

## **8.14. Draft North Sydney DCP 2013 amendment: North Sydney CBD - Commercial tower setbacks and separation - Post-exhibition report**

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### **ATTACHMENTS:**

1. Submissions Summary [8.14.1 - 52 pages]
2. NSDCP 2013 - Part B Section 2 - Commercial & Mixed Use Development (for adoption) [8.14.2 - 48 pages]
3. NSDCP 2013 - Part C Section 2 - North Sydney Planning Area (for adoption) [8.14.3 - 31 pages]
4. Background study - North Sydney CBD Commercial tower setbacks and separation (as exhibited) [8.14.4 - 46 pages]

### **PURPOSE:**

To seek Council's endorsement to amend the built form guidelines that apply to commercial towers in the North Sydney CBD under the North Sydney Development Control Plan 2013, following public exhibition of a draft amendment and consideration of submissions.

### **EXECUTIVE SUMMARY:**

On 28 June 2021, North Sydney Council resolved to place a draft amendment to North Sydney Development Control Plan 2013 (NSDCP 2013) on public exhibition.

The purpose of the draft amendment to NSDCP 2013 is to provide better design guidance for commercial towers in the North Sydney CBD. Specifically, it identifies building setback and separation distances for commercial towers to:

- protect daylight and sky views, and reduce wind impact on the public domain;
- provide better light and view sharing for offices;
- enhance the character and image of the North Sydney CBD with commercial towers seen "in the round"; and
- better align the CBD's planning controls with other major centres.

The draft amendment supports the endorsed *North Sydney Centre Capacity and Land Use Strategy* (2017) and associated Planning Proposal (*Amendment No.23*) which increased the maximum height limits of commercial buildings in the CBD in 2018.

The draft amendment to NSDCP 2013 and background study were placed on public exhibition from Monday 19 July 2021 to Monday 16 August 2021. The exhibition period was extended by two weeks to Monday 30 August 2021 to provide additional time for submissions given COVID restrictions.

Council received a total of eighty-one (81) submissions during the exhibition period:

- 25 expressed some support for the objectives and/or proposed amendments;
- 68 requested a savings provision to apply to lodged development applications;
- 12 raised concerns regarding a perceived loss of Gross Floor Area (GFA), inability to achieve PCA Premium or A-Grade floorplates, or a lack of economic impact analysis to support the controls;
- 11 made site-specific requests for variations or exceptions to proposed controls to realise development opportunities on particular sites within the North Sydney CBD;
- 7 requested better alignment with the City of Sydney DCP controls.

As a result of the submissions made, it is recommended the draft amendment to NSDCP 2013 be further revised to:

- Increase the proposed maximum façade length control from 55m to 60m to further incentivise amalgamation of smaller lots and ensure viable commercial development on longer sites.

It is recommended that Council adopt the draft amendment as revised and complete the necessary steps to enable its implementation.

**RECOMMENDATION:**

- 1. THAT** Council note the submissions made to the public exhibition of the draft amendments to North Sydney Development Control Plan 2013 (NSDCP 2013).
- 2. THAT** Council adopt the draft amendment to NSDCP 2013 as amended, forming Attachment 2 and 3 to this report, in accordance with clause 21 (1) of the Environmental Planning and Assessment Regulation, 2000.
- 3. THAT** public notice of the publication of the amendment to NSDCP 2013 be given on Council's website in accordance with clause 21(3) of the Environmental Planning and Assessment Regulation, 2000.
- 4. THAT** the North Sydney CBD Setbacks Background Study at Attachment 4 is updated to reflect the draft amendment to the NSDCP 2013, as amended.
- 5. THAT** all submitters be notified of Council's decision and thanked for their submissions.

## LINK TO COMMUNITY STRATEGIC PLAN

The relationship with the Community Strategic Plan is as follows:

### 2. Our Built Infrastructure

2.2 Vibrant centres, public domain, villages and streetscapes

### 3. Our Future Planning

3.1 Prosperous and vibrant economy

3.2 North Sydney CBD is one of NSW's pre-eminent commercial centres

3.4 North Sydney is distinctive with a sense of place and quality design

## BACKGROUND

On 20 March 2017 North Sydney Council resolved that a final *North Sydney Centre Capacity and Land Use Strategy* (the Strategy) and any associated draft LEP 2013 and DCP 2013 amendments be prepared to increase employment capacity and encourage investment in the Centre.

On 1 May 2017 Council resolved to adopt the finalised Strategy and accompanying Planning Proposal. The Strategy included a recommendation to undertake a review of North Sydney DCP 2013 to further consider built form issues within the Centre.

The increase in height controls identified in the Strategy was pursued and implemented through *Amendment No. 23* to NSLEP 2013 on 26 October 2018.

On 28 June 2021, Council resolved to adopt a draft amendment to NSDCP 2013 to provide better design guidance for commercial towers in the North Sydney CBD and place that amendment on public exhibition.

The draft amendment to NSDCP 2013 was placed on public exhibition from Monday 19 July 2021 to Monday 30 August 2021.

## DETAIL

### 1. Purpose

The purpose of the report is to recommend an amendment to built form guidelines that apply to commercial towers in North Sydney CBD under the NSDCP 2013 with consideration to submissions received during the public exhibition of the draft DCP amendment.

The draft amendment to the NSDCP 2013 implements a recommendation of the *North Sydney Centre Capacity and Land Use Strategy* (2017) that enabled significant height increases to commercial towers in the CBD. It also responds to several recent development proposals that have sought to provide limited side and street setbacks.

The draft amendment identifies setback and separation distances for commercial towers to:

- protect sunlight and sky views, and reduce wind impact on the public domain;
- provide better light and view sharing for offices;
- enhance the character and image of the North Sydney CBD with commercial towers seen “in the round”
- better align the CBD’s planning controls with other major centres.

Justification for the proposed amendment is provided in the publicly exhibited background study at Attachment 4.

## **2. Public exhibition**

The draft amendment to NSDCP 2013 was initially placed on public exhibition for 29 days, from Monday 19 July 2021 to Monday 16 August 2021. This was extended by a further two weeks to Monday 30 August 2021 in light of Greater Sydney COVID restrictions and several requests for extension.

Public consultation during this time included the following:

- 5,594 letter notifications mailed to building owners within the North Sydney CBD;
- Letter notifications to relevant industry bodies and public authorities;
- Notification to Precinct Committees via the Precinct e-newsletter;
- Notification in the North Sydney Business e-newsletter;
- A dedicated exhibition web page including all documentation, contact information and online submission form; and
- Notification of the exhibition on the North Sydney Council website.

## **3. Submissions overview**

A total of eighty one (81 of which 39 related to one site on Walker Street) submissions were received, including several lodged after the formal exhibition period. Submissions were received by, but not limited to:

- Landowners or consultants on behalf of landowners (25);
- Two Precinct Committees (Milson and Waverton Precincts); and
- The Property Council of Australia.

Twenty five (25) submissions expressed some support for the objectives and/or proposed controls of the amendment.

Nine (9) submissions noted no support for the amendment.

A summary and response to all submissions received are located in the attached Submissions Summary Table (Attachment 1).

## **4. Consideration of Submissions**

Key issues raised in the submissions are discussed in detail in this section. The number of submissions received that related to each issues is shown in Figure 1.

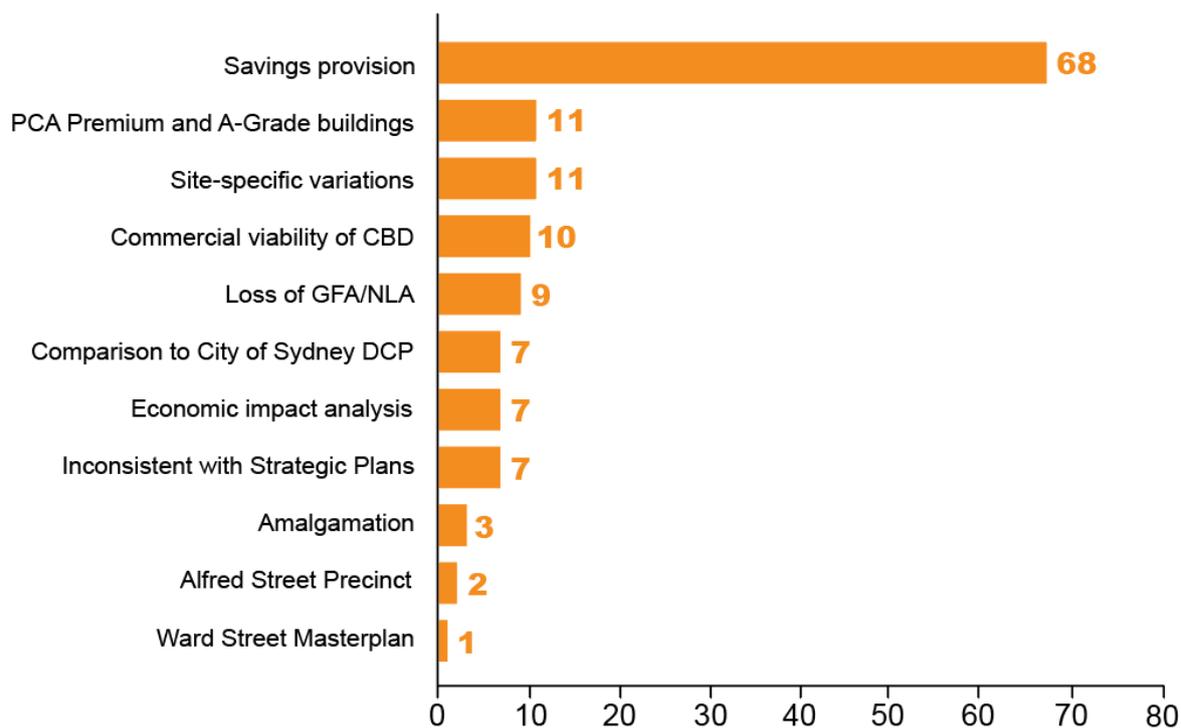


Figure 1: Key issues highlighted in submissions received during the public exhibition of the Draft DCP amendment.

#### 4.1 Savings provision

Sixty eight (68) submissions requested the inclusion of a savings or transitional provision in NSDCP 2013 to guarantee that active development applications will not be affected by the proposed amendment. Thirty nine (39) of these submissions refer to the 'Warada on Walker' proposal at 63-83 Walker Street, which is currently under assessment. Thirty eight (38) submissions were from outside the North Sydney LGA. Several submissions suggested that a savings provision is a standard inclusion in DCP amendments.

#### Comment

Savings provisions are used to preserve an existing legal rule (or part thereof) that would otherwise be replaced or cease to have effect because of new legislation (or an amendment to existing legislation). A transitional provision delays the new legislation (or amendment) for a finite time.

Whilst savings and transitional provisions are typically applied to the commencement of new comprehensive LEPs and DCPs, they are rarely used in relation to their amendment. This is typically due to new comprehensive LEPs and DCPs incorporating significantly different sets of rules for development. By incorporating savings and transitional provisions it provides a level of equity for proponents of development applications that have been lodged, but not yet determined as it may have removed a development right.

In some instances, it may be important to include a savings and/or transition provision relating to an LEP amendment, as the amendment may have the unintended effect of prohibiting several development applications that are currently under consideration. However, such an inclusion in a DCP amendment is not considered as necessary, as DCPs are

not statutory instruments, cannot prohibit development and may be interpreted with some degree of flexibility.

NSDCP 2013 currently contains a savings provision (refer to Section 1.4 to Part A). It sought to permit the continued application of NSDCP 2002 where a development application had been lodged and not yet determined. This was to reflect the savings and transitional provisions within NSLEP 2013 to permit the continued operation of NSLEP 2001 for the same purposes. This ensured that all applications were considered under a consistent set of controls at the time.

Section 1.10 to Part A of NSDCP 2013 states that the DCP may be updated to 'immediately resolve arising issues to ensure that the desired future character of North Sydney is maintained.' Incorporating a savings and/or transitional provision impairs the immediate impact of the change.

Whilst Council is cognisant of several development applications that are currently being assessed, the proposed controls effectively seek to provide greater clarity to existing controls relating to the expected built form located above the podium level. Therefore, there are potentially minimal perceived additional restrictions on built form outcomes as these applications would have needed to demonstrate the desired outcomes that the proposed controls are trying to achieve.

Furthermore, the inclusion of a savings or transitional provision within the draft DCP amendment can be problematic as it can:

- Create a precedent for future amendments and impact their effectiveness;
- Allow proposals in the earlier stages of development (i.e., pre-lodgement or Planning Proposals) to apply the savings provision as a means of non-compliance with endorsed controls at the development application stage;
- Result in poor design that creates further problems for future adjoining development;
- Be perceived as preferential treatment for certain sites over others, reducing public confidence in the planning system.

Accordingly, it is recommended that a savings provision is **not** included in the NSDCP 2013.

#### **4.2 PCA Premium/ A-Grade floorplates**

Eleven (11) submissions were concerned that the draft DCP amendment will limit the ability to develop Premium or A-Grade commercial office floorplates. Ten (10) of these submissions related to specific sites and one (1) submission was from the Property Council of Australia (PCA).

#### **Comment**

The grading of office floor plates refers to the PCA classification for commercial office buildings, established under its *Guide to Office Building Quality*. The guideline is a voluntary, market-based approach that identifies parameters that typically influence building quality.

The PCA grading system is a guideline only and not a planning requirement. This is emphasised

by the PCA itself who state, “*This publication is NOT a rating tool and the Property Council does not publicly classify building quality or provide advice on the use of the tool in individual circumstances.*” Further, the classification is not an assessable criteria in a development application process and does not take into account the context or location of proposed commercial development.

Similarly, achieving Premium or A-Grade buildings is not a requirement of the Greater Sydney Commission’s *North District Plan* nor the *North Sydney Local Strategic Planning Statement’s (LSPS)* Planning Priorities and Actions. These key strategic documents focus on jobs growth targets being met within a high quality, high amenity public domain, and do not specify particular grades of buildings.

In regard to the PCA grading itself, a range of criteria is considered in identifying building grades of commercial office buildings in the *Guide to Office Building Quality* including office space amenity, energy and water use, indoor environment ratings and building performance.

The building’s nett leasable floorplate area (NLA) is another factor in the PCA grading. To achieve a “Premium” and an “A-Grade” floorplate, the guidelines recommend that a building have a minimum floorplate of 1,500sqm and 1,000sqm NLA respectively. Based on a 75-80% efficiency rate, this would equate to requiring a gross building floorplate of 1875-2000sqm for a Premium-grade floorplate and 1,250-1,330sqm for an A-grade floorplate. Therefore, to achieve these larger floorplates in the first instance, a certain site area and configuration, is required.

In regard to the 11 submissions that raised these concerns, nearly half referred to sites that are not large enough to achieve these floorplate sizes without further site amalgamation.

While North Sydney Council encourages development to achieve commercial floorplate sizes of 1,000sqm or larger 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. Any proposal that cannot achieve a Premium or A-Grade floorplate size when complying with controls, does not have a site area large enough to fit such a tower and should consider amalgamation with neighbouring sites.

#### **4.3 Site-specific provisions or variations/exemptions to the amendment**

Eleven (11) submissions sought site-specific variations or exemptions from the draft DCP:

- 4 requested variations or exemptions due to site-specific constraints. These included the inability to amalgamate with neighbouring sites, boundary interface issues, corner sites, narrow lots and smaller site areas;
- 4 requested site-specific provisions to better align NSDCP 2013 with their own proposals/design schemes; and
- 3 request further flexibility in the application of the draft DCP amendment as they relate to certain sites. That is, a proposal may not need to comply with the controls if it can achieve the objectives of the draft amendment and provide equal or better amenity.

### **Comment**

It is standard practice for numerical controls such as those in the draft DCP amendment to be included in the area character statement (or equivalent) of DCPs, as evident in both the City of Parramatta DCP 2011 and the City of Sydney DCP 2012. These controls, applied at a city precinct level, are important to the identity of a city, as they help to strengthen the desired streetscape and built form typology, and guide future development to align with the long-term vision for the Centre, i.e., they ensure buildings ‘work together’.

As a rule, a provision within the draft DCP amendment to allow variation to controls based on amenity outcomes or performance-based design is not recommended. In comparison to other centres, the NSLEP 2013 is already a flexible instrument as it does not include Floor Space Ratio (FSR) controls for sites in North Sydney CBD. Therefore, managing a proposal’s bulk and scale relies on built form guidance on setbacks in NSDCP 2013. Variation of these guidelines could lead to overscale development that adversely impacts the surrounding context. In addition, the *Environmental Planning and Assessment Act*, highlights the flexible nature of DCPs in comparison with LEP controls.

#### **4.4 Commercial viability of North Sydney CBD**

Ten (10) submissions questioned the impact of the draft DCP amendment on the commercial viability of North Sydney CBD. They noted concerns that the amendment may reduce the number of sites able to accommodate tower development, and that this could impact the creation of employment-generating floor space, stifle development and reduce demand for commercial office stock in North Sydney CBD.

### **Comment**

For the past 6 years Council has undertaken a comprehensive planning review of North Sydney CBD to identify and implement strategies to ensure that North Sydney becomes a more attractive, sustainable and vibrant place for residents, workers and businesses.

One of the studies that informed the review is the *North Sydney Centre Capacity and Land Use Strategy (2017)*. The Strategy and associated Planning Proposal delivered significant height uplift to sites within the North Sydney CBD. This was in response to the arrival of the new Victoria Cross metro station and State government directions under the *North District Plan*. These height uplifts increased opportunities for commercial floorspace growth within the CBD and ensured that Council was on track to meet the employment target of 15,600-21,000 additional jobs by 2036 outlined in the *North District Plan*.

Notwithstanding the importance of enabling new development in the CBD, the economic performance of the CBD is also affected by the quality, design, and scale of both new development and surrounding public domain. Future development needs to protect and enhance pedestrian and building occupant amenity, public domain offerings and the character of the CBD. This is achieved through built form guidance, including tower setbacks, that manage the bulk and scale of, and provide adequate breaks between, proposals.

The draft DCP amendment will provide necessary breaks between buildings and articulate building envelopes, resulting in high-quality design that responds to the context and

enhances the amenity of the CBD. This will in turn increase the commercial viability of North Sydney CBD as it continues to grow as a vibrant and inviting area for workers, residents, and visitors alike.

#### **4.5 Perceived loss of Gross Floor Area (GFA) and Nett Leasable Area (NLA)**

Related to the issues raised in sections 4.2 and 4.4, nine (9) submissions cited concerns that the draft DCP amendment would result in a loss of Gross Floor Area (GFA) and/or Nett Leasable Area (NLA) which would make redevelopment on some sites financially unfeasible and impact the viability of commercial projects in the CBD.

Above podium side setbacks (8 submissions), above podium rear setbacks (6 submissions) and the minimum setback requirement for above podium weighted setbacks (5 submissions) were each identified as the key controls of concern.

#### **Comment**

The *North Sydney Capacity and Land Use Strategy (2017)* granted significant height uplift to sites within North Sydney CBD to increase commercial floorspace and jobs growth. This height uplift was predicated at the time on the need for a DCP amendment to articulate and more clearly define realistic building envelopes for these sites, to prevent boundary to boundary building envelopes. The draft DCP amendment implements this.

It is acknowledged that there are a number of sites in North Sydney CBD that were not granted height uplift under the Strategy. However, many of these sites can still develop tall commercial towers above a height of 45m. Several of these sites have also developed proposals that challenge the current maximum height control. As such, the draft DCP amendment should apply to all sites with a site area greater than 1000sqm to ensure all future proposals comply with an articulated building envelope.

It is worth emphasising that above podium side setbacks, and rear setbacks for sites not fronting a street or laneway, are already a requirement under the NSDCP 2013. It states:

*‘spaces between taller buildings to avoid a solid mass of development and to allow daylight and/or sunlight to penetrate through to pedestrian level’* (Part B, Section 2.3.7, P5)

and

*‘setbacks between buildings above the podium level’* (Part B, Section 2.3.7, P6).

The draft DCP amendment applies a numerical control to those setbacks to better guide future development and protect pedestrian amenity. The interpretation that no side setback controls currently apply, is not correct.

Similarly, the weighted above podium setback of 5m (or otherwise stated) to street frontages is an existing control in NSDCP 2013. The proposed amendment that no part of a tower may be located within 3m of the podium frontage to the street or laneway has arisen out of an increase in tower proposals that utilise the weighted setback control as a means to provide minimal or nil tower setbacks. A 3m setback requirement allows for design flexibility while

providing a minimum setback to the podium that reinforces a human-scale at street level and improves daylight and sky view access. (In comparison, the City of Sydney's draft DCP amendment, endorsed in December 2020, applies an 8m above podium setback to street frontages with a 2m 'encroachment zone' applied to only the middle third of the street frontage).

Several submissions citing reduced GFA and NLA based these figures off non-compliant envelopes under existing controls. Some individual sites are not large enough to support the desired floorspace yields without significantly compromising appropriate articulation and separation distances from neighbouring boundaries. Several other submissions had above podium side setbacks and rear setbacks grouped together, implying they operated as the same control. This perceived 'reduction' is therefore of GFA/NLA that does not exist under a compliant building envelope.

Finally, comparable controls can be found in both the City of Sydney DCP 2012 and the City of Parramatta DCP 2011, and both these CBDs remain commercially viable for development. The proposed amendments will better align NSDCP 2013 with current controls in similar sized CBDs in Sydney.

#### **4.6 Comparison to City of Sydney DCP 2012 and draft DCP amendment**

Seven (7) submissions requested that the draft DCP amendment better align with the City of Sydney DCP 2012 and the endorsed DCP amendment associated with the *Central Sydney Planning Framework 2020*.

Five (5) submissions requested that the draft DCP amendment be modified to allow for variations to setback controls based on amenity. This, they argue, would align the draft DCP amendment with the City of Sydney's endorsed DCP amendment which includes a provision for variations to setback controls where equivalent or improved amenity to public places can be demonstrated.

#### **Comment**

The application of a maximum Floor Space Ratio (FSR) control on sites in the Sydney CBD, and guidelines and objectives for tall tower development, both found within the Sydney LEP 2012, largely regulate the bulk and scale of proposals. This ensures any variations to DCP controls do not result in a proposal that is overscale for its context. Alongside these legislative requirements are numerical guidelines in the City of Sydney DCP 2012 that allow for adequate setbacks and separation between buildings to minimise the impact of tall buildings on the amenity in the public domain. Many of these provisions have been strengthened in the endorsed Sydney DCP amendment, such as the 4 – 8m above podium side setbacks (increased from 0-3m). As a result, any development in the Sydney CBD must prove that the amenity outcomes of their proposal are equivalent to or better than, the outcomes of these strengthened controls.

As NSLEP 2013 does not include maximum FSR controls for North Sydney CBD, nor guidelines for tall tower development, and NSDCP 2013 does not currently contain the same detail of numerical controls for setbacks and separation as the City of Sydney, a provision to allow for performance-based variations to the proposed draft DCP amendment would represent a

significant weakening of the DCP and is therefore not recommended.

#### **4.7 Economic impact analysis**

Seven (7) submissions noted that the draft DCP amendment was not accompanied by an economic impact analysis. One (1) submission requested Council engage an independent consultant to undertake an economic analysis of the impacts of the proposed amendment.

#### **Comment**

The draft DCP amendment is directly associated with the *North Sydney Capacity and Land Use Strategy* and is an expected and foreshadowed review of building envelopes developed as a result of the Strategy. The Strategy was informed by a Future Capacity Study by SJB Architects, and advice from an independent property consultant. The “base case” capacity analysis presented by SJB Architects (that is, no change to existing planning controls), identified 382,793m<sup>2</sup> of potential additional commercial floor space under existing controls in the CBD. Advice from the property consultant highlighted that the financial feasibility of redeveloping individual sites capable of additional capacity was predicated on a suite of market and site-specific factors including:

- Existing land values;
- Age and condition of existing building;
- Need for significant tenant pre-commitment;
- Supply and value of commercial floor space in other markets;
- Availability of suitable land;
- Constraints to site amalgamation (strata subdivision, for example); and
- Existing planning controls and other constraints.

As noted in the Strategy, *‘while Council can facilitate or constrain development via planning control mechanisms that influence floor space capacity, many other factors influence the willingness or ability of land owners to redevelop their land.’*

An economic impact analysis was not included as part of the draft DCP amendment due to the external factors that influence the financial feasibility of redeveloping any given site. In addition, and as stated previously, the suite of proposed amendments seek to reinforce existing DCP setback controls that are broadly and qualitatively expressed, but which are not being uniformly applied and certainly not meeting with the objectives of the controls.

#### **4.8 Amendment is inconsistent with State and Local strategic plans**

Seven (7) submissions suggest that the draft DCP amendment is inconsistent with state and local strategic documents, specifically Planning Priority N7 and Action 24 of the *North District Plan*, and Planning Priority P1 and Action P1.1 in the *North Sydney Local Strategic Planning Statement (LSPS)*.

#### **Comment**

The *North District Plan* states (bold emphasis added):

*“Planning Priority N7: Growing a **stronger** and more **competitive** Harbour CBD*

Action 24: Grow economic development in the 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 draft DCP amendment is the direct outcome of the *North Sydney Capacity and Land Use Strategy*, which granted significant uplift to sites within North Sydney CBD to unlock additional commercial floor space and employment capacity. The amendment is an expected and foreshadowed review/clarification of development envelopes in the CBD, many of which have seen significant increased commercial capacity under these height uplifts.

The additional height uplift under the Strategy maximised land use opportunities, created further capacity for job targets and increased commercial development potential in the CBD. The objectives and recommended strategies within the Strategy and the draft DCP amendment are therefore consistent with Planning Priority N7 and relevant items of Action 24.

The amendment provides needed articulation and definition to commercial building envelopes to guide future development to better align with the future vision for North Sydney CBD. Well-designed and articulated towers that provide increased amenity for pedestrians and building occupants will transform North Sydney CBD into a '*globally-oriented CBD*.'

Council is currently on track to meet the employment capacity and job targets in the *North District Plan*. The proposed amendment will assist in delivering high-quality commercial design that responds to context and enhances the amenity of the CBD.

Comparable setback and separation controls can be found for the City of Sydney, that forms part of Greater Sydney's 'Harbour CBD.'

The *North Sydney Local Strategic Planning Statement* (LSPS) states (bold emphasis added):

**"Planning Priority P1 – Grow a stronger, more globally competitive North Sydney CBD:**

**Provide opportunities for commercial office and employment growth while improving user and public domain amenity to support an attractive, vibrant and globally competitive North Sydney CBD with an 18-hour economy and greater range of after-hour activities.**

**Actions P1.1 – Continue to implement the North Sydney CBD Capacity and Land Use Strategy (2017), in collaboration with the DPIE, industry stakeholders and the community to:**

- **Increase commercial floorspace capacity and employment growth for the North Sydney CBD;**
- **Deliver high quality commercial floorspace that caters to the needs of existing and emerging industries;**
- **Restrict residential development to the mixed-use periphery to preserve a critical mass of employment in the North Sydney CBD;**
- **Encourage a diverse mix of entertainment, recreation, retail and commercial uses that contribute to the North Sydney CBD's diversity, amenity and commercial sustainability; and**
- **Ensure high-quality design that responds to context and enhances the amenity of the North Sydney CBD."**

The *North Sydney Centre Capacity and Land Use Strategy* provided height uplifts that increased commercial floor space capacity and employment growth, which aligns with Actions P1.1. The amendment, a direct recommendation of the Strategy, also aligns with Action P1.1 as it provides necessary articulation to building envelopes to ensure that future commercial development is of a *'high-quality design that responds to context and enhances the amenity of the North Sydney CBD.'*

The draft DCP amendment will also improve *'user and public domain amenity to support an attractive, vibrant and globally competitive North Sydney CBD'* through controls that will increase pedestrian and occupant amenity and strengthen the overall future vision of the CBD.

Therefore, the draft DCP amendment, in association with the finalised *North Sydney Capacity and Land Use Strategy*, is consistent with the planning priorities and actions of both the *North District Plan* and the *North Sydney Local Strategic Planning Statement*.

#### **4.9 Amalgamation**

Two (2) submissions cited concerns that the proposed maximum façade length of 55m would disincentivise the amalgamation of sites with neighbouring lots, as it would limit the footprint achievable across all sites.

Conversely, one (1) submission cited concerns that a focus on amalgamation of smaller lots disadvantaged isolated lots not capable of amalgamation.

#### **Comment**

In the North Sydney CBD, a 55m maximum façade length is capable of providing a large floor plate in a tower of reasonable bulk and scale (Attachment 4). It is a realistic given that past amalgamation of sites has been generally restricted to 2-3 adjacent sites. Finally, 55m is halfway between the maximum façade length under the City of Parramatta DCP (45m) and City of Sydney DCP (65m).

Investigation into the potential amalgamation of the sites listed in the two submissions indicated that after the application of existing above podium street frontage setbacks and proposed above podium side setbacks, both sites were capable of providing towers with horizontal façade lengths of up to 50m and 57m. Any tower on these sites with a horizontal

façade greater than 57m would not comply with other built form controls.

Notwithstanding, an increase of the control from 55m to 60m could further encourage amalgamation of lots and deliver new commercial towers with optimal floorplates and appropriate tower separation.

In potential future scenarios where several adjacent lots amalgamate and create a significantly large site where a façade length of 60m may be unfeasible, it is likely that such a site would require a Planning Proposal, a site-specific DCP amendment and potentially a Voluntary Planning Agreement (VPA). This process would identify the optimal height and setbacks for such a site and be exhibited for comment.

### **Recommendation**

The following amendment is recommended:

- Increase the proposed maximum façade length control from 55m to 60m.

#### **4.10 Alfred Street Precinct**

Two (2) submissions request that the Alfred Street Precinct be excluded from the draft DCP amendment as the area was not included as part of the *North Sydney Capacity and Land Use Strategy* and associated Planning Proposal and was not identified for height uplift.

### **Comment**

The Alfred Street Precinct is included in the existing Central Business District Area Character Statement map within NSDCP 2013 (Part C, Section 2.1). The area is currently zoned B3 Commercial Core.

The draft DCP amendment applies to land zoned B3 Commercial Core or B4 Mixed Use within the North Sydney CBD Area Character Statement, and therefore applies to Alfred Street Precinct.

Despite not being identified for height uplift in the Strategy, additional height for the site is being pursued through a Planning Proposal. This process is currently being administered by the Department of Planning, Industry and Environment. The outcome of that process remains unclear and any site-specific instrument pursued and approved for that site will supersede the draft DCP which is the subject of this report.

#### **4.11 Ward Street Masterplan**

The finalised Ward Street Masterplan was endorsed by Council on 24 June 2019. It aims to significantly improve the public domain offering of the CBD and carefully plan for the urban renewal of the Ward Street Precinct block, which is a mix of commercial, mixed-use and residential developments located at the northern end of the CBD. The finalised Ward Street Masterplan includes several large landholdings identified for significant height uplift, supported by appropriate public benefits.

The draft DCP amendment will have limited impact on the feasibility and future capacity of these sites. To achieve the height uplift identified in the Masterplan, site-specific planning

proposals and DCP amendments still need to be carefully drafted and supported by Voluntary Planning Agreements (VPAs). This process will identify the optimal height, setbacks, confirm site-specific financial feasibility, and be exhibited for comment. As they are large sites, there is scope to ensure an economically feasible outcome which is based on best practice urban design practices and principles.

#### **5. Adoption of Amendment**

Should Council resolve to adopt amendments to NSDCP 2013 following its public exhibition, it has 28 days within which it is to publish those amendments on its website in accordance with clause 21 of the EP&A Regulation. The amendments will not take effect until they are published on Council's website. All submitters will be advised of the adoption of the DCP amendments once they are published on Council's website.

#### **6. Conclusion**

The draft amendment to NSDCP 2013 as publicly exhibited sought to provide tower setbacks and separation controls for commercial development in North Sydney CBD and give effect to recommended Strategy 5 in the *North Sydney Centre Capacity and Land Use Strategy*.

In response to the submissions made, it is recommended that the following changes be incorporated into the draft amendment to NSDCP 2013:

- Increase the maximum tower façade length from 55m to 60m.

It is recommended that Council resolve to adopt the proposed amendment to NSDCP 2013 and give public notice in accordance with clause 21 of the EP&A Regulation.

**ATTACHMENT [#]**

**Draft amendment to NSDCP 2013 – North Sydney CBD Commercial tower setbacks and separation**  
**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
1.	John Mariano 221 Miller Street NORTH SYDNEY	Above podium side setbacks	Minimum 6m above podium side setbacks control should apply to all sites.	The proposed 6m side setback control applies to commercial development only as residential development, or the residential part of mixed-use development, already has clear separation and setback requirements under the Apartment Design Guide (ADG) and SEPP 65. The control does not apply to sites less than 1,000m <sup>2</sup> in size as future development on these sites is limited to a 45m height limit under NSLEP 2013. Therefore, development to the side boundaries on these sites is unlikely to have as great of an overall impact as taller towers.	Nil	2e
		Maximum tower façade length	55m maximum façade length should include a preference for stepped setbacks above 24m in length.	The 55m maximum façade length control is a horizontal measurement of a tower façade and does not apply to the height of a tower form. Stepped setbacks based on height are not covered in this amendment.	Nil	2a
		Above podium setbacks to a street frontage	No portion of a commercial tower should be located within 6m of the podium façade.	The minimum setback of 3m from the podium façade for any weighted setback works in tandem with established minimum above podium weighted setback controls that range from 3-5m depending on the street. Increasing the latter controls is beyond the scope of this amendment.	Nil	2a
		Party walls	Requests an addition to 1a. Part C, Section 2 – 2.4.5 P11 (addition in bold): <i>Where party walls are exposed or new developments result in a blank wall, <b>an appropriately articulated and visually interesting treatment is required...</b></i>	Articulation to party walls could create interface issues with neighbouring sites. A façade treatment or materiality to the wall can provide enough visual interest without creating any interface issues.	Nil	2e
2a.	Luke Berry Thirdi Group 2/343 Pacific Hwy, NORTH SYDNEY	Savings clause (Warada on Walker)	Buildings have been purchased with the intent to redevelop based on current controls. The proposed amendment will impact many sites permissible development envelopes.	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
			Active development applications should be assess based on current controls.	The amendment is an adopted position towards a future vision for North Sydney CBD, and therefore should be given consideration in any application.	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
			A savings clause should be included in the amendment to ensure projects already in the assessment system will not have these new controls enforced.	Please refer to section 4.1 of the Council report for a detailed response.	Nil	2e
			Notes that this is a standard clause for the transition period from existing DCP controls to new ones.	A savings clause is primarily used for legislative amendments or when one DCP supersedes another. It is not a common clause in DCP amendments.	Nil	2c
2b.	Luke Berry Director – Sales and Marketing, Thirdi Group 2/343 Pacific Highway, NORTH SYDNEY	Savings clause (Warada on Walker)	Submission as per No.2a above	Submission as per No.2a above	As per No.2a above	As per No.2a above
3.	Shane Glasheen 2/287-289 Lords Place, ORANGE	Minimum tower separation	A minimum 12m separation between towers on adjacent sites should be applied alongside the 6m side setback from the boundary. This will ensure a 12m separation between towers even when adjacent sites have not been redeveloped.	The proposed 6m side setback control creates separation between towers over time. As development occurs on adjacent sites, the 6m side setback requirement will create a 12m tower separation. Where adjacent sites have not been developed, it is not necessary for one site to provide a 12m separation.	Nil	2e
4.	Anthony Rowan, Director, ARPL PO Box 2163 ROSE BAY  Submission made on behalf of NMBE, owners of the following properties: - 65 Berry Street - 213-219 Miller Street		Proposed side and rear setbacks to towers are not supported.	Noted.	Nil	2c
		Limits the development of PCA Premium and A-grade towers	65 Berry Street (client's site) has an area greater than 1,000m <sup>2</sup> and can currently accommodate a future A-Grade building through nil or minimal side setbacks.	Nil side setbacks above podium are not supported in NSDCP 2013, which explicitly requires gaps between buildings above the podium (Part B, Section 2.3.7, P5 & P6).  Please refer to section 4.2 of the Council report for a detailed response.	Nil	2c
		Reduction in GFA and NLA	The GFA and NLA on both the client's sites will be reduced if the proposed controls are applied.	Please refer to section 4.5 of the Council report for a detailed response.	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
			The proposed amendment will reduce the number of sites in the CBD able to accommodate tower development. This will impact Council's projected development GFA outcomes and economic potential of the CBD.	Please refer to section 4.5 of the Council report for a detailed response.	Nil	2c
		Economic impact analysis	The amendment is not evaluated or justified by any economic analysis of its implications upon the CBD.	Please refer to section 4.7 of the Council report for a detailed response.	Nil	2c
		Pedestrian amenity	Pedestrians will not appreciate tower separation above podium as the breaks between towers are hard to see above the podium parapets and may only be viewed from the other side of the street.	The proposed amendment does not seek to provide separation between towers that can be seen at all angles - this is unfeasible given existing built form and narrow streets. Breaks between buildings can be viewed from other locations along the street, including along the other side of the road, which aligns with the pedestrian amenity objectives of the Study.	Nil	2c
			The existing 5m above podium street frontage setback creates space between buildings and breaks for sky views. Side and rear setbacks above podium are not necessary.	Street frontage setbacks and side setbacks to towers play different roles in creating space and breaks for sky views, especially at street level. Above podium street frontage setbacks increase the space between buildings on opposite sides of the road, whereas side and rear setbacks create much needed breaks in development along city blocks, which increases sky views and daylight at street level and breaks down the scale and bulk of shoulder-to-shoulder development.	Nil	2c
			An uninterrupted 'street wall' is already characteristic of the CBD where there are existing tower side setbacks particularly of residential towers. In those instances, separation of towers is not visually evident in the streetscape.	North Sydney CBD has very few residential towers, but of the few present, most are situated at the end of blocks rather than mid-block where the potential for uninterrupted 'street walls' can occur. The building separation between these residential towers and neighbouring sites is clearly visible at different points along the street.	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
			Increasing side setbacks will only provide an aspect to the side elevation of an adjacent tower rather than to open sky as envisaged in the Study Report.	There will always be perspectives from street level that provide an aspect to side elevations of towers, however separation between buildings will still overall increase the level of open sky viewed from the street compared to nil separation.	Nil	2c
			6m side and rear setbacks will be no more effective in altering the current street edge character of the CBD than the use of façade indentations.	Façade articulation is encouraged as an effective way of breaking down the scale of a building, but it is not a substitute for physical breaks between buildings, the gaps of which allow for increased sky views and daylight to the streets, natural ventilation, and views to building occupants, and visual breaks between long walls of development.	Nil	2c
			The footprint of the CBD is characterised by an irregular lot pattern between streets, upon which tower development current exists and is permitted. It is not arranged in regular alignment with available view cones through the city centre.	Separation between towers may create opportunities for viewpoints for pedestrians or building occupants, however it is not an objective of the amendment to provide specific, uninterrupted viewpoints through the city.	Nil	2a, 2c
			It is unlikely to achieve an aspect between any two neighbouring towers across the city. An aspect created by a 12m tower separation is likely to be terminated by the location of neighbouring towers that obscure the potential for a view corridor through the city.	It is not an objective of the amendment to provide specific view corridors through the city, or specific viewpoints between adjacent towers. Separation between towers where beforehand there was no separation will however inevitably lead to increased views from towers and increased sky views when looking up from these buildings to the sky.	Nil	2a, 2c
			The height of podiums, narrow width of streets and street awnings in the CBD do not enable sunlight from behind towers to increase levels of winter solar access at street level via side setbacks. The proposed required tower setbacks will not improve solar access contrary to the position expressed in the background study.	The proposed amendment does not include an objective to increase solar access in the CBD. The building separation created as a result of the amendment will increase daylight to CBD streets, that is the volume of natural light that can be seen from and experienced at the street level. Additional solar access to streets, especially in winter months, is not an objective of the background study.	Nil	2a, 2c

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No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
			If it is the intention of the amendment to reduce the potential for greater enclosure of the streetscape and to protect pedestrian amenity, then the more suitable approve would be to increase the front setback of any portion of a tower above 45m. It does not require the imposition of side or rear setbacks to such towers.	The proposed amendments create necessary separation between buildings along the city block. This will increase day light and sky views, and mitigate wind impacts, at street level. It will also help to break up continuous walls of development along the street. These issues can't be addressed through increases to street frontage setbacks above podium alone.	Nil	2c
		Comparison to City of Sydney DCP	The character of the North Sydney CBD is not comparable to that of Parramatta CBD. The City of Sydney's controls would be more appropriate contextually.	The Parramatta and Sydney DCPs both include setback and separation controls for commercial towers in central business districts, and therefore are both relevant precedents.	Nil	2c
		Site-specific variations	Side and rear setbacks should only be required where a proposed development results in a site-specific impact on environmental grounds.	Side and rear setbacks above podium are requires in NSDCP 2013, which explicitly necessitates gaps between buildings above the podium (Part B, Section 2.3.7, P5 & P6). Comparable controls exist in both Parramatta and Sydney's DCP.	Nil	2e
			Exemptions to side and rear setbacks should be applied to ensure tower development is still achievable on land with a site area in excess of 1000m <sup>2</sup> .	While any site with an area greater than 1,000m <sup>2</sup> may develop to the maximum height control under NSLEP 2013, development is still required to comply with DCP controls, including setbacks. If a compliant building envelope is not achievable, the individual site may not be large enough to accommodate such a tower.	Nil	2e
			65 Berry St (client's site) is surrounded by 'constrained sites' (as per the study report) and is unlikely to have future amalgamation potential.	Future amalgamation of specific sites is not addressed in the background study or report. It is noted that 65 Berry Street abuts the Victoria Cross OSD to the west, which provides a limited above podium setback. An appropriate interface can be addressed at the development application stage.	Nil	2e

