

8.8. Draft Amendment to NSDCP 2013 - Ward Street Precinct - Post Exhibition Report

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ATTACHMENTS:

1. Attachment 1 NSDCP 2013 Draft Amendment as exhibited [**8.8.1** - 30 pages]
2. Attachment 2 Summary of submissions Table [**8.8.2** - 43 pages]
3. Attachment 3 NSDCP 2013 Draft DCP amendment for adoption [**8.8.3** - 30 pages]

PURPOSE:

To address the issues raised in the submissions to the public exhibition of the draft amendment to North Sydney Development Control Plan 2013 relating to the Ward Street Precinct and to seek Council's endorsement for the amendment.

EXECUTIVE SUMMARY:

On 22 March 2021, North Sydney Council resolved to endorse the placing of a draft amendment to North Sydney Development Control Plan 2013 (NSDCP 2013) on public exhibition. The purpose of the draft DCP amendment is to ensure that the objectives and desired outcomes identified within the Ward Street Precinct Masterplan are delivered.

The draft amendment to NSDCP 2013 was placed on public exhibition, from Monday 19 April 2021 to Monday 17 May 2021.

Council received a total of twenty two (22) submissions during the exhibition period, of which:

- 1 supported specific aspects of the proposed amendments;
- 19 specifically objected to the inclusion of controls that impact upon the development potential of 45 McLaren Street; and
- 2 sought further clarification with regard to certain aspects of the proposed amendments and existing controls.

In response to the submissions made, it is recommended the draft amendment to NSDCP 2013 be further revised to:

- remove the site-specific controls relating to 45 McLaren Street and to deal with these matters in conjunction with the assessment of the Planning Proposal (PP6/20) for the site;
- provide further clarity with respect to the overshadowing controls applying to the proposed new public squares within the Ward Street Precinct;
- removal of redundant through site link controls;

- revision of setback controls to the western side of Walker Street; and
- clarify provisions or correct minor grammatic errors.

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

FINANCIAL IMPLICATIONS:

The modest costs associated with the progression of the DCP amendment are covered by existing budget lines.

RECOMMENDATION:

- 1.THAT** Council note the submissions made to the exhibition of the draft DCP amendment.
- 2.THAT** Council adopt the draft amendment to NSDCP 2013 as amended, forming Attachment 3 to this report, in accordance with clause 14(1) of the Environmental Planning and Assessment Regulation, 2021.
- 3.THAT** public notice of the publication of the amendment to NSDCP 2013 be given on Council's website in accordance with clause 14(2) of the Environmental Planning and Assessment Regulation, 2021.
- 4.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:

1. Our Living Environment
 - 1.3 Quality urban greenspaces
 - 1.4 Public open space and recreation facilities and services meet community needs
2. Our Built Infrastructure
 - 2.1 Infrastructure and assets meet community needs
 - 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
4. Our Social Vitality
 - 4.1 North Sydney is connected, inclusive, healthy and safe
 - 4.2 North Sydney is creative and home to popular events
5. Our Civic Leadership
 - 5.1 Council leads the strategic direction of North Sydney

BACKGROUND

In June 2016, Council resolved to prepare a masterplan to guide the redevelopment of the Ward Street Precinct (WSP), which is generally bound by McLaren, Walker, Berry and Miller Streets, North Sydney. Following consideration of numerous options and extensive community consultation, Council endorsed a finalised Masterplan for the WSP on 24 June 2019.

At its meeting on 22 March 2021, Council resolved to endorse a draft amendment to North Sydney Development Control Plan (NSDCP) 2013 to give effect to the desired outcomes of the Ward Street Precinct Masterplan (WSPMP) and place that draft amendment on public exhibition.

CONSULTATION REQUIREMENTS

Community engagement has occurred in accordance with Council's *Community Engagement Protocol*. The detail of this report provides the outcomes from the engagement for Council to consider prior to adoption.

DETAIL

1. Purpose of Report

This report provides an analysis of the submissions made in response to the draft amendments to NSDCP 2013 and makes a recommendation as to whether the draft amendments should be adopted as exhibited, adopted incorporating further amendment or not be proceeded with.

2. Public exhibition

The draft amendment to NSDCP 2013 (refer to Attachment 1) was placed on public exhibition for 29 days, from Monday 19 April 2021 to Monday 17 May 2021.

All property owners and occupiers to all properties within the WSP and land adjoining the WSP (approximately 2,300 in total) were notified by letter of the public exhibition of the draft amendments to NSDCP 2013. Council also notified other various stakeholders, including but not limited to, relevant public authorities, Precinct Committees and previous submitters to the various iterations of the WSPMP.

In addition, formal notices were placed on Council's website in accordance with the Environmental Planning and Assessment Act, 1979 and Council's Community Engagement Strategy.

Electronic copies of the exhibition documentation were made available on Council's website and hard copies made available at Council's Customer Service Centre and Stanton Library for the entirety of the exhibition period.

3. Consideration of Submissions

A total of twenty two (22) submissions were received with regard to the public exhibition of the draft DCP amendment, of which:

- Nineteen (19) specifically objected to proposed controls affecting 45 McLaren Street;
- Two (2) objected to aspects of the proposed amendments and/or required further clarification on a number of matters; and
- One (1) supported the expanding of Berry Square to the northern side of Berry Street.

A summary and response to all submissions received are located in the attached Submissions Summary Table (refer to Attachment 2). It is recommended that the recommendations outlined in the Submissions Summary Table be adopted as part of this report.

A complete copy of all submissions has been made available to Councillors electronically for their information.

The proposed amendments that are supported in the submissions include the following:

- The delivery of new public squares within the WSP;
- Enlargement of Berry Square across to the northern side of Berry Street; and
- Consideration to providing a pedestrian link between the new Victoria Cross Metro Station and the proposed new central public squares within the WSP.

The proposed amendments that are not supported by submitters include:

- Incorporation of site-specific controls relating to 45 McLaren Street;
- Solar protection controls to the proposed new public squares within the WSP; and
- Requirements to prevent an increase in traffic generation within the WSP.

Some submissions requested that some of the proposed amendments require further clarification or correction or requested amendments beyond what was originally proposed. These include the following:

- Clarifying what a fine-grain pedestrian network comprises;
- Clarifying the extent to which the solar protection controls apply;
- Questioned the applicability of a through-site link control as it applies to 70-76 Berry Street and 3-11 Ward Street;
- Questioned the applicability of whole of building setbacks to Walker Street.

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

3.1. Impact on redevelopment potential of 45 McLaren Street

All current owners (a total of 18) within the Strata Plan to 45 McLaren Street, North Sydney and the applicant to Planning Proposal 6/20 – 45 McLaren Street, objected to the proposed controls that directly impacted upon the redevelopment of 45 McLaren Street.

The justifications for not supporting the proposed site-specific controls related to:

- Removal of the site's development potential;
- Unfair targeting of 45 McLaren Street
- Inconsistent decision making; and
- Timing of amendments / Inconsistent planning practice.

3.1.1. Comment

The initial purpose for incorporating the site-specific development controls in relation to 45 McLaren Street was to:

- ensure that the desired outcomes of the WSPMP were being delivered, as the site was not located within the same Locality Area as the remainder of the WSP; and
- generally reflect the concept proposal's built form outcomes associated with Planning Proposal (PP6/20) for 45 McLaren Street, which was being assessed at the same time as the subject draft DCP amendments were being drafted.

Development Potential

Whilst not always explicitly stated with the submissions, it was inferred that the proposed solar access controls relating to the proposed public squares within the centre of the WSP, is the principal reason why the site is not afforded any development potential.

Issues relating to solar access are discussed in detail in section 3.2 to this report. Upon review of the draft controls, it was determined that they did not provide sufficient flexibility and appear to protect solar access beyond key usage times.

Some had suggested that the height limits for the site were being reduced. Building height is principally controlled the requirements under NSLEP 2013. The site currently has a maximum height limit of 12m which generally equates to 3-4 storeys. The draft DCP amendments only sought to establish podium height controls for the site and do not impact on the ability to achieve the maximum height limit set under NSLEP 2013.

On 28 March 2022, Council resolved to progress the Planning Proposal for 45 McLaren Street to the next stage of the plan making process. This included significantly increasing the maximum building height to between approximately 36-51m (10-14 storeys) and establishing a built form envelope through floor space ratio requirements. Council also resolved to progress an associated site-specific DCP amendment to reflect the outcomes of the planning proposal (including new setback, podium height and overshadowing controls).

It is preferable to publicly exhibit the planning proposal and associated draft site specific DCP amendments for 45 McLaren Street as adopted by Council on 28 March 2022 concurrently, to provide a more holistic picture of the desired outcomes for 45 McLaren Street. Therefore, to remove any inconsistency and confusion, the site-specific controls should be removed from this draft DCP amendment.

Unfairly targeted

It was suggested that 45 McLaren Street was being unfairly targeted by the draft DCP amendments, being the only site singled out for new controls.

No.45 McLaren Street comprises the only site within the WSP that is zoned *R4 High Density Residential* and not located within the Central Business District Locality Area under the DCP and is therefore subject to different controls to other development within the WSP. Accordingly, there was a need to recognise that the site forms part of the WSP and that its future development needs to reflect the outcomes of the WSP. This is important as Council had also resolved to consider a planning proposal for the subject site.

When Council adopted the draft DCP amendments, it was determined that it would not be appropriate to relocate 45 McLaren Street from the Hampden Neighbourhood Locality Area to the Central Business District Locality Area until such time as the land had been rezoned to be more consistent with the remainder of land within the WSP. Hence it was proposed to incorporate site specific controls for 45 McLaren Street to reflect its inclusion within the WSP and future rezoning.

On 28 March 2022, Council resolved to progress the Planning Proposal for 45 McLaren Street to the next stage of the plan making process. It also resolved to progress an associated site-specific DCP amendment to reflect the outcomes of the planning proposal. The site-specific DCP amendments included the relocation of 45 McLaren Street from the Hampden Neighbourhood Locality Area into the Central Business District Locality Area.

It is preferable to publicly exhibit the planning proposal and associated draft site specific DCP amendments for 45 McLaren Street as adopted by Council on 28 March 2022 concurrently, to provide a more holistic picture of the desired outcomes for 45 McLaren Street. Therefore, to remove any inconsistency and confusion, the site-specific controls should be removed from this draft DCP amendment.

Inconsistent Decision Making

A large number of objectors stated that Council has been inconsistent in its decision making with regard to allowing a potential development uplift on the site.

During the preparation of the WSPMP, numerous options were considered with regard to achieving the objectives and principles for the Masterplan established and endorsed by Council on 14 June 2016.

Whilst it is acknowledged that there have been various potential outcomes for 45 McLaren Street in relation to the WSPMP, these options have been made in response to addressing community concerns as part of numerous and extensive community consultation phases of the WSPMP.

Despite no uplift being granted to 45 McLaren Street under the final adopted WSPMP in 2019, Council did resolve to consider a planning proposal to amend the planning controls on the subject site, subject to remaining consistent with the desired outcomes of the WSPMP.

In accordance with this resolution, Planning Proposal 6/20 was subsequently lodged in October 2020 seeking to amend the planning controls as it relates to 45 McLaren Street.

On 28 March 2022, Council resolved to support the progression of the Planning Proposal to Gateway Determination, in conjunction with site specific controls to be incorporated into NSDCP 2013. The recommendation to progress the Planning Proposal demonstrates that there is some development potential on the site, whilst still being consistent with the adopted outcomes of the WSPMP.

Timing of Amendments / Inconsistent planning practice

Several submissions stated that the implementation of the proposed DCP planning controls over a site, which is also being subject to a concurrent planning proposal assessment is poor planning practice.

It is agreed that at the time that the draft DCP was placed on public exhibition, Council was in the process of assessing a planning proposal for land at 45 McLaren Street (PP 6/20). Due to a number of unresolved issues with the planning proposal, Council had determined at the time to apply some limited built form controls (e.g. podium heights, setbacks etc) to better

reflect what was anticipated under the WSPMP should the site be rezoned as part of the planning proposal.

During the assessment of the planning proposal, Council had raised a number of issues with regard to the expected built form and subsequently worked with the applicant to have these issues resolved. On 28 March 2022, Council resolved to progress the planning proposal to the next stage of the plan making process, including the adoption of site-specific draft DCP amendments to reflect the outcomes of the planning proposal.

As discussed, it is preferable to publicly exhibit the planning proposal and associated draft site specific DCP amendments for 45 McLaren Street as adopted by Council on 28 March 2022 concurrently, to provide a more holistic picture of the desired outcomes for 45 McLaren Street. Therefore, to remove any inconsistency and confusion, the site-specific controls should be removed from this draft DCP amendment.

3.1.2. Recommendation

That the site-specific controls relating to 45 McLaren Street be removed from this DCP amendment and be subject to a separate DCP amendment concurrent with the Planning Proposal currently being considered for the site.

3.2. Solar Access to Proposed New Squares

The majority of the submissions objected to the proposed solar access controls that seek to protect solar access to the proposed new squares within the Ward Street Precinct. In particular, it was suggested that the proposed controls:

- Are inconsistent with similar controls in Council's and other councils' planning instruments and do not represent best practice;
- Are inconsistent with the recommendations of the adopted Ward Street Precinct Masterplan; and
- Are inconsistent with Council's resolution to enable 45 McLaren Street to have "minimal" impact on the proposed squares.

