrained market of North Sydney CBD should be considered differently to remain a competitive commercial office market.	The <i>North Sydney Capacity and Land Use Strategy</i> identified height uplift on many sites in the CBD to unlock additional floorspace. The amendment is an expected articulation of these building envelopes to ensure that pedestrian and building occupant amenity is protected and that future commercial development is of a bulk, scale and high-level of design that will attract future tenants.	Nil	2c
			GPT encourages the delivery of high quality design that is sympathetic to character and nearby heritage items, that is responsive to context, improves the visual aesthetic and promotes the national/global competitiveness of the North Sydney CBD.	Noted.	Nil	2c
			GPT support the commitment to creating commercial employment generating spaces as a catalyst to employment growth.	Noted.	Nil	2c

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No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
			The proposed amendments could stifle commercial development in the CBD at a time when North Sydney has become an attractive investment and proposition for tenants.	Please refer to sections 4.4 and 4.5 for a detailed response.	Nil	2c
			Floor plates that are forced under 1,000sqm will be unattractive to key tenants in the market.	While North Sydney Council encourages development to achieve commercial floorplate 1000sqm or greater through amalgamation of smaller lots or on larger individual lots where appropriate, this should not come at the expense of well-designed buildings that contribute to the future desired character and urban design of the North Sydney CBD. Smaller commercial floor plates in towers that are adequately articulated and deliver high levels of amenity and quality design are just as integral in the North Sydney CBD as bigger towers.	Nil	2c
			Office employment generation will be replaced by towers of build-to-rent apartments or hotels which will be the only viable uses on sites with floor plates less than 1000sqm.	Council encourages the development of floorplates 1,000m ² or greater where appropriate. That is, where sites are large enough to provide these floorplate sizes in a compliant building envelope, resulting in a proposal that is of a bulk and scale appropriate for its context. Where sites are too small to provide compliant proposals, amalgamation with neighbouring sites is encouraged.	Nil	2c
		Site-specific constraints and variations	GPT with AIG recently acquired 51 Walker Street and 97 Pacific Highway, North Sydney. This site is an irregular shaped allotment with two primary street frontages to Walker Street and Pacific Highway, as well as a secondary frontage to Little Walker Street.	Noted.	Nil	2c

Draft amendment to NSDCP 2013 – North Sydney CBD Commercial tower setbacks and separation SUBMISSIONS SUMMARY (19 July – 16 August 2021)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
			Strict application of the proposed 6m side setback provides little flexibility for delivering appropriate built form. It is considered that variation or relaxing of this control would not compromise the delivery of built form outcomes which achieve the objectives of the amendment.	Please refer to section 4.3 of the Council report for a detailed response.	Nil	2e
			The minimum 3m above podium setback to any frontage provides little recognition of how this impacts corner sites. It is therefore considered that there should be a variation or flexibility in the application of setback controls as they relate to corner sites.	Please refer to section 4.3 of the Council report for a detailed response.	Nil	2e
			There has been precedent within North Sydney CBD where corner sites have not complied with current NSDCP setback controls and good urban design outcomes have been achieved including 118 Mount Street, 1 Denison Street and 100 Mount Street.			
			The proposed DCP amendment provides a lack of analysis or consideration for how the proposed setback controls would apply to corner sites, noting that the City of Parramatta allows for flexible application of above podium setbacks at corner sites.	Please refer to section 4.3 of the Council report for a detailed response.	Nil	2c