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No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
			65 Berry Street has a lot width of 26m and can provide an A-Grade building with nil side and rear setbacks. Proposed tower setbacks will limit the tower width to 15m, and an A-Grade building would not be possible. 213-219 Miller Street (client's site) will be impacted in a similar manner.	Nil side setbacks above podium are not supported in NSDCP 2013, which explicitly requires gaps between buildings above the podium (Part B, Section 2.3.7, P5 & P6). An appropriate interface to the Victoria Cross OSD can be addressed at the development application stage. Please refer to section 4.2 of the Council report for a detailed response on PCA grade buildings.	Nil	2c
			Development adjacent to 65 Berry Street has its lift core and services within its tower adjacent to 65 Berry Street. A 6m tower setback would provide no amenity benefits to either site in this instance as it is a blank wall/service facility at the common boundary.	It is noted that 65 Berry Street will abut the Victoria Cross OSD to the west, which provides a limited above podium setback. An appropriate interface can be addressed at the development application stage.	Nil	2e
			Corner lots (with two frontages subjected to above podium street frontage setbacks) should not be required to provide additional side and rear setbacks where the site width is less than 50m and/or is an isolated site.	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	2e
			Setbacks should not be required where adjacent to commercial office towers as opposed to residential uses.	The purpose of the draft DCP amendment is to provide setbacks between commercial towers. Separation between commercial and residential uses is already covered by the Apartment Design Guide (ADG) and SEPP 65.	Nil	2e
5.	David Bolt, Co-owner of Lot 19, 71 Walker St NORTH SYDNEY	Savings clause (Warada on Walker)	Requests a savings clause in the amendment to ensure that the current scheme for 63-83 Walker Street is not affected by the proposed changes.	Please refer to section 4.1 of the Council report for a detailed response.	Nil	2e
6.	Michael Rowe Director – Planning, Ethos Urban 173 Sussex Street, SYDNEY		Do not support the draft CBD Commercial tower setbacks and separation controls.	Noted.	Nil	2c
		Reduction in GFA and NLA	The proposed amendment would result in a loss of up to 210m <sup>2</sup> NLA per floor at 107 Mount Street (client's site). This could reduce the potential for future redevelopment of the site.	Please refer to section 4.5 of the Council report for a detailed response.	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
	On behalf of Dynasty ABC Pty Ltd, owners of 107 Mount Street NORTH SYDNEY		Under current controls a 0m side/rear setback is required and no minimum setback applies to the weighted average setbacks.	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
			Providing appropriately sized floorplates is crucial for the success of a development.	Please refer to section 4.5 of the Council report for a detailed response.	Nil	2c
		Commercial viability of CBD	At present the majority of North Sydney's secondary grade stock provides floor plates below 1,000m <sup>2</sup> which impacts demand.	Council encourages the development of floorplates 1,000m <sup>2</sup> 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
			Major commercial office projects provide a strong platform for growth and change that will position North Sydney well for the future. This is a necessary change that is required in order for North Sydney to remain an attractive and desirable location for tenants.	The <i>North Sydney Capacity and Land Use Strategy</i> identified significant height uplift on sites in the CBD to encourage increased commercial development. The amendment provides necessary articulation and breaks between these developments to ensure that future development is of high-quality and protects the amenity of pedestrians and building occupants to ensure the CBD continues to be an attractive and desirable location for workers, residents, and visitors.	Nil	2c
			The recent development and associated lease activity in North Sydney demonstrate that the current controls are successfully balancing the needs of tenants and the requisite amenity to support the centre and therefore no changes are required.	A lack of adequate controls to guide future development in the CBD could contribute to continuous, uninterrupted walls of tall towers, a lack of daylight and sky views to the public domain, a 'canyon' effect resulting in dark, windy streets and limited views and natural light to offices. The amendment will provide necessary separation between towers to improve pedestrian amenity, protect building occupant amenity and deliver commercially viable towers that achieve design excellence and contribute to the character and vibrancy of the CBD.	Nil	2c
		Economic impact analysis	The proposed DCP amendment was not accompanied by any assessment of the economic impacts of changes.	Please refer to section 4.7 of the Council report for a detailed response.	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
			A review of the economic impacts has been prepared by Ethos Urban's Economics Team, attached to the submission.	Attachment A - Assessment of Economic Impacts was not included with the submission.	Nil	2c
		Limits the development of PCA Premium and A-grade towers	Proposed amendment could result in redevelopment being limited to PCA B-Grade offerings due to floorplate constraints, which may impact competitive advantage and investment confidence.	Please refer to section 4.2 of the Council report for a detailed response.	Nil	2c
			PCA guidelines recommend that to achieve a premium building classification, floor plates need to be greater than 1,500m <sup>2</sup> NLA and for A-grade classification a minimum 1,000m <sup>2</sup> NLA.	Please refer to section 4.2 of the Council report for a detailed response.	Nil	2c
			A review of recently completed office buildings in North Sydney indicates that new and refurbished buildings are offering floorplates from 1,300m <sup>2</sup> , with the majority of premium buildings offering 1,500m <sup>2</sup> floorplates or larger.	Recent buildings in North Sydney that achieve a floorplate of 1,300m <sup>2</sup> and above generally have a large site area. These include 1 Denison Street (12,707m <sup>2</sup> ) and the Victoria Cross OSD (3,157m <sup>2</sup> ). If a site area is not large enough to achieve these floorplate sizes within a compliant building envelope, amalgamation should be considered.	Nil	2c
			The proposed amendment could result in either 107 Mount Street being redeveloped into a commercial office tower with small floorplates well below North Sydney Council's objectives of <i>'encouraging development to achieve commercial floor plate sizes of A-grade or higher'</i> or the existing site being retained as a secondary graded asset.	Achievable floor plates at 107 Mount Street without applying proposed controls are 900m <sup>2</sup> NLA (High Rise) and 767m <sup>2</sup> NLA (Low Rise). These floorplates would not meet the requirements of A-grade floorplates as an individual site under existing controls. Amalgamation with neighbouring lots should be considered to achieve these larger floorplates, as noted in the objectives within the Study.	Nil	2c
			Inconsistent with State and Local Strategic Plans	The proposed amendment is inconsistent with Planning Priority N7 of the <i>Greater Sydney Region Plan</i> .	Please refer to section 4.8 of the Council report for a detailed response.	Nil
		The proposed amendment is inconsistent with the <i>North Sydney Local Strategic Planning Statement's</i> Planning Priority P1 and Action P1.1.		Please refer to section 4.8 of the Council report for a detailed response.	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
		Site-specific variations	A proposed concept design for 107 Mount Street predates and demonstrates the objectives of the proposed DCP amendment which can be achieved through skilful design without having to implement the proposed setback controls that could prevent development occurring.	The amendment is an adopted position towards a future vision for North Sydney CBD, and therefore needs to be given consideration in any application. Any proposed scheme should comply with existing and draft DCP controls and should not rely on site-specific variations based on merit.	Nil	2c
		Comparison to City of Sydney DCP 2012	The proposed controls must be more nuanced, such as the City of Sydney's, that allow for a more site-specific approach.	Sydney LEP 2012 has FSR controls and guidelines for tower development that help guide the bulk and scale of a development. As North Sydney does not have either of these LEP controls, site-specific variations and performance-based controls are not recommended.	Nil	2e
			Section 5.1.2 of the Sydney DCP states that <i>Separation between commercial buildings is not as critical given the reduced requirement for privacy</i> . As well as the 3m side setback control, and 0m required for walls without windows.	A draft DCP amendment for the City of Sydney was endorsed in December 2020. This draft amendment requires a minimum 4m above podium setback for all commercial buildings regardless of windows. The focus on visual privacy has also changed to a general focus on amenity outcomes associated with tower setbacks, which aligns with the background study.	Nil	2c
		Savings clause	A savings provision should be included in the amendment that allows any DA lodged before a certain date to be assessed under the existing planning controls.	Please refer to section 4.1 of the Council report for a detailed response.	Nil	2e
7a.	Kevin Wallis, Managing Partner - AIMS International, Owner at 71 Walker Street, NORTH SYDNEY	Savings clause (Warada on Walker)	Not against proposed amendments for future development.	Noted.	Nil	2c
			Requests a savings clause in the amendment to ensure that the current scheme for 63-83 Walker Street is not affected by the proposed changes.	Please refer to section 4.1 of the Council report for a detailed response.	Nil	2e
7b.	Kevin Wallis, Director - Teala Pty Ltd, Owner 71 Walker Street NORTH SYDNEY	Savings clause (Warada on Walker)	Submission as per No.7a above	Submission as per No.7a above	As per No.7a above	As per No.7a above

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
8.	Chris Hartigan, Hartigan Bolt Pty Ltd L11/75 Miller Street, NORTH SYDNEY	Savings clause	Requests a savings clause in the amendment to stop the changes impacting applications currently in the system.	Please refer to section 4.1 of the Council report for a detailed response.	Nil	2e
		Commercial viability of CBD	12m of side setbacks along with additional 6m of front/rear setbacks results in almost no site left in North Sydney which will be commercially viable for development.	Comparable controls are in both the Sydney and Parramatta DCPs. These setbacks will ensure high-quality design and articulation to buildings that will help protect pedestrian and building occupant amenity as the CBD gets denser.  Please note the 6m rear setback applies to only a handful of sites within the CBD, as most sites have dual street frontages.	Nil	2c
9.	Simon Healy, Group General Manager – Mirvac L28/200 George Street, SYDNEY  Submission by Ethos Urban on behalf of Mirvac, landowners at 101-103 Miller Street & Greenwood Plaza, 40 Miller Street and 80 Pacific Highway.  Has interests in 53 Walker Street and 97 Pacific Highway,		Supports the aspiration of Council to ensure its controls remain current, appropriate, and aim to deliver on an appropriate public domain outcome, but strongly oppose the amendments as currently proposed.	Noted.	Nil	2c
			Further time and engagement with industry is recommended.	NSDCP 2013 (Part A, Section 1.10) allows for the updating of the DCP to <i>immediately resolve arising issues to ensure that the desired future character of North Sydney is maintained, and the amenity of residents protected.</i> Applicants have been notified of the amendment over the past year and it is an expected review of built form controls since 2017.	Nil	2c
			Main concern and objection relate to 6m minimum side/rear boundary setback.	Noted.	Nil	2c
		Site-specific constrains or variations	A proposal for 53 Walker Street and 97 Pacific Highway is underway, with Mirvac currently negotiating with remaining lot owners. Time and money has been invested and the proposed amendment may impact the project's viability.	The amendment is an adopted position towards a future vision for North Sydney CBD, and therefore needs to be given consideration in any application.  Any proposed scheme should comply with existing and draft DCP controls.	Nil	2c

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No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
	North Sydney which is intended to be redeveloped.	Commercial viability of CBD	Council should be leveraging off the once in a generation opportunity of the Sydney Metro project to deliver and support the revival of the North Sydney CBD. The proposed amendments are at odds with this proposition.	The <i>North Sydney Capacity and Land Use Strategy</i> identified significant height uplift on sites in the CBD to encourage increased commercial development. The amendment provides necessary articulation and breaks between these developments to ensure that future development is of high-quality and protects the amenity of pedestrians and building occupants to ensure the CBD continues to be an attractive and desirable location for workers, residents, and visitors.	Nil	2c
		Inconsistent with State and Local Strategic Plans	The proposed amendments will directly conflict with the priorities and actions of the North Sydney <i>Local Strategic Planning Statement (LSPS)</i> .	Please refer to section 4.8 of the Council report for a detailed response.	Nil	2c
		Limits the development of PCA Premium and A-grade towers	Mirvac would be required to change the proposed development (53 Walker St and 96 Pacific Hwy) from PCA Grade Premium to A-Grade.	Please refer to section 4.2 of the Council report for a detailed response.	Nil	2c
			The size of floor plates is crucial in attracting tenants. Increasing side and rear boundary setbacks will directly impact these floor plates.	Please refer to section 4.2 of the Council report for a detailed response.	Nil	2c
		Economic impact assessment	Insufficient studies have been undertaken by Council as to the economic impact the proposed DCP amendments will have on the CBD, including whether the jobs target of 15,600 – 21,000 by 2036 under the <i>North District Plan</i> will be achievable.	North Sydney Council is currently on track to meet increased employment capacity targets. The proposed amendment will assist in delivering high-quality commercial design that responds to context and enhances the amenity of the CBD. Please refer to section 4.7 of the Council report for a detailed response.	Nil	2c
10.	Gregory Anderson, Director - Franleen	Savings clause (Warada on	Not against proposed amendments for future development.	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
	Pty Ltd PO Box 1754, NORTH SYDNEY Owner at 71 Walker Street NORTH SYDNEY	Walker)	Requests a savings clause in the amendment to ensure that the current scheme for 63-83 Walker Street is not affected by the proposed changes.	Please refer to section 4.1 of the Council report for a detailed response.	Nil	2e
11.	Zach Constantinou Project Manager – Thirdi Group 5/8 Monash Parade, DEE WHY	Savings clause (Warada on Walker)	Requests a savings clause in the amendment to ensure that the current scheme for 63-83 Walker Street is not affected by the proposed changes.	Please refer to section 4.1 of the Council report for a detailed response.	Nil	2e
12a.	Junyi Xiao Cleveland Street Pty Ltd No address provided Owner 71 Walker Street	Savings clause (Warada on Walker)	Not against proposed amendments for future development	Noted.	Nil	2c
			Requests a savings clause in the amendment to ensure that the current scheme for 63-83 Walker Street is not affected by the proposed changes.	Please refer to section 4.1 of the Council report for a detailed response.	Nil	2e
12b	Junyi Xiao, Cleveland Street Pty Ltd No address provided  Owner 71 Walker Street NORTH SYDNEY	Savings clause (Warada on Walker)	Submission as per No.12a above	Submission as per No.12a above	As per No.12a above	As per No.12a above
13.	Robert Huxley, Director - Thirdi	Savings clause (Warada on	Not against proposed amendments for future developments.	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
	Group 343 Pacific Highway, NORTH SYDNEY	Walker)	Requests a savings clause to ensure that the current scheme for 63-83 Walker Street is not affected by the proposed changes.	Please refer to section 4.1 of the Council report for a detailed response.	Nil	2e
14a.	Florian Caillon, Thirdi Group, 343 Pacific Highway, NORTH SYDNEY	Savings clause (Warada on Walker)	Requests a savings clause in the amendment to ensure that the current scheme for 63-83 Walker Street is not affected by the proposed changes.	Please refer to section 4.1 of the Council report for a detailed response.	Nil	2e
14b	Florian Caillon, Thirdi Group, 343 Pacific Highway, NORTH SYDNEY	Savings clause (Warada on Walker)	Submission as per No.14a above	Submission as per No.14a above	As per No.14a above	As per No.14a above
15a.	Adam Marshall, Construction Manager - Thirdi Group, 343 Pacific Highway, NORTH SYDNEY	Savings clause (Warada on Walker)	Requests a savings clause in the amendment to ensure that the current scheme for 63-83 Walker Street is not affected by the proposed changes.	Please refer to section 4.1 of the Council report for a detailed response.	Nil	2e
15b	Adam Marshall, Construction Manager - Thirdi Group 343 Pacific Highway, NORTH SYDNEY	Savings clause (Warada on Walker)	Submission as per No.15a above	Submission as per No.15a above	As per No.15a above	As per No.15a above
16a.	Louise Waterhouse, Director - Waterhouse Group, L6/73 Walker Street, NORTH SYDNEY Owners at 73 Walker Street NORTH SYDNEY	Savings clause (Warada on Walker)	Requests that existing lodged applications be exempt from the DCP setback amendment. Specifically Thirdi's 'Warada on Walker' (63-83 Walker Street) application.	Please refer to section 4.1 of the Council report for a detailed response.	Nil	2e

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
16b	Louise Waterhouse, Director - Waterhouse Group, L6/73 Walker Street, NORTH SYDNEY Owners at 73 Walker Street NORTH SYDNEY	Savings clause (Warada on Walker)	Submission as per No.16a above	Submission as per No.16a above	As per No.16a above	As per No.16a above
17.	Zac Albert, 1 <sup>st</sup> City Real Estate Group Suite 2, L3/53 Cross Street, DOUBLE BAY	Savings clause	Sees merit in the study and amendment but requests that it apply to future development application and not those that are in the system and have been designed and bought under current controls.	Please refer to section 4.1 of the Council report for a detailed response.	Nil	2e
18.	Susie Wynan, The Penn Group L1/65 Walker Street, NORTH SYDNEY Sent in on behalf of Richard and Heather Penn, Owners at 65 Walker Street	Savings clause (Warada on Walker)	Requests a savings clause in the amendment to ensure that the current scheme for 63-83 Walker Street is not affected by the proposed changes.	Please refer to section 4.1 of the Council report for a detailed response.	Nil	2e
			Notes that to restart the application process based on these new controls would be financially unsustainable for both developers and owners.	Noted.	Nil	2c
19.	Gareth Hardy, Thirdi Group 343 Pacific Highway, NORTH SYDNEY	Savings clause (Warada on Walker)	Requests that existing lodged applications be exempt from the DCP setback amendment, with specific reference to Thirdi's 'Warada on Walker' (63-83 Walker Street) application.	Please refer to section 4.1 of the Council report for a detailed response.	Nil	2e
			Notes that it is standard to have such a savings clause for these types of amendments.	A savings clause is primarily used for legislative amendments or when one DCP supersedes another. It is not a common clause in DCP amendments.	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
20.	Jason Fraser, Principal - Woods Bagot 2/60 Carrington Street, SYDNEY		Is excited to see this amendment brought forward for the DCP and genuinely believes it will ensure future built form in the city will not take up unnecessary pedestrian space.	Noted.	Nil	2d
		Savings clause (Warada on Walker)	Requests a savings clause in the amendment to ensure that the current scheme for 63-83 Walker Street is not affected by the proposed changes.	Please refer to section 4.1 of the Council report for a detailed response.	Nil	2e
21.	Nick Moloney, Sales Director - Raine & Horne Commercial North Sydney 124 Walker Street, NORTH SYDNEY		Believes the amendment to be beneficial for the North Sydney area.	Noted.	Nil	2d
		Savings clause (Warada on Walker)	Requests a savings clause in the amendment to ensure that the current scheme for 63-83 Walker Street is not affected by the proposed changes.	Please refer to section 4.1 of the Council report for a detailed response.	Nil	2e
22.	Samantha Wilson, Associate Director – Urbis Angel Place, L8/123 Pitt Street, SYDNEY  Sent in on behalf of Pro-Invest Group, landholders of 100-102 Walker Street NORTH SYDNEY		Supports the objectives and priorities of the draft DCP amendment. However, believes the objectives are prioritised at the expense of delivering appropriate floor plate sizes and strong commercial outcomes.	Noted.	Nil	2c
		Inconsistent with State and Local Strategic Plans	The proposed amendment undermines the effectiveness and weight of the previous <i>North Sydney Capacity and Land Use Strategy</i> investigations and policy changes.	The draft amendment is directly associated with the <i>North Sydney Capacity and Land Use Strategy</i> . A DCP amendment to address built form issues was included as a Council Resolution as part of the Strategy in March 2017 and as a key recommendation in the finalised Strategy in May 2017.	Nil	2f
			The proposed amendment is directly inconsistent with key objectives of the North Sydney Centre as identified in clause 6.1 of NSLEP 2013.	NSLEP 2013 encourages the provision of larger floorplates, <i>where appropriate</i> . The proposed amendment applies necessary articulation to building envelopes to ensure the development of towers that are an appropriate scale and bulk for the CBD.	Nil	2f
		Commercial viability of CBD	The proposed amendment will create considerable barriers to the creation of employment-generating floor space within the core. This may impact investment and development within the centre.	Please refer to section 4.4 of the Council report for a detailed response.	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
			Recent proposals that have positively benefited the centre and have largely not adopted the regular podium and tower form include Denison Place, 105 Miller Street (under assessment) and 88 Walker Street which has a reverse podium.	1 Denison Street was granted approval under Part 3a of the EP&A Act. The proposal for 105 Miller Street is currently under appeal having been deemed refused by Council in September 2021. The reverse podium at 88 Walker Street is a unique response to an existing heritage item on site.	Nil	2c
		Site-specific variations	Requests flexibility to key sites (such as the subject site) through consideration of site-specific merit, amenity impacts, and the delivery of public benefits.	As North Sydney LEP does not contain FSR controls to help manage the bulk and scale of development, site-specific DCP controls based on merit are not recommended.	Nil	2e
			Supports the variation to the southern setback boundary for 100-102 Walker Street (P20). Suggests an alternative approach which permits flexibility on site-specific merit.	As North Sydney LEP does not contain FSR controls to help manage the bulk and scale of development, site-specific DCP controls based on merit are not recommended.	Nil	2e
			Sydney LEP 2012 cl 6.16 limits development to a building height of 55m on sites with a site area less than 800m <sup>2</sup> . It also includes a dispensation from this provision where future built form on smaller sites can still deliver adequate amenity and privacy for building occupants, neighbours, and public spaces. This performance criteria provides an adequate balance between facilitating commercial development on smaller-sized sites and maintaining building occupant and public amenity.	Any change to NSLEP 2013 is outside of the scope of this amendment. The Sydney DCP 2012 contains comparable controls for above podium setbacks and tower separation for all sites within the Sydney CBD.  Performance-based controls in the City of Sydney are underpinned by FSR controls and guidelines for the development of tall towers within the Sydney LEP 2012. As North Sydney does not have FSR controls or guidelines for development in the CBD to help manage the bulk and scale of developments, performance-based controls are not recommended.	Nil	2a
		Amalgamation	Amalgamation of 100-102 Walker Street (client's site) with the site to the south is not a feasible outcome, as the site at 88 Walker Street is currently under construction. Amalgamation to the north is not available, as the scheme delivers a 6m wide through-site-link.	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
			The approach to achieve higher-grade building stock largely through the consolidation of smaller parcels of land is not supported and discounts development opportunities of smaller sites that are unable to be feasibly amalgamated.	While North Sydney Council encourages development to achieve commercial floorplate sizes of A-grade or higher 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
		Reduction in GFA and NLA	The change of tower side setback provisions from 0m to 6m will have significant impact on development sites achieving a viable built form outcome and result in a considerable loss in NLA and employment generating floor space.	Nil side setbacks above podium are not currently supported in NSDCP 2013, which presently includes requirements for gaps between buildings above the podium (Part B, Section 2.3.7, P5 & P6).	Nil	2f
			There will be a considerable reduction in floor plate size, which directly undermines two key LEP objectives in the North Sydney CBD including the target floor plate size of 1000m <sup>2</sup> and maximising commercial floor space capacity.	NSLEP 2013 promotes a target floor plate size of 1000m <sup>2</sup> , <i>where appropriate</i> , and requires towers that are of a scale and bulk appropriate for their context. This requires building envelopes that comply with built form controls in NSDCP 2013.	Nil	2c
			Where it can be demonstrated that a high level of pedestrian and building occupant amenity can be maintained, it is unreasonable to restrict the provision of commercial floor space where there is capacity and undermine the quality of commercial space through a reduction in floor plate sizes.	Any development within North Sydney CBD is required to provide a permissible building envelope that complies with built form controls in NSDCP 2013. As North Sydney LEP does not include FSR controls to help manage the bulk and scale of development, performance-based controls are not recommended.	Nil	2c
			The 3m minimum podium setback control should be removed as it will restrict growth and is unnecessary given the retention of the weighted average setback provision.	A minimum 3m setback requirement for above podium average weighted setbacks delivers a level of consistency along the street while providing the flexibility of a weighted setback. It will minimise the number of proposals that present 0m tower setbacks and promote view sharing.	Nil	2e

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
		Limits the development of PCA Premium and A-grade towers	6m setback will result in the provision of sub-optimal floor plates significantly less than A-grade. It should be reconsidered in respect of the tangible impact on floor plate sizes and development viability.	Please see section 4.2 of the Council report for a detailed response.	Nil	2e
		Design flexibility	Strict application of the proposed controls (side setbacks) does not allow for any flexibility in delivery-built form and urban design outcomes. Compliance of all commercial development proposals with the amendment will create a homogenous building envelope on each site and will diminish architectural creativity and built form diversity.	Comparable controls exist in the City of Sydney and City of Parramatta DCPs and provide high levels of flexibility while successfully guiding development. The proposed amendment provides necessary separation between towers to increase the amenity of pedestrians and building occupants, while providing flexibility in the form of weighted setback controls, varying podium heights and a lack of FSR controls within the North Sydney LEP.	Nil	2c
			Flexibility in the application of the podium height and podium setback requirements should be applied on a site-by-site basis where amenity can be maintained.	Changes to existing podium heights and above podium setback controls to street frontages are outside of the scope of this amendment. Most podium height controls are a range to allow for a strong contextual response to neighbouring buildings.	Nil	2a
			The retention of the weighted average setback calculation is supported by Pro-Invest.	Noted.	Nil	2c
23.	Ian Wheatley, Group Financial Controller - Thirdi Group 343 Pacific Highway, NORTH SYDNEY	Savings clause (Warada on Walker)	Requests a savings clause in the amendment to ensure that the current scheme for 63-83 Walker Street, which he notes is in the late stages of the application process, is not affected by the proposed changes.	Please refer to section 4.1 of the Council report for a detailed response.	Nil	2e

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
24.	Ian Robertson, Director - William Buck L6/66 Goulburn Street, SYDNEY  Owners at 73 Walker Street	Savings Clause (Warada on Walker)	Requests that current applications be exempt from the DCP setback amendment and notes the impact of the amendment to him as a building owner at 73 Walker Street.	Please refer to section 4.1 of the Council report for a detailed response.	Nil	2e
25.	John Caldwell No address included	Savings Clause	Agrees with the amendment.	Noted.	Nil	2d
			Requests a savings clause that will exclude current development applications.	Please refer to section 4.1 of the Council report for a detailed response.	Nil	2e
26.	Lauren Jewell, Student of Architecture – Woods Bagot L2/60 Carrington Street, SYDNEY	Savings Clause	Requests a savings clause that will exclude current development applications from the amended controls.	Please refer to section 4.1 of the Council report for a detailed response.	Nil	2e
27.	Isabella Constantinou 21 Muttama Road, ARTARMON	Savings clause (Warada on Walker)	Requests that existing lodged applications be exempt from the DCP setback amendment and assessed under existing controls.	Please refer to section 4.1 of the Council report for a detailed response.	Nil	2e
28.	Sam Jo, U118/211 Pacific Hwy, NORTH SYDNEY	Savings Clause	Notes that the amendment makes sense for future development.	Noted.	Nil	2c
			Requests a savings clause to ensure the amendment not apply to current projects in the system.	Please refer to section 4.1 of the Council report for a detailed response.	Nil	2e
29.	William Gamblen 52 Pymont Bridge Road, ANNANDALE	Savings clause (Warada on Walker)	Requests a clause to allow Warada on Walker and similar projects with lodged applications to carry on with their applications under existing controls.	Please refer to section 4.1 of the Council report for a detailed response.	Nil	2e

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
30.	Mayliss Caillon 11-13 Osgood Avenue, MARRICKVILLE	Savings clause (Warada on Walker)	Requests that existing lodged applications be exempt from the DCP setback amendment, including 63-83 Walker Street.	Please refer to section 4.1 of the Council report for a detailed response.	Nil	2e
31.	Lewis Stewart 67 Marion Street, LEICHHARDT	Savings clause (Warada on Walker)	Requests a savings clause in the amendment to ensure that the current scheme for 63-83 Walker Street is not affected by the proposed changes.	Please refer to section 4.1 of the Council report for a detailed response.	Nil	2e
32.	Julie Armstrong 4/69 Carr Street, COOGEE	Savings clause (Warada on Walker)	Requests that Warada on Walker is not impacted by the proposed changes.	Please refer to section 4.1 of the Council report for a detailed response.	Nil	2e
33.	Jennifer Higgins 104/5-7 Stark Street, COOGEE	Savings clause (Warada on Walker)	Requests a savings clause in the amendment to ensure that the current scheme for Warada on Walker is not affected by the proposed changes.	Please refer to section 4.1 of the Council report for a detailed response.	Nil	2e
34.	Thijs Groen 914 Military Road, MOSMAN	Savings clause (Warada on Walker)	Requests a savings clause be included in the amendment to ensure that the current scheme for Warada on Walker is not affected by the proposed changes.	Please refer to section 4.1 of the Council report for a detailed response.	Nil	2e
35.	Joe Billingham 49/75a Ross Street, FOREST LODGE	Savings clause (Warada on Walker)	Requests a savings clause in the amendment to ensure that the current scheme for Warada on Walker is not affected by the proposed changes.	Please refer to section 4.1 of the Council report for a detailed response.	Nil	2e
36.	Kristine Marshall 5 Catalina Place, RABY	Savings clause (Warada on Walker)	Requests the amendment is altered or a savings clause be included to exclude Warada on Walker from the proposed amendment.	Please refer to section 4.1 of the Council report for a detailed response.	Nil	2e
37.	Hailey Miller 30/56 Pirrama Road, PYRMONT	Savings clause (Warada on Walker)	Requests a clause is added to the amendment that would allow all developments in the application process, including Warada on Walker, be exempt from changes to controls.	Please refer to section 4.1 of the Council report for a detailed response.	Nil	2e

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
38.	Jeffery Robinson 201E/19 Moroney Avenue, NEWCASTLE	Savings clause (Warada on Walker)	Notes that Warada on Walker is at risk due to the draft amendment. Understands how essential the DCP is to the community but requests an exemption for developments that are due to go up in the near future.	Please refer to section 4.1 of the Council report for a detailed response.	Nil	2e
39.	Ingrid McNamara 19 Amaroo Avenue, CASTLE COVE	Savings clause (Warada on Walker)	Requests that Warada on Walker and other projects in the system should not be impacted by the amended controls.	Please refer to section 4.1 of the Council report for a detailed response.	Nil	2e
40.	Simon Kent 130 Prince Alfred Parade, NEWPORT	Savings Clause (Warada on Walker and Stockland skyscraper)	Believes the draft amendment will threaten both Warada on Walker and the Stockland Skyscraper from moving forward. Requests a clause added to the amendment to exclude applications that have already started the assessment process.	Please refer to section 4.1 of the Council report for a detailed response.	Nil	2e
41.	Alison Constantinou 1 Denison Street, NORTH SYDNEY	Savings clause (Warada on Walker)	Believes that the lack of guidance on building setbacks and separation within the DCP needs corrected but that the new amendment will make it unfair for applications already in progress.	Noted.	Nil	2c
			Requests a safety clause be added to the amendment.	Please refer to section 4.1 of the Council report for a detailed response.	Nil	2e
42.	Ben Maximos 46 Church Street, CASTLE HILL	Savings clause (Warada on Walker)	Requests a savings clause that would exempt current applications and keep Warada on Walker on track to be built.	Please refer to section 4.1 of the Council report for a detailed response.	Nil	2e
43.	Bernie Ferguson 2 Dalrymple Avenue, LANE COVE NORTH	Savings Clause	Believes the DCP amendment would be a nightmare for designs and plans already in place and require all proposals on their way to being approved to be redone. Asks if there is some standard way that this could be amended.	Please refer to section 4.1 of the Council report for a detailed response.	Nil	2e

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
44.	Harrison Mathias 15/100 Pacific Highway, NORTH SYDNEY	Savings Clause (Warada on Walker)	Requests a protection clause in the amendment to ensure projects like Warada on Walker and the Stockland Skyscraper and their designs are assessed under current controls.	Please refer to section 4.1 of the Council report for a detailed response.	Nil	2e
45.	James Morris 40a Wollun Street, COMO	Savings Clause	Believes the amendment will halt development in North Sydney CBD, especially for proposals already in the system. Requests that ongoing applications and projects should be spared these difficulties.	Please refer to section 4.1 of the Council report for a detailed response.	Nil	2e
46.	John Schembri 77/299 Forbes Street, DARLINGHURST	Savings Clause	Believes the amendment does not consider numerous development applications that have designed around existing DCP controls.	Please refer to section 4.1 of the Council report for a detailed response.	Nil	2e
			Requests a savings clause in the amendment for these developments.			
47a.	Luke Mahaffey 17 Maurene Crescent, CHARLESTOWN	Savings Clause	Notes that setbacks and separation are an important part of the look and feel of a city and that the amendment will help allow enough space for pedestrians in the CBD but that it is difficult to make changes to setbacks when a design is already in place.	Noted.	Nil	2c
			Requests the amendment be reworded to help current projects in the CBD and include a savings clause which could save money and jobs.	Please refer to section 4.1 of the Council report for a detailed response.	Nil	2e
47b	Luke Mahaffey 17 Maurene Crescent, CHARLESTOWN	As per No.47a above	Submission as per No.47a above	Submission as per No.47a above	As per No.47a above	As per No.47a above
48.	Ali Blanch 19 Lyne Lane, ALEXANDRIA	Savings Clause	Requests a savings clause added to the amendment to ensure that assessments on foot are not impacted.	Please refer to section 4.1 of the Council report for a detailed response.	Nil	2e

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	
49.	Conor Kava 35 Oxford Street, NEWTOWN	Savings Clause	It is a great amendment for future developments but would be difficult for any current plans to be changed if this were to go ahead.	Noted.	Nil	2c	
			Requests a clause to help companies that are under the assessment process.	Please refer to section 4.1 of the Council report for a detailed response.	Nil	2e	
50.	Meg Waldron 9/41 The Esplanade, MOSMAN	Savings Clause	Requests a change to the amendment to allow ongoing applications to continue without having to consider these changes.	Please refer to section 4.1 of the Council report for a detailed response.	Nil	2e	
51.	Brett Strauss 2 Trentwood Park, AVALON	Savings Clause	Requests a revision to the amendment to protect projects in the system.	Please refer to section 4.1 of the Council report for a detailed response.	Nil	2e	
52.	Paris Stephenson 8/5 Monash Parade, DEE WHY	Savings Clause	Understands that setbacks need to be considered and amended but believes the new amendment will result in significant changes for developments already in the application process.	Noted.	Nil	2c	
			Requests a savings clause to ensure any application in the system will be exempt from these new controls.	Please refer to section 4.1 of the Council report for a detailed response.	Nil	2e	
53.	Jonathan Prendergast 6 Mindar Street, COMO	Savings Clause	Agrees with the proposed amendment but is worried about the impact to active proposals.	Noted.	Nil	2c	
			Requests a rewrite to the amendment to exclude current council applications.	Please refer to section 4.1 of the Council report for a detailed response.	Nil	2e	
54.	Rebecca Steven 17 Copeland Street, ERSKINVILLE	Savings Clause	Requests a savings statement be drafted into the amendment to protect these projects already in the system.	Please refer to section 4.1 of the Council report for a detailed response.	Nil	2e	

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	
55.	Steve Malraney 2/321 Maroubra Road, MAROUBRA	Savings Clause	Believes the amendment is a great steppingstone to a better, more pedestrian-friendly future in North Sydney and that greater separation of buildings will help contribute to a better skyline. However, is worried that any current application will have to revise their plans or even withdraw them, which could put a hold on development.	Noted.	Nil	2c	
			Requests a clause be added to the amendment to exclude current development applications from this amendment.	Please refer to section 4.1 of the Council report for a detailed response.	Nil	2e	
56.	Kali Lawrie 27A Olympia Road, NAREMBURN	Savings Clause	Aware of the numerous benefits the amendment can bring to the public in North Sydney but was struck by the lack of safety for developments that are already under assessment.	Noted.	Nil	2c	
			Requests the draft amendment be reworded to help developers stay on the right track for the long-term growth of North Sydney.	Please refer to section 4.1 of the Council report for a detailed response.	Nil	2e	
57.	Malcom Short 15 Berth Road, CREMORNE	Savings Clause	Requests a clause to allow current applications to proceed unaffected by proposed changes.	Please refer to section 4.1 of the Council report for a detailed response.	Nil	2e	
58.	Emma Bonehill 92 Silver Street, ST PETERS	Savings Clause	Draft amendment will be a fantastic addition to North Sydney in the long run but it is abrupt to change the rules whilst certain projects are still under assessment.	Noted.	Nil	2c	
			Requests a savings clause be included in the draft amendment to exempt applications already under assessment.	Please refer to section 4.1 of the Council report for a detailed response.	Nil	2e	

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
59.	Monique Attia 13 Flagstone Grove, BELLA VISTA	Savings Clause	There should be some allowances for developments that have spent money on plans already. The framework can't change mid assessment.	Please refer to section 4.1 of the Council report for a detailed response.	Nil	2e
60.	Simon Aitken 2/555 Willoughby Road, WILLOUGHBY	Savings Clause	Requests a clause be added to the draft amendment for any ongoing projects to prevent drastic changes having to be made.	Please refer to section 4.1 of the Council report for a detailed response.	Nil	2e
61.	Johan Strauss 33 Abernethy Street, SEAFORTH	Savings Clause	In favour for these changes but believes it's prudent to add a savings clause for current projects in the application stages.	Please refer to section 4.1 of the Council report for a detailed response.	Nil	2e
62.	Ian Trail 38 Coasters Retreat, COASTERS RETREAT	Savings Clause	Thinks the amendment is good overall but could benefit from the addition of a savings clause to allow developments under assessment to still move ahead.	Please refer to section 4.1 of the Council report for a detailed response.	Nil	2e
63.	Jason Martin, Piping Lane Properties Pty Ltd L9/71-73 Walker Street NORTH SYDNEY Owner at 71 Walker St	Savings clause (Warada on Walker)	Is disappointed to hear that the application for 63-83 Walker Street may be changing to affect the size and appearance of the scheme as a result of the proposed amendment.	Noted.	Nil	2c
			Requests a savings clause be included to ensure that the current scheme is not affected by the proposed changes.	Please refer to section 4.1 of the Council report for a detailed response.	Nil	2e
64.	Cathy Blake Thomas and Howard Boretsky Xcellerate IT Pty Ltd L2/73 Walker Street, NORTH SYDNEY	Savings clause (Warada on Walker)	Concerned that Warada on Walker may not go forward and may be forfeited due to this amendment. Requests a 'grandfather clause' for existing applications be included in the DCP setback amendment.	Please refer to section 4.1 of the Council report for a detailed response.	Nil	2e

Draft amendment to NSDCP 2013 – North Sydney CBD Commercial tower setbacks and separation SUBMISSIONS SUMMARY (19 July – 16 August 2021)						
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65.	Milson Precinct Minutes from Thurs 5 Aug		Milson Precinct supports this review of commercial tower setbacks and separation to be based on residential setbacks, as there is latent potential for commercial buildings to eventually become residential, so setbacks should provide for future residential amenity.	The setback and separation controls for commercial towers proposed in the amendment are different to those required for residential development under SEPP 65 or the Apartment Design Guide. This is because there is less need to create adequate separation for visual privacy between commercial buildings. The proposed controls aim to improve amenity for pedestrians and building occupants within the CBD but will not in most cases produce the separation requirements necessary between residential towers.	Nil	2d
66.	Kieran Laplastria 17 Bertha Road, CREMORNE	Savings Clause	Requests a clause be included in the amendment for the safety of certain applications that are under assessment when a new framework is introduced.	Please refer to section 4.1 of the Council report for a detailed response.	Nil	2e
67.	Fiona Trail 38 Coasters Retreat, COASTERS RETREAT	Savings clause (Warada on Walker)	Believes the amendment would not allow Warada on Walker to go forward due to the change in setbacks which is unacceptable. Requests modifying the amendment to ensure the assessment stays on-track and is not burdened by impromptu controls.	Please refer to section 4.1 of the Council report for a detailed response.	Nil	2e
68.	Chris Forrester Principal – Ethos Urban 173 Sussex Street, SYDNEY		LIF Pty Ltd supports Council's review of the NSDCP 2013 and contribution it will make towards the continued revitalisation and growth of the Ward Street Precinct, as well as amenity improvements towards the North Sydney CBD as a whole.	Noted.	Nil	2d
	Sent in on behalf of LIF Pty Ltd as Trustee for the Local Government		The submission raises a number of issues which they request Council consider when finalising the DCP amendments, to ensure consistency with the Ward Street Masterplan and to promote successful implementation.	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
	Property Fund, who own a significant land holding at 70-76 Berry Street, NORTH SYDNEY	Ward Street Precinct	Recommends that the 7m setback to the western side of Walker Street, north of Berry Street be removed to align with the building envelopes in the Ward Street Masterplan.	This submission has been passed on the to the relevant Council offer to include in the post exhibition report for the Ward Street Precinct Masterplan draft DCP amendment.	Nil	2a
			Recommends the 6m east-west pedestrian link identified in NSDCP 2013 for 70-76 Berry Street be removed to better align with the Ward Street Masterplan.	This submission has been passed on the to the relevant Council offer to include in the post exhibition report for the Ward Street Precinct Masterplan draft DCP amendment.	Nil	2a
			Recommends solar controls for the Ward Street Precinct not apply to Berry Square North as the building envelopes identified within the Ward Street Masterplan will inherently result in shadowing of this area.	This submission has been passed on the to the relevant Council offer to include in the post exhibition report for the Ward Street Precinct Masterplan draft DCP amendment.	Nil	2a
			Recommends the no net increase in traffic generation control for the Ward Street Precinct be amended to allow for some increase given significant uplift in GFA within the masterplan.	This submission has been passed on the to the relevant Council offer to include in the post exhibition report for the Ward Street Precinct Masterplan draft DCP amendment.	Nil	2a
			Recommends further details of the Berry Street pedestrian connection between the Victoria Cross OSD and Ward Street be identified within the DCP including the location and type of pedestrian connection desired.	This submission has been passed on the to the relevant Council offer to include in the post exhibition report for the Ward Street Precinct Masterplan draft DCP amendment.	Nil	2a
			Recommends the above podium 5m weighted setback to a street frontage be removed or amended to ensure consistency with the desired outcomes of the Ward Street Masterplan.	This submission has been passed on the to the relevant Council offer to include in the post exhibition report for the Ward Street Precinct Masterplan draft DCP amendment.	Nil	2a
			The above podium side and rear setback control is inconsistent with the building envelopes nominated within the Ward Street Masterplan, which show (on the client's site) a nil setback to Walker Street and part of the north western boundary of the site.	To achieve the height uplift granted to the site under the Ward Street masterplan, site specific planning proposals and DCP amendments still need to be drafted and supported by VPAs. This process will identify the optimal height and setbacks and be exhibited for public comment.	Nil	2e