In addition, there was some confusion as to which proposed squares the controls were meant to apply to.

3.2.1. Comment

The proposed DCP control states:

Development is to be designed to maintain year round solar access to the new public squares to be created within the Ward Street Precinct.

Comparison with other solar access controls

The submitters identified that where overshadowing controls were included in planning instruments that they generally applied between 12 noon and 2pm to reflect lunch time use and in some instances extended from 10am and through to 3pm. It was also suggested that between these times of the day, such controls were typically only applied during the winter

solstice and in some instances extended to include between the March and September Equinoxes.

A review was undertaken of solar access / protection controls within other planning instruments that apply to dense urban areas. The review identified that the application of solar protection controls to public spaces in dense urban areas varies greatly. Generally, they commence from as early as 9am through to as late as 4pm. Year wise, they can apply from as little as at the Winter Solstice, to between the Equinoxes and sometimes year-round.

When solar protection controls to public places first came about in the 1970s, they were typically only applied to the lunchtime hours within dense town centres. This was premised on those public spaces being most heavily used by workers during that time and used very little outside of those times. However, as work practices and the land use mix have changed over time, so has the use of public spaces. In particular, there has been a marked shift in the use of public spaces over the last 20 years, concurrent with the increased “café culture”, whereby workers are often not working from offices but from cafes and public spaces in search of fresh air and sunlight. In addition, there has been a significant increase in demand for solar access to public spaces during the weekend in dense mixed use areas and typically extends for much greater periods of time. This change in culture has seen a change as to how solar protection controls are currently being applied, particularly in dense urban areas. Of particular note, is the change to the hours being extended well beyond the traditional 12noon to 2pm period.

With development proceeding inexorably in a vertical direction, more and more people are relying on public space for their open space needs. Accordingly, vertical living is putting increasing pressure on the use of parks and squares.

Most recently, Melbourne City Council has undertaken significant investigation into the setting of solar protection controls for all of its major public places. The investigation arose from an acute increase in density and public awareness of the importance of access to sunlight within high density urban environments.

One of the key challenges of the Study was balancing the advocating for maximum sunlight access to parks while allowing for reasonable development intensification in an inner-city environment.

The study identified that there was significant overshadowing in winter of public spaces in high growth areas and that a priority should be to protect the remaining amount of sunlight in such locations.

In setting new sunlight access controls, the Study set a number of priorities including:

- *Supporting healthy, active living by protecting access to winter sunlight*
- *Balancing winter sunlight access to public spaces with the need to support development intensification*
- *Maximising opportunities for people to access sunlight throughout the day for a variety of uses*

- *Simplifying its suite of overshadowing / solar access controls*
- *Focusing on the need to identify future park locations so that sunlight protection for new public open spaces can be ensured.*

The proposed DCP controls are partially consistent with these priorities insofar that they:

- Promote healthy and active living by protecting existing access to winter sunlight;
- Maximise opportunities for people to access sunlight throughout the day for a variety of uses;
- Identify future public spaces where solar access should be protected.

Conversely, they are inconsistent with the priorities in so far that they:

- Do not balance winter sunlight access to public spaces with the need to support development intensification; and
- Do not simply the suite of overshadowing /sunlight access controls.

Solar access controls within the North Sydney Centre (NSC) predominantly seek to protect solar access to public spaces within the NSC and residential properties outside of the NSC between the March and September Equinoxes for a variety of time periods, generally between 10am and 2pm. These controls were originally established in 2003 and were amended in 2019 to provide increased flexibility, by reducing their application from year round to between the March and September equinoxes.

The controls as proposed are therefore inconsistent with this existing regime and do not provide any flexibility in the redevelopment potential of sites adjoining or neighbouring the proposed squares.

In the setting of new solar access controls, the following points are of relevance:

- The WSPMP seeks to deliver two new interconnected public squares within the Precinct with an emphasis on maximising their amenity, including access to sunlight;
- Solar access to these proposed future public squares is heavily compromised by the prevailing built form surrounding their location, with solar access at the Winter Solstice generally limited to:
 - Central Square - 8.30am to 12.30pm to a maximum of approximately 40% of its surface;
 - Green Square – 8.30am – 12.00pm to a maximum of approximately 10% of its surface;
- Under the WSPMP, the desired function of the proposed southern Central Square is higher than the proposed northern Green Square; and
- Part of the adopted vision for the Precinct is to promote an 18 hour economy.

In light of these points, it is recommended that the proposed controls are revised to:

- Only apply between the March and September Equinoxes; and
- Apply between 9am and 4pm to the proposed Central Square only.

These amendments will enable some redevelopment potential of sites adjoining and neighbouring the proposed squares, ensure solar access is maximised to the proposed squares at key usage times, and is more consistent with best practice.

Consistency with Council's Resolution

When Council resolved to adopt the WSPMP, it also resolved in relation to 45 McLaren Street:

7. THAT Council notes, that despite the preferred Masterplan option, a landowner initiated Planning Proposal may be considered from 45 McLaren Street and may identify how any future redevelopment will:

- i) Minimise solar reductions upon new public domain as identified in the Masterplan.
- ii) Minimise solar and privacy impacts upon existing residential development.
- iii) Provide for a commercial component to any redevelopment.
- iv) Identifies significant public benefits that will arise from the development of the site with particular regard to the objectives of the Masterplan.

Whilst the proposed DCP control as exhibited would not prevent the redevelopment of 45 McLaren Street under the current planning controls, it has the ability of restricting any meaningful uplift should an amendment to the site's planning controls be proposed.

When the planning proposal for 45 McLaren Street was submitted in October 2020, Council identified that the extent of overshadowing to the proposed squares was unacceptable in terms of the outcomes envisaged under the WSPMP. Council staff have worked collaboratively with the applicant to arrive at an acceptable outcome that enables some uplift to the site, whilst addressing the need to protect solar access to the future public squares.

In particular, the applicant designed a concept proposal that would effectively result in no nett increase in overshadowing to the main southern proposed square within the Ward Street Precinct between 9am and 4pm from the March equinox to the September equinox (inclusive). The applicant has also offered to include such a provision within a future site-specific DCP amendment.

On 28 March 2022, Council resolved to support the progression of this Planning Proposal and the associated DCP amendment, demonstrating that there was some development potential on the site whilst still achieving appropriate solar access to the proposed squares.

Which public squares does the control apply to?

One submission questioned whether the solar access controls apply to all new proposed public squares within the Precinct, including any proposed new square north of Berry Street opposite Berry Square.

Whilst the WSPMP alludes to the potential expansion of Berry Square north of Berry Street, its provision is not mandated. It is conceded that the proposed controls could be read to include this potential public square.

It is recommended that the proposed overshadowing controls should be revised to ensure that they apply to the proposed squares which are centrally located within the Precinct.

3.2.2. Recommendation

In light of issues raised in the submissions, the proposed overshadowing controls be revised to state:

P# Development is to be designed to ~~maintain~~ maximise year round solar access to the new public squares to be created centrally within the Ward Street Precinct.

P# Development must not result in a nett increase in overshadowing to the main southern proposed square within the Ward Street Precinct between 9am and 4pm from the March equinox to the September equinox (inclusive).

3.3. Pedestrian / vehicular conflicts

Two (2) submissions pointed out that the proposed requirement P37 to s.2.1.3 to Part C of the DCP (page C2-12) would create a conflict with the use of the proposed future squares as a pedestrian environment.

3.3.1. Comment:

The proposed provision states:

Consideration to be given to providing all vehicular access to 213-219 Miller Street, 56-66 Berry Street and the Ward Street Carpark site from Harnett Lane, to maximise pedestrian amenity within the Ward Street Precinct

There is a significant level change between the anticipated finish level of the future squares and Harnett Street. In particular, Harnett Street is located approximately 5m lower than the anticipated finished level of the future public squares. This significant change in level has the ability to accommodate vehicular access directly from Harnett Street and underneath the proposed future squares to 213-219 Miller Street and the Ward Street Carpark site, thereby minimising any potential vehicular / pedestrian conflicts.

Furthermore, the proposed control is a matter for consideration only and is not required if for whatever reason, proves prohibitive to deliver.

3.3.2. Recommendation

No further amendment required.

3.4. Traffic Generation

Two (2) submissions objected to the inclusion of proposed provision P37 to s.2.1.3 to Part B of the DCP, which stated:

Development within the Ward Street Precinct does not result in a nett increase in traffic generation for the Precinct

3.4.1. Comment

There appears to be some confusion in relation to the application of the proposed provision. Some thought that the traffic generation could not be increased for an individual site within the Precinct. However, the proposed provision was meant to ensure that the level of traffic generation from all proposed development within the Precinct as envisaged under the WSPMP should not exceed that by all existing development within the Precinct. This was to reflect one of the key objectives in delivering the WSPMP.

It would be highly problematic to keep an accurate and current recording of all the approvals and associated traffic generation rates within the Precinct to ensure there was no nett increase.

ARUP was engaged to undertake detailed transport and traffic analyses during the preparation of the WSPMP and noted that the increased development potential under the various WSPMP options would generally result in marginal increases in traffic generation from the Precinct if Council's current parking rates are adopted. It further suggested that adopting parking rates similar to that in Barangaroo (1/600sqm of commercial floorspace) would result in the proposed traffic generation rates falling below the current traffic generation rates, meeting the overall aim of the WSPMP.

It was not proposed to amend the specific parking rates as part of this draft DCP amendment, as it was considered more beneficial for the matter to be addressed as part of a wider parking strategy in light of the introduction of the new Metro Stations in the LGA which would affect more than just the Ward Street Precinct. An LGA wide parking strategy is currently being prepared by Council and this issue can be addressed through this process.

Therefore, it is proposed to delete the proposed provision and incorporate it as a high level outcome.

3.4.2. Recommendation

In light of the submissions raised and the earlier supporting documentation prepared as part of the Ward Street Precinct it is recommended that Provision P37 to s.2.1.3 to Part B of the DCP be deleted in its entirety.

3.5. Walker Street Setbacks

Two (2) submissions questioned the imposition of a 7m front setback to the western side of Walker Street. Provision P6 (b) to s.2.1.3 to Part C of the DCP requires:

Zero setback to all street frontages at the ground floor level and adjacent to heritage items with the following exceptions ... (b) 7m from the western side of Walker Street, North of Berry

3.5.1. Comment

This control only applies those properties zoned *B3 Commercial Core* and *B4 Mixed Use* and located within the North Sydney Centre.

The proposed control within the Hamden Neighbourhood Locality Area section of the DCP was to reflect the existing setback control that applies to land immediately to the north and south of 45 McLaren Street within the Central Business District Local Area. This effectively maintains a continuous setback requirement to the western side of Walker Street, north of Berry Street.

It is unclear how the 7m setback control to the western side of Walker Street was originally established as most buildings along its western side typically have a minimum setback less than 7m in depth. It is possible that the setback control reflects its former residential use along this side of the street and that the land to the west of Walker Street is residentially zoned and has an established setback to Walker Street.

An analysis of the buildings along the western side of Walker Street show that that the predominant minimum setback is more in the order of 5m.

Address	Zoning	Minimum Setback
70-76 Berry Street	B3 Commercial Core	0m
138 Walker Street	B4 Mixed Use	0m
144-152 Walker	B4 Mixed Use	5m
45 McLaren Street	R4 High Density Residential	7m
168 Walker Street	B4 Mixed Use	5m

Within the *B3 Commercial Core* and *B4 Mixed Use* zones, it is preferable to maintain a 0m setback to ensure that a continuous activated frontage can be provided to maximise the pedestrian experience. No.70-76 Berry Street is located on a corner site within the core of the North Sydney CBD, with the remainder of properties located to the north located in the B4 Mixed Use zone.

It would be inappropriate to require a 5m setback to 70-76 Berry Street as this would prevent the activation of street frontage where pedestrian movement would be higher.

The heritage items at 144-152 Walker Street are unlikely to be demolished as a result of their heritage status and set the context for setbacks on the western side of Walker Street. It is important that buildings located either side of these heritage items maintain a similar setback, such that their contextual significance is not adversely eroded.

Therefore, a setback of 5m north of 70-76 Berry Street to reflect the predominant alignment of the heritage dwellings at 144-152 Walker Street and to continue the recognition of the residentially zoned land on the eastern side of the street would be appropriate.

3.5.2. Recommendation

Revise provision P6(b) to s.2.1.3 to Part C of the DCP to read:

Zero setback to all street frontages at the ground floor level and adjacent to heritage items with the following exceptions ... (b) 5m from the western side of Walker Street, north of 70-76 Berry Street.

4. Conclusion

The draft DCP amendment as publicly exhibited sought to implement the recommendations and desired outcomes of the Ward Street Precinct Master Plan.

A total of twenty two (22) submissions were received by Council. In response to the consideration of the issues raised in submissions, it is recommended that draft DCP amendment be further revised to:

- remove the site-specific controls relating to 45 McLaren Street and to deal with these matters in conjunction with the assessment of the Planning Proposal (PP6/20) for the site;
- provide further clarity with respect to the overshadowing controls applying to the proposed new public squares within the Ward Street Precinct;
- removal of redundant through site link controls;
- revision of setback controls to the western side of Walker Street; and
- clarify provisions or correct minor grammatic errors.