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No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
			The proposed setback controls are contrary to the existing provision P1 in Part B, Section 2 of NSDCP 2013 which states that ‘buildings located on the corner of a street intersection or at the termination of a street should: d) be designed such that the building’s height is concentrated on that section of the building located at the corner of the street intersection or is centralised on the street façade where it is located at the termination of a street.’	Part B, Section 2 of NSDCP 2013 refers to all Commercial and Mixed Use development within North Sydney LGA. The proposed amendment largely relates to Part C, Section 2 which focuses on the North Sydney CBD. The latter overrides the former as they are specific controls relating to built form within the CBD.	Nil	2c
			The proposed setback controls are not appropriate for this constrained site considering the two primary street frontages and secondary laneway frontage.	Any corner lot is required to comply with current above podium setbacks to street frontages. Proposed above podium side and rear setbacks will also apply to these sites, to help break down uninterrupted walls of development and ensure towers are appropriately articulated.	Nil	2c
			P20 of the draft DCP amendment recognises site specific reasons not to apply these draft controls strictly to other sites. As this recently amalgamated landholding is not able to be developed viable, we request Council similarly adopt a more nuanced approach to these controls as they relate to this site.	P20 relates to sites with adjacent party walls as a result of recently approved or under construction development. 53 Walker Street, which is immediately north of the client’s site, is not under construction and has not been recently approved with a party wall to the south. Therefore, this provision is not applicable to the site.	Nil	2e
			It is recommended that the current NSDCP 2013 setback controls remain given the highly constrained nature of this corner site. A degree of flexibility in the application of setback controls to corner sites should be further considered.	Nil setbacks above podium are not supported in NSDCP 2013, which explicitly requires gaps between buildings above podium (Part B, Section 2.3.7, P5 & P6). Please refer to section 4.3 of the Council report for a detailed response.	Nil	2e

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No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
			Alternatively, it is recommended that variation to the minimum site area trigger should be implemented whereby the setback controls should only apply to sites above 1,500sqm. 1,000sqm is considered too low a threshold to achieve commercially viable outcomes and will result in sub-optimal floor plates or exclude corner sites from redevelopment.	The proposed amendments apply to sites 1,000m ² in size and greater as future development on these can build to the maximum building heights in NSLEP 2013. Therefore, any site that is capable of developing a tower should be guided by appropriate setback controls to ensure development is of a bulk and scale appropriate for its context and to limit the occurrences of long, uninterrupted walls of development in the CBD.	Nil	2e
			The overall intent of the draft DCP is to ensure that pedestrian and future building occupant amenity is not diminished. Therefore, it is not suitable to prohibit variations to the setback controls for sites less than 1500sqm where it can be demonstrated that high quality urban design outcomes can be achieved which do not compromise or diminish pedestrian and future occupant amenity.	Please refer to section 4.3 of the Council report for a detailed response.	Nil	2c
		Loss of GFA/NLA	Indicative concept designs for (the client’s) site yield a commercial floorplate of approximately 1,062-1,088sqm NLA, and is capable of compliance with minor site specific non-compliances based on recent precedent interpretation of controls. A compliant envelope under the draft DCP amendment yields a non-viable commercial floorplate of approximately 585-600sqm NLA.	Please refer to section 4.5 of the Council report for a detailed response. Please note that the indicative concept design provides minimal street frontage setbacks to Walker Street, Little Walker Street and the Pacific Highway, and is non-compliant with existing controls.	Nil	2c

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No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
			The increased side setback control to 6m is a significant change to the current controls which allow for a zero metre side setback. This will reduce the potential floorplate area on the client’s site.	Nil setbacks above podium are not supported in NSDCP 2013, which explicitly requires gaps between buildings above podium (Part B, Section 2.3.7, P5 & P6).	Nil	2c
		PCA Premium and A-Grade buildings	The 6m setback control will result in the provision of sub-optimal B-grade floor plates significantly less than 1,000sqm.	Please refer to section 4.2 of the Council report for a detailed response.	Nil	2c
			GPT is wanting to produce a high quality urban design outcome with A grade quality floor plates over 1,000sqm which responds to market demand. This is unviable under the proposed draft controls.	Please refer to section 4.2 of the Council report for a detailed response.	Nil	2c
		Maximum façade length	GPT supports incorporating maximum façade length controls for larger sites to mitigate adverse bulk, scale and over development on surrounding sensitive land uses and the public domain.	Noted.	Nil	2d
		Treatment to blank facades	GPT support the need to treat any blank party walls and blank walls with visually interesting design and finishes.	Noted.	Nil	2d