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
		Limits the development of PCA Premium and A-grade towers	LIF acquired the Ausgrid site on the basis of the envelopes presented in the masterplan and these more onerous controls proposed will hinder the ability to achieve the desired premium-grade commercial floorplate size.	To achieve the height uplift granted to the site under the Ward Street masterplan, site specific planning proposals and DCP amendments still need to be drafted and supported by VPAs. This process will identify the optimal height and setbacks and be exhibited for public comment.	Nil	2e
		Site-specific variations	A 6m setback is not considered necessary to the site's north western boundary as this shares an interface with the new Ausgrid substation. This setback should be determined on merit, and therefore is it suggested that Figure C-2.3 be updated to extend the green 'on merit' line around the north western boundary of the site.	The interface issues between the new Ausgrid substation and the site's north western boundary can be resolved during the planning proposal process, where height uplift and site-specific DCP amendments will be drafted and supported by VPAs. This process will identify the optimal height and setbacks and be exhibited for public comment.	Nil	2e
69.	Kirk Tsihlis TWOHOURTONER Pty Ltd Owner at 83 Walker Street, NORTH SYDNEY	Savings clause (Warada on Walker)	Does not believe that the current application for 63-83 Walker Street should be impacted by proposed controls as it was bought and designed based on the current controls.	The amendment is an adopted position towards a future vision for North Sydney CBD, and therefore needs to be given consideration in any application. It is an expected review of built form controls that has been made public since appearing as a Council Resolution on 20 March 2017.	Nil	2c
			Requests a savings clause be added to the DCP amendment drafting for buildings currently in the application/development process.	Please refer to section 4.1 of the Council report for a detailed response.	Nil	2e
70.	Nick Coulombis Director – Coloumbis Property Group L12/141 Walker Street, NORTH SYDNEY	Savings clause (Warada on Walker)	Warada on Walker has been developed based on the current DCP framework and controls and is now on a pathway to approval after consultation.	The amendment is an adopted position towards a future vision for North Sydney CBD, and therefore needs to be given consideration in any application. It is an expected review of built form controls that has been made public since appearing as a Council Resolution on 20 March 2017.	Nil	2c
			Requests that any project in the system have the current controls grandfathered through insertion of a savings clause.	Please refer to section 4.1 of the Council report for a detailed response.	Nil	2e
			Notes this is a standard amendment that he has seen implemented at the City of Sydney and other councils.	A savings clause is primarily used for legislative amendments or when one DCP supersedes another. It is not a common clause in DCP amendments.	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	
71.	John Liang Licensed Strata Manager at Strata Choice Locked Bag 1919 ST LEONARDS  On behalf of the Committee for 153 Walker Street, NORTH SYDNEY		Largely support the specific design guidance and revisions to the DCP however ask that Council consider making the amendments described within this submission to enable the orderly and economic future use and development of their site.	Noted.	Nil	2c	
		North Sydney Planning Area Character Statement	Suggests the following amendments (change in bold): <ul style="list-style-type: none"> <li><i>Avoiding, where possible, continuous, uninterrupted walls of towers to reinforce a human scale when read from the public domain, unless it can be demonstrated that reducing the separation distances provides adequate privacy and solar access to the buildings concerned. (North Sydney Planning Area Character Statement)</i></li> </ul>	Privacy and solar access are not included as objectives in the background study and have not informed the amendment. Separation between towers to prevent continuous, uninterrupted walls of development will have far reaching impacts on both building occupant and pedestrian amenity, and the built form identity of North Sydney CBD.  As North Sydney LEP does not contain FSR controls to help manage the bulk and scale of development, site-specific DCP controls based on merit are not recommended.	Nil	2e	
			Suggests the following amendments (change in bold): <ul style="list-style-type: none"> <li><i>The incorporation of adequate setbacks and breaks between tall commercial towers above the podium level to maintain reasonable access to sky views and daylight to the public domain. Some variation to the setbacks can be considered where such variations are used to create streetscape variety and interest (2.1.3 P1)</i></li> </ul>	Consistency in setbacks and separation in future development is integral to achieve the objectives outlined in the background study. While variety and interest through façade articulation is encouraged, this serves a separate purpose to setbacks and separation controls which implement necessary gaps between development.  As North Sydney LEP does not contain FSR controls to help manage the bulk and scale of development, site-specific DCP controls based on merit are not recommended.	Nil	2e	

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
		Site-specific variations	<p>Suggests the following amendments (change in bold):</p> <ul style="list-style-type: none"> <li><i>No part of a building located above the podium and which exceeds 45m in height may have a horizontal width of more than 55m. <b>Some variation can be considered where the design of the new development provides adequate privacy and solar access to the buildings concerned</b> (2.1.3 P6)</i></li> </ul>	<p>The proposed control will reduce the bulk and scale of development and limit continuous walls of towers within the CBD, which will improve pedestrian and building occupant amenity, and the built form identity of North Sydney CBD. The impacts of this control go beyond privacy and solar access to buildings, which are not objectives that have informed this amendment.</p> <p>As North Sydney LEP does not contain FSR controls to help manage the bulk and scale of development, site-specific DCP controls based on merit are not recommended.</p> <p>Notwithstanding, it is recommended that maximum façade length increases from 55m to 60m. Please refer to section 4.9 of the Council report for a detailed response.</p>	Nil	2e
			<p>Suggests the following amendments (change in bold):</p> <ul style="list-style-type: none"> <li><i>P7 - Zero setbacks to all street frontages with the following exceptions:</i></li> </ul> <p><b>(i) In the context of development at 153 and 157 Walker Street, a nil setback to the properties at 161 and 165 Walker Street where the consent authority is satisfied that the proposed development exhibitions visual articulation to the northern aspect.</b></p> <p><b>(j) A 4m minimum setback to a 3-storey podium form to Little Walker Street and a nil setback to the tower levels above.</b></p> <p><b>(k) A 5m minimum setback at the ground level to the property 141 Walker Street with a 4m setback to the levels above. This setback must comprise of a publicly accessible through-site-link to the satisfaction of the consent authority. (2.1.3 P7)</b></p>	<p>P7 is an existing control in NSDCP 2013 relating to podium setbacks at ground level. Amendments to this control are beyond the scope of this amendment.</p> <p>The incorporation of site-specific variations to NSDCP 2013 to align with an active Planning Proposal is inconsistent with the approach adopted by Council in the establishment of built form envelopes under NSDCP 2013.</p>	Nil	2a

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
			<p>Suggests the following amendments (change in bold):</p> <ul style="list-style-type: none"> <li><b>P13 - Despite P10-P12, to the extent that this clause applies to development at 161 and 165 Walker Street, Council will consider a 5-storey podium to Walker Street with a 5m setback to the tower above, to reinforce the strategic importance of Walker Street in the CBD road hierarchy and its role as a main trafficable route with defined pedestrian footpaths either side</b></li> </ul>	<p>Changes to existing podium heights and weighted average setbacks to street frontages are outside of the scope of this amendment.</p> <p>The incorporation of site-specific variations to NSDCP 2013 to align with an active Planning Proposal is inconsistent with the approach adopted by Council in the establishment of built form envelopes under NSDCP 2013.</p>	Nil	2a
			<p>Suggests the following amendments (change in bold):</p> <ul style="list-style-type: none"> <li><b>P23 - Despite P16, Council may consider a 5-storey podium to Walker Street with a 5m setback to the tower above.</b></li> <li><b>P24 - Despite P19, P21 and P22 Council may consider a proposed interface to Little Walker Street that includes a 3-storey reverse podium, including a 4m setback to the podium from the edge of the street and a nil setback above (i.e., a protruding tower element). Any proposal incorporating a reverse podium would need to be justified on urban design grounds and consider the emerging built form context along Little Walker Street.</b></li> </ul>	<p>Changes to existing podium heights and weighted average setbacks to street frontages are outside of the scope of this amendment.</p> <p>The incorporation of site-specific variations to NSDCP 2013 to align with an active Planning Proposal is inconsistent with the approach adopted by Council in the establishment of built form envelopes under NSDCP 2013.</p>	Nil	2a
			<p>Agree that the DCP currently provides limited guidance to achieve appropriate separation between commercial towers. However, would prefer to see the controls drafted in a way that is more responsive to specific site needs.</p>	<p>Comparable controls are found in both the City of Sydney and the City of Parramatta DCPs. As North Sydney LEP does not contain FSR controls to help manage the bulk and scale of development, site-specific DCP controls based on merit are not recommended.</p>	Nil	2e

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
		Alignment with other CBDs	Agree that the proposed amendments to the controls for tall commercial towers will better align North Sydney CBD with other major business districts.	Noted.	Nil	2d
72.	Matt Sontor Partner – Mills Oakley PO Box H316 AUSTRALIA SQUARE  On behalf of Thirdi Walker Street Pty Ltd Owners of 63-83 Walker Street NORTH SYDNEY	Savings clause (Warada on Walker)	Request the inclusion of a specific savings and transitional provision which applies to development applications currently being assessed and submitted prior to the adoption of any DCP amendment.	Please refer to section 4.1 of the Council report for a detailed response.	Nil	2c
			Thirdi has invested resources and time to acquire and develop the DA design for 63-83 Walker Street which is currently before Council for assessment. Any amendment to the applicable planning controls will impact the project's viability.	Please refer to section 4.1 of the Council report for a detailed response.	Nil	2e
			Proposed development aligns with local and state strategic planning objectives – including the creation of jobs during construction and after the building is completed.	Noted.	Nil	2c
73.	Ian Cady, Director – Mecone  Submission on behalf of Benmill Pty Ltd and JB No.3 Pty Ltd, owners at 275 Alfred Street NORTH SYDNEY (Bayer Building)	Alfred Street Precinct	Object to the draft DCP amendment and request that the Alfred Street Precinct be excluded.	Noted.	Nil	2c
			Alfred Street Precinct wasn't considered as part of the North Sydney <i>Capacity and Land Use Strategy</i> and associated Planning Proposal and was not identified for height uplift.	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	2c
			The Precinct is isolated from the North Sydney CBD by the Warringah Freeway.	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

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
			The draft DCP amendment relates specifically to commercial office buildings, not the mixed-use development facilitated by the current Planning Proposal 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.	Nil	2c
			Suitable controls for the Precinct have been prepared in a draft site specific DCP for the Precinct that accompany the Alfred Street Precinct Planning Proposal (PP-2020-74) which is to be reported to the Sydney North Planning Panel following public exhibition.	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
			The Precinct would not be able to achieve compliance with the controls and full compliance may restrict the redevelopment potential of the Precinct. In particular, the proposed 6m side setbacks would restrict commercial floorplates and minimise potential employment floorspace.	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
		Economic impact analysis	No economic analysis undertaken as part of the process to determine the economic impacts of implementing these controls.	Please refer to section 4.7 of the Council report for a detailed response.	Nil	2c
		Exhibition during COVID lockdown	Draft DCP has been exhibited during a public health order. A large portion of site owners that are affected by the draft DCP may not be aware of the proposal and consultation therefore may not be adequate.	Public exhibition was extended for an additional two weeks to allow extra time for submissions in light of the Sydney lockdown. Notification letters were mailed out to all building owners in the North Sydney CBD and details of the exhibition were included in the North Sydney Business e-newsletter as well as the North Sydney Council website and the North Sydney Your Say website.  The notification material and exhibition timeframe align with Council's other public exhibitions running at the same time.	Nil	2c

74.	Michael Rowe Director – Planning, Ethos Urban 173 Sussex Street, SYDNEY  On behalf of AI Group, owners of 41- 51 Walker Street and part-owners of 97 Pacific Highway, NORTH SYDNEY		AI Group do not support the draft amendment.	Noted.	Nil	2c
		Reduction in GFA and NLA	The proposed amendment would result in a reduction to the client's 1379sqm site of up to 171sqm NLA per floor. (Resulting in floor plates of 599-613sqm NLA per floor).	Please refer to section 4.5 of the Council report for a detailed response.	Nil	2c
			A reduction in floor plate sizes may impede on securing a tenant precommitment to lease the building, which may impact finance construction and could sterilise the site.	Please refer to section 4.5 of the Council report for a detailed response.	Nil	2c
			Council should aim to accommodate options for new quality development from 1,000m <sup>2</sup> floorplates through to larger floorplates of up to 2,000m <sup>2</sup> .	Larger commercial floorplates are encouraged, where appropriate, on both large individual landholdings and through amalgamation. These large floorplates should not come at the expense of non-compliant building envelopes and proposals that are oversize for their lot size.	Nil	2c
		Site-specific consideration	Better consideration and implementation of planning policies and controls are needed to help maximise the development potential of key sites, including at 51 Walker Street and 97 Pacific Highway.	Comparable controls exist in the City of Sydney and City of Parramatta DCPs, which relate to commercial development in similar sized CBDs.	Nil	2c
			A more appropriate urban design response to the (client's) site's prominent corner at the entry to North Sydney is for the building to hold the corner rather than setback, however the additional rigidity of the 3m weighted setback control would make such a contextual response more difficult to justify under the draft controls.	Existing controls in NSDCP 2013 require setbacks to all street frontages, including to the street corner. These setbacks range from 3-5m depending on the context (street width and hierarchy). Regardless of the adoption of a 3m minimum setback to these weighted frontages, some level of setback is already required to all sites, including corner sites.	Nil	2c
		Limits the development of PCA Premium and A-grade towers	The Property Council Australia (PCA) guidelines recommend that to achieve a premium building classification, floor plates need to be greater than 1,500m <sup>2</sup> in NLA, while to achieve an A-Grade classification a building needs to offer floorplates with a minimum NLA of 1,000m <sup>2</sup> .	Please refer to section 4.2 of the Council report for a detailed response.	Nil	2c

			The Study misses the importance of providing high quality office space that's diverse in size and scale to drive employment growth. Planning should aim to accommodate options for new quality development from 1,000m <sup>2</sup> through to larger floorplates of up to 2,000m <sup>2</sup> .	A range of commercial offerings are needed in North Sydney CBD. Where appropriate large sites or amalgamated sites are encouraged to provide larger floorplates. Smaller sites can provide unique, boutique commercial offerings that complement these larger developments. For the amenity of both building occupants and pedestrians, as well as the future vision of North Sydney CBD, it is important that development is appropriately articulated and of a reasonable scale and bulk for their site.	Nil	2c
			North Sydney has the potential to compete with the Sydney CBD and other markets including Macquarie Park by offering premium and A-grade floorspace at a substantial discount to Sydney CBD. To achieve this, North Sydney needs a greater quantity of prime grade stock in the future, at sites that can achieve larger floorplates that will be competitive and attractive to key occupiers.	Larger commercial floorplates are encouraged, where appropriate, on both large individual landholdings and through amalgamation. These large floorplates should not come at the expense of non-compliant building envelopes and proposals that are oversized for their lot size.	Nil	2c
	Inconsistent with State and Local Strategic Plans		The proposed amendment is inconsistent with Planning Priority N7 of the <i>Greater Sydney Region Plan</i> .	Please see section 4.8 of the Council report for a detailed response.	Nil	2c
			The proposed amendment is inconsistent with the <i>North Sydney Local Strategic Planning Statement's</i> Planning Priority P1 and Action P1.1.	Please see section 4.8 of the Council report for a detailed response.	Nil	2c
	Amalgamation		Using 41-51 Walker Street as an example, the building length control (55m) would only enable the tower to extend a further 10m into the neighbouring site. This would represent a significant underdevelopment of that land and generate less yield than if it was developed in isolation, and disincentivise amalgamation.	It is recommended that the maximum façade length control increase to 60m. This will allow for increased development potential on larger or amalgamated sites that can still provide compliant building envelopes, whilst managing the development of long, continuous walls of towers in the CBD. Please refer to section 4.9 of the Council report for a detailed response.	IYesYes	1d

		Commercial viability of CBD	The recent development and associated lease activity in North Sydney demonstrate that the current controls are successfully balancing the needs of tenants and the requisite amenity to support the centre and therefore no changes are required.	A lack of adequate controls to guide future development in the CBD could contribute to continuous, uninterrupted walls of tall towers, a lack of daylight and sky views to the public domain, a 'canyon' effect resulting in dark, windy streets and limited views and natural light to offices. The amendment will provide necessary separation between towers to improve pedestrian amenity, protect building occupant amenity and deliver commercially viable towers that achieve design excellence and contribute to the character and vibrancy of the CBD.	Nil	2c
		Comparison to City of Sydney DCP 2012	Council should adopt setback controls that are more nuanced, such as the City of Sydney's, that allow for a more considered site-specific approach instead of adopting blanket controls that penalise certain sites.	As North Sydney LEP does not contain FSR controls to help manage the bulk and scale of development like Sydney LEP 2012, site-specific DCP controls based on merit are not recommended. Please refer to section 4.6 of the Council report for a detailed response.	Nil	2c
			The 6m side setback in the Parramatta DCP has been adopted rather than the 3m setback control in the City of Sydney DCP. From a strategic context North Sydney and Sydney are both part of the 'Harbour CBD' in the Greater Sydney Region Plan and therefore controls should be the same given this link.	Sydney and Parramatta DCPs were reviewed as precedents given their application to key central business districts in Sydney. The proposed amendment is based on the context of North Sydney CBD.	Nil	2c
			Sydney DCP requires a 3m setback between commercial buildings or 0m where there are walls without windows given that <i>'separation between commercial buildings is not as critical given the reduced requirement for privacy.'</i>	A draft DCP amendment for the City of Sydney was endorsed in December 2020. It requires a minimum 4m above podium setback for all commercial buildings regardless of windows. The focus on visual privacy has also changed to a general focus on amenity outcomes associated with tower setbacks, which aligns with the background study.	Nil	2c
			The City of Sydney's current maximum building length is 65m and would be a more appropriate building length control (than the proposed 55m).	It is recommended that the maximum façade length control increase to 60m. This will allow for increased development potential on larger or amalgamated sites that can still provide compliant building envelopes, whilst managing the development of long, continuous walls of towers in the CBD.  Please refer to section 4.9 of the Council report for a detailed response.	Yes	1d

			City of Sydney's draft DCP amendments will increase the maximum horizontal length control for commercial buildings to 100m in recognition of the need to provide large floorplate buildings and to encourage amalgamation of lots.	The draft DCP amendment for the City of Sydney includes a maximum façade length control of 100m which is measured diagonally across the site. The width of any building lot would therefore generally not allow for the façade length to reach 100m. Sydney LEP 2012 also includes FSR controls that help manage the bulk and scale of larger floorplates.	Nil	2c
		Savings provision	Council must introduce a 'savings provision' in the NSDCP that allows any DA lodged before a certain date to be assessed under the existing planning controls to provide sufficient time for the market to respond to the changes.	Please refer to section 4.1 of the Council report for a detailed response.	Nil	2e
		Economic impact assessment	The draft amendment was not accompanied by an economic assessment that considers the viability of development in North Sydney under the amended controls.	Please refer to section 4.7 of the Council report for a detailed response.	Nil	2c
		Design flexibility	The introduction of the further requirement that no portion of a commercial tower should be located within 3m of the podium façade places a further barrier on individual sites optimising their floorplate in response to the site.	A minimum 3m setback requirement for above podium average weighted setbacks delivers a level of consistency along the street while providing the flexibility of a weighted setback. It will minimise the number of proposals that present 0m tower setbacks and promote view sharing.	Nil	2c
75.	Name and address withheld		Does not support the proposed amendment.	Noted.	Nil	2c
		Reduction in GFA and NLA	The amendment would result in a commercial floorplate size on the client's site that is not feasible for commercial redevelopment.	Please refer to section 4.5 of the Council report for a detailed response.	Nil	2c
			Any amalgamation with neighbouring sites would result in much smaller floorplates (compared to existing controls) which could impact the viability of the project.	Please refer to section 4.5 of the Council report for a detailed response.	Nil	2c
			The requirement that no portion of a commercial tower should be located within 3m of the podium façade places a further barrier on individual sites optimising their floorplate.	A minimum 3m setback requirement for above podium average weighted setbacks delivers a level of consistency along the street while providing the flexibility of a weighted setback. It will minimise the number of proposals that present 0m tower setbacks and promote view sharing.	Nil	2c
		Limits the development of PCA Premium and	The amendment will generally significantly reduce the commercial viability of commercial tower projects by limiting floorplate size to below A-grade or premium requirements.	Please refer to section 4.2 of the Council report for a detailed response.	Nil	2c

	A-Grade towers	The Property Council of Australia Guidelines recommend that floorplates need to be greater than 1500sqm and 1000sqm to achieve Premium and A-Grade classification respectively.	Please refer to section 4.2 of the Council report for a detailed response.	Nil	2c
	Amalgamation	The proposed maximum façade length of 55m further disincentivises the amalgamation of several lots.	It is recommended that the maximum façade length control increase to 60m. This will allow for increased development potential on larger or amalgamated sites that can still provide compliant building envelopes, whilst managing the development of long, continuous walls of towers in the CBD.  Please refer to section 4.9 of the Council report for a detailed response.	Yes	1d
	Inconsistent with State and Local Strategic Plans	The proposed amendment is inconsistent with Planning Priority N7 of the <i>Greater Sydney Region Plan</i> .	Please see section 4.8 of the Council report for a detailed response.	Nil	2c
		The proposed amendment is inconsistent with the <i>North Sydney Local Strategic Planning Statement's</i> Planning Priority P1 and Action P1.1.	Please see section 4.8 of the Council report for a detailed response.	Nil	2c
	Commercial viability of CBD	Recent development and associated lease activity in North Sydney demonstrate that the current controls (both in their current form and where applied flexibly) are balancing the needs of tenants and the requisite amenity to support the centre.	A lack of adequate controls to guide future development in the CBD could contribute to continuous, uninterrupted walls of tall towers, a lack of daylight and sky views to the public domain, a 'canyon' effect resulting in dark, windy streets and limited views and natural light to offices. The amendment will provide necessary separation between towers to improve pedestrian amenity, protect building occupant amenity and deliver commercially viable towers that achieve design excellence and contribute to the character and vibrancy of the CBD.	Nil	2c
		At present, the majority of North Sydney's secondary grade stock provides floor plates below 1,000m <sup>2</sup> (including the client's site) which impacts demand and limits the ability to attract or retain businesses.	Council encourages the development of floorplates 1,000m <sup>2</sup> 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

			There is an increased focus on floorplate efficiency, flexibility and modern services and technology for tenants. This results in a need to provide larger, open floorplates and side core access with minimal columns.	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. If larger floorplates are required, amalgamation is encouraged to provide the site area needed to adequately fit such floorplates.	Nil	2c
		Savings provision	Council should include a savings provision that allows any DA lodged before a certain date to be assessed under the existing planning controls to provide sufficient time for the market to respond to the changes.	Please refer to section 4.1 of the Council report for a detailed response.	Nil	2e
		Site-specific variations	Requests a conversation with Council regarding additional height on the client's site.	Maximum height controls are part of NSLEP 2013 and any change to these controls is outside of the scope of this amendment.	Nil	2a
			An articulated envelope could be implemented that has regard to the objectives of the NSDCP amendment but focuses on performance-based outcomes such as minimising wind and visual impacts specific to the site characteristics, instead of adopting blanket controls.	As North Sydney does not have FSR controls or guidelines for development in the CBD to help manage the bulk and scale of developments, performance-based controls are not recommended.	Nil	2e
		Economic impact assessment	The proposed amendment was not accompanied by any assessment of the economic impacts of the changes.	Please refer to section 4.7 of the Council report for a detailed response.	Nil	2c
		Comparison to City of Sydney DCP 2012	Draft DCP controls for City of Sydney allow for variations to setback controls, provided equivalent or better environmental amenity can be achieved to the public domain. This move towards performance-based building envelopes should be encouraged over blanket DCP controls that inadvertently may penalise certain sites.	Performance-based controls in the City of Sydney are underpinned by FSR controls and guidelines for the development of tall towers within the Sydney LEP 2012. As North Sydney does not have FSR controls or guidelines for development in the CBD to help manage the bulk and scale of developments, performance-based controls are not recommended.	Nil	2c
			City of Sydney DCP notes that commercial amenity is not as critical as residential amenity and therefore has reduced setback and separation requirements.	A draft DCP amendment for the City of Sydney was endorsed in December 2020. It requires a minimum 4m above podium setback for all commercial buildings regardless of windows. The focus on visual privacy has also changed to a general focus on amenity outcomes associated with tower setbacks, which aligns with the background study.	Nil	2c

			The City of Sydney has a maximum building length of 65m, and a DCP amendment will increase the horizontal length control to 100m. This represents a more appropriate benchmark for North Sydney DCP.	The draft DCP amendment for the City of Sydney includes a maximum façade length control of 100m which is measured diagonally across the site. The width of any building lot would therefore generally not allow for the façade length to reach 100m. Sydney LEP 2012 also includes FSR controls that help manage the bulk and scale of larger floorplates.	Nil	2c
76.	Michael Rowe Director – Planning, Ethos Urban 173 Sussex Street, SYDNEY  On behalf of Zurich Australian Insurance Properties Pty Ltd (Zurich), owners of 5 Blue Street and developers of 118 Mount Street, NORTH SYDNEY		Zurich do not support the draft amendment.	Noted.	Nil	2c
		Reduction in GFA and NLA	The reduction in NLA and the resultant floorplate sizes may impact securing a tenant precommitment to lease the building.	Please refer to section 4.5 of the Council report for a detailed response.	Nil	2c
			The proposed amendments will have a direct impact on the size of office floorplates, which are key to the commercial feasibility of projects.	Please refer to section 4.5 of the Council report for a detailed response.	Nil	2c
			The requirement that no portion of a commercial tower should be located within 3m of the podium façade places a further barrier on individual sites optimising their floorplate.	A minimum 3m setback requirement for above podium average weighted setbacks delivers a level of consistency along the street while providing the flexibility of a weighted setback. It will minimise the number of proposals that present 0m tower setbacks and promote view sharing.	Nil	2c
			1 Denison Street, 100 Mount Street, and 177 Pacific Highway, as the three most recently completed towers in North Sydney, demonstrate the important connection between the size (partially a product of length) of the floorplate and the commercial viability of office development.	Council encourages the development of floorplates 1,000m <sup>2</sup> 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. 1 Denison Street (12,707sqm), 100 Mount Street (1,761sqm) and 177 Pacific Highway (2,418sqm) are all on sites large enough to provide larger floorplates.	Nil	2f
		Limits the development of PCA Premium and A-grade towers	The setback controls will reduce the commercial viability of commercial tower projects by limiting the potential floorplate size to below A-Grade or Premium requirements.	Please refer to section 4.2 of the Council report for a detailed response.	Nil	2c
		Inconsistent with State and Local Strategic Plans	The proposed amendment is inconsistent with Planning Priority N7 of the <i>Greater Sydney Region Plan</i> .	Please see section 4.8 of the Council report for a detailed response.	Nil	2c
			The proposed amendment is inconsistent with the <i>North Sydney Local Strategic Planning Statement's</i> Planning Priority P1 and Action P1.1.	Please see section 4.8 of the Council report for a detailed response.	Nil	2c

		Commercial viability of CBD	The recent development and associated lease activity in North Sydney demonstrate that the current controls are successfully balancing the needs of tenants and the requisite amenity to support the centre and therefore no changes are required.	A lack of adequate controls to guide future development in the CBD could contribute to continuous, uninterrupted walls of tall towers, a lack of daylight and sky views to the public domain, a 'canyon' effect resulting in dark, windy streets and limited views and natural light to offices. The amendment will provide necessary separation between towers to improve pedestrian amenity, protect building occupant amenity and deliver commercially viable towers that achieve design excellence and contribute to the character and vibrancy of the CBD.	Nil	2c
			The amendment will limit the ability for North Sydney to compete more effectively with other markets both in terms of commercial development and attracting key commercial office occupiers.	The amendment will protect and improve amenity for workers, residents and visitors alike, ensuring that the quality of future development matches the quantity. It will promote high-quality design in commercial towers that is of a bulk and scale suitable for its surrounding context.	Nil	2c
			The land constrained nature of North Sydney means that Council must be strategic in its approach to commercial office development in order to remain relevant as a key commercial office space in the future. This includes better consideration and implementation of planning policies and controls that help maximise and better utilise the development potential of sites.	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
		Maximum façade length	Note Council's recent support for the State heritage listing of 105 Miller Street (MLC Building) on the basis of its 105m long western elevation's architectural significance. The 105m long MLC Building demonstrates that long building facades do not necessarily result in poor urban design outcomes.	North Sydney Council supported the State heritage listing of the MLC Building due to its importance as a mid-century modernist building in Australia, including its early use of a glass-curtain wall and the fact that it was the first high-rise office block in North Sydney when completed in 1957.	Nil	2c
		Comparison to City of Sydney DCP	The proposed 55m building length control is adopted from Parramatta DCP standards rather than that of the City of Sydney. From a strategic context North Sydney and Sydney are both part of the 'Harbour CBD' in the Greater Sydney Region Plan and therefore controls should be the same given this link.	Sydney and Parramatta DCPs were reviewed as precedents given their application to key central business districts in Sydney. The proposed amendment is based on the context of North Sydney CBD.	Nil	2c

			The City of Sydney's current maximum building length is 65m. However, the City's draft DCP amendments will increase the maximum horizontal length control for commercial buildings to 100m in recognition of the need to provide large floorplate buildings and to encourage the amalgamation of lots.	The draft DCP amendment for the City of Sydney includes a maximum façade length control of 100m which is measured diagonally across the site. The width of any building lot would therefore generally not allow for the façade length to reach 100m. Sydney LEP 2012 also includes FSR controls that help manage the bulk and scale of larger floorplates.	Nil	2c
			The City's building length control, coupled with its setback controls, successfully deliver design excellence and a high level of amenity to the streets, and therefore would strike a much better balance than the proposed amendment.	Performance-based controls in the City of Sydney are underpinned by FSR controls and guidelines for the development of tall towers within the Sydney LEP 2012. As North Sydney does not have FSR controls or guidelines for development in the CBD to help manage the bulk and scale of developments, performance-based controls are not recommended.	Nil	2c
77.	Luke Feltis Principal – Planning, Ethos Urban 173 Sussex Street, SYDNEY		Investa do not support the draft amendment.	Noted.	Nil	2c.
	On behalf of Investa Office Developments (Investa), landholders of 105-153 Miller Street (MLC Building) NORTH SYDNEY	Inconsistent with State and Local Strategic Plans	The proposed amendment is inconsistent with Planning Priority N7 of the <i>Greater Sydney Region Plan</i> .	Please see section 4.8 of the Council report for a detailed response.	Nil	2c
			The proposed amendment is inconsistent with the <i>North Sydney Local Strategic Planning Statement's</i> Planning Priority P1 and Action P1.1.	Please see section 4.8 of the Council report for a detailed response.	Nil	2c
			The proposed amendment is inconsistent with NSLEP 2013, clause 6.1, as it compromises the ability to achieve market appropriate floorplates.	NSLEP 2013 encourages the provision of larger floorplates, <i>where appropriate</i> . The proposed amendment applies necessary articulation to building envelopes to ensure the development of towers that are an appropriate scale and bulk for the CBD.	Nil	2c
		Limits the development of PCA Premium and A-grade towers	Over 90% of all new leases in the past 3 years for major tenants have been in buildings typically classified as premium or A-grade properties.	Please refer to section 4.2 of the Council report for a detailed response.	Nil	2c
			The Property Council of Australia (PCA) guidelines recommend that to achieve a premium building classification, floorplates need to be greater than 1,500m <sup>2</sup> in NLA, while to achieve A-grade classification a building needs to offer floorplates with a minimum NLA of 1,000m <sup>2</sup> .	Please refer to section 4.2 of the Council report for a detailed response.	Nil	2c

			Despite the guidelines being voluntary, they are an accepted industry standard and remain an important consideration in achieving a design and built form outcome that will be desirable to office occupiers.	Please refer to section 4.2 of the Council report for a detailed response.	Nil	2c
			North Sydney has the potential to compete with the Sydney CBD and other markets and can leverage its value proposition as offering premium and A-grade floorspace at a substantial discount to the Sydney CBD	Please refer to section 4.2 of the Council report for a detailed response.	Nil	2c
		Commercial viability of CBD	The proposed setbacks threaten the ability to deliver commercially competitive and viable commercial office developments in North Sydney Centre.	The amendment will protect and improve amenity for workers, residents, and visitors alike, ensuring that the quality of future development matches the quantity. It will promote high-quality design in commercial towers that is of a bulk and scale suitable for its surrounding context.	Nil	2c
			North Sydney needs to be strategic in how it accommodates future commercial office floorspace in order to maximise opportunity for growth and renewal across the smaller provision of appropriately zoned land.	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
			The proposed controls for façade length and side and rear setbacks will stifle job creation by restricting the provision of market appropriate commercial office tower floorplates.	NSLEP 2013 encourages the provision of larger floorplates, <i>where appropriate</i> . The proposed amendment applies necessary articulation to building envelopes to ensure the development of towers that are an appropriate scale and bulk for the CBD. If larger floorplates are sought, amalgamation with other sites to create the site area required for such floorplates is encouraged.	Nil	2c
		Comparison to City of Sydney DCP	The proposed side and rear setback controls are inconsistent with built form controls in the Sydney DCP 2013 and will stifle North Sydney's ability to remain a desirable location for potential tenants.	Please refer to section 4.6 of the Council report for a detailed response.	Nil	2c

			City of Sydney has demonstrated that 0-3m side and rear setback controls work, and there is no reasonable basis for North Sydney to exceed these controls.	A draft DCP amendment for the City of Sydney was endorsed in December 2020. It requires a minimum 4-8m above podium side setback for all commercial buildings regardless of windows. The focus on visual privacy has also changed to a general focus on amenity outcomes associated with tower setbacks, which aligns with the background study.	Nil	2c
			The City of Sydney's current maximum building length is 65m. The City's draft DCP amendment will increase this maximum horizontal length control for commercial buildings to 100m in recognition of the need to provide large floorplate buildings and to encourage amalgamation of lots.	The draft DCP amendment for the City of Sydney includes a maximum façade length control of 100m which is measured diagonally across the site. The width of any building lot would therefore generally not allow for the façade length to reach 100m. Sydney LEP 2012 also includes FSR controls that help manage the bulk and scale of larger floorplates.	Nil	2c
		Reduction in GFA and NLA	To secure major tenants North Sydney CBD must provide floorplates larger than 5,000-10,000m <sup>2</sup> .	Please refer to section 4.5 of the Council report for a detailed response.	Nil	2c
			North Sydney needs a greater quantity of sites that can achieve larger floorplates to be competitive and attractive to key occupiers. The proposed setback controls will directly restrict this potential.	Please refer to section 4.5 of the Council report for a detailed response.	Nil	2c
			Many redevelopment sites affected were purchased based on existing DCP controls. Applying 6m numerical side and rear setbacks, instead of the existing 0m side setback requirement in NSDCP 2013, threatens investments in North Sydney.	Side and rear setbacks above podium are required in NSDCP 2013, which explicitly necessitates gaps between buildings above the podium (Part B, Section 2.3.7, P5 & P6).	Nil	2f

		Site-specific variations	<p>A 55m maximum façade length will inhibit redevelopment on large sites. 105-153 Miller Street (DA-147/20 – Client’s site) demonstrates that large sites can generate unique and innovative tower forms that exceed the draft maximum building length of 55m.</p>	<p>The inclusion of a maximum façade length in the NSDCP 2013 will avoid continuous, uninterrupted walls of tall towers, a lack of daylight and sky views to the public domain, a ‘canyon’ effect resulting in dark, windy streets and limited views and natural light to offices. The amendment will provide necessary separation between towers to improve pedestrian amenity, protect building occupant amenity and deliver commercially viable towers that achieve design excellence and contribute to the character and vibrancy of the CBD.</p> <p>Notwithstanding, it is recommended that the maximum façade length control increase to 60m.</p> <p>Please refer to section 4.9 of the Council report for a detailed response.</p>	Nil	2c
			<p>Council has supported the State heritage listing of 105 Miller Street (MLC Building) on the basis of its 105m long western elevation’s architectural significance.</p>	<p>North Sydney Council supported the State heritage listing of the MLC Building due to its importance as a mid-century modernist building in Australia, including its early use of a glass-curtain wall and the fact that it was the first high-rise office block in North Sydney when completed in 1957.</p>	Nil	2c
			<p>NSLEP 2013 requires the established 12.5m setback to Miller Street at 105-153 Miller Street (client’s site) to be maintained. NSDCP 2013 requires a further 5m tower setback above podium to the same site. This would result in a misalignment with Victoria Cross OSD and is inconsistent with the existing MLC Building design which presents a consistent street wall to Miller Street.</p>	<p>The ground floor setback and above podium setback to Miller Street are existing controls in NSDCP 2013. Any change to these controls are outside of the scope of this amendment.</p>	Nil	2a
			<p>A 6m tower side setback for 105-153 Miller Street (client’s site) to the northern boundary which is shared with the Victoria Cross OSD site is not considered appropriate as the Victoria Cross OSD tower is setback a minimum of 26m already from the shared site boundary.</p>	<p>If 105-153 Miller Street is approved for redevelopment, a 6m above podium setback to the northern boundary would be required. Sites should not ‘borrow’ separation requirements from neighbouring sites.</p>	Nil	2c

			12m separation for towers on the same site significantly limits the ability for 105 Miller Street to achieve two towers on the site.	The 12m separation for towers on the same site is consistent with 6m side setbacks from the boundary for towers on adjacent sites. This will ensure that gaps between towers are consistent, and at a size that can improve pedestrian and building occupant amenity. Comparable controls are in both the Sydney and Parramatta DCPs.	Nil	2c
		Savings provision	The amendment does not contain savings or transitional provisions for development applications submitted prior to the exhibition of the amendments.	Please refer to section 4.1 of the Council report for a detailed response.	Nil	2c
78.	Waverton Precinct		The amendment sounds good in principle, but the devil in the detail needs to be addressed.	Noted.	Nil	2c
<i>Submissions below were received after the close of submissions on 30 August 2021</i>						
79.	Luke Achterstraat, NSW Executive Director - Property Council of Australia L1, 11 Barrack Street, SYDNEY  <i>Submission received 31 August 2021</i>	Alfred Street Precinct	Alfred Street Precinct should not be included in the draft DCP amendment as it was not considered as part of the 'North Sydney CBD Centre' as identified in Council's Capacity and Land Use Strategy and associated North Sydney Planning Proposal.	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
			The draft DCP boundaries should be amended to remove the Alfred Street Precinct, consistent with planning strategies produced by Council for the North Sydney CBD.	Amending the boundary for the Central Business Area Character Statement map in NSDCP 2013 is beyond the scope of this amendment.	Nil	2a
			The introduction of side and rear setbacks to towers above podium level is not supported.	Noted.	Nil	2c
		Draft DCP amendment objectives	The setbacks will prevent the achievement of urban outcomes desired by Council, including improved pedestrian amenity, building occupant amenity, view sharing and delivery of commercially viable towers.	A key objective of the amendment is to protect and improve pedestrian amenity and building occupant amenity. This is achieved through separation between towers and appropriately articulated building envelopes of a bulk and scale appropriate to the context.	Nil	2f
		Limits the development of PCA Premium and	The proposed amendment could impact the development feasibility of many in the North Sydney CBD and make the development of towers unviable, in particular A-Grade towers.	Please refer to section 4.2 of the Council report for a detailed response.	Nil	2c

	A-grade towers	The application of side and rear setbacks should consider the width of a lot. A site of 25m or greater width, with a building located on its side boundary can provide for an A-grade building.	Please refer to section 4.2 of the Council report for a detailed response.	Nil	2c
	Economic impact assessment	The amendment is not evaluated or justified by an economic analysis of its implications upon the North Sydney CBD.	Please refer to section 4.7 of the Council report for a detailed response.	Nil	2c
		Request Council engage an independent consultant to undertake an economic analysis of the impacts of the proposed amendment.	Please refer to section 4.7 of the Council report for a detailed response.	Nil	2c
	Commercial viability of CBD	The proposed changes may reduce the potential number of jobs in the CBD (from that currently achievable).	North Sydney Council is currently on track to meet increased employment capacity targets. The proposed amendment will assist in delivering high-quality commercial design that responds to context and enhances the amenity of the CBD.	Nil	2c
	Reduction in GFA/NLA	The setbacks will reduce Council's projected increase in GFA that justified the recent increase in permitted building heights under the LEP for land in North Sydney CBD.	Please refer to section 4.5 of the Council report for a detailed response.	Nil	2c
		The proposed application of tower setbacks will reduce the number of sites in the CBD capable of accommodating tower development.	Please refer to section 4.5 of the Council report for a detailed response.	Nil	2c
	Site-specific variations	There should be exemptions to side and rear setbacks to ensure tower development is still achievable on sites with an area in excess of 1,000m <sup>2</sup> .	While any site with an area greater than 1,000m <sup>2</sup> may develop to the maximum height control under NSLEP 2013, development is still required to comply with DCP controls, including setbacks. If a compliant building envelope is not achievable, the individual site may not be large enough to accommodate such a tower.	Nil	2e
		Consideration must be given to the site context of individual lots and allow for site specific circumstances. Broad-brush setback controls are inappropriate for the CBD.	Comparable controls exist in the City of Sydney and City of Parramatta DCPs, which relate to commercial development in similar sized CBDs. Site-specific, performance-based controls are not recommended as NSLEP 2013 does not contain FSR controls to help manage and guide development.	Nil	2c
		The potential for a site to amalgamate should be considered when applying side and rear setbacks.	Side and rear setbacks are proposed for any site greater than 1,000sqm, as this is the minimum site area required to build to maximum height controls in NSLEP 2013. They do not only apply to amalgamated sites.	Nil	2c