Having completed the public exhibition of the draft DCP amendment, it is recommended that Council adopt the draft DCP amendment as amended (forming Attachment 3 to this report) and notify its endorsement in accordance with the Environmental Planning and Assessment Regulations, 2021.



SECTION 2 NORTH SYDNEY PLANNING AREA

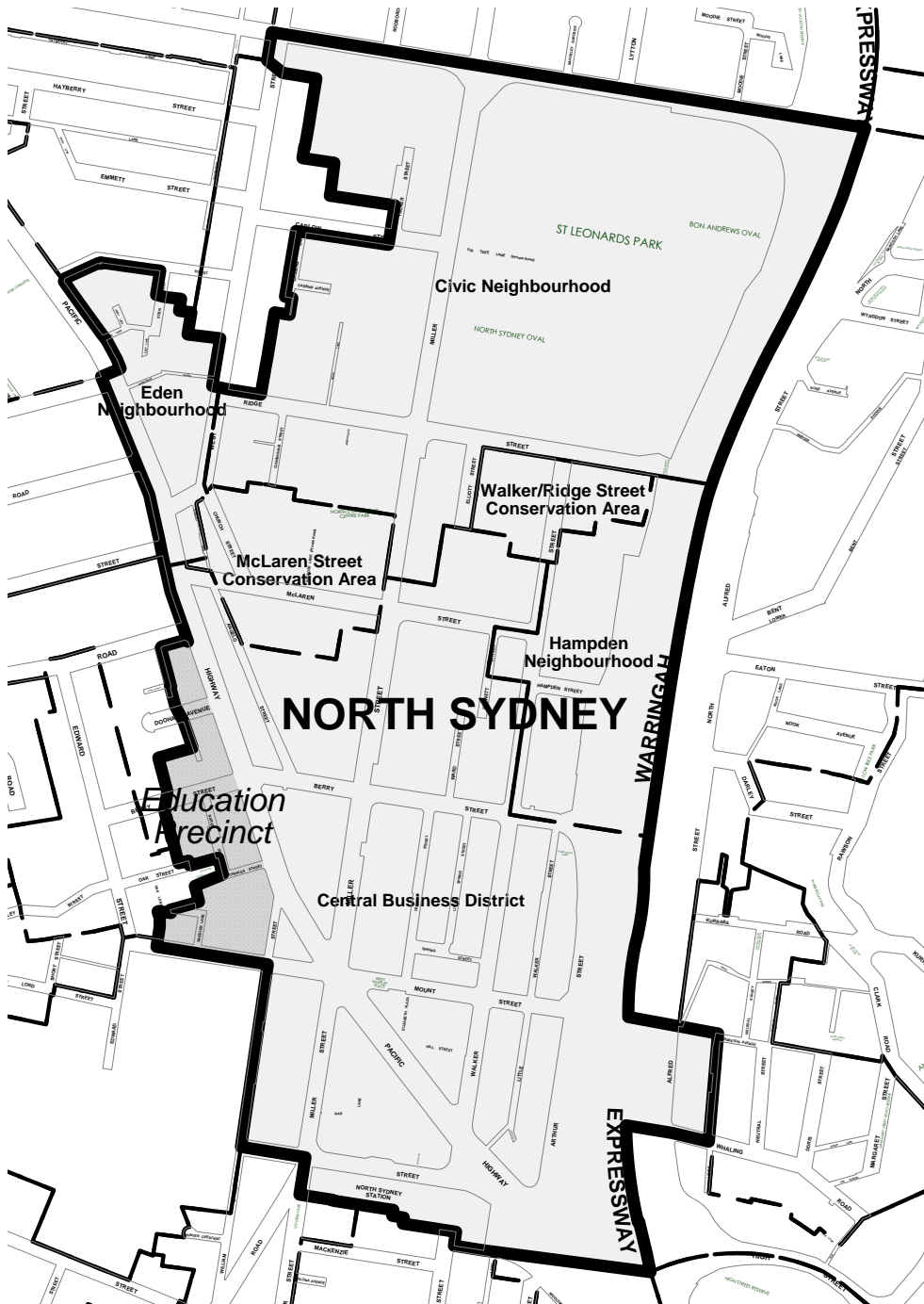
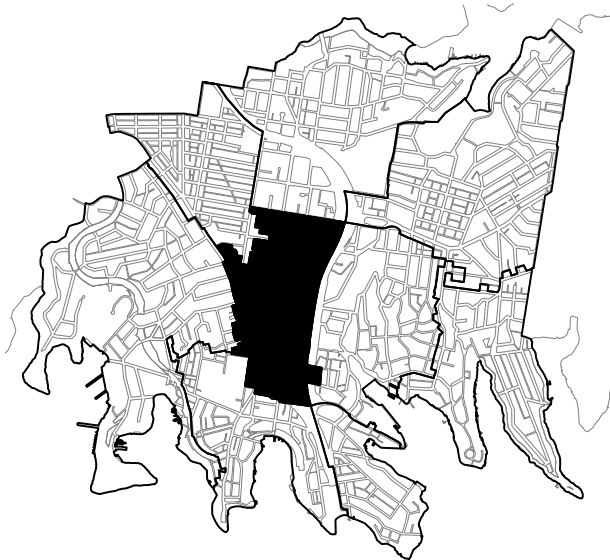


Figure C-2.1: North Sydney Planning Area and associated Locality Areas

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 and the Ward Street Precinct is located within the northern portion of the Planning Area.

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
- the creation of a new vibrant public meeting place within the Ward Street Precinct for workers, residents and visitors which has high levels of amenity and activated in the daytime, evenings and weekends
- 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:

C **Part**

C2-2 **Page**

North Sydney Development Control Plan 2013 – DRAFT AMENDMENT**Area Character Statements - North Sydney Planning Area****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
- 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
- Creation of a new pedestrian focal point within the heart of the Ward Street Precinct, through the provision of new public squares which integrate with the existing and enhanced fine-grain pedestrian networks and activated by commercial and community frontages
- 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
- The significance of heritage items is retained, and promotes the rich development history and provides interest in the physical fabric of the area

Part	C
Page	C2-3



North Sydney Development Control Plan 2013 – **DRAFT AMENDMENT**

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 and north/south 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
- A new public square/s centrally located within the Ward Street Precinct which is integrated with existing and enhanced fine-grain pedestrian networks
- Streetscape improvements occur in accordance with the *North Sydney Centre Public Domain Strategy* and *Education Precinct Public Domain Masterplan*

In addition to the above character statement for the Planning Area, the relevant character statement for the following Locality Areas also requires consideration:

- Section 2.1: Central Business District
- Section 2.2: Civic Neighbourhood
- Section 2.3: Eden Neighbourhood
- Section 2.4: Hampden Neighbourhood
- Section 2.5: McLaren Street Conservation Area

C	Part
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C2-4	Page
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North Sydney Development Control Plan 2013 – DRAFT AMENDMENT

Area Character Statements - North Sydney Planning Area



Section 2.6: Walker Street Conservation Area

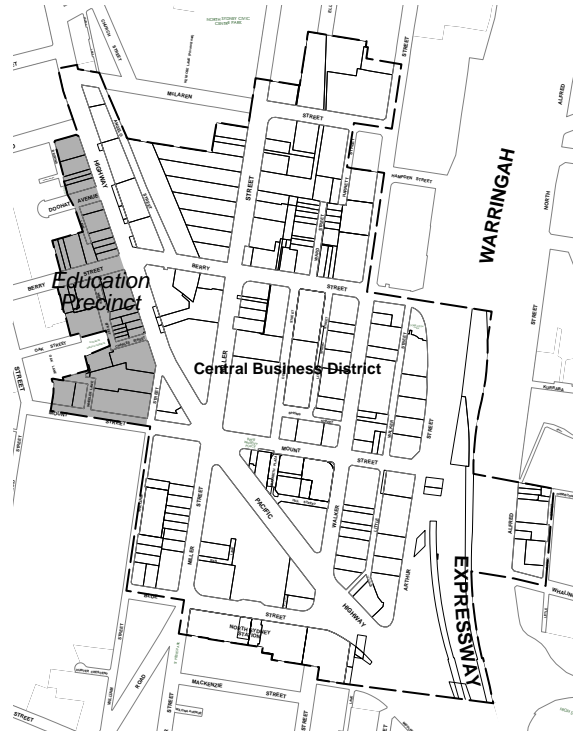
Part	C
Page	C2-5



North Sydney Development Control Plan 2013 – **DRAFT AMENDMENT**

Area Character Statements - North Sydney Planning Area

2.1 CENTRAL BUSINESS DISTRICT



2.1.1 Significant Elements

Land Use

- P1 Predominantly high rise commercial development.
- P2 Medium to high rise mixed commercial and residential development at the fringes.
- P3 Educational facilities.
- P4 Regional 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.

C Part

C2-6 Page

North Sydney Development Control Plan 2013 – DRAFT AMENDMENT**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.
- P6P7 Creation of a substantial new public space within the middle of the street block bound by McLaren, Walker, Berry and Miller Streets, activated by surrounding buildings and new community facilities consistent with the Ward Street Precinct Masterplan. This space is to be designed to be highly adaptable for events and prominent activities and form a spill over space for other community events associated with community facilities to be located in adjacent buildings.
- P8 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



North Sydney Development Control Plan 2013 – DRAFT AMENDMENT

Area Character Statements - North Sydney Planning Area

Mount Street. This expanded plaza will provide dedicated space for outdoor dining, large and small events, and other activities.

~~P7~~P9 Consideration be given to expanding Berrys Square to the northern side of Berry Street.

~~P8~~P10 The Central Laneways precinct will become a major focal point of pedestrian activity and amenity.

~~P9~~P11 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.

~~P10~~P12 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~~P13 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~~P14 Provide roof top gardens and/or public facilities that allow the public and/or residents to access district views.

~~P14~~P15 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~~P16 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~~P17 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.

P18 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.

~~P17~~P19 Community facilities that are of a type that support the creation of a cultural destination which is activated in the daytime, evenings and weekends are to be incorporated into the lower levels of the redevelopment of 56-66 Berry Street and the Ward Street Carpark site and these facilities are to front onto a new public square consistent with the Ward Street Precinct Masterplan.

Accessibility and permeability

P20 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.

~~P18~~P21 Consideration be given to providing a direct pedestrian connection between the new public open space within the Ward Street Precinct and Victoria Cross Station.

~~P19~~P22 Barriers to pedestrian movement, particularly the Ward Street Precinct, Miller Street, Berry Street and the Pacific Highway, will be reimagined such that their function and treatment favour pedestrian movement and amenity.

~~P20~~P23 New development focuses on the use of public transport, cycling and walking.

~~P21~~P24 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~~P25 Loading and delivery facilities should be located away from the street and where possible be located underground.

~~P23~~P26 The following through site links are to be provided, retained and enhanced:

C	Part
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C2-8	Page
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North Sydney Development Control Plan 2013 – DRAFT AMENDMENT**Area Character Statements - North Sydney Planning Area**

- (a) A north - south pedestrian link from McLaren Street to Elliot Street across 52 and 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 of at least 3m in width is provided from Miller Street to the future public open space off Ward Street along the northern boundary of 201 Miller Street.
- (d) An east-west pedestrian link of at least 6m in width is provided from Miller Street to the future public open space off Ward Street along the southern boundary of 213-219 Miller Street.
- ~~(e)~~(e) An east - west pedestrian link from Miller Street to Ward Street across 221 Miller Street.
- ~~(d)~~(f) A north - south pedestrian link from Charles Street to Wheeler Lane across 100 Pacific Highway and 16 Mount Street.
- ~~(e)~~(g) 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)~~(h) An east - west pedestrian link from Walker Street to Little Walker Street across 81-83 Walker Street.
- ~~(h)~~(i) An east - west pedestrian link from Little Walker Street to Arthur Street across 100 Arthur Street.
- ~~(i)~~(j) 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)~~(k) An east - west pedestrian link from Napier Street to Oak Street across the southern side of 8-20 Napier Street.
- ~~(k)~~(l) 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)~~(m) An east - west pedestrian link through the Victoria Cross metro station linking Miller Street and Denison Street.
- ~~(m)~~(n) 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)~~(o) A widened and improved pedestrian link from Little Spring Street and Walker Street across 102 Walker and 110 Walker Street.
- P24P27 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.
- P25P28 Consideration should be given to the demolition of the single storey structure at the northern end of 105 Miller Street (MLC Building) to improve accessibility and permeability to Miller Street and the Victoria Cross metro station.

2.1.3 Desired Built Form**Subdivision**

- P1 Development sites should be of a size which enables the creation of large high quality floor plates which helps to reinforce the Centre's role as a Global City as identified within the Metropolitan Strategy.



North Sydney Development Control Plan 2013 – DRAFT AMENDMENT

Area Character Statements - North Sydney Planning Area

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

P2P3 Site amalgamation should occur generally in accordance with that identified within the Ward Street Precinct Masterplan to maximise the delivery of the desired outcomes of the Masterplan.

Form, massing and scale

P3P4 Buildings should be carefully designed to minimise the impact of their height and bulk on surrounding residential areas.