			Boundary interface with existing or approved neighbouring development and its proximity to the boundary should be considered.	Specific boundary interfaces have been considered and acknowledged in the proposed amendment in Part C, Section 2.1.3 P20.	Nil	2c
			Corner lots should not be required to provide further additional side and rear setbacks where the site width is less than 50m and/or an isolated site.	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	2e
			Land uses on neighbouring sites should be considered. Setbacks should not be required where adjacent to commercial office towers as opposed to residential uses.	The purpose of the draft DCP amendment is to provide setbacks between commercial towers. Separation between commercial and residential uses is already covered by the Apartment Design Guide (ADG) and SEPP 65.	Nil	2e
			The proposed side and rear setback controls should be the exception, not the rule, and applied on a case-by-case basis subject to clear criteria.	It is standard practice for above podium side and rear setback controls to be included in DCPs. As noted in the endorsed background study to the amendment, comparable controls exist in the City of Sydney and City of Parramatta DCPs, which relate to commercial development in similar sized CBDs.	Nil	2c
80.	Stephen Kerr – Executive Director, Gyde Consulting L6, 120 Sussex St, SYDNEY		Commend Council for the preparation of the DCP amendment which supports the North Sydney CBD Planning Proposal, gazetted in 2018. However, believe key controls must be reconsidered to promote and enhance North Sydney as a major employment hub and attract major tenants to the CBD.	Noted.	Nil	2c
	On behalf of Aqualand, owners of 132 and 146 Arthur Street, NORTH SYDNEY		Agree with the objectives of the amendment but believe the numerical standards are excessive.	Noted.	Nil	2c
	Submission received 6 September 2021	Limits the development of PCA	The proposed controls will limit the size of the commercial floorplates, which may impact the delivery of A-grade commercial buildings.	Please refer to section 4.2 of the Council report for a detailed response.	Nil	2c
		Premium and A-grade towers	Increasing the height of podiums will provide more opportunity to provide A-Grade and Premium floor space across a greater portion of the site.	Changes to podium height controls are outside the scope of this amendment.	Nil	2a
		Reduction in GFA/NLA	The proposed controls will decrease the floorspace that could be achieved (on the client's sites), impacting the viability and delivery of the sites' redevelopment.	Please refer to section 4.5 of the Council report for a detailed response.	Nil	2c

	Commercial viability of CBD	The proposed controls do not encourage the urban renewal of secondary assets or the redevelopment of high-quality office stock.	The proposed amendment encourages the redevelopment of older stock to create articulated and compliant towers that provide adequate separation and protect the amenity of pedestrians and building occupants.	Nil	2c
	Existing built form context	Recent development including the Zurich tower, applies nil setback on all three street frontages and does not incorporate a podium. This building has established a built form outcome and precedent for future development.	The proposed amendment provides numerical requirements to controls in NSDCP 2013 to guide future development and align with the desired vision for North Sydney CBD. Any future proposals should comply with the amendment which will strengthen the built form outcome envisioned for the North Sydney CBD.	Nil	2c
	North Sydney Design Excellence Panel	Council's Design Excellence Panel advocated for a block-by-block study of North Sydney CBD.	As noted in the report, while this amendment concentrates on North Sydney CBD-wide commercial tower controls, as supported and strongly advocated for by the North Sydney Design Excellence Panel, a CBD built form at a block-scale can be investigated in the near future.	Nil	2c
		Recommends Council undertake a review of the podium street setback requirements on all streets and lanes, on a 'block-by-block' basis. This detailed work should be undertaken in the first instance to ensure the DCP amendments implemented by Council are suitably informed and reflect North Sydney's CBD special characteristics.	It is standard practice for above podium side and rear setback controls to be included in DCPs, comparable controls exist in the City of Sydney and City of Parramatta DCPs. Further block-by-block analysis that complements these controls may be conducted in the future.	Nil	2c
	Comparison to City of Sydney DCP	Proposed recommendations should be more aligned with the DCP controls of City of Sydney due to both CBDs having similar topography and block characteristics when compared to other centres such as the Parramatta CBD.	Please refer to section 4.6 of the Council report for a detailed response.	Nil	2e
		3m side and rear setbacks should be adopted as per City of Sydney controls. This will maximise opportunities to achieve Premium and A-Grade office space.	A draft DCP amendment for the City of Sydney was endorsed in December 2020. It requires a minimum 4m above podium side setback for all commercial buildings regardless of windows that increases based on tower height to a maximum 8m.	Nil	2e

			6m minimum tower separation (on the same site) should be adopted as per City of Sydney controls to maximise opportunities to achieve Premium and A-Grade office space.	The 12m separation for towers on the same site is consistent with 6m side setbacks from the boundary for towers on adjacent sites. This will ensure that gaps between towers are consistent, and at a size that can improve pedestrian and building occupant amenity. Comparable controls are in both the Sydney and Parramatta DCPs.	Nil	2e
	Site-Specific variations		Nil revision proposed to P7 <i>Zero setbacks to all street frontage, with the following exceptions...</i> Notes the control aligns with the setback established by Zurich Tower (above podium).	P7 relates to podium setbacks to street frontages and is an existing control in NSDCP 2013. No change has been proposed in this amendment. Please note the zero setback to street frontages does not apply to towers above podium.	Nil	2a
			Podium heights should increase from 5 storeys (22m) to 45 metres to align with the maximum building height on sites less than 1,000m <sup>2</sup> (P10).	This is an existing control in NSDCP 2013, and no change has been proposed in this amendment, beyond minor changes to provide greater clarification of the intent of the existing controls. Any changes to this control are outside the scope of this amendment.	Nil	2a
			Nil revision proposed to P11 <i>the entirety of a podium must be setback from any street frontage if required under Provisions 7-9 to s.2.1.3 of this Part of the DCP.</i> 'As per P7, the sites will have nil setbacks.'	P7 relates to podium setbacks only. NSDCP 2013 currently requires a weighted setback above podium of 4m to Little Walker Street. Nil setback above podium is not supported under existing controls.	Nil	2e
			Nil revision proposed to P12 <i>Podiums are to be built to all side and rear boundaries that do not have a street frontage...</i> 'A nil setback is proposed.'	Please note the nil setback to all side and rear boundaries that do not have a street frontage (P12) relates to the podium only. Any tower above podium will need to comply with setback and separation provisions outlined in 2.1.3 P16-P22.	Nil	2f
			Notes that all parts of the (client's) building will comply with the 3m setback control to street frontages (P16)	NSDCP 2013 currently requires a 4m weighted above podium setback required along Little Walker Street. Any proposal along Little Walker Street should comply with this existing control. P17 works in conjunction with the existing setback requirement of 4m along Little Walker Street and has not replaced this control.	Nil	2f
			Nil revision proposed to P17 (minimum 3m setback to weighted average setback). 'The proposed above podium setback applying to the (client's) sites is greater than the 3m minimum.'	NSDCP 2013 currently requires a 4m weighted above podium setback required along Little Walker Street. Any proposal along Little Walker Street should comply with this existing control. P17 works in conjunction with the existing setback requirement of 4m along Little Walker Street and has not replaced this control.	Nil	2f

81.	Barry Ireland BJIA Chartered Accountants Suite 802/ 71 Walker Street, NORTH SYDNEY Co-owner at 71 Walker Street <i>Submission received 8 September 2021</i>	Savings provision (Warada on Walker)	The new amendment will be significant for future developments but as 63-83 Walker Street has already been through the application process, it seems unreasonable to include them in it.	Noted.	Nil	2e
			Council should include a savings clause to ensure that the current scheme is not affected by the proposed changes.	Please refer to section 4.1 of the Council report for a detailed response.	Nil	2e



## SECTION 2 COMMERCIAL & MIXED USE DEVELOPMENT

### 2.1 INTRODUCTION

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

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

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

#### 2.1.1 General Objectives

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

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



## Draft Amendment for adoption - North Sydney Development Control Plan 2013

### Commercial & Mixed Use Development

- O14 creates safe and high quality urban environments through careful design of buildings and use of materials, and a well designed and maintained public domain,
- O15 encourages the provision of adaptable office development which meets the requirements of new office technology and caters for variations in office layout and use,
- O16 soften the highly urbanised landscape by introducing water and greenery,
- O17 minimise stormwater runoff, maintain and improve stormwater quality and encourage recycling where possible, and
- O18 contribute to attractive and well designed public open spaces to service increased population of the area.

#### 2.1.2 When does this section of the DCP apply?

This section of the DCP applies to:

- (a) development for any purpose on land zoned:
  - (i) *B1 Neighbourhood Centre*,
  - (ii) *B3 Commercial Core*,
  - (iii) *B4 Mixed Use*.
- (b) development for any non-residential purpose on land zoned *IN2 Light Industry*, and
- (c) development for any purpose on land zoned *SP2 Infrastructure*, except where any adjacent or adjoining land is zoned:
  - (i) *R2 Low Density Residential*,
  - (ii) *R3 Medium Density Residential*,
  - (iii) *R4 High Density Residential*, or
  - (iv) *E4 Environmental Living*.

Where the subject land is zoned *SP2 Infrastructure* and any adjacent or adjoining land is zoned *R2 Low Density Residential*, *R3 Medium Density Residential*, *R4 High Density Residential* or *E4 Environmental Living*, development applications will be required to comply with Part B: Section 3 – *Non-residential development in residential zones* of the DCP.

If land zoned *SP2 Infrastructure* is located adjacent to one or more of the following zones:

- (a) *B1 Neighbourhood Centre*,
- (b) *B3 Commercial Core*,
- (c) *B4 Mixed Use*,
- (d) *IN2 Light Industry*.

then the controls of the most restrictive zone will apply to the subject site. For example, if the subject site is located adjacent to land zoned *B1 Neighbourhood Centre* and *B4 Mixed Use*, then the provisions of the *B1 Neighbourhood Centre* would apply.

#### 2.1.3 Relationships to other sections

Where relevant, this section of the DCP should be read in conjunction with the following Sections of the DCP:

- (a) Part A: Section 3 – Submitting an Application;
- (b) Part B: Section 8 – Outdoor Dining and Display of Goods on the Footpath;
- (c) Part B: Section 9 – Advertising and Signage;
- (d) Part B: Section 10 – Car Parking and Transport;

**North Sydney Development Control Plan 2013 – Draft Amendment for adoption****Commercial & Mixed Use Development**

- (e) Part B: Section 11 – Construction Management;
- (f) Part B: Section 12 – Access;
- (g) Part B: Section 13 – Heritage and Conservation;
- (h) Part B: Section 14 – Contamination and Hazardous Building Materials;
- (i) Part B: Section 15 – Bushland;
- (j) Part B: Section 16 – Tree and Vegetation Management;
- (k) Part B: Section 17 – Erosion and Sediment Control;
- (l) Part B: Section 18 – Stormwater Drainage;
- (m) Part B: Section 19 – Waste Minimisation and Management; and
- (n) Part B: Section 20 – Public Infrastructure.

**2.1.4 Relationships to other documents and planning policies**

Where relevant, this section of the DCP should be read in conjunction with the following:

- (a) [SEPP No.65 – Design Quality of Residential Apartment Development](#);
- (b) The DoP's [Apartment Design Guide](#);
- (c) [SEPP \(Affordable Rental Housing\) 2009](#);
- (d) Livable Housing Australia's [Livable Housing Design Guidelines](#);
- (e) [SEPP \(Housing for seniors and people with a disability\) 2004](#);
- (f) [SEPP \(Building Sustainability Index: BASIX\) 2005](#);
- (g) [SEPP \(Infrastructure\) 2007](#);
- (h) The DoP's [Development Near Rail Corridors and Busy Roads – Interim Guideline](#) (19 December 2008);
- (i) [SREP \(Sydney Harbour Catchment\) 2005](#); and
- (j) The DoP's [Sydney Harbour Foreshores and Waterways Area DCP \(2005\)](#);
- (k) The [St Leonards / Crows Nest Planning Study – Precincts 1, 2 and 3](#).

**2.2 FUNCTION**

The main financial and business activities are complemented by a variety of other supporting infrastructure, activities and services located in and around the area which are essential to its functioning as a place where people work, live and visit.

Diversity of people, environments and experiences encourages activity and contributes to the popularity of areas. Diversity attracts many users, extends the usefulness of the area and contributes to the sustainability of both community and environment.

**2.2.1 Diversity of activities, facilities, opportunities and services****Objectives**

- O1 To ensure a diversity of activities, facilities, opportunities and services is provided, including high grade business accommodation, community services, employment, entertainment, government agencies, health and welfare, recreation and retail.
- O2 To ensure that streets are appropriately activated to encourage pedestrian use.

**Provisions**

- P1 Non-residential buildings or components of buildings should incorporate a variety of different sized spaces that reflect a site's location in the commercial centre hierarchy



## Draft Amendment for adoption - North Sydney Development Control Plan 2013

### Commercial & Mixed Use Development

(i.e. large floor plates should be provided in higher order centres with small floor plates in lower order centres).

- P2 Consideration should be given to incorporating community and entertainment facilities within a development.
- P3 A variety of uses should be provided at street level, which contributes positively to economic and social vitality.
- P4 Avoid blank walls that face streets and laneways at the ground level.
- P5 Enhance the amenity of the public domain to meet the needs of the workforce, residents and visitors.
- P6 Mixed use developments within the *B1 Neighbourhood Centre*, *B4 Mixed Use* or *IN2 Light Industrial* zones should:
- (a) ensure all residential common areas of the building (including the principal entrance to the building) are accessible to all persons regardless of mobility; and
  - (b) have the retail/commercial uses located on the ground floor, retail/commercial or residential uses on the first floor, and residential uses on upper floors.

#### 2.2.2 Maximise use of public transport

##### Objectives

- O1 To ensure that developments maximise access to public transport, walking and cycling.
- O2 To try and achieve a modal split of 60% public transport and 30% private car.

##### Provisions

- P1 Locate pick up and drop off points for public transport and taxi ranks as close as possible to public spaces and activities.
- P2 Locate short stay (ten minute) parking spaces within or as close as possible to meeting places.
- P3 Limit the amount of long stay off street commuter parking to that which existed at the time of gazettal of NSLEP 2001 (Amendment No.9 – North Sydney Centre) on the 28 February 2003.
- P4 Minimise any non-residential parking on site.
- P5 Bicycle storage facilities are provided in accordance with Part B: Section 10 - *Car Parking and Transport* of the DCP.
- P6 Provide showers for use by cyclists and people that walk to work.

#### 2.2.3 Mixed Residential Population

##### Objectives

- O1 To provide a mixed residential population in terms of age, gender, household type and size, education, income and employment, including households with children, households on low to moderate incomes, households with aged or disabled persons.

##### Provisions

- P1 Mixed use developments incorporating residential accommodation containing less than 20 dwellings must include, at least two of the following dwelling types:
- (a) studio;
  - (b) 1-bedroom;
  - (c) 2-bedroom; and
  - (d) 3-bedroom.

**B** **Part**

**B2-4** **Page**

## North Sydney Development Control Plan 2013 – Draft Amendment for adoption



## Commercial &amp; Mixed Use Development

- P2 Despite P1 above, no more than 55% of all dwellings must comprise a combination of both studio and 1-bedroom dwellings.
- P3 Mixed use developments incorporating residential accommodation containing 20 or more dwellings should provide a mix of dwelling sizes in accordance with Table B-2.1.

<b>Dwelling Size</b>	<b>% of Total Dwellings</b>
studio	10-20%
1 bedroom	25-35%
2 bedroom	35-45%
3 bedroom+	10-20%

- P4 Variations to the dwelling mix within P2 or P3 will not be considered, unless the applicant can adequately demonstrate by an authoritative analysis of current and future market demand that the suggested mix is not reasonable.
- P5 In mixed use developments containing residential accommodation, all new dwellings must satisfy the Silver level performance requirements of the *Livable Housing Design Guidelines*. The incorporation of Gold and Platinum level universal design features is strongly supported.<sup>1</sup>
- Note:** For details on the universal design features and performance requirements of the *Livable Housing Design Guidelines* visit <http://www.livablehousingaustralia.org.au/>.
- P6 A minimum of 20% of dwellings in mixed use developments containing more than 5 dwellings must comprise adaptable housing<sup>2</sup>, and be designed and constructed to a minimum Class C Certification under AS 4299 – Adaptable Housing.
- P7 Where adaptable housing is to be provided, the adaptable housing components must:
- be integrated into the overall design of the development, and must not be isolated; and
  - not use a different standard of materials and finishes to the remainder of the building.
- P8 Where universally designed and adaptable dwellings are proposed, those dwellings must be clearly identified as such on the submitted development application plans.
- P9 Developments requiring adaptable housing must also satisfy the provisions of Part B: Section 12 - Access of this DCP.
- P10 Provide services and facilities within the development that meet the needs of different population groups and build flexibility into communal spaces to meet changing needs.

## 2.2.4 Design of tourist and visitor accommodation

### Objectives

- O1 To ensure that hotel or motel accommodation and serviced apartments are not used or converted for permanent residential accommodation.

<sup>1</sup> This provision applies to residential development which requires development approval and does not apply to alterations and additions to existing homes or complying development under NSW State Codes.

<sup>2</sup> Adaptable housing is designed with accessible features that can be modified to meet changing needs of residents over time. Typical adaptable features include level and wider doorways and corridors, slip resistant floor surfaces, reachable power points, lever door handles and lever taps. When designing adaptable housing consult AS 1428, 4299 and AS 4586.



## Draft Amendment for adoption - North Sydney Development Control Plan 2013

### Commercial & Mixed Use Development

O2 To minimise impacts on the operation of other uses, where the short term visitor accommodation is provided within a mixed use development.

#### Provisions

- P1 No more than 50% of rooms to hotel or motel accommodation must be provided with kitchens or kitchenettes.
- P2 Rooms to hotel or motel accommodation must be provided in accordance with the dimensions indicated in Table B-2.2.

Number of persons	Minimum Size	Maximum Size
1	10.5m <sup>2</sup>	27m <sup>2</sup>
2	16m <sup>2</sup>	27m <sup>2</sup>
3	21.5m <sup>2</sup>	27m <sup>2</sup>
4 (max)	27m <sup>2</sup>	27m <sup>2</sup>

- P3 All tourist and visitor accommodation developments must provide common facilities such as conference rooms, restaurants and bars.
- P4 Balconies to hotel or motel accommodation rooms are not permitted.
- P5 Where tourist and visitor accommodation is to be provided within a mixed use development, it must be provided with separate and secured access from other land use activities accommodated within the building.

### 2.2.5 Tourist and visitor accommodation management

#### Objectives

O1 To ensure that tourist and visitor accommodation are appropriately managed.

#### Provisions

- P1 Hotels or motel accommodation is to be operated as one entity with a central management structure.
- P2 A Management Statement, stating that the premise is a hotel or motel with common facilities, or a serviced apartment should be submitted with the DA to ensure that the premise operates as a hotel or motel or serviced apartment.
- P3 Prior to the granting of any development consent, the Management Statement should be conjointly signed by Council and applicant.
- P4 Maximum period of tenure for guests must not exceed 13 weeks.
- P5 Hotel or motel accommodation rooms are to be serviced daily.

### 2.3 ENVIRONMENTAL CRITERIA

A clean and protected environment is important to the community. It contributes to the comfort and wellbeing of current users and to the sustainability of the environment for future generations.

#### 2.3.1 Clean Air

##### Objectives

O1 To ensure that development does not adversely affect air quality.

**B** Part

**B2-6** Page

**North Sydney Development Control Plan 2013 – Draft Amendment for adoption**



**Commercial & Mixed Use Development**

**Provisions**

- P1 Operating plant, building materials and finishes should be incorporated that are non-toxic and reduce toxic emissions.
- P2 Discourage use of the private motor car and encourage walking, cycling and use of public transport.
- P3 Car parking is provided in accordance with Part B: Section 10 - *Car parking and Transport* of the DCP.

**2.3.2 Noise**

**Objectives**

- O1 To ensure reasonable levels of acoustic amenity to nearby residents.

**Provisions**

- P1 Noise emission associated with the operation of non-residential premises or non-residential components of a building must not exceed the maximum 1 hour noise levels (LAeq 1 Hour) specified in Table B-2.3.

<b>TABLE B-2.3 –Noise Emission Limits</b>			
<b>Time Period</b>			<b>Max 1 hour noise level (LAeq 1 Hour)</b>
<b>Day</b>	<b>Week</b>	<b>Time</b>	
Weekday	Day	7am – 6pm	60 dBA
	Evening	6pm – 10pm	50 dBA
	Night	10pm – 7am	45 dBA
Weekend	Day	8am – 7pm	60 dBA
	Evening	7pm – 10pm	50 dBA
	Night	10pm – 8am	45 dBA

**Notes:** LAeq (1hour) readings are to be measured during the noisiest 1 hour period between Day – 7/8am to 6/7pm, Evening – 6/7pm – 10pm and Night – 10pm to 7/8am.

- P2 In terms of determining the maximum noise levels as required by P1 above, the measurement is to be taken at the property boundary of the nearest residential premises. Within a mixed use development, the boundary is taken to be nearest floor ceiling or wall to a residential dwelling on the site.
- P3 Despite P1 above, the noise emission associated with the operation of non-residential premises or non-residential components of a building must not exceed 5 dBA above the background maximum 1 hour noise level (LAeq 1 Hour) during the day and evening and not exceeding the background level at night when measured at the boundary of the property.
- P4 Council may require the submission of an Acoustic Report to ensure compliance with P1 above.
- P5 Plant and machinery should incorporate noise reduction measures to minimise their impacts.
- P6 Developments should be designed and / or incorporate features that reduce noise transmission.
- P7 Where practical, development should incorporate adequate measures for tonal, low frequency, impulsive, or intermittent noise.
- P8 Developments must comply with *EPA Noise Policy for Industry 2017* in particular the modification required for acceptable noise level (ANL).

<b>Part</b>	<b>B</b>
<b>Page</b>	<b>B2-7</b>



### 2.3.3 Wind Speed

#### Objectives

- O1 To ensure pedestrian comfort is not adversely affected by wind when walking along public streets or sitting down in public spaces.

#### Provisions

- P1 Buildings should be designed to reduce wind velocity at footpaths and public outdoor spaces.
- P2 Development should not result in the wind speed exceeding 13m/s at footpaths and accessible outdoor spaces.
- P3 A Wind Impact Report, prepared by an appropriately qualified person, must be submitted with any application where the proposal results in the building exceeding 33m in height.

### 2.3.4 Reflectivity

#### Objectives

- O1 To minimise the impacts by reflected light and solar reflectivity from buildings on pedestrians and motorists.

#### Provisions

- P1 Buildings should provide a greater proportion of solid to void on all facades and use non-reflective materials.
- P2 Buildings should use non-reflective glass and / or recess glass behind balconies.
- P3 Sun shields, such as awnings, canopies and pergolas should be provided to glazed areas.
- P4 Council may require the submission of a Reflectivity Study prepared by a suitably qualified consultant.

### 2.3.5 Artificial illumination

#### Objectives

- O1 To minimise the impact of artificial illumination on the amenity of residents and pedestrians.
- O2 To provide a safe urban environment without adverse effects on surrounding development or the public domain.
- O3 To minimise the impact of artificial illumination in contributing to sky glow.

#### Provisions

- P1 External facades of buildings should not be floodlit.
- P2 Where external artificial illumination is proposed:
  - (a) it should be designed and sited to minimise glare.
  - (b) It must comply with the standards set out in Australian Standard AS 4282 – *Control of the Obtrusive Effects of Outdoor Lighting*.
- P3 Illumination of roof top and/or podium level facilities is not to exceed the curfew outlined in Table B-2.4.

## North Sydney Development Control Plan 2013 – Draft Amendment for adoption



## Commercial &amp; Mixed Use Development

TABLE B-2.4 – Illumination curfews	
Zone	Curfew Time
B3 Commercial Core	1.00am
B1 Neighbourhood Centre B4 Mixed Use IN2 Light Industry	11.00pm

- P4 Entrances must be well lit and do not produce shadows or adverse glare.
- P5 Staff entrances which are separated from the main building entrance must be well lit and opportunities for casual surveillance is maximised.
- P6 Timers and sensors should be used to minimise sky glow.
- P7 Council may require the submission of a Lighting Report for a development prepared by an appropriately qualified person.

### 2.3.6 Awnings

#### Objectives

- O1 To provide adequate weather protection for people using streets and other public spaces.

#### Provisions

- P1 Provide continuous, horizontal awnings on all street frontages which are activated by ground floor uses and those streets identified in the relevant area character statement (refer to Part C of the DCP), using materials that are sun, rain and wind proof.
- P2 Awnings must be provided as required in Table B-2.5.

TABLE B-2.5 – Awnings		
Requirement	Zone	
	B3 Commercial Core B4 Mixed Use	B1 Neighbourhood Centre
Minimum Width	2m (min)	2m (min)
Setback from kerb -	General	1.1m (or 600mm where walkway is not of sufficient width)
	To accommodate street trees	1.5m
Height above footpath level	3.2m - 4.2m	3.0m - 3.6m

- P3 New awnings should match the height of existing awnings on adjacent sites.
- P4 Weather seals are to be provided between new and existing awnings on adjacent sites and between the awning and the building.
- P5 Where appropriate, temporary shade structures such as retractable blinds, umbrellas and pergolas may be provided (e.g. to outdoor café and gardens).
- P6 Openings with a minimum dimension of 1.5m - 2m (measured from kerb) by 2.5m wide must be provided in awnings located over public footpaths to allow for the accommodation of street trees.



### 2.3.7 Solar access

#### Objectives

- O1 To ensure that solar access is maintained to Special Areas, open spaces and publicly accessible outdoor places.
- O2 To maintain solar access to residential areas surrounding the North Sydney Centre.
- O3 To avoid the creation of long solid masses of development which prevent the penetration of daylight and/or sunlight through to pedestrian levels and to northern and eastern facades of buildings.
- O4 To ensure that all dwellings have reasonable access to sunlight and daylight.

#### Provisions

- P1 Developments within the North Sydney Centre must comply with the height and overshadowing requirements contained within cl.4.3, and cl.6.4 of NSLEP 2013.
- P2 Developments located outside of the North Sydney Centre should be designed and sited such that solar access at the winter solstice (21st June) provides a minimum of 3 hours between the hours of 9.00am and 3.00pm to:
  - (a) any solar panels;
  - (b) the windows of main internal living areas;
  - (c) principal private open space areas; and
  - (d) any communal open space areas.

located on the subject property and any adjoining residential properties.

**Note:** *Main internal living areas excludes bedrooms, studies, laundries, storage areas.*
- P3 Despite P2 above, living rooms and private open spaces for at least 70% of dwellings within a residential flat building or shoptop housing should receive a minimum of 2 hours of solar access between the hours of 9.00am and 3.00pm at the winter solstice (21st June).
- P4 New development should not overshadow existing or proposed public open spaces located outside of the North Sydney Centre between 11.30am and 2.30pm.
- P5 Spaces are to be created between taller buildings to avoid a solid mass of development and to allow daylight and/or sunlight to penetrate through to pedestrian level.
- P6 Setbacks must be provided between buildings above the podium level.
- P7 Provide a mix of sun-protected and unprotected areas in public open space, roof top gardens and other outdoor spaces.
- P8 Avoid providing apartments within mixed use developments that have a sole orientation to the south. Where south facing apartments can-not be avoided, ensure that they are provided with adequate access to natural light (e.g. by providing enlarged windows, skylights and the like). No more than 15% of all dwellings in the development must not receive no direct sunlight between 9am and 3pm at mid-winter.
- P9 The use, location and placement of photovoltaic solar panels take into account the potential permissible building form on adjoining properties.

### 2.3.8 Views

Due to North Sydney's sloping topography and proximity to Sydney Harbour, views and vistas comprise special elements that contribute to its unique character and to the amenity of both private dwellings and the public domain.

New development has the potential to adversely affect existing views. However, the ability to share views becomes increasingly more difficult in locations of existing or anticipated areas of high density (e.g. North Sydney Centre, St Leonards and Milsons Point). Whilst no-

**North Sydney Development Control Plan 2013 – Draft Amendment for adoption**



**Commercial & Mixed Use Development**

one is entitled to a view, attempts should be made to consider the potential impact on existing views and share those where reasonably possible.

When considering impacts on views, Council will generally not refuse a development application on the grounds that the proposed development results in the loss of views, where that development strictly complies with the building envelope controls applying to the subject site.

**Objectives**

- O1 To protect and enhance opportunities for vistas and views from streets and other public places.
- O2 To protect and enhance existing views and vistas from streets and other public spaces.
- O3 To provide additional views and vistas from streets and other public spaces where opportunities arise.
- O4 To encourage view sharing as a means of ensuring equitable access to views from dwellings, whilst recognising development may take place in accordance with the other provisions of this DCP and the LEP.

**Provisions**

- P1 Where appropriate, the opening up of views should be sought to improve the legibility of the area.
- P2 Provide public or semi-public access to top floors where possible (e.g. restaurants, roof top gardens and facilities).
- P3 Use setbacks, design and articulation of buildings to maintain street views, views from public areas and those identified in the relevant area character statement (refer to Part C of the DCP).
- P4 Maintain and protect views identified in the relevant area character statement (refer to Part C of the DCP) from future development.
- P5 Where a proposal is likely to adversely affect views from either public or private land, Council will give consideration to the Land and Environment Court’s Planning Principles for view sharing established in *Rose Bay Marina Pty Ltd v Woollahra Municipal Council and anor* [2013] NSWLEC 1046 and *Tenacity Consulting v Warringah Council* [2004] NSWLEC 140. The Planning Principles are available to view on the Land and Environment Court’s website ([http://www.lec.justice.nsw.gov.au/planning\\_principles](http://www.lec.justice.nsw.gov.au/planning_principles)).

**2.3.9 Acoustic privacy**

**Objective**

- O1 To ensure all residents within mixed use developments are provided with a reasonable level of acoustic privacy.

**Control**

- P1 This subsection only applies to the residential component of any mixed use development.
- P2 New dwellings shall be designed and constructed to comply with the criteria specified in Table B-2.6 for all noise intrusion from external noise sources (including mechanical services noise from within the development itself), with windows and doors closed:

TABLE B-2.6: Acoustic Amenity		
Internal Space	Time Period	Max 1 hr noise level (LAeq 1 Hour)
Living areas	Day or Night	≤ 40 dBA
Sleeping Areas	Day or Night	≤ 35 dBA



**Draft Amendment for adoption - North Sydney Development Control Plan 2013**

**Commercial & Mixed Use Development**

**Notes:** Readings are to be LAeq (1hour), when measured during the noisiest 1 hour period between Day 7am to 10pm; and Night - 10pm to 7am.

- P3 Where multiple dwellings are provided within the same building, the residential components of the building shall be designed and constructed to comply with the requirements in Table B-2.7 regarding acoustic insulation of walls and floors.

TABLE B-2.7: Acoustic transmission	
Item	Criteria
Field Sound Reduction Index R'w of walls floors services and ducts	BCA as Amended, Except that Field Noise Reduction Index of all inter-tenancy walls shall be designed to achieve $\geq R'w55$ and the intent of the BCA requirements.
Field Sound reduction Index R'w of doors	Any door (including the effects of its frame and any edge gaps) in a wall between a dwelling and a stairwell or other internal common area shall be designed to achieve an $\geq R'w28$
Impact Isolation of Floors	Where the floor of a dwelling separates a habitable room of one dwelling and a habitable room, bathroom, toilet, laundry, kitchen, plant room, stairway, public corridor, hallway and the like of a separate tenancy, the floor shall be designed to achieve a weighted standardised impact sound pressure level, $L_{n'tw}$ not more than 55 dB.

- P4 An acoustic report prepared by a certified acoustic consultant must be submitted with all development applications which involves the construction of 4 or more new dwellings and must address the requirements to P2.
- P5 Buildings are to be designed and rooms positioned to reduce noise transmission within and between dwellings.
- P6 Bedrooms should be designed so that wardrobes provide additional sound buffering between rooms within the dwelling or between adjoining dwellings over and above the requirements in P3 above.
- P7 Windows and doors should be located away from external noise sources, or buffers used where separation cannot be achieved.
- P8 Materials with low noise penetration properties should be used where practical.
- P9 Locate bedrooms and private open spaces away from noise sources such as garages, driveways, mechanical equipment and recreation areas.
- P10 Mechanical equipment, such as pumps, lifts or air conditioners should not be located adjacent to bedrooms or living rooms of dwellings within the development or on adjoining properties.
- P11 Where dwellings are located on busy roads incorporate the following into the design of the development to reduce traffic noise within the dwelling:
- cavity brick walls;
  - double glazing;
  - solid core doors;
  - concrete floors; and
  - recessed balconies.
- P12 Development comprising places of public worship, hospitals, educational facilities or child care centres or containing residential uses on land which is on or is within 100m of a railway corridor, a road corridor for a freeway, a tollway, a transit way or any

**B** **Part**

**B2-12** **Page**

**North Sydney Development Control Plan 2013 – Draft Amendment for adoption**



**Commercial & Mixed Use Development**

other road with an annual average daily traffic volume of more than 40,000 vehicles (based on the traffic volume data published on the website of the RMS) must consider the requirements of the DoP's *Development Near Rail Corridors and Busy Roads – Interim Guideline* (19 December 2008) in accordance with cl.87(2) and cl.102(2) of SEPP (Infrastructure) 2007. An acoustic report may be required to be prepared to demonstrate compliance with this Guideline and the acoustic requirements within cl.87(3) and cl.102(3) of the [SEPP \(Infrastructure\) 2007](#).

- P13 Where possible, avoid the use high brick fences on busy roads. High fences present a harsh and bland appearance to the street, obstruct views from the footpath to gardens and dwelling entries, reduce amenity for pedestrians and reduce casual surveillance of the street. Try to reduce acoustic impacts through other acoustic reduction measures.

### 2.3.10 Vibration

#### Objectives

- O1 To minimise the impact on safety and the operation of road and rail tunnels.

#### Provisions

- P1 Development on land which is on or is within 60m of a railway corridor, or is adjacent to a road corridor for a freeway, a tollway, a transit way or any other road with an annual average daily traffic volume of more than 40,000 vehicles (based on the traffic volume data published on the website of the RMS) must consider the requirements of the DoP's *Development Near Rail Corridors and Busy Roads – Interim Guideline* (19 December 2008) in accordance with cl.87(2) and cl.102(2) of [SEPP \(Infrastructure\) 2007](#). In particular, consideration should be given to the vibration criteria contained within the Department of Environment Climate Change and Water's *Assessing Vibration: a technical guideline*. A vibration assessment report may be required to be prepared to demonstrate compliance with these Guidelines.

### 2.3.11 Visual privacy

#### Objectives

- O1 To ensure that existing and future residents are provided with a reasonable level of visual privacy.

#### Provisions

- P1 Locate windows to avoid direct or close views into the windows, balconies or private open space of adjoining dwellings.
- P2 Where windows are located with a direct outlook to windows of an adjacent dwelling, the windows must be provided with a minimum sill height of 1.5m, or use fixed obscure glazing or other privacy devices.
- P3 Provide suitable screening structures or planting to minimise overlooking from proposed dwellings to the windows, balconies or private open space of adjacent dwellings, to windows, balconies or private open space of dwellings within the same development.
- P4 Provide visual separation between any non-residential use and residential uses within buildings and sites.
- P5 The residential components of mixed use developments are to provide adequate separation between habitable rooms, balconies and non-habitable rooms, consistent with [SEPP 65](#). The relevant separation distances are reproduced in Table B-2.8.



**Draft Amendment for adoption - North Sydney Development Control Plan 2013**

**Commercial & Mixed Use Development**

<b>Building height (metres)</b>	<b>Between habitable rooms and balconies</b>	<b>Between habitable &amp; non-habitable rooms</b>	<b>Between non-habitable rooms</b>
Up to 4 storeys (approx. 12m)	12m	9m	6m
5 to 8 storeys (approx. 12-25m)	18m	12m	9m
9 storeys + (approx. 25m +)	24m	18m	12m

- P6 Council may consider a variation to the building separation control within P5 above, but only where the applicant can demonstrate that the variation has been made in response to site and context constraints and that the variation is not made at the expense of amenity (e.g. visual and acoustic privacy, outlook, solar access). However, Council will not consider a variation if an apartment's only outlook is onto an area that is under the minimum building separation distance.

## **2.4 QUALITY BUILT FORM**

Commercial centres and their skylines evolve. Well designed buildings respond to the environment of the centre in terms of the various scales at which they are experienced. They can also make a positive contribution to the character and identity of the centre and provide a benchmark for innovative design in building and environmental technology.

Buildings in centres should have a positive relationship with relevant topographical features, surrounding buildings and the townscape when viewed from all directions.

Proposals for large scale developments have the potential for dramatic impacts on the urban environment. They can harm qualities that people value about a place such as solar access and scale. For these reasons proposals for tall buildings are particularly subject to very close scrutiny.

Proposals will be assessed in terms of their positive contribution and any adverse impacts associated with their design and siting. They will be evaluated for the quality of their design and their response to their urban context.

The relationship of proposals to transport infrastructure will be considered in the assessment. This includes existing capacity available, the quality of links between transport and the site, and the feasibility of making improvements to those links.

Any building must be sustainable in the broadest sense taking into account its social and economic impact, based on whole life costs and benefits.

### **2.4.1 Context**

#### **Objectives**

- O1 To ensure that the site layout and building design responds to the existing characteristics, opportunities and constraints of the site and within its wider context (adjoining land and the locality).

#### **Provisions**

- P1 Proposed developments must be designed to respond to the issues identified in the site analysis and in the relevant area character statement (refer to Part C of the DCP).
- P2 A Site Analysis is undertaken in accordance with Part A: Section 5 - *Site Analysis* of this DCP.

**B Part**

**B2-14 Page**



**Commercial & Mixed Use Development**

**2.4.2 Site Consolidation**

**Objectives**

- O1 To enable the creation of a human scale that also reflects a consistent subdivision pattern.
- O2 To enable the creation of suitably sized commercial floor plates that can be tenanted easily.

**Provisions**

- P1 Amalgamate lots to achieve lot frontage identified in the relevant area character statement (refer to Part C of the DCP).
- P2 Break down the apparent length of buildings by incorporating articulation, design and detailing and or a change in materials, finishes and colours.

**2.4.3 Setbacks**

**Objectives**

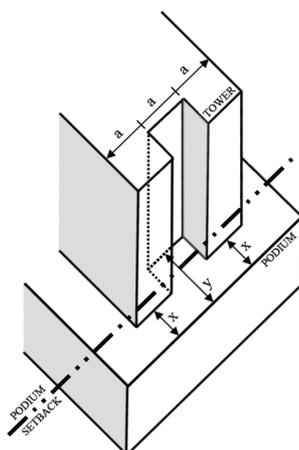
- O1 To enable a reduction in the impact of scale.
- O2 To ensure adequate ventilation, solar access, [sky views](#), privacy, view sharing and a reduction of adverse wind effects.
- O3 To improve pedestrian flow and amenity and allow a range of activities to be accommodated.

**Provisions**

**General**

- P1 Provide a setback for public space at ground level where indicated in the relevant area character statement (refer to Part C of the DCP).
- P2 New development must give consideration to the setbacks of adjacent buildings and heritage items.

**Front**



**Figure B-2.1:**  
Weighted average is the average of projections and recesses from setback above podium (i.e.  $x + x + y / 3 =$  podium setback)

- P3 A zero metre setback must be provided, unless an alternative setback is identified within the in the relevant area character statement (refer to Part C of the DCP).



**Draft Amendment for adoption - North Sydney Development Control Plan 2013**

**Commercial & Mixed Use Development**

P4 That part of the building located above the podium must be setback a weighted average (refer to Figure B-2.1) in accordance with the relevant area character statement (refer to Part C of the DCP).

**Side & Rear**

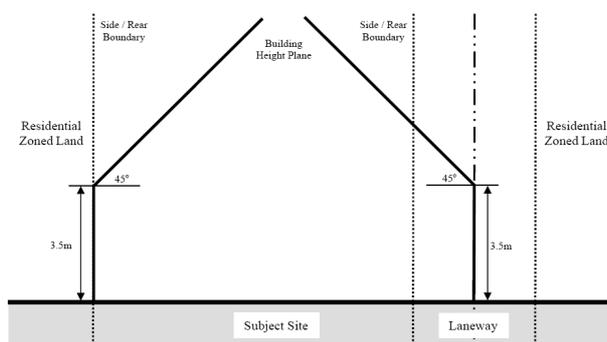
P5 A zero metre setback, unless an alternative setback is identified within the relevant area character statement (refer to Part C of the DCP).

P6 Despite P5 above, buildings containing non-residential activities must be set back a minimum of 3m from the property boundary where the adjoining site has balconies or windows to main living areas of dwellings or serviced apartments located at the same level.

**Note:** Side setbacks may be affected by building separation requirements and or podium level setback requirements.

P7 Despite P5 above, a development proposed on land adjoining or adjacent to a residential or recreation zone must not exceed a building height plane commencing:

- (a) at 3.5m above ground level (existing) and projected at an angle of 45 degrees internally to the site from all boundaries that directly adjoin land zoned *R2 Low Density Residential, R3 Medium Density Residential, R4 High Density Residential, RE1 Public Recreation, or*
- (b) at 3.5m above ground level (existing) and projected at an angle of 45 degrees internally to the site from the centre line of any adjoining road or laneway separating the site from land zoned *R2 Low Density Residential, R3 Medium Density Residential, R4 High Density Residential, RE1 Public Recreation.*



**Figure B-2.2:**  
Building height plane requirements

P8 Where setbacks are required from existing property boundary this should be clear of all structures above and below ground level, excluding awnings and other elements allowed by Council.

P9 Where an applicant seeks a basement structure built to the property boundary fronting a laneway in the *B1 Neighbourhood Centre* or *B4 Mixed Use* zone for the purposes of underground car parking, Council may require a 1.5m setback at street level to be provided subject to an s.88B instrument application outlining public access rights, clear of any structure to 1.5m below ground level (existing) and 3m above ground level (existing) and requiring all maintenance, cleaning and the like to be the responsibility of the property owner. Applicants are advised to contact Council prior to the lodgement of any development application seeking a basement car park built to the property boundary fronting any laneway to determine if the setbacks in this provision are required to be met.

P10 Stratum subdivisions will generally not be accepted for dedication of land/airspace to Council.



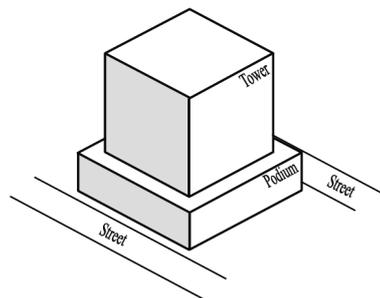
**Commercial & Mixed Use Development**

**2.4.4 Podiums**

**Objectives**

- O1 For buildings to reinforce a human scale when read from the public domain.
- O2 To ensure that laneways are integrated into pedestrian network.
- O3 To ensure that laneways are safe and comfortable for pedestrians.

**Provisions**



**Figure B-2.3:**  
Podium/tower form of development

- P1 Where required, a podium must be provided along all street frontages including laneways, with a height and setback above the podium, in accordance with the relevant area character statement (refer to Part C of the DCP).
- P2 Podiums should match the height and setbacks of adjacent buildings or the average of the heights of the adjacent podiums having regard to their existing nature and/or their redevelopment potential.
- P3 Where the ground level changes across the width of a site, the podium should be stepped at an appropriate location to maintain a characteristic podium height.

**2.4.5 Building design**

**Objectives**

- O1 To ensure that buildings are designed to reinforce the urban character of a locality.
- [O2](#) To ensure that buildings clearly define streets, street corners and public spaces.
- [O3](#) To encourage high quality, built form outcomes and achieve design excellence.

**Provisions**

- P1 Floor to ceiling heights should be provided in accordance with the minimum requirements set out in Table B-2.9.

TABLE B-2.9: Minimum floor to ceiling height requirements			
Zone	Ground Floor	First Floor	Upper Floors
B1 Neighbourhood Business	3.3m	2.7m	2.7m
B3 Commercial Core	3.3m	3.3m	3.3m
B4 Mixed Use	3.3m	3.3m	2.7m
IN2 Light Industrial	3.3m	2.7m	2.7m



## Draft Amendment for adoption - North Sydney Development Control Plan 2013

### Commercial & Mixed Use Development

- P2 Council may consider a variation to the minimum requirements in P1, but only if the applicant can demonstrate that the dwelling or non-residential floor space is capable of receiving satisfactory natural daylight and ventilation (e.g. shallow apartments / commercial tenancies with large amounts of window area).
- P3 The apparent length of buildings should be broken down through the use of articulation, design and detailing, changes in materials and colours.
- P4 High quality materials should be used throughout the building design.
- P5 Podiums are to be built to the boundary of the site unless providing a setback for public space at ground level as required by the relevant area character statement (refer to Part C of the DCP).
- P6 Buildings should be built predominantly to setback alignment.
- P7 Building should be articulated and have a positive relationship with the public domain in terms of scale and setbacks.
- P8 Building elements, such as materials, finishes, and window dimensions should relate to neighbouring buildings.
- P9 Buildings are to respect the setting and curtilage of heritage items (refer to Part B: Section 13 - *Heritage and Conservation* of the DCP).
- P10 Buildings should incorporate architectural detailing and ornamentation which provides a rich visual reference for pedestrians.
- ~~P10~~P11 Where party walls are exposed or new developments result in a blank wall, a visually interesting treatment is required for that wall. The architectural treatment used should be sympathetic to the character of the area and any nearby heritage items or conservation areas.
- ~~P11~~P12 Balconies are to be incorporated within the setback or building envelopes.
- ~~P12~~P13 Within the *B1 Neighbourhood Centre* zone, provide a traditional two storey shopfront parapet form along the primary street frontages, with any development above two storeys (where permissible) set back in accordance with the relevant area character statement.

#### 2.4.6 Skyline

##### Objectives

- O1 To provide a distinctive and well designed skyline through the introduction of visually interesting elements in the articulation and detailing of the upper levels and roofs of buildings.

##### Provisions

- P1 Buildings located on land within the North Sydney Centre must comply with the building height requirements outlined in cl.4.3 and cl.6.3 of NSLEP 2013.
- P2 The built form should step down from the centre of each commercial or mixed use centre to a comparable scale at the interface of any adjoining residential zone.
- P3 Roofs should be designed such that they are integral with the overall design of the building.
- P4 All roof top located building plant and services are to be contained within a single structure. It should be centrally located to avoid overshadowing and other impacts.
- P5 If telecommunication aerials are to be provided, they must be incorporated into the roof top design, and not comprise ad-hoc additions.
- P6 With respect to buildings greater than 30m in height, and all buildings within the North Sydney Centre, the roof is to be designed such that consideration is given to the building being seen in a regional view catchment.

**B** **Part**

**B2-18** **Page**

**North Sydney Development Control Plan 2013 – Draft Amendment for adoption**



**Commercial & Mixed Use Development**

P7 All plant room equipment must not be visible from any location viewed from ground level.

**2.4.7 Junction and termination of streets**

**Objectives**

O1 To ensure that the design and form of buildings reinforces the junction and termination of streets (excluding laneways).

**Provisions**

- P1 Buildings located on the corner of a street intersection or at the termination of a street should:
- (a) be designed with increased emphasis to anchor primary vistas and nodal points;
  - (b) be designed such that the corner of the building addressing an intersection is reinforced through utilisation of splays, curves, building entries and other architectural elements;
  - (c) where located at a street intersection, incorporate a minimum 1.5m splay measured from the corner of the intersection along each property boundary; and
  - (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.

**2.4.8 Balconies - Apartments**

**Objectives**

O1 To ensure the provision of functional private open space for apartments.

**Provisions**

- P1 Balconies must be incorporated within building envelope (as specified by setbacks and or building height plane) and should not be located on roofs, podiums or be cantilevered.
- P2 Balconies should be integrated into the overall architectural form and detail of the building.
- P3 No balconies, verandahs or the like are to project over the public domain.
- P4 Where a proposal involves the conversion of an existing commercial building, and that commercial building's envelope does not comply with the setback and/or building envelope controls for the site, any new balcony must not project beyond the existing building's envelope.
- P5 Balconies should not be enclosed.
- P6 Notwithstanding P5, Council may permit the enclosure of a balcony, but only if:
- (a) the building is predominantly characterised by enclosed balconies; or
  - (b) if the building is not predominately characterised by enclosed balconies, subject to the approval of a balcony strategy for the building.
- P7 A balcony strategy should:
- (a) include details outlining the size, scale and choice of materials of the proposed enclosure/s); and
  - (b) be adopted by the body corporate before being submitted to Council.



### 2.4.9 Through-site pedestrian links

#### Objectives

- O1 To increase pedestrian permeability through commercial and mixed use centres.
- O2 To increase linkages to facilities, outdoor spaces and public transport.
- O3 To provide safe and usable pedestrian spaces.
- O4 To increase the amenity for pedestrians.

#### Provisions

- P1 Provide linkages through sites to other streets and laneways as identified in the relevant area character statement (refer to Part C of the DCP) applying to the site or where enhancing pedestrian movement to public transport infrastructure.
- P2 Provide linkages to facilities, outdoor spaces and public transport.
- P3 Provide public access through pedestrian links from 6am to 10pm daily.
- P4 Pedestrian links must be lined with active uses along at least one side of the link to engage pedestrians.
- P5 Pedestrian links must be a minimum of 6m in width that is free from obstructions.
- P6 Escalators must be provided within the link where there is a substantial change in level.
- P7 The number of pedestrian entries to the link is maximised.
- P8 The extent of natural light to the link should be maximised where possible.
- P9 Where a through-site link is to be provided along the side boundary of a property, it should be open to the sky.
- P10 Signage must be provided at the entry to the linkage, indicating public accessibility and the street to which the connection links.
- P11 Opportunities for integration of public art installations within the link are to be maximised.
- P12 The linkage is to be designed to positively respond to the "safer by design" principles.

### 2.4.10 Streetscape

#### Objectives

- O1 To ensure that footpaths, kerb and guttering and street trees contribute to a consistent streetscape.
- O2 To promote the creation of lively and active street and laneway frontages.
- O3 To create visual interest in the built form.
- O4 To create a feeling of safety both by day and night.
- O5 To minimise visual clutter associated with overhead infrastructure.

#### Provisions

- P1 The ground level of buildings should align with the corresponding level of the adjacent footpath, laneway or outdoor space.
- P2 Continuous active uses, such as shops and cafes, should be provided at the ground level of the building to all streets, laneways and public spaces.
- P3 Where practical, the building's ground level façade to a laneway should be provided as an active frontage (e.g. has a retail or commercial premises fronting the laneway).
- P4 Landscaping and changes in level at building frontages is to be avoided where possible to facilitate natural surveillance of public areas and views into buildings.

**North Sydney Development Control Plan 2013 – Draft Amendment for adoption****Commercial & Mixed Use Development**

- P5 All ground level windows fronting street, laneways and public spaces must be glazed with clear glass, to promote active surveillance of the public domain.
- P6 All ground level shopfronts are to have a zero metre setback unless specified in the relevant area character statement (refer to Part C of the DCP).
- P7 Introduce visually interesting elements to the building façade such as articulation, detailing and art works.
- P8 Streetscape elements, such as street furniture, lighting, paving, awnings, outdoor seating and umbrellas, are to be consistent with Council's Public Domain Style Manual and Design Codes.
- P9 Undergrounding of overhead infrastructure should be provided in association with significant new development, consistent with the North Sydney Council Undergrounding Master Plan.

**2.4.11 Entrances and exits****Objectives**

- O1 To enable equitable access to all persons regardless of ability.
- O2 To ensure that entrances are clearly visible from the street and convey a sense of address.
- O3 To maximise safety and amenity of occupants to building containing a mixture of land uses.

**Provisions**

- P1 Main entrances and exits located at the front of the site must be directly visible from the street.
- P2 At least one main entrance to the building provides a continuous path of travel.
- P3 Entrances must not be obscured by landscaping or other obstacles and have clear sight lines.
- P4 Entrances are clearly identifiable to reduce confusion and unintentional entry.
- P5 If exits to the building are closed after hours, this must be indicated at the entrance of the building.
- P6 Entrance lobbies are well illuminated, with seating provided and a firm and level non-slip floor surface.
- P7 Places of safe refuge are incorporated into the overall design of buildings. Lift lobbies or toilets may be used as all or part of a safe refuge.
- P8 Access to the building must be designed in accordance with the provisions contained within Part B: Section 12 – Access of the DCP.
- P9 Separated pedestrian entrances and lobbies are to be provided where it is proposed to accommodate within the same building, the following mixture of land uses:
  - (a) residential accommodation and non-residential development; or
  - (b) hotel or motel accommodation or serviced apartments and any other form non-residential development.

**2.4.12 Nighttime appearance****Objectives**

- O1 To improve the visual interest of the street and cityscape by night.

**Provisions**

- P1 Encourage the use of large windows to enable internal illumination to spill onto public footpaths and public areas.



**Draft Amendment for adoption - North Sydney Development Control Plan 2013**

**Commercial & Mixed Use Development**

- P2 Decorative elements or prominent architectural features of a building should be illuminated, but only where they do not result in adverse impacts upon nearby residents.

### **2.4.13 Public spaces and facilities**

#### **Objectives**

- O1 To ensure that buildings contribute to external and internal public spaces and facilities nearby and inclusion of these areas as part of the public domain.
- O2 To ensure that buildings interact with and contribute positively to their surroundings at street level.
- O3 To ensure that buildings contribute to diversity, vitality, social engagement and "a sense of place".

#### **Provisions**

- P1 In terms of built form and intensity, new development should respect the scale, character and density of existing development located adjacent to business zoned land.
- P2 Development should not detrimentally affect the amenity of the existing area, having regard to its redevelopment potential.
- P3 A range of outdoor spaces should be provided. Larger spaces and deeper footpaths provide opportunities for a wider range of activities to be accommodated.
- P4 Avoid cluttering spaces and changes of level.
- P5 Locate facilities that attract people, such as public phones, seating and information kiosks, in public spaces to reinforce activity at ground level.
- P6 Avoid over-management of public spaces by security patrols or through the use of closed circuit television (CCTV).

## **2.5 QUALITY URBAN ENVIRONMENT**

The design of buildings meets the needs of the widest range of people in the community from childhood to old age. This includes people with any form of disability. Commercial centres should be barrier free for the disabled travelling within the centre in the public domain as well as in the use of private property. Safe and enjoyable continuous paths of travel should be provided for pedestrians with rear lanes offering convenient short cuts.

Natural surveillance of areas lowers the likelihood of vandalism and crime. Clear sight lines and the proximity of dwellings and retail areas to the public domain assist in creating a safer environment. High walls and barriers obscure sight lines and can increase the likelihood of crime.

### **2.5.1 Accessibility**

#### **Objectives**

- O1 To ensure that buildings are made accessible to all persons regardless of their mobility.

#### **Provisions**

- P1 Buildings are to be designed in accordance with the provisions contained within Part B: Section 12 - Access of the DCP.

**B Part**

**B2-22 Page**

**North Sydney Development Control Plan 2013 – Draft Amendment for adoption**



**Commercial & Mixed Use Development**

**2.5.2 Safety and security**

**Objectives**

- O1 To ensure that a high level of personal safety and security is provided within the development.

**Provisions**

- P1 Design routes between building entrances to maximise personal safety. Routes from parking areas to lift lobbies are particularly important in this regard. Clear lines of sight and well lit routes are required.
- P2 Where open space and pedestrian routes are provided, they must be clearly defined, and have clear and direct sightlines for the users.
- P3 Adequate lighting must be provided to open spaces, entrances and pedestrian areas to avoid the creation of shadowed areas.
- P4 Rear service areas and access lanes should either be well secured or easily visible.
- P5 Land use activities which operate after normal business hours should be located along well-used pedestrian routes.
- P6 Public toilets, telephones and other public facilities must be provided with direct access and good visibility from well-used public spaces.
- P7 Robust and durable design features should be used where relevant to discourage vandalism.
- P8 Consider the use of bollards or low walls and the careful design of shopfronts to decrease the likelihood of ram raids and provide higher levels of security for shop owners or tenants.
- P9 The use of security grilles at the street frontage is discouraged. If security grilles are necessary then install on the inside of the shopfront and maintain clear visibility into the shop. Use toughened glass.
- P10 Solid security rollers to shopfronts are not permitted.
- P11 Fire escapes should not be recessed into the building form. If it is necessary locate them in recesses, then the recess must be shallow to provide for personal security of pedestrians.
- P12 Buildings should be designed to allow for the overlooking and natural surveillance of rear lanes (e.g. from retail and other uses at all levels of the building).
- P13 Rear lanes should be provided with safe and secure lighting.
- P14 Clear sight lines should be maintained around all vehicle access points.
- P15 Street numbering of buildings must be clearly visible from street at all times of the day such that they are easily identifiable.

**2.5.3 Illumination**

**Objectives**

- O1 To ensure the safety of pedestrians in the public domain after dusk.

**Provisions**

**General**

- P1 The following areas must be illuminated in accordance with AS 1158.3.1 - Pedestrian (P):
- (a) public footpaths;
  - (b) laneways; and

**Part**

**B**

**Page**

**B2-23**



**Draft Amendment for adoption - North Sydney Development Control Plan 2013**

**Commercial & Mixed Use Development**

- (c) areas under publically accessible awnings over public or private property.
- P2 Accent lighting should be used to highlight solid sections of buildings which adjoin public footpaths.
- P3 Level of lighting provided, and fittings used, should be consistent with that of nearby properties.
- P4 Lighting is to be provided in accordance with *AS/NZS 1158.3.1:1999 Pedestrian (P) – "pedestrian area performance and installation requirements"* except in the following instances:
- (a) Within the North Sydney CBD Character Area:
- (i) Illuminance values in the range of 150% to 400% of the Lighting Category P6 illuminances.
  - (ii) Maintained horizontal average illuminance – 30 lux.
  - (iii) Minimum maintained horizontal average illuminance – 10 lux.
  - (iv) Maintained illuminance uniformity – 10.
  - (v) Maintained vertical illuminance – 10 lux.
- (b) Within all other business zones:
- (i) Illuminance values in the range of 100% to 300% of the Lighting Category P6 illuminances.
  - (ii) Maintained horizontal average illuminance – 20 lux.
  - (iii) Minimum maintained horizontal average illuminance – 7 lux.
  - (iv) Maintained illuminance uniformity – 10.
  - (v) Maintained vertical illuminance – 7 lux.
- P5 As a minimum requirement, all external lighting should operate, from dusk until dawn on Thursday, Friday and Saturday nights, and from dusk until midnight on all other nights. Extended illumination may be considered in the *B3 Commercial Core* zone only.
- P6 Control is initiated by a suitably adjusted/calibrated photo-electric switch should be incorporated to turn on at dusk and that the lights will be at full output when the daylight illuminance in the subject areas falls to the required illuminances stipulated above.
- P7 Luminaires must be suitable for the installation conditions (non-corroding, sealed against ingress of water, dust and insects) and utilize lamps with a luminous efficacy not less than 70 lumens per watt.
- P8 Luminaires should be aesthetically compatible with the design of the awnings and building façade to which they are attached.
- P9 Bare lamp fluorescent luminaires are not permitted.
- P10 The use of recessed downlights (with suitable broad lighting distribution) is encouraged wherever practical.
- P11 Where the design of the awning or building façade precludes the installation of recessed downlights, use surface mounted luminaires compatible with the design of the awning/façade.

**2.5.4 High quality residential accommodation**

**Objectives**

- O1 To provide a high level of internal amenity for those who reside in the building.

**B Part**

**B2-24 Page**

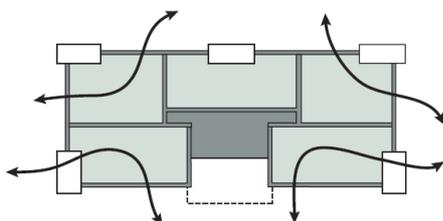
**North Sydney Development Control Plan 2013 – Draft Amendment for adoption**



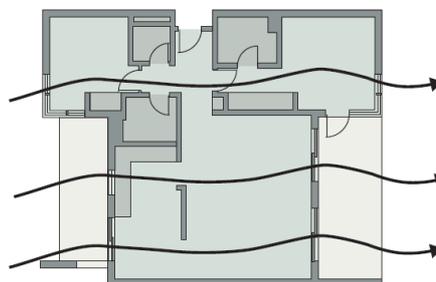
**Commercial & Mixed Use Development**

**Provisions**

- P1 Apartments within mixed use developments, must be designed to provide the following minimum internal areas<sup>3</sup>:
  - (a) Studio 35m<sup>2</sup>
  - (b) 1 bedroom 50m<sup>2</sup>
  - (c) 2 bedrooms 70m<sup>2</sup>
  - (d) 3+ bedrooms 90m<sup>2</sup>
- P2 Include courtyards, balconies and gardens as the principal open space area for residents. These should have solar access for a minimum of 2 hours a day measured at June 21<sup>st</sup>.
- P3 Communal corridors must have a minimum width of 2m to facilitate movement (i.e. no right angled corners).
- P4 No more than 8 dwellings are to be accessible from a single common lobby space.
- P5 Avoid the use of double loaded corridors.
- P6 Maximum depth of a habitable room from a window, providing light and air to that room, is 10m.
- P7 Apartments have a minimum width of 4m. An apartment's width should increase relative to an increase in its depth.
- P8 Single aspect apartments have a maximum depth of 8m from a window.
- P9 The habitable space serviced by a window is no more than 10 times the glazed area of the window.



**Figure B-2.5:**  
Corner apartments can achieve effective natural cross ventilation



**Figure B-1.8:**  
This optimal layout allows air flow directly from one side of the apartment to the other.

- P10 At least 60% of apartments are to be provided with cross ventilation (i.e. window openings that face different directions). For apartments with no cross ventilation, ceiling fans must be provided.
- P11 Utilise double glazing, awnings or window solar screens to reduce reliance on artificial cooling of buildings.
- P12 The amount of glazing on eastern and western elevations is to be minimised and incorporate external shading devices.

<sup>3</sup> Minimum internal space excludes balconies, garages and ancillary storage space. For multi-dwelling developments with one predominant dwelling type strict compliance with minimum space is required.



P13 Amenity and safety of residents is protected from intrusion by users of the non-residential parts of the development (e.g. through the use of security access to lifts and car parking).

### 2.5.5 Lightwells and Ventilation

#### Objectives

O1 To ensure that apartments within mixed use developments are provided with sufficient natural solar access and ventilation, where the provision through conventional means (i.e. windows) is adversely restricted or compromised.

#### Provisions

P1 Council does not support the use of lightwells for the provision of light and ventilation to dwellings. However, Council may consent to the use of lightwells, but only if the following criteria are satisfactorily met:

- (a) the lightwell does not provide the primary source of natural daylight and ventilation to any habitable room of a dwelling within the development; and
- (b) the dimensions of the lightwell comply with the building separation requirements set out in P5 to s.2.3.11 to this Part of the DCP (e.g. if non-habitable rooms face into a lightwell under 12m in height, the lightwell should measure 6m x 6m in plan); and
- (c) the lightwell is directly connected at ground level to streets or lanes in buildings greater than 30m in height to allow air movement in the lightwell; and
- (d) all building services (e.g. utility installations, pipes, cabling and the like) are concealed and not overlooked by principal living rooms or bedrooms; and
- (e) the lightwell is fully open to the sky.

P2 Despite P2(b) above, a lesser dimension may be considered, but only if it can be satisfactorily demonstrated that acoustic privacy, visual privacy and daylight access to all dwellings can be provided.

P3 Alternative methods of ventilation of dwellings may be considered, but only if it can be satisfactorily demonstrated that there is no impact on privacy, noise, and fire safety.

P4 If an alternative method of ventilation is proposed, submit a ventilation report by a certified ventilation consultant in accordance with the AS 1668, which recommends that the minimum natural cross ventilation rate of airflow should be 60L/s and the minimum removal of excess heat should be 10 air changes per hour, to provide reasonable comfort to occupants.

### 2.5.6 Private Open Space

#### Objectives

O1 To ensure that residents of apartments within mixed use developments are provided with a reasonable level of outdoor amenity.

O2 To ensure that private open spaces are a sufficient size to be usable.

#### Provisions

P1 Apartments within mixed use developments must provide at least one private open space with the following minimum areas:

- (a) Studio 4m<sup>2</sup>
- (b) 1 bedroom 8m<sup>2</sup>
- (c) 2 bedrooms 10m<sup>2</sup>
- (d) 3+ bedrooms 12m<sup>2</sup>

**Note:** Best practice standard for balcony size is 15% of floor area of the apartment.

**North Sydney Development Control Plan 2013 – Draft Amendment for adoption**



**Commercial & Mixed Use Development**

- P2 Private open spaces must provide a minimum depth of 2m, or 2.4m where it relates to a 3+ bedroom apartment.
- P3 Where apartments are proposed without private open space, the size of the apartment must be increased by the minimum private open space requirement.
- P4 Private open spaces should be located such that they are directly accessible off a main living area of the dwelling.
- P5 In addition to the requirements of P1, multi-dwelling developments are encouraged to provide communal residential areas to encourage social interaction.

*Notes: It is considered best practice to provide communal areas in the order of 25% to 30% of the site area. A reduction in this requirement could be considered acceptable where private open spaces in excess of the minimum requirements are provided.*

- P6 Communal residential spaces:
- should comprise a mixture of indoor and outdoor spaces (such as gymnasium, pool and meeting rooms for residents);
  - must be provided in developments containing more than 15 bedrooms, with a minimum area of 20m<sup>2</sup> or 1m<sup>2</sup> per bedroom, whichever is the greater;
  - may be provided in form of an internal room as long as it has a minimum area of 75% of the total residential communal area requirement (as required in P6(b) above), with the remainder appropriately located in the external recreation area; and
  - must be provided with access to natural light and not be located in basements.

### 2.5.7 Vehicular access

#### Objectives

- O1 To enhance pedestrian safety.
- O2 To minimise the disruption to the streetscape from vehicle crossovers.
- O3 To enhance the visual streetscape.

#### Provisions

- P1 Where available and practical, all vehicle access must be provided from laneways.
- P2 Service vehicle access should be combined with parking access.
- P3 Vehicular access points should be limited to a maximum of one access point per building.
- P4 Where possible, shared or amalgamated vehicle access points with an adjoining building should be provided.
- P5 Vehicle entries, walls and ceilings should be finished with high quality materials, finishes and detailing, similar to the overall external facades of the building.
- P6 Service ducts and pipes should be concealed when viewed from the public domain.
- P7 Parking areas must be designed to enable vehicles to enter and leave the site in a forward direction.

### 2.5.8 Car Parking

#### Objectives

- O1 Maintain existing on-site car parking provision for employees and visitors.

#### Provisions

- P1 Provide on-site car parking in accordance with Part B: Section 10 – *Car Parking and Transport* of the DCP.



**Draft Amendment for adoption - North Sydney Development Control Plan 2013**

**Commercial & Mixed Use Development**

- P2 All car parking must be provided underground.
- P3 Where security doors/gates are proposed provide an intercom system to facilitate visitor/service access to underground parking areas.
- P4 Disabled and visitor parking spaces must be designated common property once the development is subdivided.

**2.5.9 Garbage Storage**

**Objectives**

- O1 To ensure sufficient space is provided on site for waste storage.
- O2 To ensure garbage storage areas are screened from the public domain.
- O3 To ensure convenient access for collection.

**Provisions**

**General**

- P1 Communal on-site waste storage, recycling and collection points must be provided for each development site.
- P2 Separate waste storage facilities must be provided where a development contains a mixture of both residential and commercial uses. Access to these separate storage areas is to be restricted to their respective users.
- P3 A garbage storage area should be located within 2m of the street or laneway boundary.
- P4 Notwithstanding P3 above, a garbage storage area may be located anywhere on a site, but only if a garbage collection area, capable of accommodating all of the required bins for the entire development is located within 2m of the street or laneway boundary.
- P5 Garbage storage facilities should not be located in conjunction with the main pedestrian entrances to a building.
- P6 Garbage bins stored in a collection facility should be located within 3m of the facility's entrance.
- P7 Convenient access for on-site movement and collection should be provided.
- P8 More than one communal on-site waste storage and recycling area should be provided on large or steep sites, or where there is more than one Council collection point.
- P9 Garbage storage areas must be screened from streets and laneways to discourage the illegal dumping of rubbish and unsightly mess visible to pedestrians.
- P10 Garbage storage areas must be located and managed to avoid causing a nuisance from smells, insects or animals.
- P11 Sufficient space must be provided to accommodate any on-site treatment facilities (e.g. compaction) proposed to be incorporated.
- P12 Garbage storage areas should be adequately protected from inclement weather. Where appropriate, the area should be enclosed or undercover.
- P13 Storage areas must be well ventilated and drained to a lawfully approved sewerage system.
- P14 Where a garbage chute is provided or required:
  - (a) a separate garbage chute must be provided for the residential and commercial components of the building;
  - (b) the garbage chute room must be adequately ventilated and incorporate fire safety and other services in accordance with the BCA.

**B Part**

**B2-28 Page**

North Sydney Development Control Plan 2013 – [Draft Amendment for adoption](#)**Commercial & Mixed Use Development**

P15 Garbage facilities are to be designed and constructed in accordance with Council's Waste Management Guide (refer to Appendix 3).

**Commercial components**

P16 On-site garbage storage areas must be provided which are capable of accommodating the number of garbage and recycling bins as indicated in Table B-2.10. However, industry standards for waste generation rates may be used where these differ from the Council rates or if no Council rate is given.

<b>TABLE B-2.10: Waste bin requirements</b>			
<b>Type of Premises</b>	<b>Sub type of premises</b>	<b>Typical Volume of Waste generated to be stored</b>	
		<b>Waste</b>	<b>Recycling</b>
<b>Child care facilities</b>	All types	20L / child /week	10L / child /week
<b>Office buildings</b>	General office use	10L / 100m <sup>2</sup> GFA / day	10L / 100m <sup>2</sup> GFA / day
<b>Retail Trading</b>	Shops < 100m <sup>2</sup>	50L / 100m <sup>2</sup> GFA / day	25L / 100m <sup>2</sup> GFA / day
	Shops ≥ 100m <sup>2</sup>	50L / 100m <sup>2</sup> GFA / day	50L / 100m <sup>2</sup> GFA / day
	Supermarkets	660L / 100m <sup>2</sup> GFA / day	130L / 100m <sup>2</sup> GFA / day
	Showrooms	40L / 100m <sup>2</sup> GFA / day	10L / 100m <sup>2</sup> GFA / day
	Greengrocers	240L / 100m <sup>2</sup> GFA / day	410L / 100m <sup>2</sup> / day
	Florist / plant shop	900L / 100m <sup>2</sup> GFA / day (combined)	
	Butcher / Delicatessen	80L / 100m <sup>2</sup> GFA / day	Variable, but average 50L / 100m <sup>2</sup> GFA / day
	Bakery	295L / 100m <sup>2</sup> GFA / day	165L / 100m <sup>2</sup> GFA / day
<b>Food and drink premises</b>	Fish	50L / 100m <sup>2</sup> GFA / day. Waste receptacles shall be refrigerated so as to ensure all wastes are kept at a temperature not exceeding 4°C	Variable
	Take away food and drink premises	80L / 100m <sup>2</sup> GFA / day	240L / 100m <sup>2</sup> GFA / day
	Restaurants and cafes	10L / 1.5m <sup>2</sup> GFA / day	120L / 100m <sup>2</sup> GFA / day
	Registered clubs Pub Small bar	50L / 100m <sup>2</sup> bar area / day 80L / 100m <sup>2</sup> restaurant GFA / day	50L / 100m <sup>2</sup> bar area / day 50L / 100m <sup>2</sup> dining area / day
<b>Assembly rooms</b>	Social recreational or religious premises	50L / 100m <sup>2</sup> GFA / day	10L / 100m <sup>2</sup> GFA / day
	Entertainment facilities	1L / 4 seats / screening	0.5L / 4 seats / screening
<b>Tourist and visitor accommodation</b>	Backpacker accommodation	40L / occupant space / week	20L / occupant space / week
	Hotel and motel accommodation	5L / bed space / day	5L / bed space / day
		50L / 100m <sup>2</sup> bar area / day	50L / 100m <sup>2</sup> bar area / day
		10L / 1.5m <sup>2</sup> dining area / day	50L / 100m <sup>2</sup> dining area / day
Serviced apartments	120L / apartment / week	60L / apartment / week	

**Part****B****Page****B2-29**



**Draft Amendment for adoption - North Sydney Development Control Plan 2013**

**Commercial & Mixed Use Development**

TABLE B-2.10: Waste bin requirements			
Type of Premises	Sub type of premises	Typical Volume of Waste generated to be stored	
		Waste	Recycling
<b>Industrial</b>	-	Dependant upon industry type	Dependant upon industry type

P17 Notwithstanding the rates to P16, Council may permit a reduction in the number of bins required, but only if a garbage compactor is required or proposed to be incorporated within the development.

P18 All developments containing a lift must provide:

- (a) a garbage chute leading to a central garbage storage room that has a waste compaction unit attached with a minimum compaction ratio of at least 2:1; and
- (b) an interim recycling room with a minimum dimension of 1.5m square on each level of the building with at least one point of access to the garbage chute, with the space to accommodate at least 1 x 240 litre recycling bin for the separate collection of recyclable materials.

P19 The area allocated must accommodate any privately arranged collection (e.g. daily or weekly, etc. collections).

P20 Source separation must be provided within the garbage storage area to maximise recycling and reduction of waste sent to land fill.

P21 Food and drink premises and any other premises involved in the storing of perishable goods are required to:

- (a) provide specialised containment for food scraps;
- (b) Arrange regular/daily collection of food scraps; and
- (c) Provide refrigerated garbage rooms where large volumes of perishables (such as seafood) and infrequent collection is proposed.

P22 Grease traps may be required in certain circumstances (refer to Sydney Water may have specific trade waste requirements).

P23 Special arrangements are required for the storage and disposal of any special waste material, such as medical or hazardous wastes. Applicants should contact Council and Environment Protection Authority for further information.

**Residential component**

P24 On-site garbage storage areas must be provided which are capable of accommodating at least the number of garbage and recycling bins as indicated in Table B-2.11.

TABLE B-2.11: Waste bin requirements		
No. of Apartments	No. of garbage bins required	No. of recycling bins required
1-3	1 x 80 litre bin / dw*	1 x 140 litre bin / dw
4-12	1 x 80 litre bin / dw or 1 x 240 litre bin / 3 dws	2 x 240 L comingled mobile recycling bin each colour coded and dedicated specifically for paper and co-mingled glass/plastic bottles and cans

**B Part**

**B2-30 Page**

## North Sydney Development Control Plan 2013 – Draft Amendment for adoption



## Commercial &amp; Mixed Use Development

TABLE B-2.11: Waste bin requirements		
No. of Apartments	No. of garbage bins required	No. of recycling bins required
13 or more	1 x 240 litre bin / 3 dws 660 litre bins permitted	2 x 240 litre mobile bins / 15 dws or part thereof 660 litre bins permitted colour coded and dedicated specifically for paper and co-mingled glass/plastic bottles and cans

\* dw = dwelling

- P25 Notwithstanding the rates to P24, Council may permit a reduction in the number of bins required, but only if a garbage compactor is required or proposed to be incorporated within the development.
- P26 All developments containing a lift must provide:
- a garbage chute leading to a central garbage storage room that has a waste compaction unit attached with a minimum compaction ratio of at least 2:1; and
  - an interim recycling room with a minimum dimension of 1.5m square on each level of the building, with at least one point of access to the garbage chute, which is provided with space to accommodate 1 x 240 litre bin for the separate collection of recyclable materials.
- P27 Developments which do not contain a lift, but propose to incorporate a garbage chute, must comply with the requirements of P26(a) and P26(b).
- P28 Each dwelling must be provided with a waste storage cupboard within the kitchen, capable of accommodating at least 2 days waste and to enable source separation of garbage, recyclables and compost material in separate containers.

### 2.5.10 Site facilities

#### Objectives

- O1 To ensure that any site facilities are unobtrusive, integrated into developments, provide for occupants needs and reduce impacts on the environment.

#### Provisions

##### General

- P1 Site facilities should be located in the most accessible and convenient location and, if possible, located near regularly staffed areas such as reception areas.
- P2 Direct access should be provided to site facilities. The use of long corridors and blind corners should be avoided. The use of lighting and mirrors should be used in problem areas.
- P3 Site facilities should be designed to encourage their use by keeping them clean and vandal resistant. Access routes should be clearly signed and information provided in facilities to report maintenance and vandalism.
- P4 Seating is open to view and well lit after dark.
- P5 Provide no more than one telecommunications/TV antenna per building.

##### Commercial

- P6 Services such as ATMs, self service vending machines and telephones should be:
- located in areas of frequent activity,
  - be well lit after dark,



**Draft Amendment for adoption - North Sydney Development Control Plan 2013**

**Commercial & Mixed Use Development**

- (c) located away from concealed areas, and
  - (d) be well maintained and vandal resistant.
- P7 ATMs and self service vending machines must not be located in recesses and must be designed to incorporate mirrors or reflective material so users can observe people approaching from behind.
- P8 ATMs and self-service vending machines must be unobtrusive and sympathetically integrated into shop-fronts and are not to obstruct pedestrian access.
- P9 Where ATMs or self-service vending machines issue paper receipts, the machine must incorporate a rubbish receptacle which is integrated into the overall design of the machine.
- P10 To ensure that self-service vending machines do not distribute inappropriate material to minors, the applicant must demonstrate to Council's satisfaction how the distribution of restricted material/s will be restricted.

**Residential**

- P11 Open air drying facilities should be provided in a sunny location which are adequately screened from streets and public places.
- P12 Provide a lockable mailbox for each dwelling close to the main pedestrian entry to the dwelling or building.
- P13 Provide ancillary storage facilities at the rate outlined in Table B-2.12 and linked to each dwelling through provisions of the relevant Strata Plan (at least 50% within the apartment).

<b>Dwelling Size</b>	<b>Minimum Storage Rate</b>
Studio	4m <sup>3</sup>
1 bedroom dwelling	6m <sup>3</sup>
2 bedroom dwelling	8m <sup>3</sup>
3+ bedroom dwelling	10m <sup>3</sup>

- P14 Basement storage facilities will not be permitted for conversion to car parking spaces, either informally or by means of lodging a development application or a s.96 application to modify a development consent.
- P15 Incorporate car wash bays in mixed use developments where there are more than 4 dwellings within the development.

**2.5.11 Temporary structures**

**Objectives**

- O1 To ensure that the location of temporary structures promotes public safety and amenity.
- O2 To encourage vitality, diversity and natural surveillance in the community without causing adverse effects on the streetscape.

**Provisions**

- P1 Temporary structures must not be located:
- (a) in locations that hinder access to power or water access points;
  - (b) within 5m from front and/or side boundaries to facilitate pedestrian movement;

**North Sydney Development Control Plan 2013 – Draft Amendment for adoption**



**Commercial & Mixed Use Development**

- (c) which breach traffic signs or hinder pedestrian or vehicular movement (e.g. in driveways or doorway entrances.);
  - (d) in such a way as to impact on informal or formal through site links or areas formally designated for public access; and
  - (e) near fire protection equipment or exits.
- P2 Mobile carts or stalls:
- (a) are not permitted on road shoulders;
  - (b) may be subject to a limited period of consent and hours of operation;
  - (c) must not provide any live or amplified music or other sounds promoting the cart or stall;
  - (d) must comply with the [Food Act 2003](#), the *National Code for Food Vending Vehicles and Temporary Food Premises* and the *Building Code of Australia*;
  - (e) should use biodegradable materials for all coffee/drink cups, cutlery and/or packaging of pre-cooked food stuffs;
  - (f) should be designed and use colours and materials that are compatible with the nature of Council's plazas; and
  - (g) must obtain the relevant Council permit and display it during the hours of operation.
- P3 Temporary stalls on public footpaths will be generally limited to Mount Street Plaza and Elizabeth Plaza, Ernest Place.
- P4 Internal temporary structures should be compatible with the interior design of the building within which it is to be located.
- P5 Outdoor temporary structures are designed to be consistent with streetscape through their design and use of materials, colours and finishes.
- P6 Maximum of one coffee cart within a 200m radius.
- P7 Signage for any mobile cart is limited to one business identification sign affixed to the front panel of the cart and must not exceed 50% of that area.
- P8 Any ancillary equipment should not be visible from the street and should be stored directly inside the temporary structure.
- P9 Mobile cart/stall operators are responsible for the control of litter generated by the cart or stall.
- P10 Tables and chairs are not permitted to be provided for patrons. A stool may be permitted for the operator only.

## 2.6 EFFICIENT USE OF RESOURCES

The commercial and retail sectors are significant users of electricity and are major contributors to greenhouse emissions in Australia. Improving energy efficiency is one of the most cost effective ways of reducing greenhouse gas emissions. The pursuit of energy efficiency can bring economic, social and environmental benefits. Another reason to encourage energy efficiency is the reduction in maintenance costs and improved leaseability and saleability of the building.

Reducing waste has environmental, social and economic benefits. There are many opportunities in the development process to reduce the amount of waste and to maximise the amount of material that is recycled and reused, rather than going to landfill.

The amount of stormwater runoff in an area relates directly to intensity of development in that area. The more impervious to stormwater an urban area is, the larger the runoff quantities are and thereafter the impact on the environment.



**Draft Amendment for adoption - North Sydney Development Control Plan 2013**

**Commercial & Mixed Use Development**

Applicants must comply with the submission requirements and performance targets set out in Table B-2.13 in order to demonstrate the proposed development will achieve an efficient use of resources.

**TABLE B-2.13: Non-residential thresholds, submission requirements and performance targets**

Threshold/size	Submission requirement	Performance target
<b>Alterations affecting less than half the original building or tenancy (measured over the roof and the outer walls)</b>	An Efficient Use of Resources Commitment Table (to be completed by the applicant).	Compliance with / consideration of (as relevant) DCP provisions within Efficient Use of Resources sub-sections.
<b>Alterations affecting more than half the original building or tenancy (measured over the roof and the outer walls)</b>	The development must comply with the relevant submission requirements as if it were a new development.	The development must comply with the relevant performance targets as if it were a new development.
<b>Less than 2000m<sup>2</sup> GFA</b>	An Efficient Use of Resources Commitment Table (to be completed by the applicant).	Compliance with / consideration of (as relevant) DCP provisions within Efficient Use of Resources sub-section.
<b>2000m<sup>2</sup>-5000m<sup>2</sup> GFA</b>	An Efficient Use of Resources Commitment Table (to be completed by the applicant); AND	Compliance with / consideration of (as relevant) DCP provisions within Efficient Use of Resources sub-section.
	A NABERS Energy Commitment Agreement and associated documentation (see s.2.6.1(P21) below); OR If a NABERS Energy rating tool is not available for the particular type of non-residential development proposed, an Energy Efficiency Report from a suitably qualified consultant that sets out proposed energy efficiency measures; AND	The Commitment Agreement must be for a 4.5 star NABERS rating for the base building, whole building, or tenancies as appropriate; OR If an Energy Efficiency Report is required it must demonstrate that a high level of energy efficiency will be achieved.
	A WSUD report from a suitably qualified consultant.	Compliance with / consideration of (as relevant) DCP provisions within Efficient Use of Resources sub-section, particularly regarding on-site detention, discharge rates and quality of discharge; and demonstration that WSUD has been incorporated to the maximum extent practicable.
<b>&gt;5000m<sup>2</sup> GFA</b>	A NABERS Energy Commitment Agreement and associated documentation (see s.2.6.1(P21) below); OR If a NABERS Energy rating tool is not available for the particular type of non-residential development proposed, an Energy Efficiency Report from a suitably qualified consultant that sets out	The Commitment Agreement must be for a 4.5 star NABERS rating for the base building, whole building, or tenancies as appropriate; OR If an Energy Efficiency Report is required it must demonstrate that a high level of energy efficiency will be achieved.

**B Part**

**B2-34 Page**

North Sydney Development Control Plan 2013 – Draft Amendment for adoption



Commercial & Mixed Use Development

**TABLE B-2.13: Non-residential thresholds, submission requirements and performance targets**

Threshold/size	Submission requirement	Performance target
	proposed energy efficiency measures; AND	
	A WSUD report from a suitably qualified consultant; AND	Compliance with / consideration of (as relevant) DCP provisions within Efficient Use of Resources sub-section, particularly regarding on-site detention, discharge rates and quality of discharge; and demonstration that WSUD has been incorporated to the maximum extent practicable.
	Evidence that the building design has been awarded a Green Star rating; OR If evidence of a Green Star rating being awarded is not available at DA stage or if a Green Star rating tool is not available for the particular type of non-residential development proposed, a Sustainability Report including an Efficient Use of Resources Commitment Table (to be completed by suitably qualified consultants) must be submitted.	The base building, or the whole building where there is to be one tenant to occupy the whole building, must achieve a 5 star Green Star rating; OR If a Sustainability Report which includes an Efficient Use of Resources Commitment Table is required it must demonstrate compliance with / consideration of (as relevant) DCP provisions within the Efficient Use of Resources sub-section and demonstrate that the development will achieve a very high degree of environmental sustainability.