P4P5 Roof design contributes to building's appearance from a regional view catchment.

P6 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.

P5P7 Development is to be designed to maintain year round solar access to the new public squares to be created within the Ward Street Precinct.

Setbacks

P6P8 Zero setback to all street frontages at the ground floor level and adjacent to heritage items, with the following exceptions:

- (a) In accordance with cl.6.4 of the LEP for all properties on the eastern side of Miller Street, north of the Pacific Highway.
- (b) 7m from the western side of Walker Street, north of Berry Street.
- (c) 5.4m from the southern side of Berry Street, between Pacific Highway and Miller Street.
- (d) 14.5m from the western side of Miller Street, at No.60 Miller Street.
- (e) 15m from the southern side of Mount Street, at No.60 Miller Street.
- (f) Maintaining the setback of existing buildings to all properties comprising Monte St Angelo Convent and Girls School.
- (g) Maintaining the setback of existing buildings to all properties on the northern side of McLaren Street.
- (h) 1.5m whole of building setback from the eastern side of Napier Street, at No. 1-9 Napier Street and No.120 Pacific Highway.

P7P9 Buildings must be setback to conserve views to, and the setbacks and settings of, heritage items at 86 and ~~146-144~~ - 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.

P8P10 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

P9P11 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.

C Part

C2-10 Page

North Sydney Development Control Plan 2013 – **DRAFT AMENDMENT****Area Character Statements - North Sydney Planning Area**

~~(e)~~(d) A podium of between 3 and 5 storeys above the finished level of the new public squares to be created within the Ward Street Precinct, where buildings front onto those squares, with setbacks above the podium that result in the minimising of potential wind impacts and maintaining a human scale to the squares.

~~P10~~P12 Podium heights should match or provide a transition in height between immediately adjacent buildings.

~~P11~~P13 Podium heights should match the height of adjacent heritage items.

~~P12~~P14 Podium height may be reduced to that part of the building devoted to commercial use in mixed-use buildings.

~~P13~~P15 If there is no commercial component, and therefore no podium, adequate side separation should be provided for residential amenity.

Building design

~~P14~~P16 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.

~~P15~~P17 Provide a visually rich intimate pedestrian environment with active street frontages at ground level.

~~P16~~P18 The natural rock outcrop at 136 Walker Street should be incorporated into the design of any redevelopment proposal for the site.

Awnings

~~P17~~P19 Continuous awnings must be provided to all commercial buildings, except on the eastern side of Miller Street between the Pacific Highway and McLaren Street.

~~P18~~P20 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

~~P19~~P21 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.

~~P20~~P22 The Greenwood historic school building and large Moreton Bay Figs are retained and incorporated as the southern pedestrian gateway to the North Sydney CBD.

~~P21~~P23 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.

~~P22~~P24 Improve amenity and safety by installing lighting, public art and/or landscape along the eastern facade of 12-14 Mount Street.

~~P23~~P25 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.

~~P24~~P26 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

~~P27~~ Have regard to Public Domain designed in accordance with the *North Sydney Centre Public Domain Strategy* and *North Sydney Council Infrastructure Manual*.

~~P28~~ A new multi purpose public square with a minimum dimension of 52m by 40m is to be created in the centre of the Ward Street Precinct and integrated with a secondary



North Sydney Development Control Plan 2013 – **DRAFT AMENDMENT**

Area Character Statements - North Sydney Planning Area

public square of minimum dimension 35m by 33m consistent with the Ward Street Masterplan. The squares are to be designed to maximise the flexibility of uses.

P29 Consideration be given to activating the secondary northern square within the Ward Street Precinct with a café, public facilities or other active and community uses.

P25P30 Consideration be given to expanding Berry Square across to the northern side of Berry Street.

Landscaping

P26P31 Continued use of tree planting and use of native vegetation to enhance the urban environment and attract birdlife.

P27P32 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

P28P33 Short stay parking spaces should be located within or as close as possible to meeting places.

P29P34 Reduce the amount of long stay commuter parking on site.

P35 Reduce the amount of non-residential parking on site.

P30P36 Development within the Ward Street Precinct does not result in a nett increase in traffic generation for the Precinct.

Vehicle Servicing

P37 Consideration to be given to providing all vehicular access to 213-219 Miller Street, 56-66 Berry Street and the Ward Street Carpark site from Harnett Lane, to maximise pedestrian amenity within the Ward Street Precinct.

P31P38 Vehicular access to 76 Berry Street be provided from Walker Street.

C **Part**

C2-12 **Page**

North Sydney Development Control Plan 2013 – **DRAFT AMENDMENT****Area Character Statements - North Sydney Planning Area****2.2 CIVIC NEIGHBOURHOOD****2.2.1 Significant elements****Land Use**

- P1 Predominantly community based facilities such as educational establishments, places of public worship and public administration buildings.
- P2 Mixed commercial and residential development.
- P3 Passive and active recreational spaces.

Topography

- P4 Generally flat forming the top of the ridgeline, with a fall from the north to the south along Miller Street south of McLaren Street

Views

- P5 The following views and vistas are to be preserved and where possible enhanced:
 - (a) To Kirribilli and Sydney Harbour from St Leonards Park.

Identity / Icons

- P6 Stanton Library
- P7 St Leonards Park & North Sydney Oval
- P8 North Sydney Council Chambers
- P9 Independent Theatre
- P10 Civic Centre and Park
- P11 Warringah Freeway a major arterial thoroughfare.
- P12 Miller and Falcon Streets a major sub-arterial thoroughfare.

Subdivision

- P13 Regular grid pattern with rectangular lots of varying sizes.

Streetscape

- P14 Wide fully paved footpaths.



North Sydney Development Control Plan 2013 – **DRAFT AMENDMENT**

Area Character Statements - North Sydney Planning Area

P15 Buildings are aligned to the street.

P16 Awnings generally provided for shops, cafes and other commercial uses on Miller Street.

P17 A variety of street trees and shrubs.

Public transport

P18 Development is to take advantage of high accessibility to high frequency public bus services along Miller and Falcon Streets.

P19 Public transport, cycling and walking are the main forms of public transport.

P20 Traffic calming measures along Miller Street, Falcon Street, and Ridge Street.

2.2.2 Desired Future Character

Diversity of activities, facilities, opportunities and services

P1 A variety of specialty uses including education, public services, community facilities and recreational parks.

P2 Active street frontages from such activities as cafes and shops at ground level on both Miller and Ridge Streets.

P3 Limited residential development in the form of dwelling houses, semi detached dwellings, multi dwelling housing and residential flat buildings according to zone.

P4 Open space used by local residents, students and the wider regional population for social and recreational purposes.

Accessibility and permeability

P5 Pedestrian connections are to be provided to Stanton Library from Ridge and Miller Streets.

P6 Pedestrian connections through Civic Park and St Leonards Park.

P7 Pedestrian routes are as direct as possible with direct through views from adjacent streets or public domain.

Public spaces and facilities

P8 Cohesiveness throughout the area is achieved through landscaping and tree planting.

P9 Safe pedestrian links with improved lighting and passive surveillance.

Junction and termination of streets

P10 Junction at Miller and Falcon Streets provides a gateway to North Sydney Centre.

2.2.3 Desired Built Form

Form, scale and massing

P1 Generally 1-3 storeys in height with a strong relationship with adjacent building heights.

P1P2 Development is to be designed to maintain solar access year round to the new public squares to be created within the Ward Street Precinct.

Setbacks

P2P3 Minimum front setback of 3m for residential zoned land with landscaping, including trees and shrubs provided at street frontage.

Fences

P3P4 Front fences no higher than 800mm.

C **Part**

C2-14 **Page**

North Sydney Development Control Plan 2013 – DRAFT AMENDMENT



Area Character Statements - North Sydney Planning Area

Gardens

P4P5 Substantial planting including trees in front gardens to complement street trees.

Car accommodation

P5P6 Short stay metered car parking for visitors on-street.

P6P7 Retention and enhancement of off-street public car parking at the Ridge Street car park.

Streetscape

P7P8 Avenue of trees to line roads provides attractive streetscape and provides borders to the road.

P8P9 Encourage open street frontages with low fences or no fences, landscaping to complement street planting.

Part	C
Page	C2-15



North Sydney Development Control Plan 2013 – **DRAFT AMENDMENT**

Area Character Statements - North Sydney Planning Area

2.3 EDEN NEIGHBOURHOOD



2.3.1 Significant elements

Land Use

P1 Predominantly commercial and mixed commercial and residential development.

Topography

P2 Slight falls to the south west from West and Myrtle Streets.

Views

P3 The following views and vistas are to be preserved and where possible enhanced:

- (a) Views to the North Sydney CBD along the Pacific Highway.

Identity / Icons

P4 Union Hotel

P5 Freemasons Hall (Wellbeing Centre)

P6 Pacific Highway, a major sub regional thoroughfare.

Subdivision

P7 Irregular grid pattern, due to the streets aligning with the topography.

Streetscape

P8 Wide fully paved footpaths.

P9 Buildings built to street along the Pacific Highway.

P10 Awnings provided along the Pacific Highway

P11 Irregular planting of street trees and shrubs.

C **Part**

C2-16 **Page**

North Sydney Development Control Plan 2013 – DRAFT AMENDMENT**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.

Part**C****Page****C2-17**



North Sydney Development Control Plan 2013 – DRAFT AMENDMENT

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.

C Part

C2-18 Page

North Sydney Development Control Plan 2013 – **DRAFT AMENDMENT****Area Character Statements - North Sydney Planning Area****2.4 HAMPDEN NEIGHBOURHOOD****2.4.1 Significant elements****Land Use**

- P1 Residential accommodation.
- P2 Educational establishments.

Topography

- P3 Moderate falls to the south from Ridge Street and steep falls to the east from Walker Street to the Warringah Expressway.

Views

- P4 The following views and vistas are to be preserved and where possible enhanced:
 - (a) Maintain views of Kirribilli and the Harbour from Walker Street.
 - (b) Strong vista along Walker Street to southern part of CBD.

Identity / Icons

- P5 North Sydney Club
- P6 Warringah Expressway, a major arterial thoroughfare.
- P7 Sandstone wall in the middle of Walker Street

Streetscape

- P8 Tree lined streets with grassed verges and concrete footpaths.
- P9 Split level streets to Hampden Street.
- P10 Landscaped medians on Hampden Street.
- P11 Double rail timber fences on Hampden Street.



North Sydney Development Control Plan 2013 – **DRAFT AMENDMENT**

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.

P2P3 Consideration be given to the rezoning of 45 McLaren Street to B4 Mixed Use, to align with the zoning in the remainder of the street block.

Accessibility and permeability

P4 Pedestrian walk along the western side of Warringah Expressway accessed from Hampden Street.

P3P5 An east - west pedestrian link from Harnett Street to Walker Street across 45 McLaren Street, to enhance the existing east - west pedestrian link from Harnett Street to Walker Street across 144-150 Walker 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.

P4 Development is to be designed to maintain solar access year round to the new public squares to be created within the Ward Street Precinct.

P5 Council may consider a Planning Proposal to increase maximum building heights on sites within the Locality Area, but only where the proposal is:

(a) generally consistent with the desired built form under an endorsed Planning Study; and

(b) the future building envelope maintains solar access year round to the proposed new public squares to be created within the Ward Street Precinct.

P6 If 45 McLaren Street is to be redeveloped subject to a planning proposal for a mixed use development:

(a) a zero metre setback to Harnett Street and McLaren Streets

(b) a 1-3 storey podium height to McLaren Street with a minimum 3m weighted setback above the podium.

(c) the podium height to Walker Street must positively relate to the height and scale of the heritage dwellings at 144-150 Walker Street.

(d) A minimum 1.5m setback is to be provided to its southern boundary to enable the provisions of a widened through site link between Harnett Street and Walker Street

C Part

C2-20 Page

North Sydney Development Control Plan 2013 – **DRAFT AMENDMENT****Area Character Statements - North Sydney Planning Area**

~~(a)~~(e) The building's Harnett Street and McLaren Street frontages are activated with non-residential uses.

Setbacks

~~P7~~ P9 Maintain existing setbacks from property boundary along the eastern side of Walker Street and the northern side of Berry Street.

~~P3~~P8 A 7m landscaped setback is to be provided along the western side of Walker Street.

Fences

~~P4~~P9 Low fences (max 800mm)

~~P5~~P10 Small picket fences above sandstone bases

Car parking

~~P6~~P11 Located off-street and below ground for all residential flat buildings and multi dwelling housing.

~~P7~~P12 Located on-street parking for all heritage listed attached dwellings.

~~P8~~P13 Short term on-street meter parking.

~~P9~~P14 Existing sandstone retaining walls on street frontages must not be breached to accommodate garages or car parking spaces.

Streetscape

~~P10~~P15 Heritage features such as Walker Street and Hampden Street sandstone walls.

~~P11~~P16 Substantial gardens within front setback area.

~~P12~~P17 Steps and pathways along Walker and Hampden Streets are maintained.

~~P13~~P18 Landscaping in front gardens/private open space.

~~P14~~P19 Tree lined streets and mature vegetation on median enhances area.