**2.6.1 Energy efficiency**

Most commercial buildings or premises could reduce their energy consumption by at least 20% by investing in the latest energy efficient equipment. Such investment invariably offers a highly profitable rate of return, resulting in cost-effective energy savings with the positive result of reducing emissions.

Nearly half of energy consumption in buildings is due to heating, cooling, ventilation, office equipment and lighting. A typical energy bill is 25% of a building’s total operating costs. By incorporating passive solar design strategies and using building techniques that minimise energy use, it is possible to reduce energy associated costs by up to 60%.

The main sources of energy use in commercial buildings include heating and cooling (air-conditioning), lighting and the use of office equipment. The way the occupants operate and maintain a building is crucial to its energy efficiency so just having a smart design does not guarantee an efficient building. Controls in this section of the DCP seek to acknowledge these facts by addressing both building design and maintenance.

**BASIX – Building Sustainability Index**

Developments involving the construction of a new dwelling and some alterations to existing dwellings will require the submission of a BASIX certificate. For further information, visit [www.basix.nsw.gov.au](http://www.basix.nsw.gov.au).

**National Australian Built Environment Rating Scheme (NABERS)**

North Sydney Council encourages developers to obtain a NABERS rating for commercial and commercial components of buildings. The rating assesses a building’s performance in terms of its Greenhouse gas emissions during its operation.

The Rating Scheme, which is managed by the Department of Environment, Climate Change and Water (DECCW), allows owners and occupiers of commercial and commercial



## Draft Amendment for adoption - North Sydney Development Control Plan 2013

### Commercial & Mixed Use Development

components of buildings to benchmark the greenhouse performance of their premises on scale of one to five. One represents the most polluting and five, the least polluting, with three representing best market practice. New commercial buildings, refurbishments, tenancies and fitouts will have to demonstrate compliance with this DCP by signing DECCW's NABERS – Energy Commitment Agreement and achieving a minimum 4.5 star rating for the base building, whole building for tenancies (as appropriate).

#### Green Star

North Sydney Council encourages developers to obtain a Green Star rating for developments involving the provision of substantial commercial floor space. The Green Star rating system, which is managed by the Green Building Council of Australia, is a comprehensive, national, voluntary environmental rating system that evaluates the environmental design and construction of buildings. Approximately, 11 per cent of Australia's CBD<sup>4</sup> commercial office buildings are Green Star certified, reinforcing that building "green" is now a business imperative.

The following Green Star Certified Ratings are available:

- **4 Star Green Star Certified Rating** (score 45-59) signifies 'Best Practice' in environmentally sustainable design and/or construction
- **5 Star Green Star Certified Rating** (score 60-74) signifies 'Australian Excellence' in environmentally sustainable design and/or construction
- **6 Star Green Star Certified Rating** (score 75-100) signifies 'World Leadership' in environmentally sustainable design and/or construction

Although Green Star certification requires a formal process, any project can freely download and use the Green Star tools as guides to track and improve their environmental attributes. Refer to [www.gbca.org.au](http://www.gbca.org.au).

#### Objectives

- O1 To ensure that developments minimise their use of non-renewable energy resources.
- O2 To ensure that buildings are designed such that the air conditioning plant meets performance requirements, while minimising energy usage.
- O3 To encourage the use of energy efficient lighting.

#### Provisions

##### General

- P1 Where alterations affect more than half the total volume of the original building (measured over the roof and the external walls), achieve the targets in this subsection for the whole of the building.
- P2 Consider the following issues when assessing the energy rating of buildings and whether any of these issues prevent the achievement of the energy ratings:
- (a) orientation or shape of the block;
  - (b) existing overshadowing due to either the surrounding terrain or existing development;
  - (c) topography, geology or geo-technical constraints preclude energy saving design such as slab-on-ground construction; and
  - (d) conflict with requirements or guidelines in relation to privacy, area character, building design, bulk and scale or heritage considerations set out in the LEP or the DCP.
- P3 Ensure that the development does not reduce the energy efficiency of buildings in the vicinity.

<sup>4</sup> Figures obtained from the Green Building Council of Australia, circa October 2010.

**North Sydney Development Control Plan 2013 – Draft Amendment for adoption**



**Commercial & Mixed Use Development**

- P4 Improve the control of mechanical space heating and cooling by designing heating/cooling systems to target only those spaces which require heating and cooling, not the whole building.
- P5 Where the proposed development involves the installation of any of the following:
- (a) hotwater systems;
  - (b) clothes drier;
  - (c) dishwasher;
  - (d) fixed air conditioning systems (including reverse cycle systems);
  - (e) fixed heating systems;
- they must have a minimum energy star rating of 4.5 stars.
- P6 Lighting for streets, parks and any other public domain spaces provided as part of a development should be energy efficient LED lighting.
- P7 Car parking areas should be designed and constructed so that electric vehicle charging points can be installed at a later time.
- P8 Where appropriate and possible, the development of the public domain should include electric vehicle charging points or the capacity for electric vehicle charging points to be installed at a later time.
- P9 Improve the efficiency of hot water systems by insulating hot water systems.
- P10 Wherever possible solar hot water systems should be provided.
- P11 Incorporate on-site renewable energy sources to supplement energy needs during daily peak energy use.
- P12 In considering proposals for renewable energy, consideration should be given to the economic and environmental benefits to the broader community of renewable energy generation while also considering the need to minimise the effects of a proposal on the local community and environment.
- P13 Timers and movement sensors should be used to minimise energy consumption, particularly for lighting and mechanical ventilation in public areas.
- P14 Energy efficient lighting and technology should be used to reduce energy consumption. Consider the use of solar powered illumination.
- P15 Use solar powered lighting for external areas.

**Residential component**

- P16 A BASIX Certificate is required to be submitted with all developments incorporating residential development types nominated under SEPP (Building Sustainability Index: BASIX) 2004.

**Note:** BASIX assessments and certificates can be obtained on-line at [www.basix.nsw.gov.au](http://www.basix.nsw.gov.au)

**Commercial components**

- P17 In multi-floor or multi-tenant or strata-subdivided developments, electricity sub-metering is to be provided for light, air-conditioning and power within each floor and/or tenancy and/or strata unit. Locations are to be identified on the development plans. Electricity sub-metering should be provided for significant end uses that will consume more than 10,000 kWh/a.
- P18 Reduce reliance on artificial lighting by designing lighting systems to target only those spaces which require lighting at any particular 'off-peak' time, not the whole building.
- P19 Locate appliances and equipment that generate waste heat, (such as copiers) in areas separated from the spaces requiring cooling.
- P20 Buildings, or the commercial components of mixed use buildings, that have a gross floor area greater than 2000m<sup>2</sup> must be capable of achieving a minimum 4.5 star



## Draft Amendment for adoption - North Sydney Development Control Plan 2013

### Commercial & Mixed Use Development

rating under DECCW's NABERS Energy. In this regard, the following information is required to be lodged with the relevant certifying authority (Council or an accredited certifier) prior to the issue of a Construction Certificate:

- (a) Evidence that a Commitment Agreement has been entered into with DECCW, to deliver this Star rating for the base building (i.e. services traditionally supplied as 'common' to tenants, such as air conditioning, lifts and common area lighting) or for the whole building where the applicant is to occupy the entire building.
- (b) An independent energy assessment report that follows the guidelines in DECCW's *NABERS Energy and Water for Offices Rules for collecting and using data*. This document can be obtained from [www.nabers.gov.au/](http://www.nabers.gov.au/);
- (c) A computer building simulation in accordance with DECCW's *NABERS Energy Guide to Building Energy Estimation*. This document can be obtained from [www.nabers.gov.au/](http://www.nabers.gov.au/). The computer building simulation is required to demonstrate to the satisfaction of Council, or the private certifier if Council is not the certifying authority, that the building can reasonably be expected to achieve the proposed rating under realistic operating conditions.

P21 Developments involving the provision of more than 5,000m<sup>2</sup> of office floor space must demonstrate that the development can achieve a minimum 5 star rating under the Green Building Council of Australia's Green Star – Office rating tool. The rating tool can be obtained from the Green Building Council of Australia's website - [www.gbca.org.au](http://www.gbca.org.au).

#### 2.6.2 Passive solar design

##### Objectives

O1 To ensure that site layout and building orientation allows for maximum solar access and are adapted to local climatic conditions and prevailing site characteristics.

##### Provisions

- P1 To achieve maximum solar access for the buildings residential components of a building orient the building within 20° west of north to 30° east of north.
- P2 Adapt site layout and building orientation to local climatic conditions and prevailing site characteristics, such as existing overshadowing, planting and slope.
- P3 Locate the main daytime living areas (e.g. family, dining and meal rooms) on the northern side of apartments.
- P4 Orient the long axis or length of the building to the northerly aspect.
- P5 East and west facing glazing should be minimised and fully shaded at the summer solstice.
- P6 Ensure windows of living areas to apartments that face north will receive at least three hours of sunlight between 9am and 3pm over a portion of their surface during the winter solstice.
- P7 Provide shading devices on north facing walls to completely shade glazing from October to late February. To calculate the extent of shading device, draw a section and extend a line from the base of the window at 70°. The outer edge of the eaves or shading device should reach this line.
- P8 Optimise natural light access to reduce the amount of energy used to run artificial lighting (limiting the internal depth of the building allows efficient use of natural light).
- P9 If landscaping is proposed as part of the development, a documented landscape design concept shows how the landscaping contributes to energy efficiency by providing substantial shade in summer, especially to west-facing windows and open car park areas, and admitting winter sunlight to outdoor and indoor living and working areas.

**B** **Part**

**B2-38** **Page**

**North Sydney Development Control Plan 2013 – Draft Amendment for adoption**



**Commercial & Mixed Use Development**

- P10 Consideration should be given to using north facing pergolas to shade walls and windows (deciduous vines can be trained over the pergola to provide effective cooling in warm weather).
- P11 Where a north facing pergola contains fixed louvres, space and orient the louvres so that a line between the top of one blade and the bottom of the next makes an angle of 70°.
- P12 Angle louvres to correspond to the lowest altitude angle the sun reaches at noon in winter (31° in Sydney).
- P13 Where main living areas are oriented northwards, aim to achieve a glazed area of 30% of the dwelling's floor area in this direction.
- P14 South facing glazing should be kept to a minimum to reduce winter heat losses.
- P15 Buildings are designed, wherever possible, to include a north facing roof where a solar hot water system or collector can be installed.

**2.6.3 Thermal mass and insulation**

Thermal mass is the ability of a material to absorb heat energy. Materials like concrete, bricks and tiles are deemed to have a high thermal mass, as they require a lot of heat energy to change their temperature. Lightweight materials such as timber have low thermal mass. More thermal mass results in more even range in inside air temperature. Appropriate use of thermal mass throughout your home can make a big difference to comfort and heating and cooling bills.

Thermal mass is not a substitute for insulation. Thermal mass stores and re-radiates heat whereas insulation stops heat flowing into or out of the building. A high thermal mass material is not generally a good thermal insulator.

Insulation acts as a barrier to heat flow and is essential to keep your home warm in winter and cool in summer. A well insulated and well designed home will provide year-round comfort, cutting cooling and heating bills by up to half. This, in turn, will reduce greenhouse gas emissions.

**Objectives**

- O1 To achieve more even, year-round average temperature, making the building more comfortable for occupants and resulting in less demand for artificial heating or cooling.

**Provisions**

- P1 To maximise natural heating, provide flooring that will absorb heat from the winter sun (i.e. a concrete slab floor on the ground offers the best thermal massing properties, whilst timber floors have minimal performance in terms of thermal mass. Dark coloured tiles laid over a concrete slab is the most desirable covering in terms of maximising the performance of thermal mass in a dwelling).
- P2 To maximise natural cooling, protect thermal mass from summer sun with shading and insulation. Allow cool night breezes and air currents to pass over the thermal mass, drawing out all the stored energy.
- P3 Incorporate masonry walls and insulated walls and ceilings to contribute to the effectiveness of thermal mass.
- P4 Thermal insulation is used in the roof, walls and floor.
- P5 Ceiling/roof insulation must have at least an R3.0 rating or equivalent and wall insulation must have at least an R1.5 or equivalent rating. Insulation of cavity brick walls is not required. These ratings are based on AS 2627: Part 1-1993.
- P6 Use bulk or reflective insulation, or a combination of both, to achieve the required insulation value.
- P7 Heat loss/gain is minimised through the use of awnings, shutters or high performance glazing (e.g. double glazing).

<b>Part</b>	<b>B</b>
<b>Page</b>	<b>B2-39</b>



#### 2.6.4 Natural ventilation

##### Objectives

- O1 To ensure that dwellings are designed to provide all habitable rooms with direct access to fresh air and to assist in promoting thermal comfort for occupants.
- O2 To reduce energy consumption by minimising the use of mechanical ventilation, particularly air conditioning.
- O3 To ensure that workers are provided with direct access to fresh air and to assist in promoting thermal comfort for occupants

##### Provisions

- P1 Locate windows and openings in line with each other on opposing walls and with prevailing breezes.
- P2 Provide ceiling fans for use in summer (fans produce a cooling air movement that is preferable to letting in the hot daytime air).

#### 2.6.5 Water Conservation

##### Objectives

- O1 To minimise the use of potable water .
- O2 To encourage the reuse of greywater, rainwater and stormwater.

##### Provisions

##### General

- P1 Where the proposed development involves the installation of new:
  - (a) shower roses;
  - (b) taps for use over a basin, ablution trough, kitchen sink or laundry tub;
  - (c) flow restrictors;
  - (d) toilets;
  - (e) white goods, such as clothes washers or dishwashers;
 they must have the highest WELS star rating available at the time of development.
- P2 Recycled water (serviced by dual reticulation) should be utilised for permitted non-potable uses such as toilet flushing, laundry, irrigation, car washing, fire fighting, industrial processes and cooling towers..
- P3 Harvest and use rainwater for garden irrigation and toilet flushing.
- P4 Collect and reuse stormwater runoff for subsurface irrigation.
- P5 Use endemic plants (as listed on Council's website) and xeriscape principles in landscaping.
 

*Note: Xeriscape principles essentially seek to limit the use of water for irrigation, through the design of landscaped areas and careful use of vegetation.*
- P6 Install water efficient irrigation systems and controls.
- P7 Separate meters are to be installed for the make-up lines to cooling towers, swimming pools, on the water supply to outdoor irrigation, and other significant end uses.
- P8 Where cooling towers are used they are:
  - (a) to employ alternative water sources where practical; or
  - (b) to include a water meter connected to a building energy and water metering system to monitor water usage; and
  - (c) to be connected to a recirculating cooling water loop; and

**North Sydney Development Control Plan 2013 – Draft Amendment for adoption**



**Commercial & Mixed Use Development**

- (d) discouraged where they are a single pass cooling systems; and
  - (e) to be connected to a conductivity meter to ensure optimum circulation before discharge.
- P9 Install a pool cover where the proposed development includes an external swimming pool.

**Commercial**

- P10 Rainwater tanks or other alternative water sources including recycled water systems are to be installed to minimise the use of potable water and maximise the use of alternative water sources.
- P11 Rainwater tanks should be plumbed to appropriate end uses, including toilet flushing, water features, car washing and garden irrigation.
- P12 Separate meters are to be installed on separate units of occupancy in non-residential BCA class 5, 6 and 7 buildings.
- P13 A reporting system should be developed to inform/educate occupants about the building's water consumption.
- P14 Use waterless urinals.
- P15 Install sensor operated taps, or automatic shutoff taps, especially in public areas.

**Residential**

- P16 A BASIX Certificate is required to be submitted with all buildings incorporating residential development types nominated under SEPP (Building Sustainability Index: BASIX) 2004.

**Note:** BASIX assessments and certificates can be obtained on-line at [www.basix.nsw.gov.au](http://www.basix.nsw.gov.au)

**2.6.6 Waste Management & Minimisation**

**Objectives**

- O1 To minimise material usage and waste during building, construction and demolition.
- O2 To minimise the level of waste during operation reduce new building material usage and minimise volume of demolition materials.

**Provisions**

- P1 A Waste Management Plan for the demolition, construction and operation of the building must be provided in accordance with Part B: Section 19 - *Waste Minimisation and Management* of the DCP.
- P2 The building should be designed to encourage waste minimisation (e.g. source separation, reuse and recycling).
- P3 Adequate recycling systems must be provided in the design of the garbage room.
- P4 Materials with long lives and low maintenance needs are encouraged to be incorporated.
- P5 Contractors and sub-contractors employed to undertake proposed construction works and waste removal should be educated about the waste objectives of the development.
- P6 The storage of any hazardous waste materials must be adequately secured.

**2.6.7 Stormwater management**

**Objectives**

- O1 To mimic pre-development or natural drainage systems through the incorporation of WSUD on-site.



**Draft Amendment for adoption - North Sydney Development Control Plan 2013**

**Commercial & Mixed Use Development**

O2 To protect watersheds by minimising stormwater discharge and maximising stormwater quality.

O3 To minimise off-site localised flooding or stormwater inundation.

**Provisions**

P1 An *Erosion and Sediment Control Plan* for the construction of the building is required in accordance with Part B: Section 17 - *Erosion and Sedimentation Control* of the DCP.

P2 A *Stormwater Management Plan* for the operation of the building is required demonstrating compliance with this subsection as well as Part B: Section 18 - *Stormwater Management* of the DCP.

P3 Demonstrate how run-off from the site will be minimised and the quality of water leaving the site will be improved.

P4 Rainwater tanks should be installed for all developments, including major alterations and additions and mixed-use developments. Rainwater tanks should be plumbed to appropriate end uses, including toilet flushing, water features, car washing and garden irrigation, to ensure sufficient use of tank water so that capacity exists to accommodate rainwater from storm events.

P5 As a minimum, post-development stormwater discharge rates should be less than pre-development stormwater discharge rates.

P6 As a minimum, post-development stormwater quality should be improved from pre-development levels.

P7 On-site stormwater detention, including the use of grass swales and detention basins, should be pursued where practicable to minimise and filter stormwater runoff

P8 Impervious surfaces should be minimised.

P9 Ensure paved areas are at least 50% pervious.

P10 In addition to a Stormwater Drainage Plan, residential developments with a gross floor area greater than 2000m<sup>2</sup> must also submit a Water Sensitive Urban Design report from a suitably qualified consultant demonstrating that WSUD has been incorporated to the maximum extent practicable and that stormwater discharge will be reduced to the maximum extent practicable.

P11 All developments with a gross floor area greater than 2000m<sup>2</sup> are to undertake a stormwater quality assessment to demonstrate that the development will achieve the post-development pollutant load standards indicated below:

- (a) Litter and vegetation larger than 5mm: 90% reduction on the Baseline Annual Pollutant Load;
- (b) Total Suspended Solids: 85% reduction on the Baseline Annual Pollutant Load;
- (c) Total Phosphorous: 65% reduction on the Baseline Annual Pollutant Load;
- (d) Total Nitrogen: 45% reduction on the Baseline Annual Pollutant Load.

**2.6.8 Building Materials**

**Objectives**

O1 To encourage the use of materials which have a low environmental impact during their life cycle.

O2 To encourage the use of toxin free material to minimise the health impact of materials used indoors.

O3 To maximise the energy efficiency of buildings.

**Provisions**

P1 Products with the least life cycle impact should be favoured.

**B Part**

**B2-42 Page**

**North Sydney Development Control Plan 2013 – Draft Amendment for adoption**



**Commercial & Mixed Use Development**

- P2 The use of the following types of building materials are to be maximised wherever possible:
- (a) materials which are sourced from renewable and abundant resources;
  - (b) materials which are durable;
  - (c) locally manufactured materials and produced;
  - (d) materials with a low embodied energy content;
  - (e) salvaged and/or recycled materials;
  - (f) timber used be obtained from certified sustainable sources;
  - (g) materials with a high recycled content (>50%);
  - (h) low volatile organic compound (VOC) emitting materials;
  - (i) mechanical fixings instead of adhesives and glues, wherever possible;
  - (j) when using Medium Density Fibreboard, ensure that it has a low formaldehyde content;
  - (k) use toxin-free floor finishes;
- P3 Avoid the use of the following:
- (a) copper, chrome, cadmium, lead, mercury, cyanide, and formaldehyde;
  - (b) materials, sealants and adhesives containing PVC;
  - (c) wood treated with CCA;
  - (d) solvents.
- P4 Use physical termite barriers (made of granite or stainless steel) instead of chemicals where possible.
- P5 Buildings should use lighter coloured materials and finishes on main external parts of the building.

**2.6.9 Adaptive reuse of buildings**

**Objectives**

- O1 To encourage the adaption and reuse of buildings.

**Provisions**

- P1 Where feasible, existing buildings are to be reused in preference to demolition.
- P2 Buildings should be designed to encourage adaptable office floorspace to accommodate changing occupier requirements.

**2.6.10 Hotwater systems**

**Objectives**

- O1 To ensure the most efficient water heating methods are used to assist in the reduction of greenhouse gas emissions and use of non-renewable resources.

**Provisions**

- P1 New hotwater systems installed in dwellings must not solely rely on electrical mains power to heat the water (n.b. sole electrical hotwater systems are not permitted in new dwellings).
- P2 Install solar powered water heaters on any residential development. Solar powered water heaters may be either gas or electrically boosted, but boosting should be limited to a maximum of 50% of total heating requirement with the remainder of heating requirements achieved through solar gain.



**Draft Amendment for adoption - North Sydney Development Control Plan 2013**

**Commercial & Mixed Use Development**

- P3 Where it can be demonstrated that insufficient solar access is available for a solar powered system install a heat pump or natural gas system.
- P4 Locate solar cells, heat pumps or any associated structures so as to avoid impact on the aesthetics of a building, the streetscape, or heritage significance of a building or conservation area.
- P5 Centralise solar or heat pump hot water systems in larger scale residential flat buildings or attached dwelling developments, to achieve economies of scale.
- P6 Where it can be demonstrated that the installation of a low greenhouse gas emission water heating system would require additional expenditure which is not cost-effective over a five year period other systems may be considered.

**2.6.11 Green roofs**

A green roof can comprise a roof system that is designed to promote the growth of various forms of vegetation, renewable energy production and/or water collection technology on the tops of buildings. Although a green roof is only one element of a building, it is extremely important when considering the long term sustainability of buildings and their impacts on the environment.

Green roofs can not only assist in minimising impacts on the environment but can also help to reduce a building's running costs.

Applicants are requested to consult the *North Sydney Council Green Roof and Wall Resource Manual* for technical guidance on the design, construction and maintenance of green roofs.

**Objectives**

- O1 To provide accessible roof space providing increased amenity for the occupants and visitors of the building.
- O2 To improve the aesthetics and amenity of the urban environment (this particularly relates to the appearance of the roof when viewed from surrounding buildings).
- O3 To provide space to accommodate renewable energy production.
- O4 To improve stormwater management by controlling both the quality and flow of stormwater.
- O5 To increase biodiversity by the use of plant material, and in particular to promote food production where appropriate.
- O6 To protect the building structure by increasing its thermal protection which will also help to reduce internal heating and cooling requirements.

**Provisions**

- P1 Development applications for all new buildings or alterations and additions to an existing building that involves the creation of new roof spaces must submit a roof plan demonstrating how the new available roof space<sup>5</sup> contributes to the achievement of at least three of the above objectives.
- P2 In satisfying provision P1 above, the roof plan must illustrate those parts of the available roof space to be used as a green roof immediately after construction of the proposed works and/or areas capable of being retrofitted for a green roof at a later date. Applicants are encouraged to accommodate green roofs immediately after construction.

<sup>5</sup> "Available roof space" excludes plant rooms, lift overruns and other equipment such as building maintenance units. Available roof space includes the roof tops of any podiums.

**North Sydney Development Control Plan 2013 – Draft Amendment for adoption**



**Commercial & Mixed Use Development**

**2.6.12 Wind Turbines**

**Objectives**

O1 To manage the impacts of wind turbines.

**Provisions**

P1 Wind turbines are:

- (a) not to involve the removal or pruning of a tree or other vegetation that requires a permit or development consent for removal or pruning, unless that removal or pruning is undertaken in accordance with a permit or development consent;
- (b) to be clear from power lines in accordance with the requirements of the relevant electricity authority;
- (c) not to affect the structural integrity of the building;
- (d) should not detract from the significance of a heritage item or a heritage conservation area;
- (e) not to be located along a bat or bird flyway; and
- (f) to be installed in accordance with manufacturer's specifications.

P2 Wind turbines are not to cause the following LAeq levels to be exceeded in any nearby residential development (with windows closed):

- (a) in any bedroom in the building—35 dB(A) at any time between 10pm and 7am;
- (b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.

**2.7 PUBLIC DOMAIN**

The public domain includes streets and laneways, parks, plazas and malls, as well as areas for café and restaurant seating, entries and foyers to buildings and the interface where buildings meet the street or an adjoining open space.

The quality of the public domain has an impact on how people relate to their surroundings, how they use the public domain, how comfortable they feel in it, how they feel about it, and what they think about it. The public domain allows for freedom of movement, access to a range of services and activities. It provides space to relax in, meet friends, 'hang out', congregate and be entertained in. It above all contributes to community identity and sense of place.

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

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

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

**Objectives**

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

**Provisions**

P1 Where relevant, all works should be designed in accordance with:



## Draft Amendment for adoption - North Sydney Development Control Plan 2013

### Commercial & Mixed Use Development

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

#### 2.7.2 Public entertainment and expression

##### Objectives

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

##### Provisions

- P1 Formal and informal spaces for public entertainment should be provided.
- P2 Multi-functional street furniture should be incorporated into the design (e.g. a flat bench may become an informal plinth for performance artists).
- P3 At least one space within the North Sydney Centre must be provided that is large enough to hold an open air performance or market.
- P4 Public notice boards and kiosks should be provided in locations where people will be gathering.
- P5 Space should be provided within buildings for community facilities such as exhibition areas, recreational facilities or cinemas.

#### 2.7.3 Public art

##### Objectives

- O1 To contribute to the cultural life and enjoyment of commercial areas.
- O2 To allow for community self expression.

##### Provisions

- P1 The design of public art should be in accordance with *North Sydney Centre Public Domain Strategy*.
- P2 Artworks should be integrated into the design of public spaces and the publically accessible locations of private developments (i.e. main entrances, lobbies, street frontages, gardens, walls and rooftops).
- P3 Council's Arts and Culture Officer should be consulted in the design and execution stages for any public artwork, prior to development consent being issued.
- P4 Community groups should be consulted in the design of artworks.
- P5 Consideration should be given to artworks that serve a dual role (e.g. as play equipment for children, informal seating or a marker for a meeting place).

**B** **Part**

**B2-46** **Page**

**North Sydney Development Control Plan 2013 – [Draft Amendment for adoption](#)**



**Commercial & Mixed Use Development**

- P6 Artwork should demonstrate its relevance to its location, reflecting the area's history, culture or local community.
- P7 Artwork should enhance a sense of place or the distinctive identity of the area.
- P8 Council's *Arts Plan* should be considered in the design of all public art. It documents the process for completing an Arts Plan submission where an Arts Plan is lodged with a development application.

**2.7.4 Paving**

**Objectives**

- O1 To ensure pedestrian surfaces are safe for all users.
- O2 To ensure that pedestrian routes are clearly identified.
- O3 To ensure that paving is constructed from materials that provide consistency and continuity of streetscape.

**Provisions**

- P1 Except where negotiated with the Council, all footpath paving along property frontages must be provided in accordance with Council's specifications (including requirements for disabled access).
- P2 The extent, nature and type of paving materials include tactile surfaces in appropriate locations to assist the visually impaired.
- P3 Paving may be considered as part of public art, but only in consultation with Council.

**2.7.5 Native vegetation and water**

**Objectives**

- O1 To increase the provision of native vegetation and water in the public domain and publically accessible areas within private developments.

**Provisions**

- P1 All works should be designed in accordance with *North Sydney Centre Public Domain Strategy*.
- P2 Water features, utilising non-potable water, should be considered for inclusion within public spaces, building entrances, foyers, facades and rooftops.
- P3 Roof top gardens should be considered for incorporation where practicable and where they do not result in unreasonable amenity impacts to adjoining and neighbouring properties.
- P4 Trees should be planted where appropriate to provide shade, shelter and fauna.
- P5 Development on properties in proximity to bushland must be consistent with the requirements of Section 15 – *Bushland* to Part B of the DCP.

**Note:** Refer to the *Bushland Buffer Map* in Appendix 4 to this DCP to determine if the subject property is located in proximity to bushland.



**Draft Amendment for adoption - North Sydney Development Control Plan 2013**

***Commercial & Mixed Use Development***

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<b>B</b>	<b>Part</b>
<b>B2-48</b>	<b>Page</b>



## SECTION 2 NORTH SYDNEY PLANNING AREA

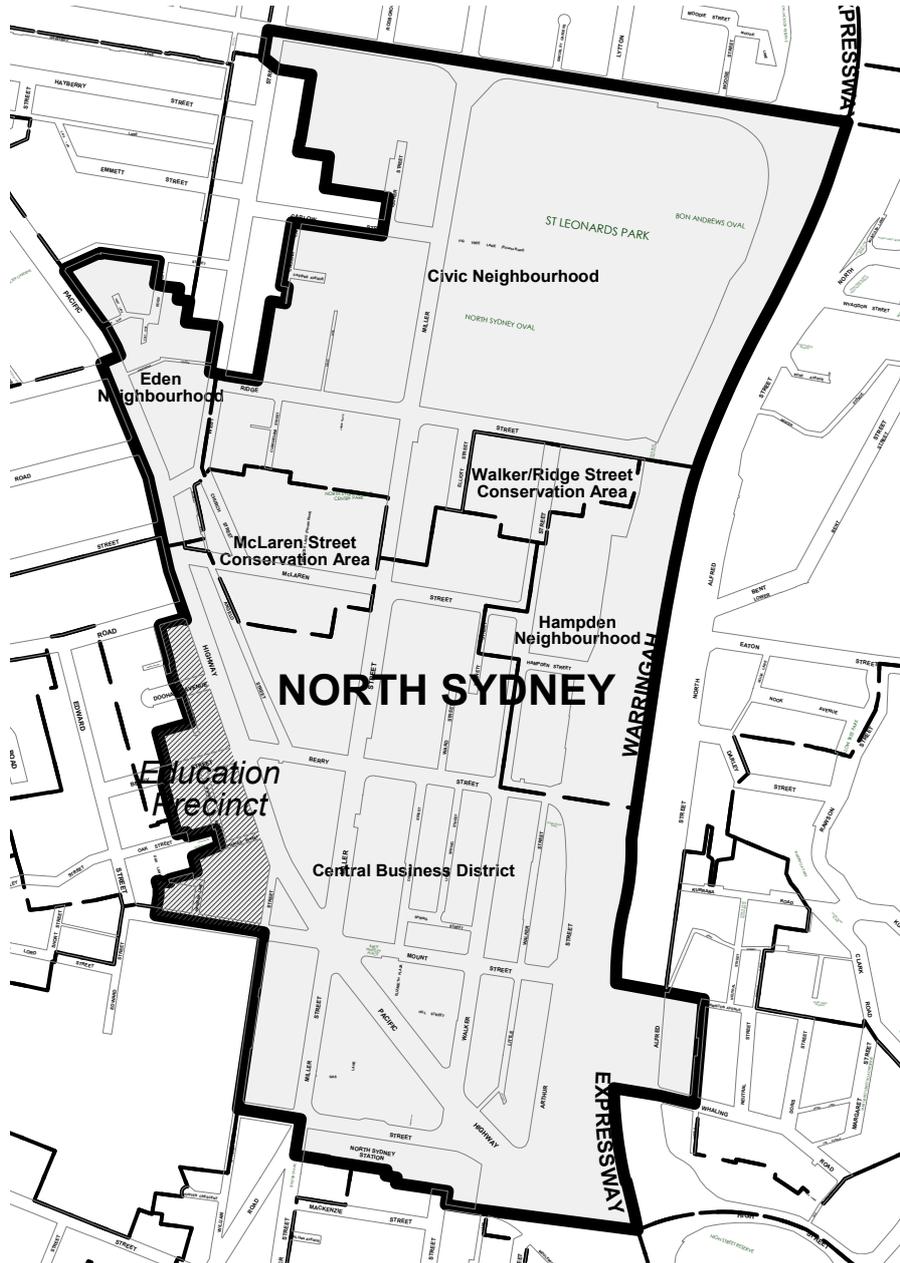
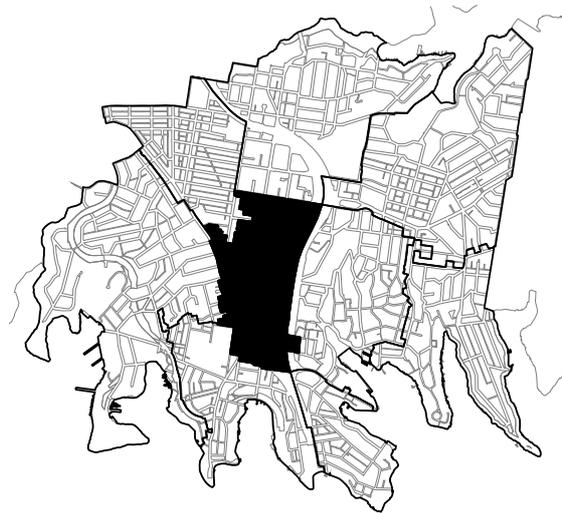


Figure C-2.1: North Sydney Planning Area and associated Locality Areas

Part	C
Page	C2-1



## 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 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 CBD.

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
- 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 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 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

C

Part

C2-2

Page

**North Sydney Development Control Plan 2013 – Draft Amendment for adoption**



**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 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 CBD
- Various grades and sizes of commercial floorspace accommodate a mix of small and larger business, services and retail
- New residential development 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
- Additional public open space is provided for increased worker and residential populations

**Built Form**

- There is a pleasant, well designed and well-lit series of easily accessible and connected urban plazas and gardens-
- 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
- [Physical breaks are provided between tall commercial towers to afford occupants of commercial buildings reasonable levels amenity in terms of ventilation, daylight access, solar access and views](#)
- [Physical breaks are provided between tall commercial towers to afford users of the public domain reasonable levels of amenity in terms of daylight access, solar access, sky views and reduction in adverse wind impacts](#)
- [Avoiding continuous, uninterrupted walls of towers to reinforce a human scale when read from the public domain](#)
- The significance of heritage items is retained, and promotes the rich development history and provides interest in the physical fabric of the area

<b>Part</b>	<b>C</b>
<b>Page</b>	<b>C2-3</b>



## Draft Amendment for adoption - North Sydney Development Control Plan 2013

### Area Character Statements - North Sydney Planning 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
- Victorian and Federation character of streets in the Walker Street Conservation Area is maintained and protected
- Pedestrian connections provide alternate east/west routes through the 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 CBD 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 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
- 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, working and student population of the North Sydney 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-Walker Street](#) Conservation Area
- Section 2.6: [Walker Street-McLaren Street](#) Conservation Area

C

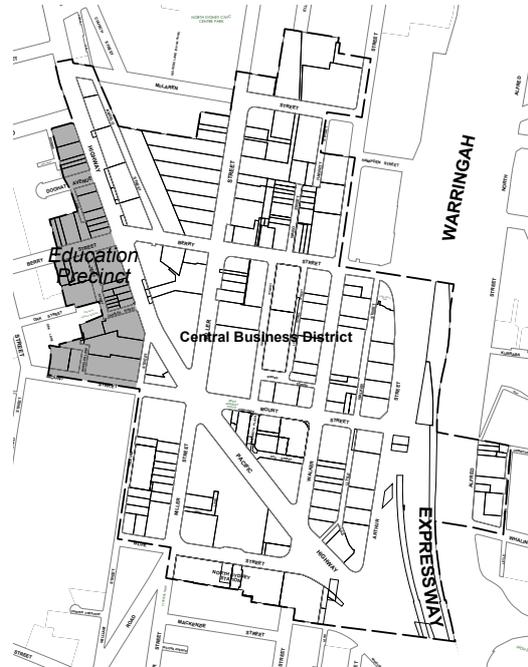
Part

C2-4

Page



## 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 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) From the plaza at No.5 Blue Street and located over North Sydney Rail Station to the Sydney Harbour Bridge.
  - (b) From Doris Fitton Park (160-166 Arthur Street) to Sydney Harbour and Neutral Bay district.
  - (c) Views along the Pacific Highway to the Post Office on Mount Street from the south-east.
  - (d) Views along the Pacific Highway to Sydney Harbour from the intersection with Mount Street.



**Draft Amendment for adoption - North Sydney Development Control Plan 2013**

**Area Character Statements - North Sydney Planning Area**

**Identity / Icons**

- P8 Brett Whiteley Place.
- P9 Greenwood.
- P10 Post Office and Court House.
- P11 MLC Building.
- P12 Don Bank Museum.

**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 Street trees.

**Public transport**

- P20 Development is to take advantage of the accessibility provided by existing and planned public transport infrastructure.

**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 CBD 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 Whiteley 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 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 to the Metro site, 1 Denison Street and the MLC building will contribute to the activation of the public domain in the Central Laneways Precinct.

**C**

**Part**

**C2-6**

**Page**

**North Sydney Development Control Plan 2013 – Draft Amendment for adoption**



**Area Character Statements - North Sydney Planning Area**

- 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.
- P12 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.
- P14 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.
- P15 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.
- P16 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.
- P17 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**

- P18 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. 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.
- 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.
- P22 Loading and delivery facilities should be located away from the street and where possible be located underground.
- P23 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.
  - (c) An 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) An east - west pedestrian link from Harnett Street to Walker Street across 142 Walker Street.
  - (f) An east - west pedestrian link from Harnett Street to Walker Street across 144-150 Walker Street.
  - (g) An east - west pedestrian link from Walker Street to Little Walker Street across 81-83 Walker Street.

<b>Part</b>	<b>C</b>
<b>Page</b>	<b>C2-7</b>



## Draft Amendment for adoption - North Sydney Development Control Plan 2013

### Area Character Statements - North Sydney Planning Area

- (h) An east - west pedestrian link from Little Walker Street to Arthur Street across 100 Arthur Street.
  - (i) An 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) An 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) 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 enable:

(a) ~~s~~ 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; and

~~(a)~~(b) the incorporation of adequate setbacks and breaks between tall commercial towers above the podium level to maintain reasonable access to sky views and daylight to the public domain.

~~P1~~P2 Development on small sites should not detrimentally impact on the long term ability of the amalgamation of sites for significant commercial development.

#### Form, massing and scale

~~P2~~P3 Buildings should be carefully designed to minimise the impact of their height and bulk on surrounding residential areas.

~~P3~~P4 Roof design contributes to building's appearance from a regional view catchment.

P5 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.

~~P4~~P6 No part of a building located above the podium and which exceeds 45m in height may have a horizontal width of more than 5560m.

#### Street Setbacks

~~P5~~P7 Zero setback to all street frontages ~~s 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

Part

C2-8

Page

**North Sydney Development Control Plan 2013 – Draft Amendment for adoption**



**Area Character Statements - North Sydney Planning Area**

- (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.

**P6P8** 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.

**P7P9** 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**

~~P8~~ 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.~~
- ~~(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.~~

~~P10~~ Podiums are to be provided to a height in accordance with the Podium Heights Map (refer to Figure C-2.2).

~~P11~~ The entirety of a podium must be setback from any street frontage if required under Provisions P7 - P9 to s.2.1.3 to this Part of the DCP.

~~P12~~ Podiums are to be built to all side and rear boundaries that do not have a street frontage, except where the site directly adjoins residentially zoned land (i.e. R2 Low Density Residential, R3 Medium Density Residential, R4 High Density Residential) or requires a through site link as required under P23 to s.2.1.2 to this Part of the DCP.

~~P9~~ Podium heights should match or provide a transition in height between immediately adjacent buildings.

~~P10~~**P13** Podium heights should match the height of adjacent heritage items.

~~P11~~**P14** Podium height may be reduced to that part of the building devoted to commercial use in mixed-use buildings.

~~P15~~ If there is no commercial component, and therefore no podium, adequate side separation should be provided for residential amenity.

**Above Podium Setbacks**

~~P16~~ All parts of a building located above the podium are to be setback from the podium's frontage to a street or laneway in accordance with the Above Podium Setbacks Map (refer to Figure C-2.3). Setbacks are to be measured from the outer wall of the podium. Where a weighted setback is required, it applies to the width of the building's façade located above the podium.

<b>Part</b>	<b>C</b>
<b>Page</b>	<b>C2-9</b>



**Draft Amendment for adoption - North Sydney Development Control Plan 2013**

**Area Character Statements - North Sydney Planning Area**

- P17 Despite P16, no part of any building may be located within 3m of the outer wall of the podium level fronting a street or laneway.
- P18 Despite P16 and P17, for buildings fronting Ward Street and the new public squares to be created within the Ward Street Precinct, that part of the building located above the podium is to be setback a sufficient distance to ensure the minimising of potential wind impacts and maintaining a human scale to the squares.
- P19 Where a building is to be erected on land zoned *B3 Commercial Core* or on any other land and the building will not contain residential accommodation, all parts of the building located above the podium must be setback a minimum of 6m from any side boundary, unless:
- (a) the area of the site is less than 1,000sqm; and
- (b) the building does not exceed 45m in height.
- P20 Despite P19, no setback is required above the podium level to the southern boundaries of 122 Arthur Street (SP 57439) or 100 Walker Street (Lots 1 and 2, DP 542915), if developed in isolation from sites to their north.
- P21 All parts of a building located above the podium on land zoned *B3 Commercial Core* or on any other land and the building will not contain residential accommodation must be setback a minimum of 6m from any rear boundary, that does not have a street or laneway frontage.
- P22 Where there is more than one tower located above the podium level on land zoned *B3 Commercial Core* or on any other land and the building will not contain residential accommodation, the towers must maintain a minimum 12m separation from one another.

**C**

**Part**

**C2-10**

**Page**

North Sydney Development Control Plan 2013 – [Draft Amendment for adoption](#)



Area Character Statements - North Sydney Planning Area



Figure C-2.2: Podium Heights Map

<b>Part</b>	<b>C</b>
<b>Page</b>	<b>C2-11</b>



**Draft Amendment for adoption - North Sydney Development Control Plan 2013**

**Area Character Statements - North Sydney Planning Area**



**Figure C-2.3: Above Podium Setbacks Map**

**Building design**

**P12P23** 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.

**P13P24** Provide a visually rich intimate pedestrian environment with active street frontages at ground level.

<b>C</b>	<b>Part</b>
<b>C2-12</b>	<b>Page</b>

**North Sydney Development Control Plan 2013 – Draft Amendment for adoption**



**Area Character Statements - North Sydney Planning Area**

**P14P25** The natural rock outcrop at 136 Walker Street should be incorporated into the design of any redevelopment proposal for the site.

**Awnings**

**P15P26** Continuous awnings must be provided to all commercial buildings, except on the eastern side of Miller Street between the Pacific Highway and McLaren Street.

**P16P27** 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**

**P17P28** 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.

**P18P29** The Greenwood historic school building and large Moreton Bay Figs are retained and incorporated as the southern pedestrian gateway to the North Sydney CBD.

**P19P30** 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.

**P20P31** Improve amenity and safety by installing lighting, public art and/or landscape along the eastern facade of 12-14 Mount Street.

**P21P32** 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.

**P22P33** 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**

**P23P34** Have regard to Public Domain designed in accordance with the *North Sydney Centre Public Domain Strategy* and *North Sydney Council Infrastructure Manual*.

**Landscaping**

**P24P35** Continued use of tree planting and use of native vegetation to enhance the urban environment and attract birdlife.

**P25P36** 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**

**P26P37** Short stay parking spaces should be located within or as close as possible to meeting places.

**P27P38** Reduce the amount of long stay commuter parking on site.

**P28P39** Reduce the amount of non-residential parking on site.



## 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.
- P15 Buildings are aligned to the street.

C	Part
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C2-14	Page
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**North Sydney Development Control Plan 2013 – Draft Amendment for adoption****Area Character Statements - North Sydney Planning Area**

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.

**Car accommodation**

P5 Short stay metered car parking for visitors on-street.



**Draft Amendment for adoption - North Sydney Development Control Plan 2013**

**Area Character Statements - North Sydney Planning Area**

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.

<b>C</b>	<b>Part</b>
<b>C2-16</b>	<b>Page</b>



## 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 Amendment for adoption - 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.

**C**

**Part**

**C2-18**

**Page**

**North Sydney Development Control Plan 2013 – Draft Amendment for adoption**



**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.



## 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.

<b>C</b>	<b>Part</b>
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<b>C2-20</b>	<b>Page</b>
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**North Sydney Development Control Plan 2013 – Draft Amendment for adoption****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.

<b>Part</b>	<b>C</b>
<b>Page</b>	<b>C2-21</b>



**Draft Amendment for adoption - North Sydney Development Control Plan 2013**

**Area Character Statements - North Sydney Planning Area**

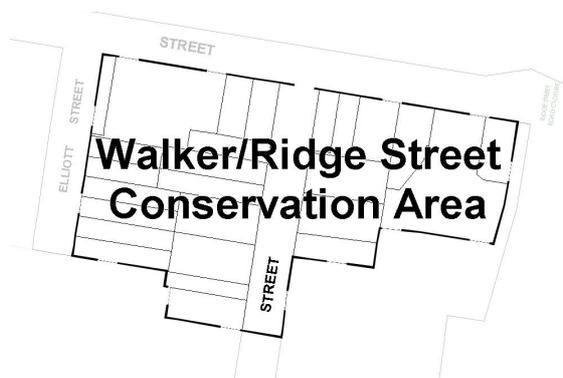
**Noise**

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).

<b>C</b>	<b>Part</b>
<b>C2-22</b>	<b>Page</b>



## 2.5 WALKER/RIDGE STREET 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 19<sup>th</sup> 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 Amendment for adoption - North Sydney Development Control Plan 2013**

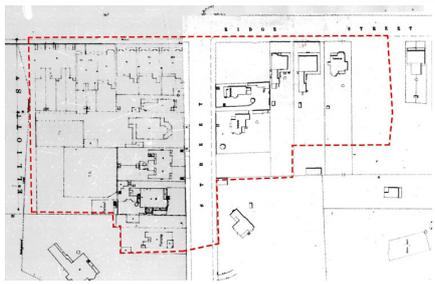
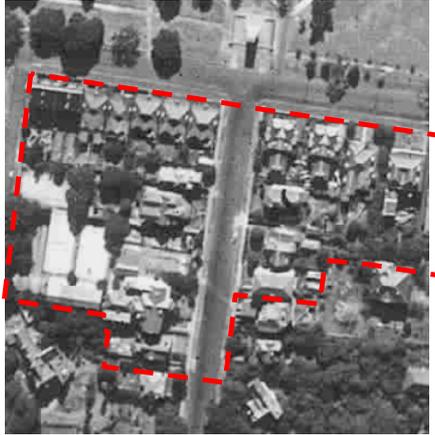
**Area Character Statements - North Sydney Planning Area**

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 19<sup>th</sup> and early 20<sup>th</sup> century character defined by the number of intact heritage items in the area.

	<p><b>Figure C-2.1 (left):</b> Circa 1890</p>
	<p><b>Figure C-2.2 (below left):</b> Circa 1943</p>
	<p><b>Figure C-2.3 (below):</b> 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 – 700m<sup>2</sup> to 1250m<sup>2</sup>.

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.

<b>C</b>	<b>Part</b>
<b>C2-24</b>	<b>Page</b>

**North Sydney Development Control Plan 2013 – Draft Amendment for adoption**



**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 and kerbing**

- 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.
- P25 Sandstone kerbing.

<b>Part</b>	<b>C</b>
<b>Page</b>	<b>C2-25</b>



**Draft Amendment for adoption - North Sydney Development Control Plan 2013**

**Area Character Statements - North Sydney Planning Area**

**Car accommodation**

P26 No garages or carports located in front of building line.

**2.5.7 Desired built form**

P1 Views to the war memorial in St Leonards Park should not be obstructed and opportunities to improve the vistas to and from the park along Walker Street should be sought.

P2 Improve the interface of the Walker/Ridge Street conservation area boundary with ST Leonards Park.

**2.5.8 Uncharacteristic elements**

P3 Modern infill development, loss of original detailing and materials on elevations visible from the public domain, dormers and skylights on front or side elevations, modified roof planes, glazed roofing, new balconies and decks above street level, infilled verandas and balconies, roof cut-outs for decks and terraces, full width roof additions, glazed balustrades, metal wall cladding, extensive glazing, infill of breezeways, paved gardens, lack of landscape setting including trees, high solid walls and fences to the street, parking except at the rear, concrete kerbing.

**C**

**Part**

**C2-26**

**Page**



## 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:

- (a) single and two storey, freestanding buildings with materials relating to the age of construction,
- (b) Victorian rendered dwelling houses with verandahs and slate and corrugated metal roofs, and
- (c) 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 Amendment for adoption - North Sydney Development Control Plan 2013**

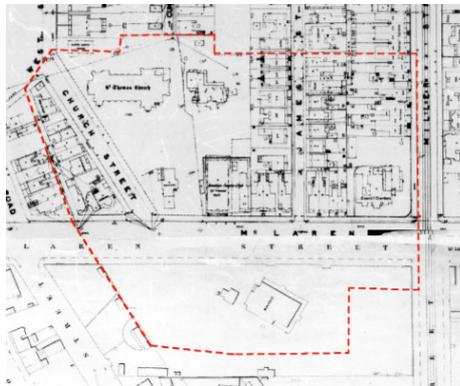
**Area Character Statements - North Sydney Planning Area**

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

<b>C</b>	<b>Part</b>
<b>C2-28</b>	<b>Page</b>

**North Sydney Development Control Plan 2013 – Draft Amendment for adoption****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 Amendment for adoption - 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.

<b>C</b>	<b>Part</b>
<b>C2-30</b>	<b>Page</b>

North Sydney Development Control Plan 2013 – [Draft Amendment for adoption](#)

*Area Character Statements - North Sydney Planning Area*



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# NORTH SYDNEY CBD

## Commercial tower setbacks and separation





# CONTENTS

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<p><b>02</b></p> <hr/> <p><b>Executive summary</b></p>	<p><b>03</b></p> <hr/> <p><b>Introduction</b></p> <p>04 Purpose 05 Drivers 06 Objectives 07 Methodology</p> <p><b>09</b></p> <hr/> <p><b>The issues</b></p> <p>10 Commercial tower separation 11 Facade lengths 12 Setbacks to the street 13 High grade floor plates 14 Large amalgamated sites 15 Party walls</p> <p><b>17</b></p> <hr/> <p><b>Where will development happen?</b></p> <p>18 Constrained sites 19 Where development may occur</p>	<p><b>21</b></p> <hr/> <p><b>Precedents</b></p> <p>23 Comparison of controls 24 North Sydney 26 City of Sydney 28 City of Parramatta</p> <p><b>31</b></p> <hr/> <p><b>Recommended changes</b></p> <p>32 1: Minimum above podium side setbacks 33 2: Maximum facade lengths 36 3: Weighted above podium setback to street 37 4: Minimum tower separation on same site 38 5: Minimum rear tower separation 39 6: Party walls</p> <p><b>41</b></p> <hr/> <p><b>Conclusion</b></p>
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## EXECUTIVE SUMMARY

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North Sydney CBD is undergoing a period of increased development interest following, in part, the adoption of the *North Sydney Centre Capacity and Land Use Strategy* (2017).

The strategy recommended increasing the maximum building height controls under the North Sydney Local Environmental Plan 2013 (NSLEP 2013) to enable commercial office growth in the CBD, whilst maintaining solar amenity to key public spaces and adjoining residential zoned land. This was subsequently implemented through Amendment No.23 to NSLEP 2013, which came into force on 26 October 2018.

To ensure the building height increases are supported by appropriate built form controls, the strategy also recommended a review of the following sections of the North Sydney Development Control Plan 2013 (NSDCP 2013):

- Commercial and Mixed Use Development
- North Sydney CBD Area Character Statement

The NSDCP 2013 currently provides very limited guidance to achieve appropriate separation between commercial towers, notably in relation to:

- Above podium side setbacks
- Maximum tower facade length
- Weighted street frontage setbacks
- Building separation on the same site
- Above podium rear setbacks
- Treatment of blank walls

A lack of adequate controls to guide future development in the CBD could contribute to:

- Continuous, uninterrupted walls of tall towers
- A lack of daylight and sky views to the public domain
- A 'canyon effect' resulting in dark, windy streets
- A lack of views from within each tower
- Limited natural light to office floors

These issues will diminish the amenity of pedestrians and building occupants in North Sydney CBD. They could also affect the quantity of premium and A-grade buildings in the CBD, which are required to offer high-quality views, outlook and ample natural light (PCA, 2019).

The purpose of this study is to enable jobs growth in commercial towers that are of a bulk and scale that complement the long term vision for North Sydney CBD as "the principle economic engine of Sydney's North Shore and an attractive, sustainable and vibrant place for residents, workers and businesses".

Objectives of this study focus on improving pedestrian amenity, protecting building occupant amenity and view sharing, and delivering commercially viable towers that achieve design excellence and contribute to the character and vibrancy of the CBD.

It is recommended NSDCP 2013 is amended to achieve the following:

- 6m minimum above podium whole of tower side setbacks to the boundary for sites over 1,000sqm
- Tower façades above podium should not exceed 55m in length
- The current above podium weighted setback controls along street frontages will continue to apply. In addition, no portion of a commercial tower should be located within 3m of the podium facade
- Commercial towers on the same site require a minimum building separation of 12m
- Commercial towers on lots with adjoining rear boundaries (i.e., without street frontage) require a minimum 6m above podium rear setback
- Visually interesting treatment to party walls

These controls bring NSDCP 2013 more in line with City of Sydney and City of Parramatta built form controls and ensure that North Sydney CBD continues to grow as a resilient and competitive economic centre.

# INTRODUCTION



## PURPOSE

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The purpose of this study is to enable the development of commercial towers that are of a bulk and scale that compliment the long term vision for North Sydney CBD as "the principle economic engine of Sydney's North Shore and an attractive, sustainable and vibrant place for residents, workers and businesses".

A review of existing controls is needed to support the increase to the maximum height controls recommended by the *North Sydney Capacity and Land Use Strategy* (2017) and implemented via Amendment No.23 to NSLEP 2013, which came into force on 26 October 2018.

The increased height limits, in part, have boosted development interest in the CBD with a significant number of commercial towers proposed, approved and under construction over the last few years.

Updated DCP controls will ensure appropriate massing and separation of future commercial towers. This will protect pedestrian and building occupant amenity, and promote commercially viable towers as the city continues to grow.

This study examines the following proposed built form controls for commercial towers in the North Sydney CBD:

- Above podium side setbacks
- Maximum tower facade length
- Weighted street frontage setbacks
- Building separation on the same site
- Above podium rear setbacks
- Treatment of blank walls

An examination of similar controls in the City of Sydney and the City of Parramatta has provided a benchmark for recommended changes to NSDCP 2013.

## DRIVERS

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The following three drivers inform this report.

### North District Employment targets

The Greater Sydney Commission's (GSC) *North District Plan* identifies an employment target of 15,600 - 21,000 additional jobs for the North Sydney CBD by 2036.

These targets are being achieved in collaboration with the Department of Planning, Industry and Environment (DPIE), industry stakeholders and the community by:

- Increasing commercial floorspace capacity and employment growth for the North Sydney CBD
- Delivering high quality commercial floorspace that caters to the needs of existing and emerging industries
- Restricting residential development to the mixed-use periphery to preserve a critical mass of employment in the North Sydney CBD
- Encouraging a diverse mix of entertainment, recreation, retail and commercial uses that contribute to the North Sydney CBD's diversity, amenity and commercial sustainability
- Ensuring high-quality design that responds to context and enhances the amenity of the North Sydney CBD

### North Sydney Centre Capacity and Land Use Strategy

The *North Sydney CBD Capacity and Land Use Strategy* (2017) identifies opportunities for commercial office growth within the CBD. Given the limited opportunities to expand laterally, this priority has been explored by a considered increase of building heights, whilst maintaining and where possible, improving solar amenity to important spaces and places and maximising solar access to adjoining residential zoned land.

On 1 May 2017 Council adopted the *North Sydney Capacity and Land Use Strategy* and accompanying Planning Proposal. The strategy includes a recommendation for a review of NSDCP 2013 to consider built form issues within the centre, notably:

- Podium and tower controls
- Tower separation controls

This study addresses the recommendations of the Strategy.

### Increase in Planning Proposals submitted to Council

The scheduled opening of the Victoria Cross metro station in 2024 has contributed to a significant increase in development interest in North Sydney CBD.

In addition, Amendment No.23, implemented in NSLEP 2013 in October 2018, has furthered this interest with a significant number of concept schemes, planning proposals and development applications for major new commercial towers within the CBD lodged with Council.

A number of planning proposals and development applications challenge the built form controls to both NSLEP 2013 (i.e. maximum height controls) and NSDCP 2013 (i.e. above podium street setback controls), and propose limited side setbacks to adjoining buildings and street frontages.

There is concern that in the absence of more specific design guidance, cumulatively these proposals will lead to a reduced amenity for pedestrians and building occupants in the CBD.

## OBJECTIVES

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The following objectives inform the analysis and recommendations of this study.

### **Pedestrian amenity**

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Provide adequate breaks between tall commercial towers to allow sky views from the footpath and daylight into the street, and to protect pedestrians from wind at ground level.

### **Building occupant amenity**

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Provide adequate breaks between tall commercial towers to enable increased natural light, views, and amenity to building occupants.

### **Adequate scale and proportion**

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Ensure buildings respond to their site area and location through adequate scale and proportion.

Discourage continuous, uninterrupted walls of towers to avoid a canyon effect in the street.

### **Design excellence**

---

Provide breaks between buildings and articulated façades to enhance the character and image of the North Sydney CBD with commercial towers seen "in the round."

Provide visual interest through the use of appropriate materials and finishes on buildings, particularly in relation to party walls.

### **Commercially viable**

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Encourage amalgamation of smaller lots to increase the delivery of Premium and A-Grade floor plates in the CBD.

Maintain and improve North Sydney's economic competitiveness through high quality urban design.



North Sydney CBD - Existing built form.

## METHODOLOGY

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The following methodology was used in this study.

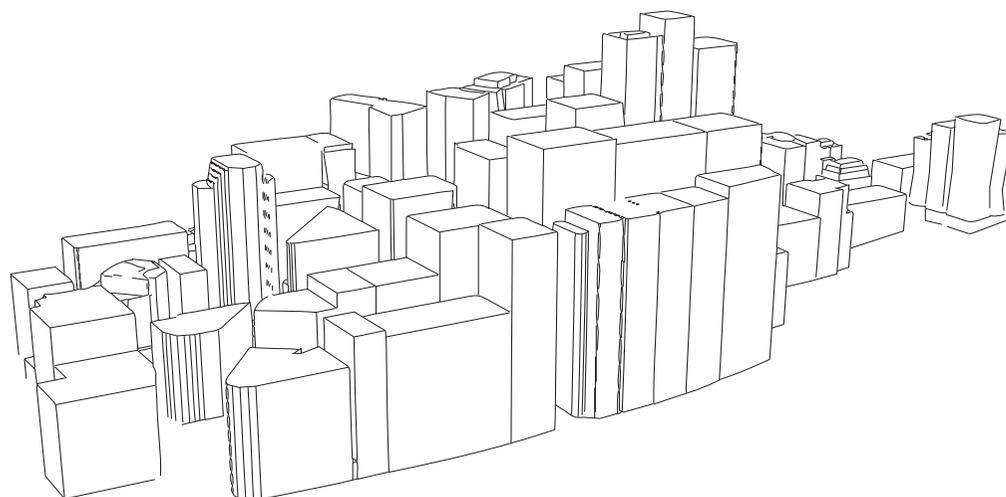
**Identify** key issues that arise from increased density and heights in the North Sydney CBD under the current built form controls.

**Review** existing built form controls in NSDCP 2013 that relate to commercial towers in the North Sydney CBD.

**Evaluate** similar built form controls in the City of Sydney and the City of Parramatta and identify any potential gaps in NSDCP 2013.

**Model** and examine the North Sydney CBD under existing and recommended controls.

**Recommend** revisions to NSDCP 2013 that balance growth and capacity with amenity in North Sydney CBD.



North Sydney CBD - Building envelopes under current built form controls. NSDCP 2013 provides limited guidance on separation between commercial towers.



## THE ISSUES



**The following built form issues have been identified through a review of current controls, environmental conditions, and existing built form in the North Sydney CBD.**

**Many of these issues could intensify as a result of future increased development in the area.**

## COMMERCIAL TOWER SEPARATION

While development proposals are expected to achieve appropriate separation distances from other future towers on adjoining land, the NSDCP 2013 does not currently specify minimum above podium side setback controls.

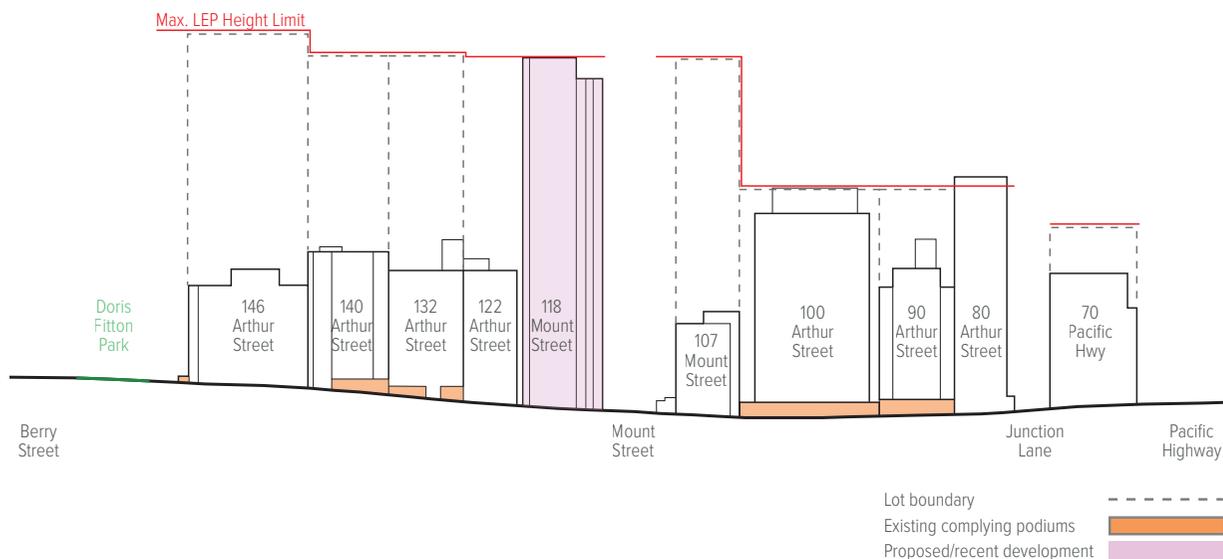
Increased height limits and heightened development interest to provide Premium and A-Grade floor plates has resulted in development proposals that build at, or close to, the lot boundary.

There are also no controls to ensure adequate tower separation for lots that share a rear boundary. This is an issue for the block bounded by Miller, Blue, William and Mount Street as well as a few other landholdings in the CBD.

Over time, with no separation requirements in place, this increase in density could contribute to:

- Continuous, uninterrupted walls of tall towers
- A lack of daylight and sky views to the public domain
- A 'canyon effect' resulting in dark, windy streets
- A lack of views from within each tower

### Little Walker Street - East section



### Case study:



### 118 Mount Street - Completed 2020 (DA 70/18)

It is anticipated that development to the north of 118 Mount Street will build to the northern face of the tower in the future. The existing built form controls under the DCP however, do not currently provide sufficient guidance for the maximum width of commercial towers along the remainder of the street, nor the separation to other towers.

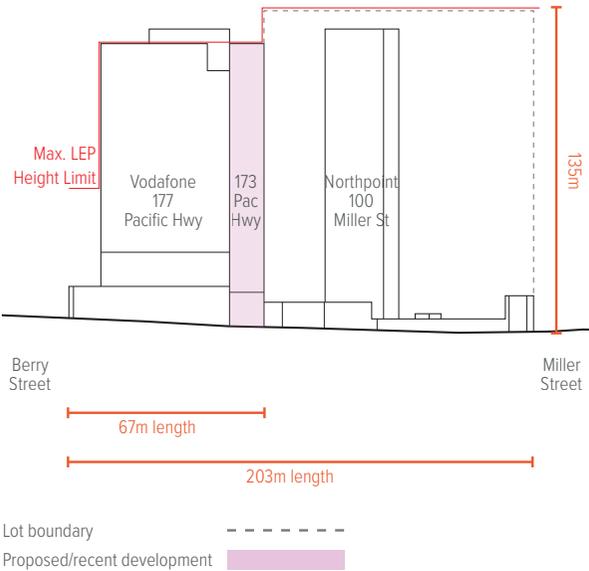
# FACADE LENGTHS

The NSDCP 2013 does not specify a maximum facade length for commercial towers above the podium.

A long facade, whether on an individual lot or as the cumulative effect of several towers, can:

- Create a monolithic, overbearing built form
- Block daylight and sky views from street level
- Increase wind speed at street level

## Pacific Highway - East section



## Case study:



### 173 Pacific Highway - Approved (DA 68/19), adjoining 177 Pacific Highway (constructed under Part 3A)

The cumulative facade length of 173 and 177 Pacific Highway will result in a built form approximately 67m in width. This just exceeds the maximum permissible facade length in the City of Sydney.

## SETBACKS TO THE STREET

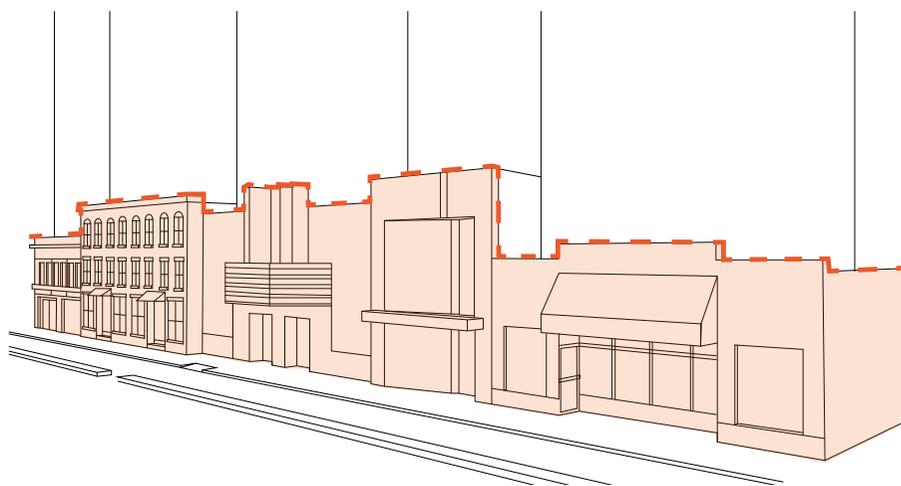
Above podium setbacks ensure tall commercial towers are adequately set back from the street. For pedestrians, this provides a human-scale to the street, allows greater daylight and sky views, and mitigates wind impacts from towers, making the CBD a more comfortable and social space.

Consistent setbacks also facilitate view sharing from within each of the buildings as no one tower is located closer to the lot boundary.

The NSDCP 2013 generally permits a 5m weighted setback above a 5-storey podium to the street frontage. The weighted setback is intended to enable a better and more varied design through greater tower articulation.

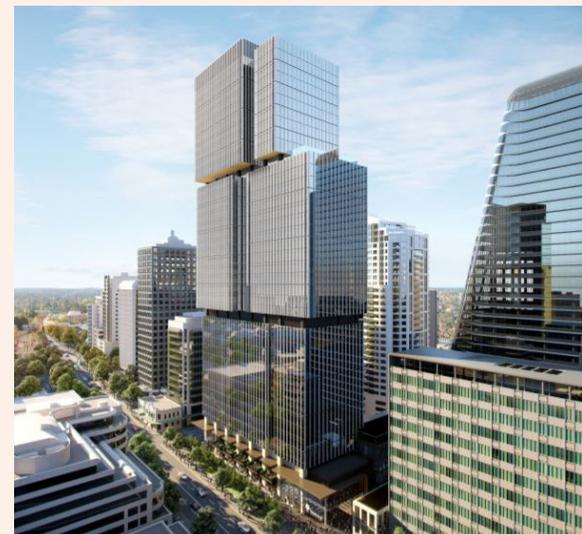
Recent development proposals, however, have utilised the weighted setback mechanism as a way of achieving a nil setback to the street for a portion of the tower. Others have proposed substantial decreases to above podium setbacks in general on the grounds that a larger floor plate is required to achieve a Premium or A-Grade tower.

By reducing the size of the setback to the street these towers can appear overbearing and inappropriate in scale, reduce pedestrian amenity, and increase wind impacts. They can also prevent view sharing from within towers.



Example of a street with above podium setbacks. The setback reinforces the podium height and contributes to the human-scale of the streetscape.

### Case study:



### Victoria Cross over station development (OSD) - Approved State Significant Development (DA 69/18)

The Victoria Cross over station development (OSD) on Miller Street provides a nil above podium setback on the lower levels of the tower with the tower extending over the podium towards Miller Street on upper levels.

## HIGH GRADE FLOOR PLATES

Several recent development proposals in the CBD have sought to justify non-compliance of podium and setback requirements as a necessity to achieve greater floor plate sizes. They argue that these larger floor plates deliver higher building grades, and therefore create a more competitive commercial market.

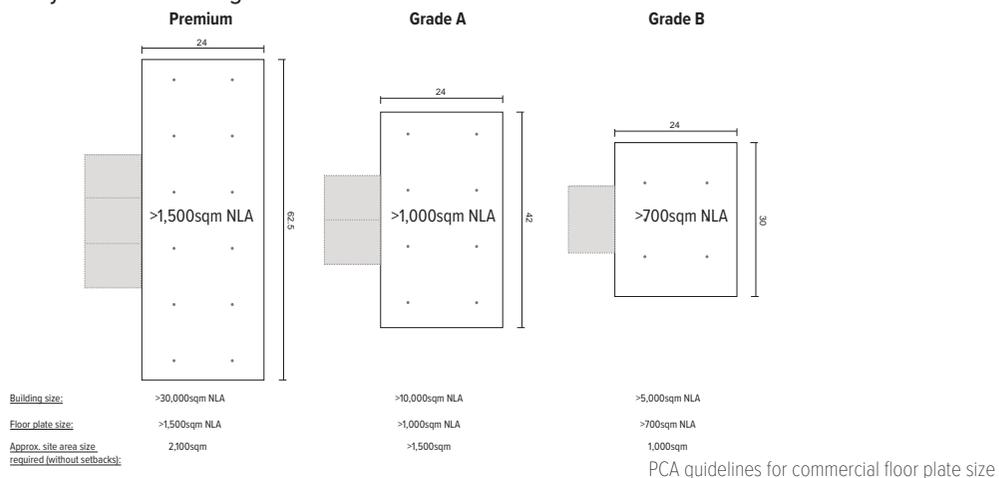
Many proposals refer to the floor space requirements in the Property Council of Australia's (PCA) *Guide to Office Building Quality* when justifying non-compliance to podium and setback requirements. The guide includes broad benchmarks for floor plate sizes that will assist in achieving Premium or A grading classification for a commercial building.

It is worth noting that individual lot sizes in the North Sydney CBD are relatively small on average. Most will

not fit a premium or A-grade floor plate with sufficient street and side setbacks without amalgamating with a number of adjoining lots.

While the PCA guide outlines floor plate criteria for each building grade, it is only one of several criteria to achieve higher grading, which also includes environmental and amenity requirements. Floor plate size should therefore not be seen as the only consideration for achieving higher building grades.

Finally, this guide is voluntary and the PCA does not publicly classify building quality for individual developments. As such, building grade classifications do not form a development assessment criteria for proposals.



**"This guide describes the optimal mix of features that differentiate building performance. It is an integral package. Users of this guide are cautioned against ramping up the standards recommended in this Guide. Higher, bigger and larger is not necessarily better."**

- PCA *Guide to Office Building Quality*, p.07

## LARGE AMALGAMATED SITES

Amalgamation of smaller lots provides significant opportunities for larger commercial buildings with good tower separation.

However, the NSDCP 2013 does not currently provide built form guidelines for proposals over several lot parcels.

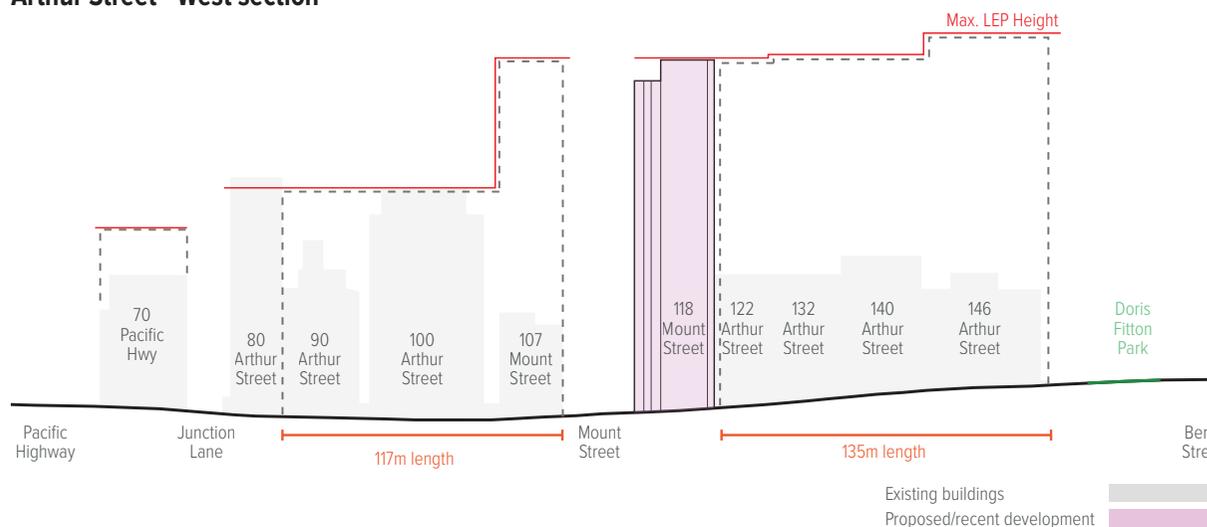
Increased development with no built form controls in place could result in:

- Long and tall, uninterrupted façades
- A lack of sky views and daylight for pedestrians
- Limited views for building occupants
- A scale and bulk not suited to the existing context
- An uninspiring and overwhelming skyline

Arthur Street - Aerial looking west



Arthur Street - West section



## PARTY WALLS

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Blank party walls are the result of towers building to one boundary with the expectation that it will be built up to by an adjoining property in the future.

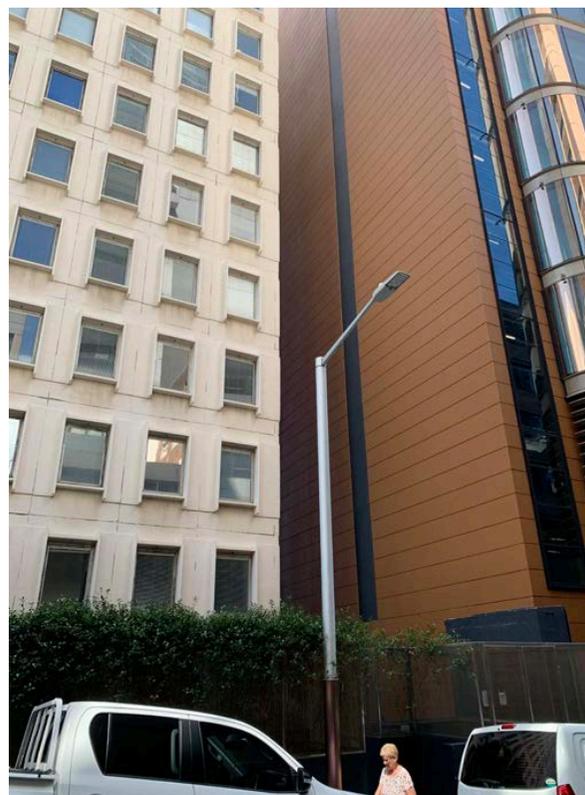
This has the benefit of increasing the floorspace and commercial viability of a development.

However, building to the boundary can lead to unacceptably long façades when the adjoining property develops, resulting in amenity issues for pedestrians and building occupants.

There is also the issue of adjoining buildings not redeveloping, or building to a limited height, resulting in substantial blank façades to visible to the public.

These blank party walls provide no activation or visual interest to a streetscape, and for a potentially long time. This affects the character and image of North Sydney CBD.

**118 Mount Street - Completed 2020**



**100 Mount Street - Completed 2019**





## WHERE WILL DEVELOPMENT HAPPEN?



**There is a substantial amount of land within the CBD with future redevelopment potential, including several lots that could amalgamate into larger sites.**

**This is particularly noticeable to the east of the CBD along Walker Street, Little Walker Street and Arthur Street where future development could be particularly dense.**

**The following maps of North Sydney CBD highlight:**

- **Constrained sites where future development is unlikely to occur**
- **Potential redevelopment sites**

## CONSTRAINED SITES

This map shows constrained sites in the North Sydney CBD, where future development is unlikely to occur. These sites include land on which:

- Development is approved or under construction
- Development has been built or significantly renovated after 2010
- State Significant Development (SSD) has been approved
- Heritage items are located
- Residential strata schemes make redevelopment unlikely



# WHERE DEVELOPMENT MAY OCCUR

This map identifies potential redevelopment sites in the North Sydney CBD after eliminating constrained sites. The sites have been classified into two categories:

- Sites less than 1,000sqm in size
- Sites greater than 1,000sqm in size

As per NSLEP 2013, sites with a site area less than 1,000sqm can build to a maximum height of 45m above ground level.

-  Potential redevelopment sites > 1,000sqm
-  Potential redevelopment sites < 1,000sqm
-  North Sydney CBD boundary





# PRECEDENTS



**The current built form controls in the North Sydney Development Control Plan 2013 (NSLEP 2013) for commercial towers have been compared to:**

- **City of Sydney (Sydney DCP 2012)**
- **City of Parramatta (Parramatta DCP 2011)**



## COMPARISON OF CONTROLS

To control the bulk and scale of commercial towers, most centres, including the City of Sydney and City of Parramatta, set a maximum floor space ratio (FSR) on land under their Local Environmental Plans (LEP). This is a statutory control that limits the amount of development that may occur on a site. Through that limitation, FSR controls can also guide appropriate tower separation and articulation.

NSLEP 2013 does not contain FSR controls. Instead, the bulk, scale, and separation of commercial towers in the North Sydney CBD is managed through setback controls in North Sydney's Development Control Plan (DCP).

This table compares relevant DCP controls for commercial towers in North Sydney CBD to those contained in the City of Sydney and City of Parramatta DCPs.

It is evident that even without FSR controls, North Sydney's built form controls provide less guidance on:

- Minimum street frontage
- Above podium side setbacks
- Above podium rear setbacks
- Articulation zone to weighted setbacks
- Facade length
- Commercial floor plate size
- Separation of commercial towers on large sites
- Treatment of blank façades to commercial tower

MECHANISM	CONTROL	NS DCP 2013	SYDNEY DCP 2012	PARRAMATTA DCP 2011
Site requirements	Minimum street frontage			✓
Above podium setbacks	Front setbacks	✓	✓	✓
	Side setbacks		✓ 3m	✓ 3-6m
	Rear setbacks		✓ 3m	✓ 9-12m
Weighted setback	Weighted front setback	✓		
	Articulation zone		✓	
Floor plate requirements	Maximum tower facade length		✓	✓
	Max. floor plate size for commercial towers		✓	
Building separation	Commercial to commercial		✓	✓
	Commercial to residential	✓	✓	✓
Facades	Treatment of blank walls	✓ Ground floor only specified	✓	✓

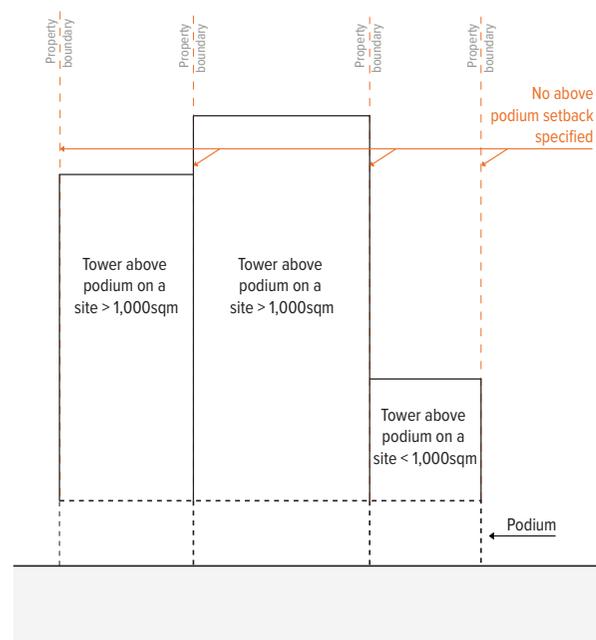
Comparison table of DCP built form controls for North Sydney CBD, City of Sydney, and City of Parramatta.

# NORTH SYDNEY

## Above podium side setbacks

0m setback at podium level.

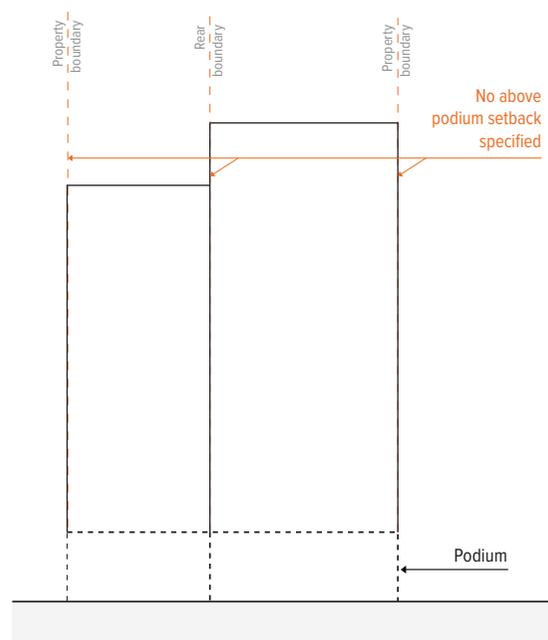
No above podium side setback is specified.



## Above podium rear setbacks on adjoining land

0m setback at podium level.

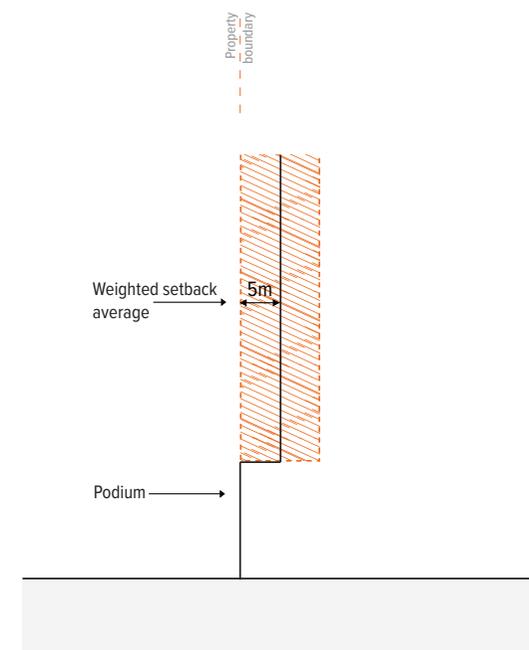
No above podium rear setback is specified.



## Weighted street frontage setbacks above podium

5 storey podium with 5m weighted front setback above podium applies with some exceptions depending on street location in the CBD.