Noise

~~P15~~P20 Elevations of buildings fronting the Warringah Freeway are to be designed and incorporate design features to minimise traffic noise transmission (e.g. the use of cavity brick walls, double glazing, minimal glazing, solid core doors, concrete floors, enclosed balconies etc).



2.5 WALKER/RIDGE 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 19th century, mostly for private homes. The area was once comprised part of "the Macquarie Street of the north" due to the number of doctors surgeries and cottage hospitals. A portion of the area is now occupied by Wenona School.

The main building period is 1880-1900.

2.5.2 Description

The Walker/Ridge Streets Conservation Area includes the eastern end of Ridge Street and the sloping, northern portion of Walker Street. It is bounded St Leonards Park to the north, Elliot Street to the west and the Warringah Expressway to the east.

The landform falls to the south. Subdivision is determined by the grid pattern of the streets and lot sizes are irregular and many are developed for attached housing.

The area is characterised by intact groups of single and two storey detached and attached dwelling houses in a mix of Victorian Italianate and Federation styles with St. Helens being a remnant of the Victorian Georgian. The main buildings at the northern end of Walker Street are substantial residences in the Federation Arts and Crafts and Queen Anne styles. There is some modern residential infill and educational buildings associated with Wenona.

Street verges are 3.5 metres wide with concrete footpaths and lined with regularly spaced street trees.

The vista towards the War Memorial in St Leonards Park up Walker Street is a significant feature of the Conservation Area and there are views from the eastern edge to Sydney Harbour. Original fencing and retaining walls are important unifying elements in the streetscape.

Mature landscaping is a unifying and significant feature of the Conservation Area and the gardens to Walker Street contribute to this. There are street trees to Walker Street.

Uncharacteristic elements include contemporary multi-storey buildings; over-scaled, two storey additions; over-scaled and poorly detailed carports and garages; front and side

North Sydney Development Control Plan 2013 – DRAFT AMENDMENT



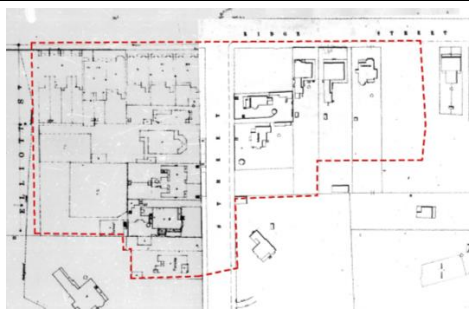
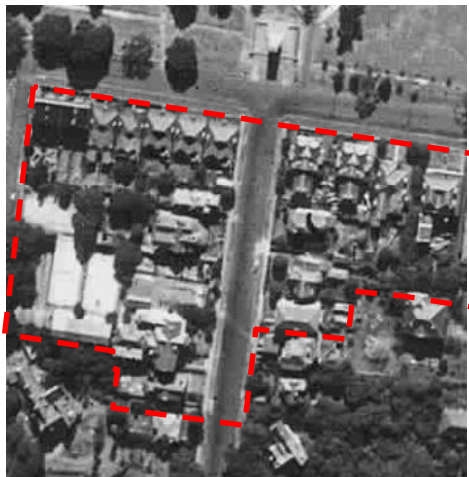

Area Character Statements - North Sydney Planning Area

dormers and rooflights; removal of original detailing; verandah infill; rendered and painted face brickwork; modernised facades; high walls and fences to the street.

2.5.3 Statement of Significance

The Walker/Ridge Streets Conservation Area is significant:

- (a) For its late 19th and early 20th century character defined by the number of intact heritage items in the area.

	<p>Figure C-2.1 (left): Circa 1890</p>
	<p>Figure C-2.2 (below left): Circa 1943</p>
	<p>Figure C-2.3 (below): Circa 2008</p>
	

2.5.4 Significant elements

Topography

P1 Steeply sloping to the south along Walker Street from Ridge Street.

Subdivision

P2 Lot sizes – 700m² to 1250m².

P3 Rectilinear with narrow boundary to street.

Streetscape

P4 Continuity of fences and landscaping.

Views

P5 Warringah Expressway Lookout at the end of Ridge Street. Towards St Leonards Park War Memorial along Walker Street.



North Sydney Development Control Plan 2013 – DRAFT AMENDMENT

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.

C Part

C2-24 Page

North Sydney Development Control Plan 2013 – DRAFT AMENDMENT**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.



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 Blackett.

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.

North Sydney Development Control Plan 2013 – DRAFT AMENDMENT



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

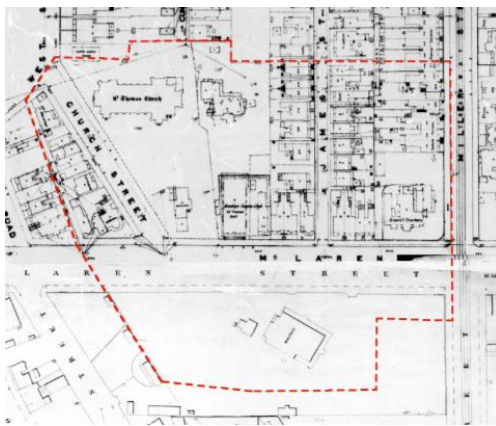


Figure C-2.4 (left):
Circa 1890



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



North Sydney Development Control Plan 2013 – **DRAFT AMENDMENT**

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.

C	Part
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C2-28	Page
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North Sydney Development Control Plan 2013 – DRAFT AMENDMENT



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.



North Sydney Development Control Plan 2013 – **DRAFT AMENDMENT**

Area Character Statements - North Sydney Planning Area

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C	Part
C2-30	Page

ATTACHMENT 2

Proposed amendment to NSDCP 2013 –Ward Street Precinct Summary of submissions received during public exhibition period (19 April 2021 – 17 May 2021)

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

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

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

ATTACHMENT 2: Draft amendment to NSDCP 2013 – Ward Street Precinct – SUBMISSIONS TABLE						
No.	Name & Address	Property / Issue	Key Points Raised	Council Response	Recommended Action	Criteria
1	John Mariano 2102 / 221 Miller Street NORTH SYDNEY NSW 2060	Noise Impacts	Requested that bullet point 4 to Page C2-2 be amended to add “ <i>subject to adequate noise control measures given the immediate proximity of many residential buildings</i> ”. Request for its inclusion is to reflect the large number of apartments that are located adjacent to the proposed public squares.	This issue is partially covered by bullet point 5 to Page C2-2, which seeks to ensure a high level of amenity for residents, workers students and visitors. Noise issues are also covered by various controls contained within Part B of the DCP which ensures that such matters are considered and addressed as part of any development application.	Nil	2E
		Document Clarity	Questioned if page C2-5 is supposed to be blank.	Page C2-5 contains a lone dot point at the top of the page. No amendment necessary.	Nil	2F
		New Public Squares • Amenity	Requests an amendment to provision P11 (d) to s.2.1.3 to Part C of the DCP (page C2-11) to ensure “ <i>setbacks above the podium to be stepped back floor-wise and result in the minimising of potential wind and solar impacts</i> ”. The requested amendment is based on the need to protect the proposed pedestrian squares from wind and solar impacts as well as providing an “ <i>open arena feel</i> ”.	The proposed clause has been worded to provide a level of flexibility in addressing solar and wind impacts which could be achieved in a number of ways, including architectural design and/or incorporation of architectural elements and features. Proposed provision P7 to S.2.1.3 of the DCP provides increased weight on the maintaining of solar access to the new squares which will dictate the form of buildings above the podium levels, especially to the north of the proposed squares.	Nil	2E
		Pedestrian / Vehicular Conflicts	The inclusion of provision P37 to s.2.1.3 to Part C of the DCP (page C2-12) was questioned, as it would appear to conflict with the use of the future squares as a pedestrian environment.	Refer to Section 3.3 in the main report. There is a significant level change (approximately 5m) between the anticipated finish level of the future squares and Harnett Street. The intent of the provision is to provide vehicular access to 213-219 Miller Street off Harnett Street and underneath the proposed future squares. Accordingly, no vehicular pedestrian conflicts will arise.	Nil	2E
		Overshading Impacts from 45 McLaren Street	Requests an amendment to proposed provision P6 (d) to Section 2.4.3 of Part C (Page C2-20) by adding “ <i>and stepped back floor-wise to maintain solar and general amenity to existing heritage and residential buildings to the south</i> ”. Justification for the change is to provide protection to the low heritage buildings and the northern apartments of The Heritage.	There are numerous other generic controls within Part B of the DCP that seek to provide solar protection to all residential development. The suggested amendment would merely duplicate an existing requirement. As discussed at Section 3.1 to the main report, it is proposed to remove the site-specific controls relating to 45 McLaren Street and that more appropriate controls be incorporated concurrently with the assessment of the planning proposal for that site.	Nil	2E

ATTACHMENT 2: Draft amendment to NSDCP 2013 – Ward Street Precinct – SUBMISSIONS TABLE						
No.	Name & Address	Property / Issue	Key Points Raised	Council Response	Recommended Action	Criteria
2	Gregory Ellis 6 / 45 McLaren Street NORTH SYDNEY NSW 2060	Objection - 45 McLaren Street	<p>Objects to the proposed draft amendments which relate to 45 McLaren Street, for the following reasons:</p> <ul style="list-style-type: none"> • Provides no development potential to 45 McLaren Street • Unfairly singles out 45 McLaren Street for different standards in comparison to other sites in the Ward Street Precinct (WSP); • Inconsistency in decision making; • Proposed solar access controls are contrary to Council's resolved position despite the planning proposal currently being considered only having a minimal impact. • The proposed squares are likely to result in adverse amenity impacts for local residents. 	Responses to the issues raised are addressed below.		
		Development potential	<p>The proposed controls that seek to maintain year-round solar access to the proposed new squares in the WSP and site-specific controls relating to 45 McLaren Street, make 45 McLaren Street undevelopable and therefore render it an orphan site, completely out of context with the surrounding landscape.</p> <p>This appears unfair, given the scale of numerous developments going up around it at 138 Walker Street, 168 Walker Street & 173-179 Walker Street.</p> <p>The amendments severely prejudice the ability of 45 McLaren Street to develop in line with all the other properties in the precinct and in line with the intended Ward Street Precinct Masterplan (WSPMP) controls. Indeed, the WSPMP allocates major uplift to most of the sites surrounding 45 McLaren Street.</p> <p>The planning controls need to have sufficient flexibility such that it is economically feasible for a seller to sell and for a developer to develop.</p>	<p>Refer to Section 3.1 in main report.</p> <p>It needs to be recognised that many of the developments approved in and in the vicinity of the WSP have been approved under long standing development controls.</p> <p>Uplift identified under the WSPMP was based on achieving a number of deliverables and not all sites were granted uplift, 45 McLaren Street included.</p> <p>Planning controls are not prepared to ensure positive financial outcomes for residents or developers. The key purpose of planning controls is to ensure a balance between delivering positive environmental, social and economic outcomes to the wider community and not specific individuals.</p> <p>Despite the WSPMP not awarding any uplift to the subject site, Council resolved on 24 June 2019 to consider a planning proposal for the site that is consistent with the WSPMP.</p> <p>Following the lodgement of a planning proposal for the subject site in October 2020, Council resolved on 28 March 2022 to support the progression of the Planning Proposal, in conjunction with site specific controls to be incorporated into NSDCP 2013.</p> <p>This demonstrates that there is some development potential on the site, whilst still being consistent with the adopted outcomes of the WSPMP.</p>	Remove the proposed site-specific controls that relate to 45 McLaren Street	1B, 1C

ATTACHMENT 2: Draft amendment to NSDCP 2013 – Ward Street Precinct – SUBMISSIONS TABLE						
No.	Name & Address	Property / Issue	Key Points Raised	Council Response	Recommended Action	Criteria
				Therefore, it would be more appropriate to remove the proposed site-specific controls under this DCP amendment and exhibit new DCP controls consistent and concurrently with the Planning Proposal assessment.		
		Inconsistency in decision making	<p>Council has changed their view on what is capable of being delivered at 45 McLaren Street since the commencement of the WSPMP process in 2016.</p> <p>Suggested that Council is trying to prevent any development from occurring at 45 McLaren Street, which is contrary to the NSW Government plan to locate residences close to transport, given the site's proximity to the new Victoria Cross Metro Station.</p> <p>The proposed amendments demonstrate that Council has no consideration or compassion for the residents who have endured 10 years of piling driving, road closures, drilling, heavy vehicle traffic at all hours, dust and unbearable noise on a near daily basis.</p> <p>The inability to treat us fairly and consistently has caused us financial and emotional distress.</p>	<p>Refer to Section 3.1 in the main report.</p> <p>Council acknowledges that there have been various potential outcomes for 45 McLaren Street in relation to the WSPMP, since its commencement. However, these changes have been made in response to addressing community concerns.</p> <p>Despite no uplift being granted to 45 McLaren Street under the WSPMP, Council resolved to consider a planning proposal to amend the planning controls on the subject site subject to remaining consistent with the desired outcomes of the WSPMP.</p> <p>Following the lodgement of a planning proposal for the subject site in October 2020, Council resolved on 28 March 2022 to support the progression of the Planning Proposal, in conjunction with site specific controls to be incorporated into NSDCP 2013.</p> <p>The recommendation to progress the Planning Proposal demonstrates that there is some development potential on the site, whilst still being consistent with the adopted outcomes of the WSPMP.</p>	Remove the proposed site-specific controls that relate to 45 McLaren Street	1B, 1C
		New public squares • Solar access	<p>The proposed DCP control to maintain solar access year round, rescinds Council's agreement of 24 June 2019, to consider a planning proposal for 45 McLaren Street that <i>'Minimises solar reductions upon new public domain as identified in the Masterplan'</i>.</p> <p>Questioned why some sites in the WSPMP have achieved significant uplift such that they overshadow the Berry Square public space, yet 45 McLaren Street is not able to make minor overshadowing of the proposed new public squares.</p> <p>Questioned why 45 McLaren Street can be overshadowed by the Heritage (150 Walker Street) and Aqualand Developments (168 Walker Street)</p>	<p>Refer to Section 3.2 in the main report.</p> <p>One of the key issues raised in submissions when developing the WSPMP was to ensure that solar access to the proposed new public squares retains their existing level of solar access to ensure the highest level of amenity is achieved, especially given the existing constraints of the locality in terms of existing and approved built form.</p> <p>Upon review of the proposed controls, there is insufficient flexibility to allow the redevelopment of sites adjoining the proposed public squares. To enable greater flexibility, it is recommended that the proposed controls be revised, such that solar access is protected at its key times of usage.</p>	<p>Revise the proposed solar access controls such that they:</p> <ul style="list-style-type: none"> • Only apply between the March and September Equinoxes; and • Apply between 9am and 4pm to the proposed Central Square only. 	1A, 1C

ATTACHMENT 2: Draft amendment to NSDCP 2013 – Ward Street Precinct – SUBMISSIONS TABLE						
No.	Name & Address	Property / Issue	Key Points Raised	Council Response	Recommended Action	Criteria
			<p>and the future development at 52 McLaren Street, but the current Planning Proposal for 45 McLaren Street would only result in minor shadowing of the proposed central square at the winter solstice.</p> <p>The Planning Proposal's impact will be minimal (on 21 June between 9.00 and 9.45am only) compared to existing and approved buildings, which overshadow the proposed squares from 10am onwards.</p> <p>The proposed overshadowing controls appear to be in direct conflict with Council's own solar access requirements for public spaces where at Chatswood sun is to be maintained between 12pm– 2pm and at Crows Nest/St Leonards 10am – 3pm.</p> <p>Suggests the proposed control represents poor planning practice, is undemocratic and places unrealistic and unreasonable limitations on 45 McLaren Street.</p>			
			Suggested that Council should have adopted the alternative proposal [Option 1] for the WSPMP where the green space was in an alternate position with minimal shadowing from existing and approved buildings.	As demonstrated in the assessment of the draft WSPMP against the submissions raised, Option 2 provided the best outcomes in terms of achieving the principle aims of the Masterplan and delivering the highest level of public benefit.	Nil	2A
		<p>New Public Squares:</p> <ul style="list-style-type: none"> • Amenity issues 	<p>Supports the creation of a new vibrant meeting place within the Ward Street Precinct for workers, residents and visitors. However, it should not be created at the expense of those who have to live in the Precinct.</p> <p>It appears commuters and workers, who are transient, are more important than the residents who pay the rates, love the area and chose to live here.</p>	<p>It is unrealistic to expect that there would be no increase in amenity impacts in a locality undergoing a significant degree of change.</p> <p>The Ward Street Precinct is located at the transition point between the commercial core of the North Sydney CBD and the higher density mixed use area to its north. The new Metro Station has significantly altered the envisaged future for the locality which has most recently been addressed through the adoption of the WSPMP. In particular the WSPMP seeks to encourage an 18 hour activity hub.</p> <p>This change in anticipated character associated with the increase in density may result in potential increased amenity impacts. However, such impacts are outweighed by the benefits that those residents are likely to obtain through increased access to open</p>	Nil	2E

ATTACHMENT 2: Draft amendment to NSDCP 2013 – Ward Street Precinct – SUBMISSIONS TABLE						
No.	Name & Address	Property / Issue	Key Points Raised	Council Response	Recommended Action	Criteria
				space and community facilities and no doubt increased access to mass public transport.		
4	Shane Schokman 8 / 45 McLaren Street NORTH SYDNEY NSW 2060	Hampden Neighbourhood Character Statement	<p>It is questioned why 45 McLaren Street is presented as being part of the Hampden Neighbourhood Character Statement.</p> <p>Suggests that the site is physically detached and distinct from the remainder of the Hampden Street area.</p> <p>Suggested that 45 McLaren sits more in context with the larger street block to the west of Walker Street.</p>	<p>The boundaries of the Local Character areas under the DCP is largely determinant on the alignment of heritage conservation areas and land zonings.</p> <p>45 McLaren Street is the only property within the super block bound by McLaren, Walker, Berry and Miller Streets that is zoned solely for residential purposes (R4), with the remainder of sites predominantly zoned commercial (B3) or mixed use (B4) and therefore is a historic anomaly.</p> <p>Due to its residential zoning, it had been incorporated within the adjoining Hampden Neighbourhood character area.</p> <p>Should the land be rezoned to either B3 or B4, then the Local Character Area could be changed to reflect this protocol.</p> <p>Therefore, it is not appropriate to amend the boundaries of the Local Character Areas until such time as the land is rezoned.</p> <p>The DCP amendment proposed in conjunction with the Planning Proposal for 45 McLaren Street, will seek to rectify this issue, by incorporating the site into the North Sydney CBD Local Character Area.</p>	Nil	2A, 2E
		Amenity impacts from pedestrians	<p>Suggests that Council has severely underestimated the volume of increased pedestrian activity on Harnett Street, and the impact this will have on the residents of 45 McLaren Street.</p> <p>Suggested that pedestrians from north west of the intersection of McLaren and Walker Streets will prefer to use Harnett Street to enter the central areas of North Sydney and Miller Street, rather than walking along either Walker or McLaren Streets as both of these routes contain sharp slopes, which can be quite dangerous with the wet weather, and the amount of leaf coverage from the trees along the street.</p> <p>Also claimed that more pedestrians will use Harnett Street to access the new Metro Station.</p>	<p>The quantum of pedestrians using Harnett Street will be significantly less than anticipated as most pedestrians will use Faith Bandler Place when travelling between McLaren Street and Berry Street. This is due to Harnett Street not connecting directly to mid-block connections to the north of McLaren Street and the significant vertical change in height between the proposed new public squares and Harnett Street.</p> <p>Entrances to the Victoria Cross Metro are located to the north and south of the Ward Street Precinct. The northern entrance will not be as heavily used as the entrance to the south. This is due to the quantum of passengers using the northern entrance being limited as they must utilise a lift to access the station.</p>	Nil	2C

ATTACHMENT 2: Draft amendment to NSDCP 2013 – Ward Street Precinct – SUBMISSIONS TABLE						
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				Notwithstanding, the community benefits of increased pedestrianisation far outweigh any potential amenity impacts created by pedestrian movements which is typically low in a dense urban environment.		
		Through-site link across 45 McLaren Street	Generally supports the enhancement of the existing through-site link which is narrow, steep and prone to being slippery when wet, and feels unsafe due to poor lighting and activation.	Noted	Nil	2D
		Pedestrian / Vehicular Conflicts	The inclusion of provision P37 to s.2.1.3 to Part C of the DCP (page C2-12) was questioned, as the sites that the clause refers to do not have access to Harnett Street.	Refer to Section 3.3 in the main report. There is a significant level change (approximately 5m) between the anticipated finished level of the proposed future squares and Harnett Street. The intent of the provision is to provide vehicular access to 213-219 Miller Street off Harnett Street and underneath the proposed future squares. Accordingly, no vehicular pedestrian conflicts will arise.	Nil	2E
			It was pointed out that the clause makes reference to “Harnett Lane” instead of Harnett Street.	Noted. This is a reference error and needs to be amended to provide increase clarity.	Replace “Harnett Lane” with Harnett Street wherever occurring.	1E
		Residential Amenity and financial impact	It is suggested that if 45 McLaren Street cannot be redeveloped, then the increased number of pedestrians walking past the site will result in: <ul style="list-style-type: none"> a decrease in perceived safety for the residents due to third parties entering the premises, using waste bins and damage to property; the existing property will be required to incorporate noise mitigation treatments as a result of increased pedestrian traffic; and both of the above issues will incur significant financial costs 	The proposed controls in themselves do not prevent the site from being redeveloped. However, it is recognised that the proposed overshadowing controls may inadvertently restrict the potential development outcome on the site, should it be rezoned and granted an increase in building height. The other concerns raised are an issue for all older style developments in areas of transition and is not limited to the site at 45 McLaren Street.	Nil	2E
5	Amy Deuble 14 / 45 McLaren Street NORTH SYDNEY NSW 2060	Objection – 45 McLaren Street	The proposed controls are objected to as they relate to 45 McLaren Street for the following reasons: <ul style="list-style-type: none"> removes the site’s development potential solar access controls are contrary to: <ul style="list-style-type: none"> the WSPMP; best practice; 	These issues are addressed below.		

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			<ul style="list-style-type: none"> Inconsistent outcomes from council regarding the site; poor timing of the proposed amendments when council is considering a planning proposal for the site; and they provide little public benefit. 			
		Removal of site's development potential	The proposed amendments remove the development potential of 45 McLaren Street and appear to have no public benefit or basis in planning, despite the site having both site specific and strategic merit, given its proximity to the new Metro station and surrounding prevailing built form.	<p>Refer to section 3.1 of the main report.</p> <p>The submission does not specifically identify how the development potential is removed via the proposed controls. However, upon review of the proposed controls, there is insufficient flexibility to allow the redevelopment of sites adjoining the proposed public squares, including 45 McLaren Street. To enable greater flexibility, it is recommended that the proposed controls be revised, such that solar access is protected at its key times of usage.</p> <p>Whilst the WSPMP does not award any uplift to the subject site, Council resolved on 24 June 2019 to consider a planning proposal for the site that is consistent with the WSPMP.</p> <p>Following the lodgement of a planning proposal for the subject site in October 2020, Council resolved on 28 March 2022 to support the progression of the Planning Proposal, in conjunction with site specific controls to be incorporated into NSDCP 2013.</p> <p>This demonstrates that there is some development potential on the site, whilst still being consistent with the adopted outcomes of the WSPMP.</p> <p>Therefore, it would be more appropriate to remove the proposed site-specific controls under this DCP amendment and exhibit new DCP controls consistent and concurrently with the Planning Proposal assessment.</p>	<p>Revise the proposed solar access controls such that they:</p> <ul style="list-style-type: none"> Only apply between the March and September Equinoxes; and Apply between 9am and 4pm to the proposed Central Square only. <p>Remove the proposed site-specific controls that relate to 45 McLaren Street</p>	1A,1D,1E
		Timing of Amendments	<p>It is premature for the proposed DCP amendments which effectively negate the development potential of 45 McLaren Street while Council is currently assessing a planning proposal for 45 McLaren Street.</p> <p>This early exhibition of changes to the DCP sets a dangerous precedent. Council is departing from the normal practice of exhibiting changes to a DCP</p>	<p>Refer to section 3.1 of the main report.</p> <p>The proposed DCP amendments do not negate the development potential of 45 McLaren Street. However, upon review of the wording to the proposed overshadowing provisions to protect solar access to the two proposed public squares, the proposed control was determined to be overly excessive, and would have some level of impact</p>	<p>Remove the proposed site-specific controls that relate to 45 McLaren Street</p>	1A, 1C, 1E

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			concurrently with a Planning Proposal exhibition period, or following amendment of the LEP.	<p>upon the development potential of sites neighbouring the proposed squares, including 45 McLaren Street.</p> <p>Since the lodgement of the Planning Proposal for 45 McLaren Street in October 2020, the reference design has undergone a number of amendments. The applicant has also offered to include some site-specific development controls to NSDCP 2013 to ensure that the intent of the planning proposal is delivered.</p> <p>On 28 March 2022, Council resolved to support the progression of the Planning Proposal, in conjunction with site specific controls to be incorporated into NSDCP 2013.</p> <p>These draft controls are best placed on public exhibition concurrent with the planning proposal. To remove any inconsistency and confusion, the site-specific controls should be removed from this draft DCP amendment.</p>		
		New Public Squares <ul style="list-style-type: none"> Solar access 	<p>The proposed DCP amendments contradict the endorsed Ward Street Masterplan in terms of solar access.</p> <p>The extent to which solar access is proposed to be maintained is inconsistent with planning practices and standards across Australia. The level of solar access proposed is unnecessary and unreasonable.</p> <p>Questioned why solar access controls are being imposed to maintaining sunlight to public square which do not exist yet.</p>	<p>Refer to Section 3.2 of the main report</p> <p>Upon review of the wording to the proposed overshadowing provisions to protect solar access to the two proposed public squares, the proposed control was determined to be overly excessive. It is recommended that further clarification be provided to ensure that the control does not prevent any form of redevelopment surrounding the proposed squares.</p>	<p>Amend the proposed overshadowing controls that seek to protect solar access to the two future public squares provides greater flexibility.</p>	1A, 1C, 1E
		Inconsistent Outcomes	<p>Council planners have been inconsistent with respect to the intended built form outcome at 45 McLaren Street.</p> <p>Council planners initially gave a clear intention of supporting redevelopment on the site. However, the proposed amendment to the DCP effectively ruins development opportunities for the site.</p> <p>The owners of 45 McLaren Street have collectively agreed to sell the site to a developer and have progressed along the path of doing so at considerable expense based on Council planners providing advice on the redevelopment of the site.</p>	<p>Refer to Section 3.1 in the main report.</p> <p>Council acknowledges that there have been various potential outcomes for 45 McLaren Street in relation to the WSPMP, since its commencement. However, these changes have been made in response to addressing community concerns.</p> <p>Despite no uplift being granted to 45 McLaren Street under the WSPMP, Council resolved to consider a planning proposal to amend the planning controls on the subject site subject to remaining consistent with the desired outcomes of the WSPMP.</p>	<p>Remove the proposed site-specific controls that relate to 45 McLaren Street</p>	1C