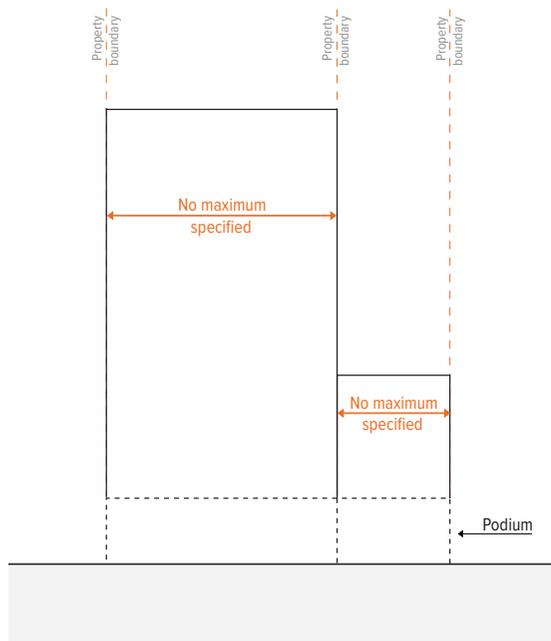
No guidelines on how setbacks should be weighted. Portions of the commercial tower can be located to the street frontage boundary.



# NORTH SYDNEY

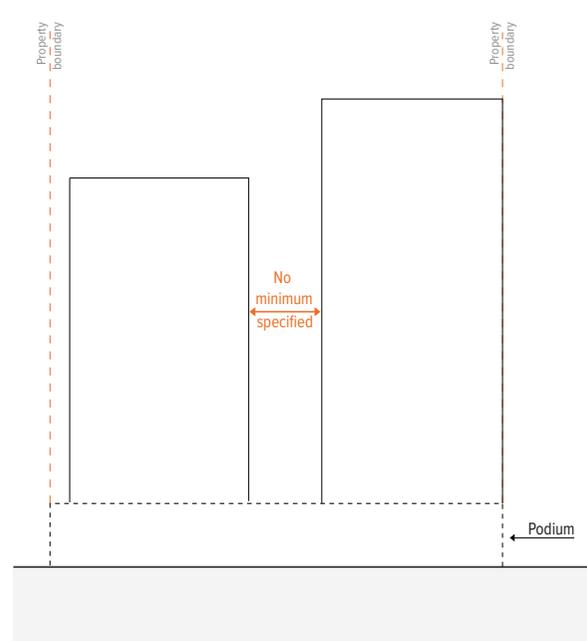
## Maximum tower facade length

No maximum tower facade length is specified.



## Building separation on the same site

No minimum separation between commercial sites on the same site is specified.



## Treatment of blank walls

Blank walls at ground level that face streets and laneways should be avoided.

No treatment of blank tower façades is specified.

## Minimum street frontage width

No minimum street frontage width for tall towers is specified.

## Maximum tower floor plate

No maximum tower floor plate size for tall towers is specified.

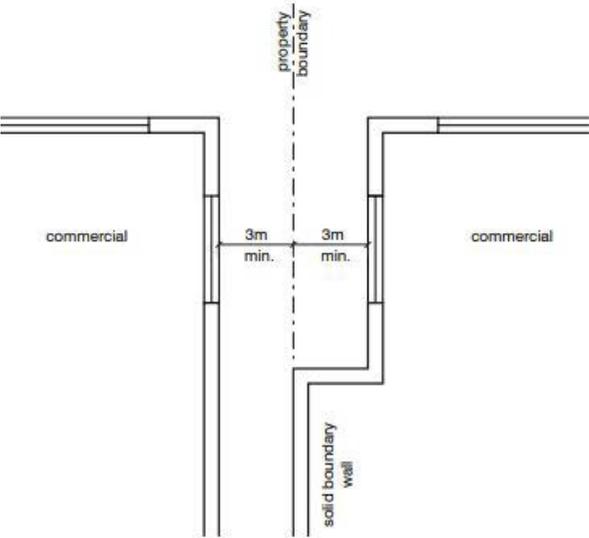
**CITY OF SYDNEY**

**Above podium side setbacks**

Above 45m (max. street frontage height), windows or balconies of commercial buildings are to be set back at least 3m from the side boundaries.

Walls without windows do not need to be set back.

Note: maximum FSR, tower floor plate and façade length controls also apply.

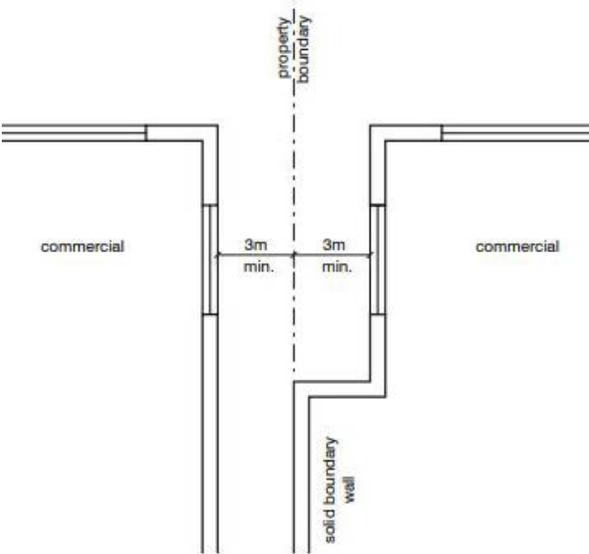


**Above podium rear setbacks**

Above podium rear setbacks requirements are the same as the above podium side setback controls.

Above 45m, windows or balconies of commercial buildings are to be set back at least 3m from the side boundaries.

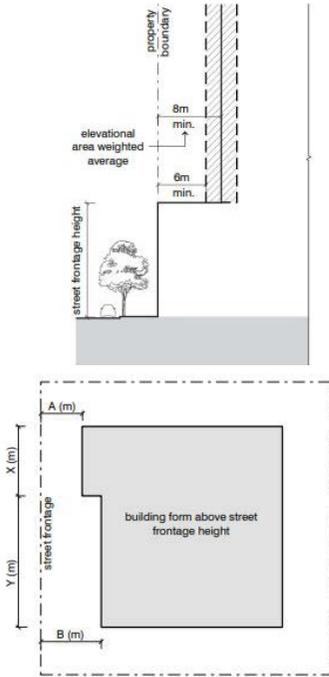
Walls without windows do not need to be set back.



**Weighted street frontage setbacks above podium**

Minimum weighted setback average of 8m above street frontage height. May be reduced in part by up to 2m provided that the weighted average setback from the street frontage alignment is 8m.

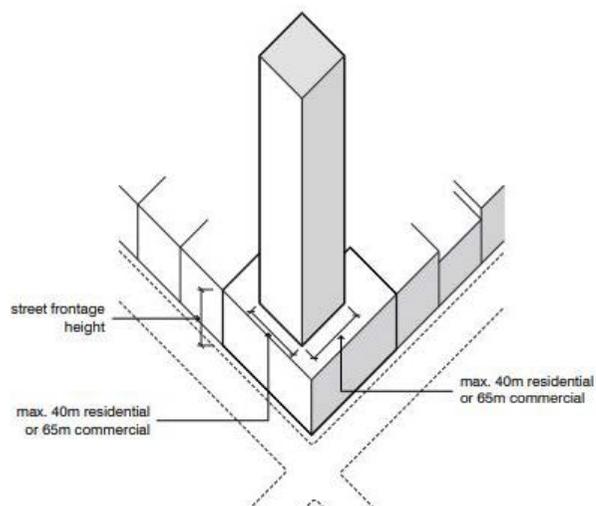
No part of the building is to be set back less than 6m.



# CITY OF SYDNEY

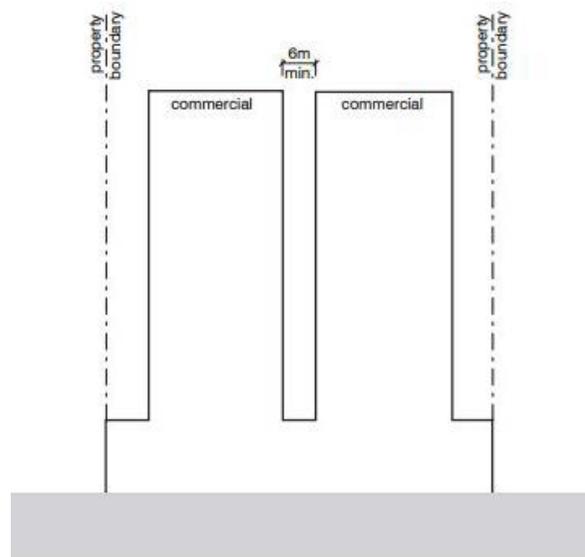
## Maximum tower facade length

Above a height of 45m high, the maximum horizontal dimension of any commercial building facade must not exceed 65m.



## Building separation on the same site

Minimum separation distances for commercial to commercial is 6m.



## Treatment of blank walls

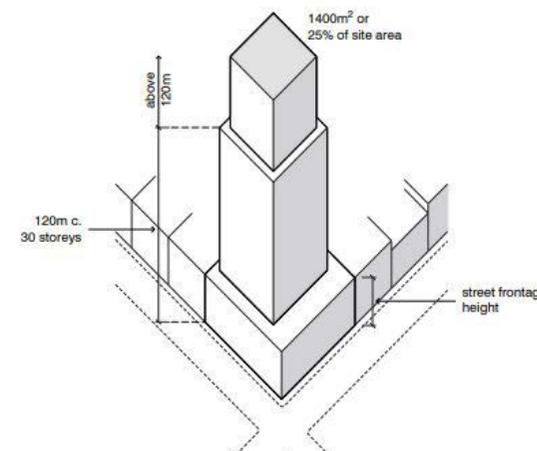
Where development exposes the blank wall of an adjoining building, a visually interesting treatment is required for that wall.

## Minimum street frontage width

No minimum street frontage width for tall towers is specified.

## Maximum tower floor plate

Above 120m high (from ground level), commercial office floor plates must not exceed 1,400sqm GFA, or 25% of the site area, whichever is greater.



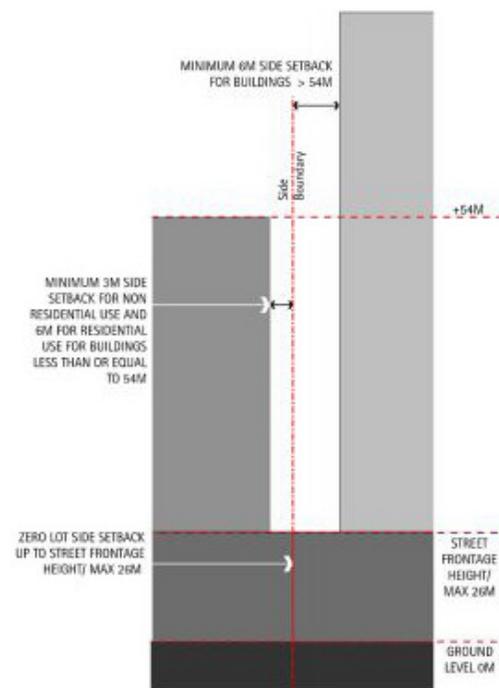
# CITY OF PARRAMATTA

## Above podium side setbacks

Minimum 3m above podium side setback for non-residential buildings less than or equal to 54m high.

Minimum 6m above podium side setback for non-residential buildings greater than 54m high.

Note: maximum FSR and facade length controls also apply.

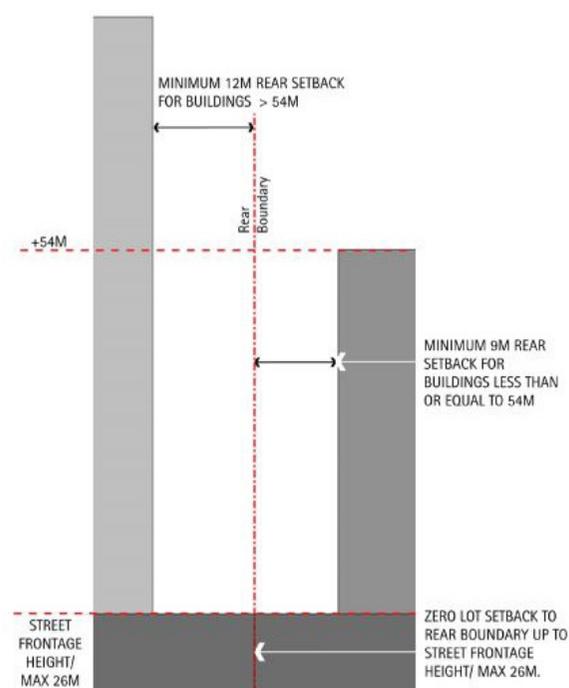


## Above podium rear setbacks

Minimum 9m above podium rear setback for buildings less than or equal to 54m high.

Minimum 12m above podium rear setback for buildings greater than 54m high.

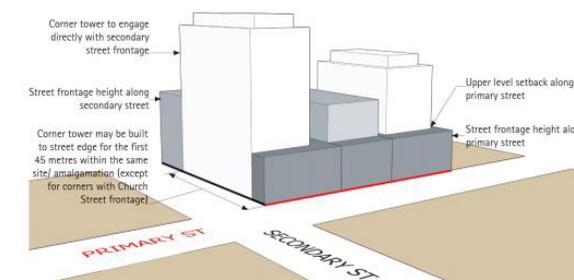
Note: maximum FSR and facade length controls also apply.



## Weighted street frontage setbacks above podium

No weighted street frontage setbacks specified.

Corner sites may be built with no upper level setback to the secondary street edge for the first 45m within the same site/amalgamation to help articulate corners.

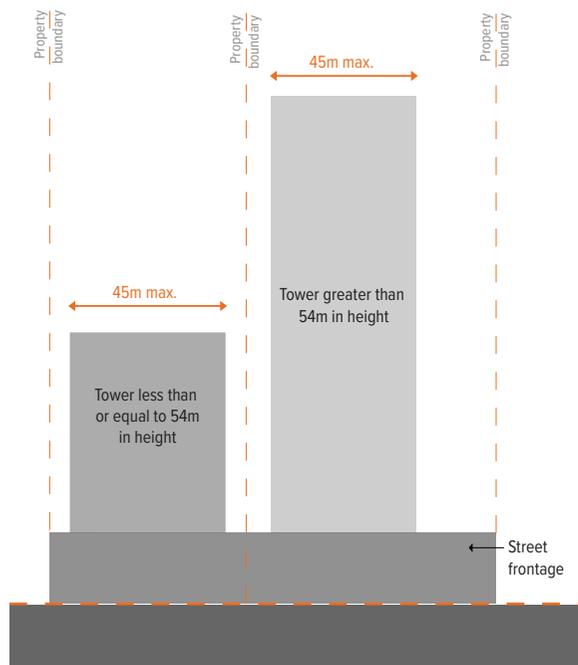


# CITY OF PARRAMATTA

## Maximum tower facade length

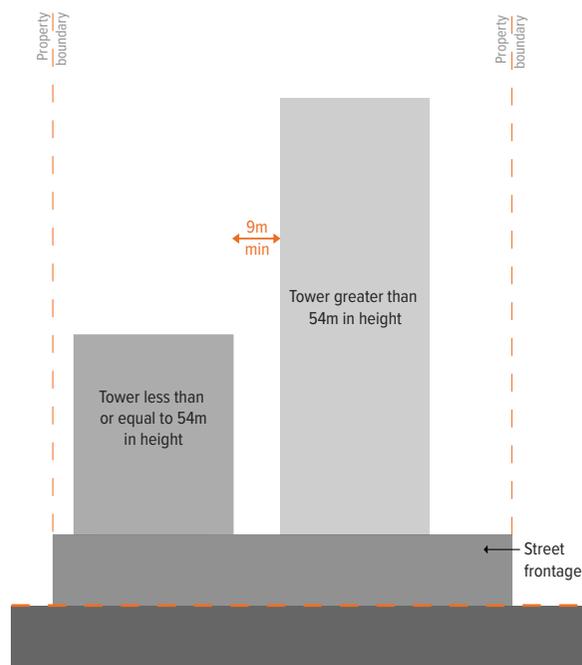
On land zoned B3 Commercial Core, the horizontal dimensions of any building facade above street frontage height must not exceed 45 metres.

All points of an office floor should be no more than 12m from a source of daylight (e.g., window, atria, or light wells).



## Building separation on the same site

Building separation distances between buildings on the same site are not to be less than those required by buildings on adjoining sites, unless it can be demonstrated that reducing the separation distances provides adequate privacy and solar access to the buildings concerned.



## Treatment of blank walls

Any blank walls are to be designed or treated to provide a high-quality finish of visual interest.

## Minimum street frontage width

Development parcels are required to have at least one street frontage of 20m or more on land zoned B3 Commercial Core, B4 Mixed Use or B5 Business Development.

## Maximum tower floor plate

No maximum tower floor plate size for commercial buildings is specified.

Instead, the Parramatta LEP includes a sliding scale Floor Space Ratio for Parramatta CBD which controls the maximum floor space ratio for a development based on site area size.



## RECOMMENDED CHANGES



**The following amendments to planning controls for tall commercial towers are recommended to better align North Sydney CBD with other major business districts.**

**These amendments will be applied to the following sections of NSDCP 2013:**

- **Part B, Section 2 - Commercial and Mixed Use Development**
- **Part C, Section 2 - North Sydney Planning Area**

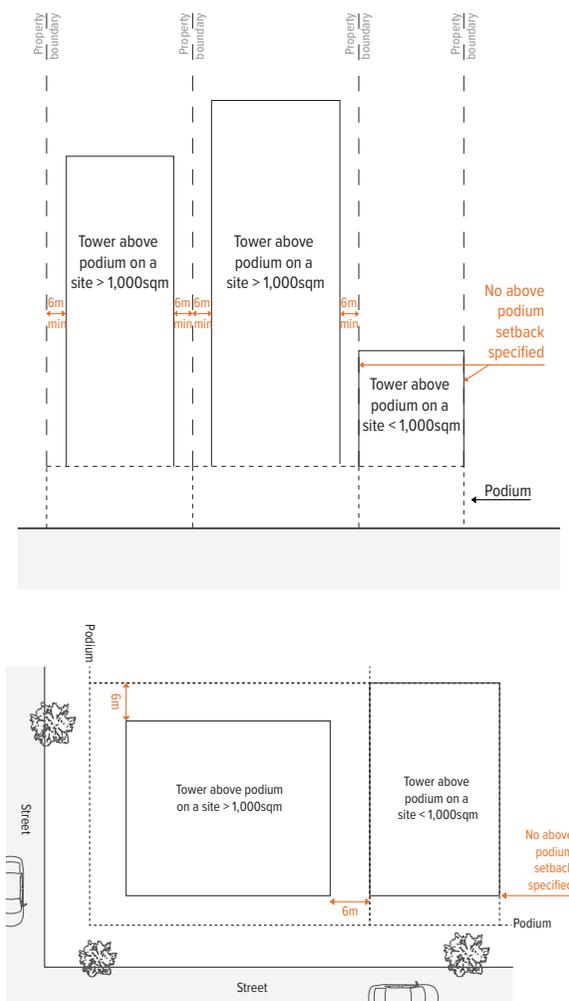
**These controls apply to commercial development in North Sydney CBD zoned *B3 - Commercial Core* and *B4 - Mixed Use*.**

## RECOMMENDATION 1: MINIMUM ABOVE PODIUM SIDE SETBACKS

### Proposed amendment

Commercial towers that can build to the maximum height limits outlined in NSLEP 2013 must provide a minimum 6m whole of tower side setback above the podium.

This applies to all commercial buildings in the CBD that are located on a site greater than 1,000sqm and exceed 45m in height.



### Rationale

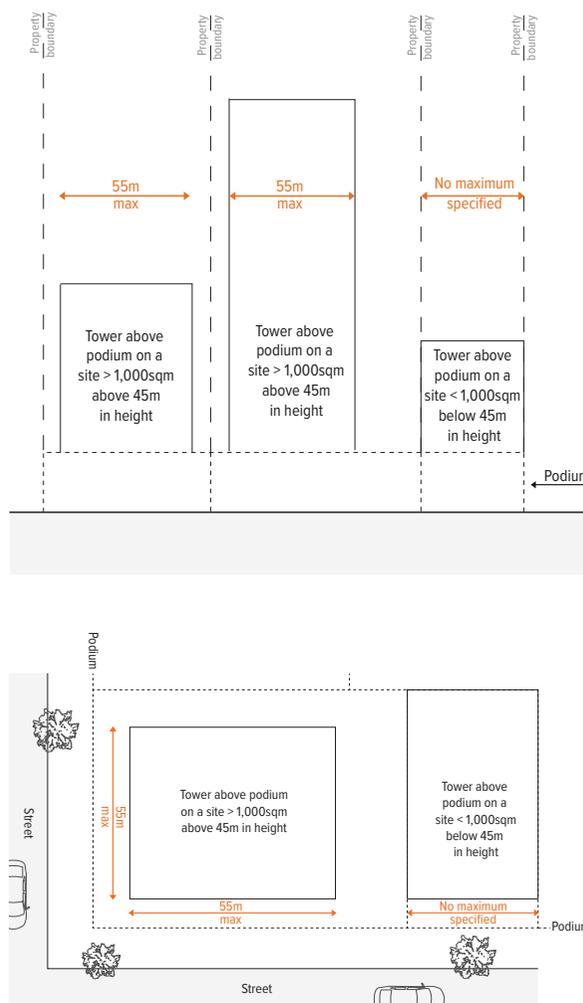
- Aligns with 6m setback control for commercial towers under the Parramatta DCP. The Parramatta control is more appropriate than the 3m City of Sydney setback which also sets a maximum floor plate requirement to achieve tower separation.
- Protects pedestrian amenity through increasing access to sky views and daylight, promoting a human-scale to podiums and avoids the 'canyon effect' in streets.
- Improves building occupant amenity through internal views and access to natural daylight.
- Cumulatively, a 12m separation between commercial towers that can range between 50m and 225m in height will provide a better scale, proportion, and separation between towers.
- Encourages amalgamation of smaller sites to create sufficiently large floor plates for Premium and A-Grade buildings with better separation.
- Achieves design excellence by reinforcing podium and tower typology, creating buildings that fit in the context of North Sydney CBD, enhances CBD skyline and promotes towers seen 'in the round'.

## RECOMMENDATION 2: MAXIMUM FACADE LENGTHS

### Proposed amendment

Above podium, commercial tower façades should not exceed 55m in length.

This applies to all commercial buildings in the CBD that exceed 45m in height.



### Rationale

- 55m represents the midpoint between the City of Parramatta and City of Sydney facade length controls.
- Lot widths in the CBD range between 40-60m. Amalgamation of lots may be encouraged to achieve larger floor plates with adequate separation.
- Protects pedestrian amenity through increasing access to sky views and daylight, promoting a human-scale to podiums and avoids the 'canyon effect' in streets.
- Improves building occupant amenity through internal views and access to natural daylight.
- Provides adequate scale and proportion to towers that range between 50-225m in height. Limits bulk of big development and encourages breaks between buildings.
- Ensures large floor plates are still achievable with energy efficient floor plates.
- Achieves design excellence by reinforcing podium and tower typology, creating buildings that fit in the context of North Sydney CBD, enhances CBD skyline, and promotes towers seen 'in the round'.

### Discussion on Recommendations 1 & 2

The following section diagrams explore the relationship between the proposed above podium side setbacks and the maximum facade length controls in a dense, CBD streetscape.

The sections demonstrate the following scenarios:

1. No quantifiable separation controls
2. 3m above podium side setback and no maximum facade length
3. Proposed changes: 6m above podium side setback and a maximum facade length of 55m
4. Proposed changes with amalgamated lots: 6m above podium side setback and a maximum facade length of 55m

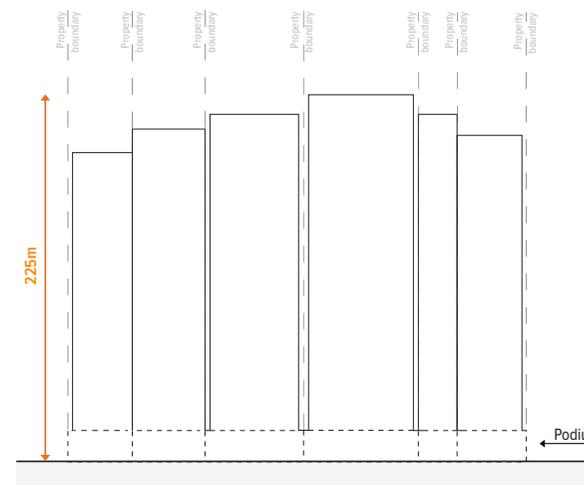
### SCENARIO 1: No quantifiable separation controls (existing condition)

Outcome:

- Smaller lots building to side boundaries, up to maximum building heights cumulatively creates a lengthy facade with no breaks or articulation
- Larger sites may provide minimal side setbacks from the boundary which provide little in visual breaks through the buildings
- Results in an excessive wall of development, up to 225m in height

Next step:

- Require minimum side setback controls



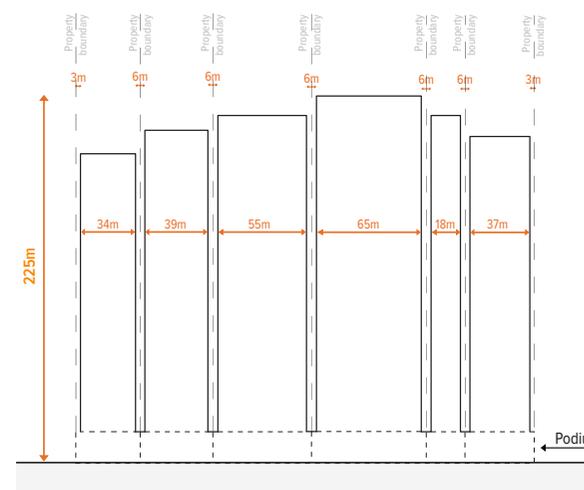
### SCENARIO 2: 3m above podium side setbacks

Outcome:

- Consistent breaks between development however 3m setbacks provide limited amenity for tall towers
- Not ideal floor plates for smaller sites, breaks between buildings are not sufficient for larger sites

Next step:

- Increase minimum side setback controls
- Maximum facade length



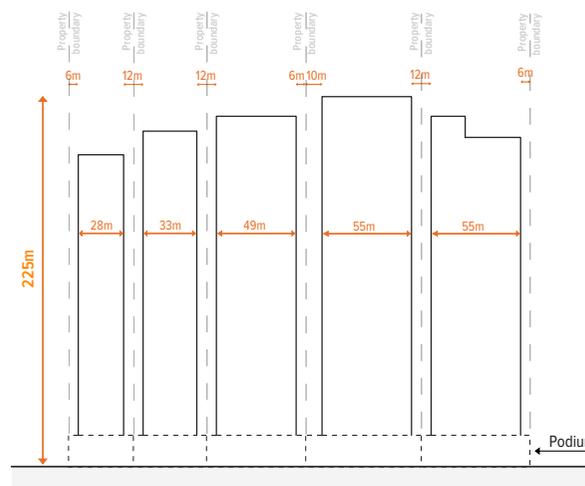
### SCENARIO 3: Proposed changes

Outcome:

- Smaller lots are incentivised to amalgamate with neighbours if sites are too small, which results in better proportioned and more commercially viable floor plates
- Breaks between larger sites support better views to the sky and daylight from street level
- Maximum facade length increases breaks between buildings and reduces the potential for a continuous wall of tower

Next step:

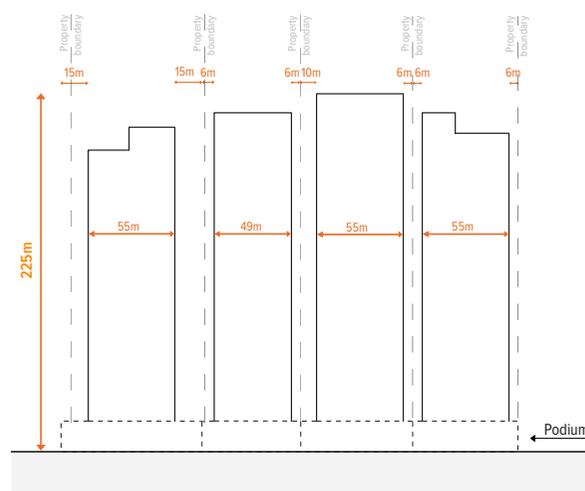
- Likely amalgamation of smaller sites



### SCENARIO 4: Proposed changes with amalgamated lots

Outcome:

- Maximum facade limits create well-proportioned commercial towers with better site separation
- Amalgamation of smaller lots results in better floor plates with less lift cores, vehicular entries, more flexible floor space
- Better skyline response with towers seen "in the round."



Scenarios 3 and 4 are both possible under the proposed changes. It is up to the market to determine the most economically feasible outcome.

Both scenarios achieve the study objectives:

- To improve pedestrian amenity
- Protect building occupant amenity and view sharing
- Support commercial towers of appropriate scale and proportion and avoid a 'canyon effect' to the street
- Achieve design excellence and contribute to the character and vibrancy of the CBD
- Deliver commercially viable towers that maintain North Sydney's economic competitiveness

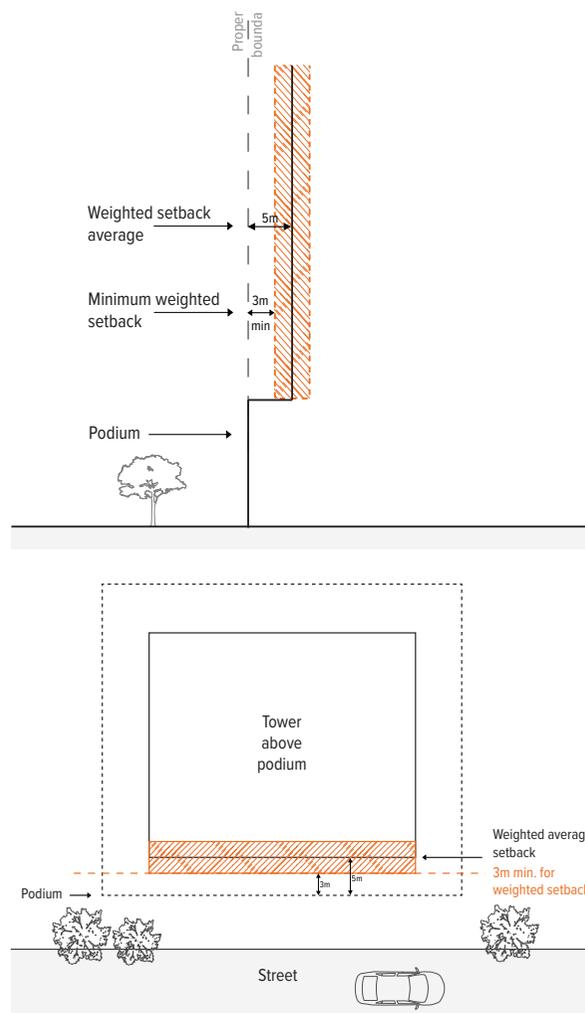
## RECOMMENDATION 3: WEIGHTED ABOVE PODIUM SETBACK TO THE STREET

### Proposed amendment

The weighted above podium setback of 5m (or otherwise stated) to the street should continue to apply.

No part of the tower may be located within 3m of the podium frontage to the street or laneway.

This applies to all commercial buildings in the CBD.



### Rationale

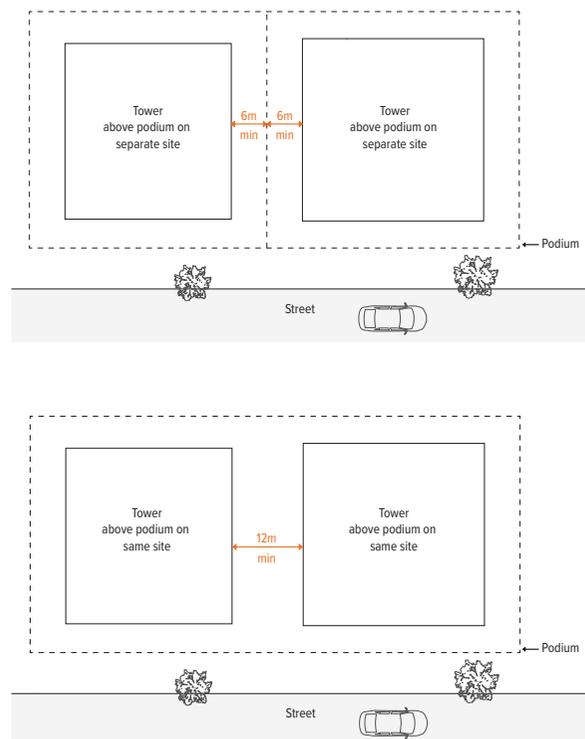
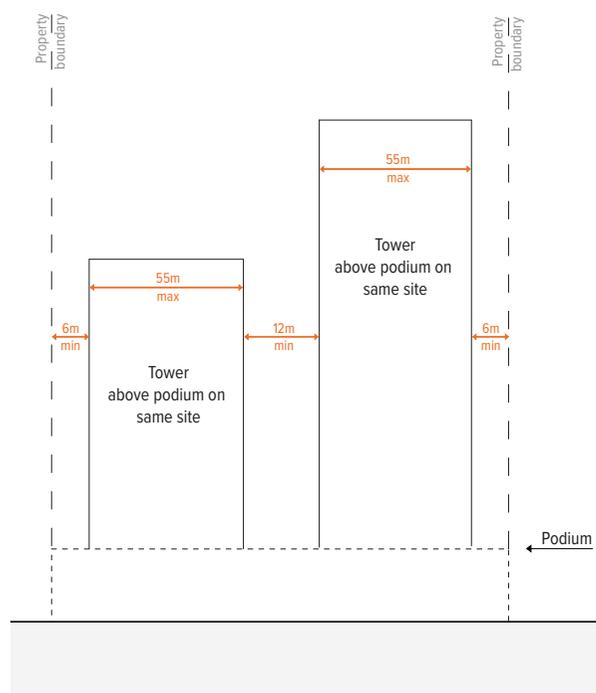
- Maintains the weighted setback for consistency with recent development in the CBD but adopts the City of Sydney requirement to limit towers locating closer to the street.
- Protects pedestrian amenity by promoting a human-scale to podiums, mitigates wind and protects daylight views. Prevents the feeling of towers looming over the street.
- Enhances building value and building occupant amenity through view sharing with other towers.
- Achieves design excellence by allowing flexibility in design with facade articulation and reinforcing the podium and tower typology.

## RECOMMENDATION 4: MINIMUM TOWER SEPARATION ON SAME SITE

### Proposed amendment

Commercial buildings on the same site are required to have a minimum building separation of 12m between towers.

This applies to all commercial buildings in the CBD where there is more than one tower located above podium level.



### Rationale

- Similar policy to Sydney and Parramatta, where minimum separation distances on the same site must not be less than that on adjoining sites.
- Achieves the same benefits as the above podium side setback controls.
- Any proposed reduction in the separation distance on the basis that a consolidated site can achieve the objectives may be dealt with through the development assessment process.
- Protects pedestrian amenity through increasing access to sky views and daylight, promoting a human-scale to podiums and avoids the 'canyon effect' in streets.
- Improves building occupant amenity through internal views and access to natural daylight.
- A 12m separation between commercial towers along Arthur Street and other large sites will provide a better scale, proportion, and separation between towers.
- Achieves design excellence by reinforcing podium and tower typology, creating buildings that fit in the context of North Sydney CBD, enhances CBD skyline and promotes towers seen 'in the round'.

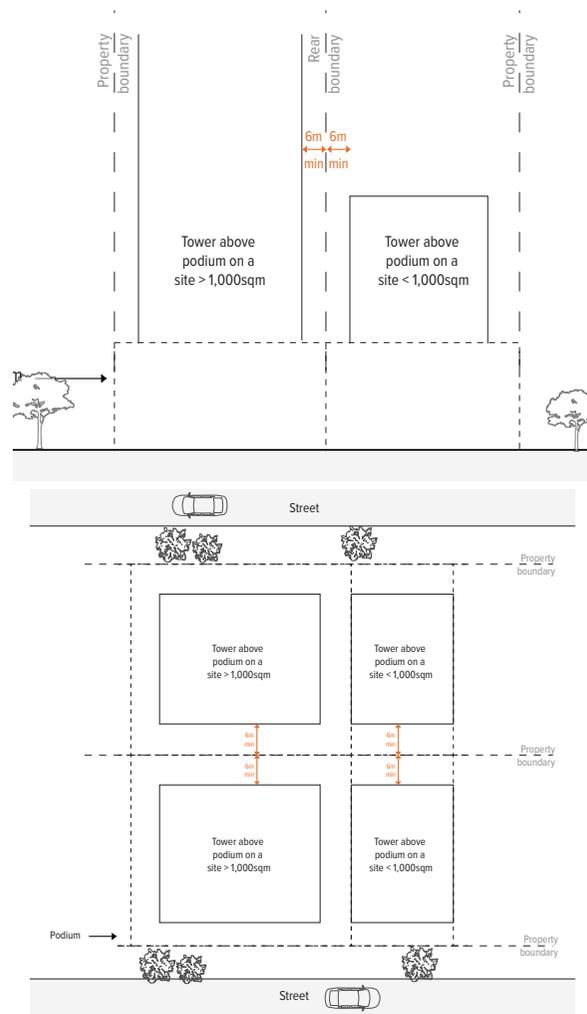
## RECOMMENDATION 5: MINIMUM REAR TOWER SEPARATION

### Proposed amendment

Non-residential development requires a minimum 6m whole of tower rear setback above podium from the rear boundary line.

The podium level may be built to the rear boundary.

This applies to commercial buildings in the CBD that do not have a street or laneway frontage to the rear of the property.



### Rationale

- 6m setback control is a midpoint between the rear setback controls for Sydney and Parramatta. 6m is appropriate given that the 3m City of Sydney rear setback is also influenced by a maximum floor plate requirement in taller towers.
- Rear setbacks improve building occupant amenity through internal views, access to natural daylight and a limitation on deep, dark floor plates.
- Reduces perceived bulk and scale on city blocks with back-to-back development.
- Most streets in North Sydney CBD have dual frontages where this control will not apply.
- Achieves design excellence by reinforcing podium and tower typology, creating buildings that fit in the context of North Sydney CBD, enhances CBD skyline and promotes towers seen "in the round."

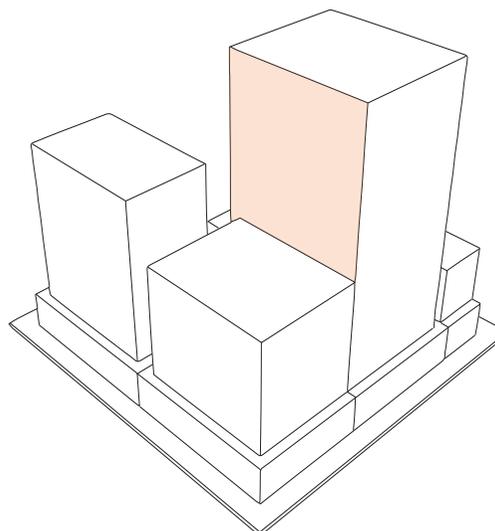
## RECOMMENDATION 6: PARTY WALLS

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### Proposed amendment

Where party walls are exposed, a visually interesting treatment is required to that wall.

The treatment should be sympathetic to the character of the area and any nearby heritage items or conservation areas.



### Rationale

- Aligns North Sydney's built form controls with the City of Sydney and Parramatta.
- Provides visual interest and improves placemaking to the CBD
- Minimises the perceived size of the blank wall
- Improves marketability of development with greater interest/activation of surroundings
- Achieves design excellence through new and interesting architectural treatments of 'blank canvases'



# CONCLUSION





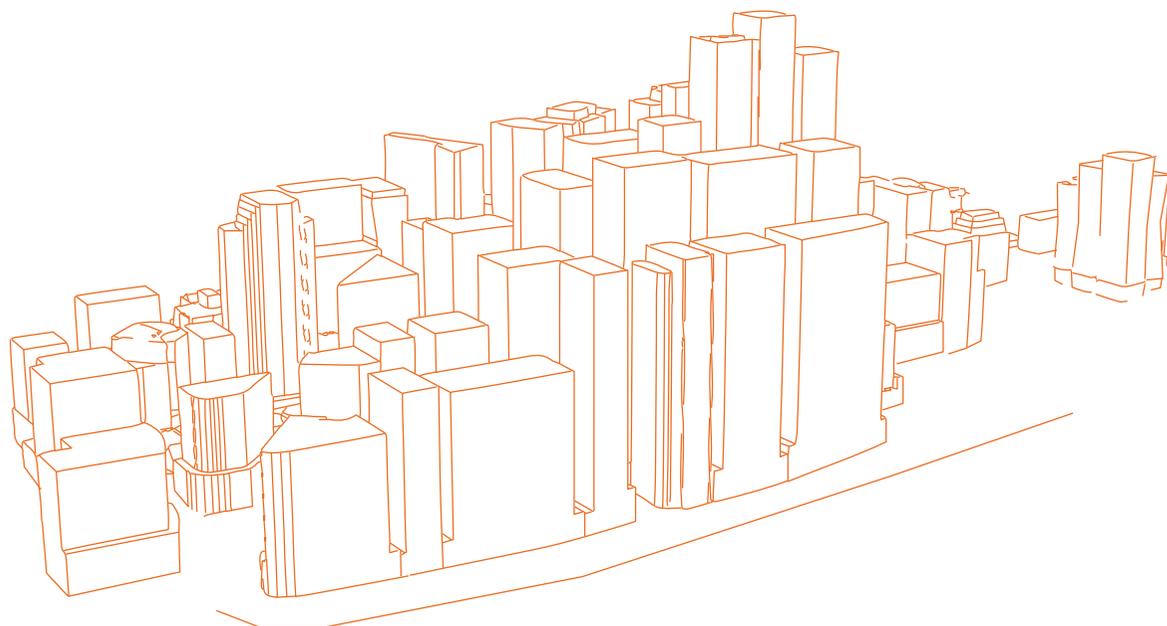
## CONCLUSION

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The proposed amendments to the built form controls for North Sydney CBD commercial towers will bring the NSDCP 2013 in line with comparable centres in the Sydney metropolitan area.

The amendments will help to maintain and improve the amenity of the CBD for pedestrians and building occupants. They will provide a form and scale to the CBD skyline that will be representative of the character and vibrancy of North Sydney.

In a time of increased density and development interest in the CBD, these amendments will help to create a future North Sydney CBD that people want to work in and visit, strengthening the image of North Sydney CBD as a competitive economic centre.



North Sydney CBD - Future built form with recommended built form control changes.