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			To effectively negate development potential of the site through updating the DCP as proposed is contrary to previous advice and to the detriment of the owner group.	<p>Following the lodgement of a planning proposal for the subject site in October 2020, Council resolved on 28 March 2022 to support the progression of the Planning Proposal, in conjunction with site specific controls to be incorporated into NSDCP 2013.</p> <p>This demonstrates that there is some development potential on the site, whilst still being consistent with the adopted outcomes of the WSPMP.</p> <p>Therefore, it would be more appropriate to remove the proposed site-specific controls under this DCP amendment and exhibit new DCP controls consistent and concurrently with the Planning Proposal assessment.</p>		
		Public Benefit	The controls as a whole, provide little public benefit. They seem unnecessary and are detrimental to the future built form and character of the area.	<p>The proposed controls were initially devised to ensure that the vision of the WSPMP is delivered which includes the provision of a number of significant public benefits. This includes protecting the limited amount of solar access to the proposed public squares to ensure that the amenity of the spaces is maximised.</p> <p>Upon review of the wording to the proposed solar access protection controls to the two proposed public squares, it was determined to be overly excessive and could limit the appropriate activation of the new squares in line with the WSPMP.</p> <p>It is therefore recommended that further clarification be provided to ensure that the control does not prevent any form of redevelopment surrounding the proposed squares.</p>	Amend the proposed overshadowing controls that seek to protect solar access to the two future public squares provides greater flexibility.	1A, 1C, 1E
6A & 6B	Patricia (Tess) Petzold 13 / 45 McLaren Street NORTH SYDNEY NSW 2060	45 McLaren Street • Development Potential	<p>Objects to the proposed controls relating to 45 McLaren Street as they do not allow any uplift.</p> <p>Would like Council to recognise the uplift potential as originally proposed for the site.</p>	<p>Refer to Section 3.1 of the main report</p> <p>Whilst the WSPMP does not award any uplift to the subject site, Council resolved on 24 June 2019 to consider a planning proposal for the site that is consistent with the WSPMP.</p> <p>Following the lodgement of a planning proposal for the subject site in October 2020, Council resolved on 28 March 2022 to support the progression of the Planning Proposal, in conjunction with site specific controls to be incorporated into NSDCP 2013.</p>	Remove the proposed site-specific controls that relate to 45 McLaren Street.	1A, 1C, 1E

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				<p>This demonstrates that there is some development potential on the site, whilst still being consistent with the adopted outcomes of the WSPMP.</p> <p>Therefore, it would be more appropriate to remove the proposed site-specific controls under this DCP amendment and exhibit new DCP controls consistent and concurrently with the Planning Proposal assessment.</p>		
7	<p>Arienne Brodie 17 / 45 McLaren Street NORTH SYDNEY NSW 2060</p> <p>(also owner of 1/45 McLaren Street)</p>	<p>Objection – 45 McLaren Street</p>	<p>Objection to proposed controls relating to 45 McLaren Street based on:</p> <ul style="list-style-type: none"> • Reduction in building height; • Does not enable redevelopment of the site; • Preservation of views; • Solar impacts from the planning proposal are minimal; • Not enabling density close to a new Metro Station 	<p>Noted.</p> <p>Refer to comments to sub-issues below.</p>		
		<p>Building Height</p>	<p>Can't understand why Council initially told residents of 45 McLaren that they could have either a building of 12 storeys or no height increase, but eventually resolved to grant no uplift. Furthermore, the submitter is baffled by the proposed reduction in height to 3 storeys.</p>	<p>When Council prepared the WSPMP it provided two options for the redevelopment of the Precinct. The option that permitted a 12 storey development on the site was predicated on the delivery of a large public square off Miller Street, where overshadowing impacts from the subject stie were not an issue.</p> <p>This option was eventually not pursued due to the second option delivering increased public open space and community facilities with higher levels of amenity. By not indicating any increase in height over 41 and 45 McLaren Street, ensured that the future public spaces and facilities were afforded the highest levels of solar access, given the existing built form context.</p> <p>The draft DCP does not alter the maximum building height limit permitted on the subject site, which is stipulated by the NSLEP 2013.</p> <p>The draft DCP amendment does however make reference to the stipulation of a maximum podium height, should the site be rezoned.</p> <p>Notwithstanding, on 28 March 2022, Council resolved to progress a Planning Proposal for 45 McLaren Street which in part sought a significant increase in building height.</p>	Nil	2A, 2F

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		Development potential	<p>Uplift is required at 45 McLaren Street because the building needs upgrading / redevelopment to address many major issues associated with the age of the building, such as plumbing, electrical, better glazing to attenuate ambient noise sources.</p> <p>The proposed amendments are premature because the planning proposal for the site has not been publicly exhibited yet.</p> <p>This early exhibition of changes to the DCP sets a dangerous precedent. Council is departing from the normal practice of exhibiting changes to a DCP concurrently with a Planning Proposal exhibition period, or following amendment of the LEP.</p>	<p>Refer to section 3.1 of the main report.</p> <p>The current and proposed draft DCP amendments do not prevent the redevelopment of the subject site. However, it is recognised that the proposed solar access controls would have some degree of impact on the redevelopment of sites in the vicinity of the proposed squares under the WSPMP.</p> <p>As indicated at section 3.2 to this report, it is proposed to amend the solar access controls to provide increased flexibility whilst protecting solar access at the key usage times of the future squares.</p> <p>Development uplift cannot be granted on delivering financial outcomes only. There is a need to balance the social and environmental impacts also.</p> <p>Notwithstanding, on 28 March 2022, Council resolved to progress a Planning Proposal for 45 McLaren Street in conjunction with proposed site-specific development controls in NSDCP 2013.</p> <p>It is therefore recommended that the proposed site specific controls be removed and consideration be given to site specific controls being incorporated into the DCP in conjunction with the Planning Proposal currently being considered by Council.</p>	<p>Amend the proposed overshadowing controls that seek to protect solar access to the two future public squares provides greater flexibility.</p> <p>Remove the proposed site-specific controls that relate to 45 McLaren Street.</p>	1A, 1C, 1E
		Views	<p>Views are currently afforded to 45 McLaren Street. However, it's unclear why there is a need to maintain vistas when the development at 173-179 Walker Street was recently granted approval for a significant increase in height, which would obstruct views from our building and the units to the south of 45 McLaren.</p>	<p>It is not proposed to amend the existing provisions within the DCP relating to views.</p> <p>The current provision does not preclude development from occurring to the east of Walker Street. However, consideration needs to be given to ensuring that existing views over the Hampden Street Locality is considered.</p> <p>Given the subject site's location in a dense urban environment and the need to accommodate more development to satisfy State targets for housing and employment, there is a reasonable expectation that views may be impacted upon.</p> <p>It is also recognised that the <i>Civic Precinct Planning Study</i> identified potential uplift across the Hampden Neighbourhood which may impact on delivering this objective. Council has yet to instigate and implement the outcomes of this Planning Study,</p>	Nil	2A, 2G

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				which may require an amendment of the aims in this Neighbourhood in the future.		
		New public squares <ul style="list-style-type: none"> • Solar access 	<p>Cannot understand why Council objects to additional height at 45 McLaren Street which only impacts on a space for a few days during the early morning.</p> <p>Suggests that thousands of dollars will need to be spent to install shade structures to make the space useable.</p>	<p>Refer to Section 3.1 of the main report.</p> <p>On 28 March 2022, Council resolved to progress a Planning Proposal for 45 McLaren Street in conjunction with proposed site-specific development controls in NSDCP 2013, which in part seeks to significantly increase the height limits on the site.</p> <p>In its deliberation to lend its support for the Planning Proposal, Council gave detailed consideration of the potential overshadowing impacts to the proposed squares. In doing so, it established the proposed controls as part of this draft DCP amendment were overly restrictive and required revision to ensure that some development potential is provided to sites neighbouring the proposed squares, whilst still protecting the solar access during the key use times of the proposed squares.</p> <p>Accordingly, it is recommended that the solar access controls are revised to provide increased flexibility.</p>	<p>Amend the proposed overshadowing controls that seek to protect solar access to the two future public squares provides greater flexibility.</p>	1A, 1C, 1E
8	Ralph Chandler 17 / 45 McLaren Street North Sydney, NSW 2060	Objection – 45 McLaren Street	<p>Objects to the proposed amendments as they are discriminatory and illogical.</p>			
		Clarification: <ul style="list-style-type: none"> • Fine grain network 	<p>It is questioned what a “fine-grain pedestrian network” comprises as identified in proposed dot point 5 under the Function heading to Section 2.0 of the DCP.</p>	<p>A fine-grained pedestrian network is one that has short street blocks and many routes, links and connections. For instance, the more pedestrian routes links and connections that are provided within a locality the finer-grained the pedestrian network is.</p> <p>This objective is consistent with the key objectives and principles of the WSPMP and the North Sydney Public Domain Strategy.</p> <p>The use of “fine-grain” is usually made with respect to the built form of buildings as opposed to movement networks. It is more common to use language such as “highly permeable” with respect to pedestrian networks.</p> <p>To provide a higher level of understanding, it is recommended that the relevant proposed clauses be revised to make reference to “highly permeable pedestrian networks”</p>	<p>References to “fine grained pedestrian networks” be replaced with highly permeable pedestrian networks”.</p>	1E

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		Views	Does the stated aim “maintain views east of Walker Street towards Kirribilli and the Harbour” (P4 to s.2.4.1) mean that no development will be allowed east of Walker Street in the future?	<p>The aim does not preclude development from occurring to the east of Walker Street. However, consideration needs to be given to ensuring that existing views over the Hampden Street Locality is considered.</p> <p>It is not proposed to amend the existing provisions within the DCP relating to views.</p> <p>Given the subject site’s location in a dense urban environment and the need to accommodate more development to satisfy State targets for housing and employment, there is a reasonable expectation that views may be impacted upon.</p> <p>It is also recognised that the Civic Precinct Planning Study identified potential uplift across the Hampden Neighbourhood which may impact on delivering this objective. Council has yet to instigate and implement the outcomes of this Planning Study, which may require an amendment of the aims in this Neighbourhood in the future.</p>	Nil	2B, 2C
		Through site link	<p>It was questioned why the existing through-site link is to be expanded onto 45 McLaren Street, as few people currently use it.</p> <p>It was suggested that a better route is at the southern end of Harnett Street where lift access is available.</p>	<p>The WSPMP recognised the need to enhance the existing through-site link due to its narrow width which is not necessarily inviting and has a perceived reduced level of safety.</p> <p>The Planning Proposal for 45 McLaren Street also sought to deliver a widened through site link in this location. On 28 March 2022, Council resolved to support the progression of this Planning Proposal in conjunction with site specific controls to be incorporated into NSDCP 2013. Therefore, the inclusion of such a provision would merely reinforce this outcome.</p> <p>Notwithstanding, as indicated in Section 3.1 to the main report, it is recommended that the site-specific provisions relating to 45 McLaren Street be removed and reconsidered in conjunction with the progression of the Planning Proposal for 45 McLaren Street. This would ensure that the controls to be applied represent an agreed outcome.</p>	Remove the site-specific provisions relating to 45 McLaren Street	1C
			No setbacks are required for the buildings at 144-150 Walker Street for the delivery of a through site	Existing provision P23(f) to Section 2.1.3 of Part C of the DCP already requires the delivery of a through site link across 144-150 Walker Street. However, no	Remove the site-specific provisions	2B, 2E

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			link. So why should 45 McLaren Street be required to provide one?	<p>specific setback is specified for its delivery. This is potentially due to its heritage status which requires a merit based assessment.</p> <p>Section 2.4.9 to Part B of the DCP requires through site links to be a minimum width of 6m to align with best practice.</p> <p>The existing through site link across 144-150 Walker Street is generally 1.5m in width and is significantly narrower than best practice.</p> <p>Strict compliance with Part B of the DCP would require a 4.5m setback on 45 McLaren Street to meet the minimum width requirement for a through site link. However, to require 45 McLaren Street to bare the majority of this requirement is inequitable. On this basis it was proposed to require a 1.5m setback to 45 McLaren Street's southern boundary to accommodate a widened through site link of at least 3m with better amenity for users. The narrower width also reflects the lower usage of this link in comparison to those within the main part of the CBD where pedestrian flows are greater.</p> <p>As indicated in Section 3.1 to the main report, it is recommended that the site-specific provisions relating to 45 McLaren Street be removed and reconsidered in conjunction with the progression of the Planning Proposal for 45 McLaren Street. This would ensure that the controls to be applied represent an agreed outcome.</p>	relating to 45 McLaren Street	
		<p>New Public Squares</p> <ul style="list-style-type: none"> Solar access 	<p>The proposal to maintain year-round solar access to the proposed public squares is unreasonable. This appears contrary to Council's approval of a number of recent developments which overshadow public areas (e.g. in Mount Street). Furthermore, the proposed square off Harnett Street is already overshadowed by many buildings some of which are very recent, including the large towers at 168 Walker Street.</p> <p>This requirement would seem to only impact 45 McLaren Street.</p>	<p>Refer to Section 3.2 to the main report.</p> <p>On review of the wording to the proposed overshadowing provisions to protect solar access to the two proposed public squares, it has been found to be overly excessive and could effectively significantly limit any uplift on any adjoining and neighbouring sites to the proposed squares.</p> <p>It is recommended therefore that further clarification be provided to ensure that the control does not inadvertently prevent any form of redevelopment surrounding the proposed squares.</p>	Amend the proposed overshadowing controls that seek to protect solar access to the two future public squares provides greater flexibility.	1A, 1C, 1E

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			<p>Questions why solar access to 45 McLaren Street was not given greater weight when 168 Walker Street was approved.</p> <p>This requirement could create a dangerous precedent, were for instance a situation to occur in the future where even the smallest solar impact were to occur on a project the Council considered desirable.</p>			
		Walker Street Setback	<p>It appears that only 45 McLaren Street is subject to the proposed 7m setback.</p> <p>It is a little late to impose a 7m setback for buildings on Walker Street, as setbacks of existing buildings currently on Walker Street do not comply.</p>	<p>Refer to Section 3.5 of the main report.</p> <p>The proposed control in the Hamden Neighbourhood Local Character Statement was to reflect the existing setback control that applies to land immediately to the north and south of 45 McLaren Street within the Central Business District Local Character Statement. This effectively maintains a continuous setback requirement to the western side of Walker Street, north of Berry Street.</p> <p>However, a review of the setbacks of the buildings on the western side of Walker Street, indicates that the prevailing minimum setback is in the order of 5m rather than 7m. It is therefore appropriate to amend this existing control to maintain a minimum of 5m to the western side of Walker Street.</p>	Amend the minimum setback control to Walker Street from 7m to 5m.	1A, 1C
		Fence Heights	<p>The requirement for “low fences (max 800mm) under P9 to Section 2.4.3 to Part C of the DCP is inappropriate and unsafe, given the undulating nature of the land with some steep drops into properties, and unfair from a security aspect.</p> <p>Existing boundary fences along Walker Street are in excess of 1.8 metres, many in stone and often with trees and hedges.</p>	<p>This is an existing requirement which applies to the wider Hampden Neighbourhood Locality Area and is not limited that that on Walker Street.</p> <p>This provision sets out the desired future character of the area, and any new development should comply with this requirement to reverse the existing poor character evident along Walker Street.</p> <p>Where there are aspects of safety that need to be considered as suggested, then a variation may be appropriate in those instances. This is also consistent with the requirements under section 1.4.14 to Part B of the DCP.</p>	Nil	2B
		Development potential • <i>Inconsistency and fairness</i>	<p>It’s unfair that Council has changed its mind on the redevelopment potential of 45 McLaren Street.</p> <p>Requested that the proposed controls relating to 45 McLaren Street be removed to enable its redevelopment to be economically viable.</p>	<p>Refer to section 3.1 of the main report.</p> <p>Council acknowledges that there have been various potential outcomes for 45 McLaren Street in relation to the WSPMP, since its commencement. However, these changes have been made in response to addressing community concerns.</p>	Remove the site-specific provisions relating to 45 McLaren Street	2B, 2E

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			Suggested that Council meet with the applicant of the Planning Proposal for 45 McLaren Street to achieve a solution that would meet with the wishes of all parties.	<p>Despite no uplift being granted to 45 McLaren Street under the WSPMP, Council resolved to consider a planning proposal to amend the planning controls on the subject site subject to remaining consistent with the desired outcomes of the WSPMP.</p> <p>Following the lodgement of a planning proposal for the subject site in October 2020, Council resolved on 28 March 2022 to support the progression of the Planning Proposal, in conjunction with site specific controls to be incorporated into NSDCP 2013.</p> <p>The recommendation to progress the Planning Proposal demonstrates that there is some development potential on the site, whilst still being consistent with the adopted outcomes of the WSPMP.</p> <p>To ensure a more wholistic approach is made to the establishment of appropriate development controls relating to 45 McLaren Street, it is recommended that the site-specific provisions relating to 45 McLaren Street be removed and reconsidered in conjunction with the progression of the Planning Proposal for 45 McLaren Street.</p>		
		Environmental Criteria	It was suggested that the “extremes of sun, wind and rain’ are to be considered under the Environmental Criteria, but solar access is not.	<p>Dot point 4 under Environmental Criteria specifically states:</p> <p><i>Solar access to special areas and open spaces is maintained and contributes to the enjoyment of those spaces for use by the public</i></p> <p>Accordingly, no further amendment is necessary.</p>	Nil	2B
			The submitter suggests that the objective of: <i>Use of local flora extends habitats for native birds and other fauna</i> is not being adhered to. For instance, the removal of trees along McLaren Street in relation to the redevelopment of 168 Walker Street without warning or apparent reason.	Comment is noted. Council staff would have considered this aspect in issuing any approval for the removal of the said trees.	Nil	2G
		Views	It was suggested that the proposed controls applying to 45 McLaren Street are being imposed to maintain views to existing developments and approved developments in the locality.	Protection of views in dense urban environments such as North Sydney are never guaranteed. Council acknowledges that views within the North Sydney CBD are heavily compromised and protection of such views in locations of high accessibility is of low	Nil	2E

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				<p>priority where the focus is on delivering employment floorspace in a geographically restrained centre.</p> <p>At no point has Council sought to impose reduced height or FSR controls on sites in the vicinity of the proposed new squares. It has however adopted a policy position to protect to the greatest extent possible solar access to the proposed future squares to ensure the highest level of amenity is delivered in a dense urban area.</p>		
		<p>New Public Squares</p> <ul style="list-style-type: none"> • Need 	<p>Questions the rational for needing the new public squares.</p>	<p>The need for the proposed squares arose from a community infrastructure needs analysis as part of the early stages of the WSPMP process. In particular, the North Sydney Open Space strategy recognised that the suburb of North Sydney is likely to experience high population growth over the next decade, where a number of areas have already been identified as lacking in passive and active open spaces. Provision of such spaces over the former carpark site would assist in addressing this increased demand and also integrate with future pedestrian focused movement corridors between North Sydney Railway Station and St Leonards Park.</p>	<p>Nil</p>	<p>2A</p>
		<ul style="list-style-type: none"> • Use 	<p>Concern is raised with respect to the “creation of a new vibrant public meeting place” as proposed under dot point 4 to Section 2.0 to Part C of the DCP.</p> <p>It is questioned what activities are envisaged for these new public squares. Objects to this objective if it means loud speaker music day and night.</p> <p>Suggested that these spaces may become places where people may engage in activities that are destructive and anti-social.</p>	<p>The final use of the proposed squares has yet to be determined. However, the WSPMP envisages that:</p> <ul style="list-style-type: none"> • the northern Green Square will be a passive recreational green space that is of reasonable size and amenity that could be further activated with a café and public facilities. • the southern square will be more active space being highly adaptable and consolidated footprint ideal for events and activities. It will also form the breakout space for other community events being held in the Knowledge Hub and Cultural Hub. <p>Despite the absence of this information, any use of the space would be required to comply with any Council and EPA policy regarding amplified music, to ensure the amenity of nearby residents is not adversely affected.</p> <p>It is suggested that antisocial behaviour is unlikely to occur in these future public spaces as they will</p>	<p>Nil</p>	<p>2A, 2G</p>

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		<ul style="list-style-type: none"> • Solar access 	<p>It was questioned why the new public squares require solar access.</p> <p>Alleged that solar access has not been considered when approving the large buildings under construction in the commercial centre of North Sydney. Quite obviously this was not considered a priority and this is an area where workers will go outside for periods during the day.</p> <p>Why are public squares required unless it is for people to relax during work for lunch and refreshment when they will need shade.</p> <p>It was suggested that shade is a much more important factor in public spaces as people generally seek a shaded area, under a tree or canopy, pergola when being outside for leisure purposes.</p>	<p>heavily surveyed by residents and workers in buildings adjoining the proposed squares.</p> <p>Refer to Section 3.2 of the main report.</p> <p>People highly value solar access to public spaces, especially during the winter months.</p> <p>The quantum of solar access to the two public squares within the centre of the Precinct is heavily compromised at the Winter Solstice due to the prevailing built form. With increased pressure to deliver more dwellings and employment floorspace, in a constrained Centre, this places pressure on maintaining solar access to new and existing public spaces.</p> <p>Protecting solar access to public spaces formed one of the keys issues to the submissions raised in response to the exhibiting of the various versions of the WSPMP.</p> <p>Whilst it is acknowledged that people would gravitate to shade within the summer months, there will be several areas within the proposed squares that will provide that function for users of the squares. This could be complimented with temporary shade structures.</p>	<p>Amend the proposed overshadowing controls that seek to protect solar access to the two future public squares ensure greater flexibility.</p>	1A, 1C, 1E
		Podium Height	<p>Objects to the podium height controls for 45 McLaren Street under proposed P6(b) to s.2.4.3 of Part C of the DCP.</p> <p>It is questioned why a 1-3 storey height limit is justifiable when a 29 storey tower has been approved to the north at 168 Walker Street.</p>	<p>Refer to Section 3.1 of the main report.</p> <p>The submitter appears to have incorrectly assumed that 45 McLaren Street will be granted an overall maximum height of 1-3 storeys.</p> <p>However, this proposed control only relates to the height of the podium (or base) component of the building if the site was rezoned to <i>B4 Mixed Use</i>, with any tower elements permitted above the podium to the maximum height permitted across the site.</p> <p>As indicated in Section 3.1 to the main report, it is recommended that the site-specific provisions relating to 45 McLaren Street be removed and reconsidered in conjunction with the progression of the planning proposal for 45 McLaren Street. This would ensure that the controls to be applied represent an agreed outcome.</p>	<p>Remove the site-specific provisions relating to 45 McLaren Street</p>	2B, 2E, 2F

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			The podium height of buildings immediately south of the heritage buildings don't relate to them, why should the buildings north of them have to relate?	The mixed use building at 138 Walker Street has a two storey podium height which positively correlates with the height of the adjoining heritage dwellings at 144-150 Walker Street. Accordingly, the proposed control is consistent with the prevailing built form. It is also of note that there are additional existing controls with the DCP which require the consideration of the built form of any adjoining heritage items when determining appropriate podium heights.	Nil	2F
9	Michael Leidinger 7 / 45 McLaren Street North Sydney, NSW 2060 ECM 8510763	Objection - 45 McLaren Street	Strongly objects to the proposed amendments as they relate to 45 McLaren Street on the following grounds: <ul style="list-style-type: none"> • The solar access controls are inconsistent, illogical and unreasonable; • The controls are unfair, inequitable and inconsistent • It prevents the redevelopment of an aging building 	Noted. These issues are further addressed below.		
		New Public Squares <ul style="list-style-type: none"> • Solar Access 	The application of proposed solar access controls are inconsistent, illogical and unreasonable being at odds with the provisions of the previously endorsed WSPMP, to the detriment of the residents of 45 McLaren Street. A planning proposal lodged for the redevelopment of 45 McLaren Street demonstrates inconsequential overshadowing on the future public domain during early morning for a maximum of 45mins on June 21st. The selective application of zero impact solar controls being applied in this instance is both unreasonable and extreme when considering the otherwise adverse impacts on 45 McLaren Street and the indisputable need for re-development of the site, and inconsistent when considering other existing buildings that surround the same public domain are not subject to these same controls and indeed have far greater detrimental solar impacts. It seems the application of the concept of "zero" solar impact on the public domain (which is already hindered due to shadows cast by existing	Refer to Section 3.2 of the main report. On review of the wording to the proposed overshadowing provisions to protect solar access to the two proposed public squares, it has been found to be overly excessive and could effectively significantly limit any uplift on any adjoining and neighbouring sites to the proposed squares, including 45 McLaren Street. It is recommended therefore that further clarification be provided to ensure that the control does not inadvertently prevent any form of redevelopment surrounding the proposed squares.	Amend the proposed overshadowing controls that seek to protect solar access to the two future public squares ensure greater flexibility.	1A, 1C, 1E

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			buildings) is being idealised and prioritised to the detriment of the 45 McLaren Street Site development and its residents and owners.			
		<p>Development potential</p> <ul style="list-style-type: none"> Inconsistent and unfair application of planning controls 	<p>The Site at 45 McLaren Street has been specifically excluded from the Ward Street Precinct, yet is being subjected to controls applied within the Precinct.</p> <p>The draft amendment to the WSPMP also includes some additional planning controls that specifically relate to the current planning proposal for the site at 45 McLaren Street, which the Council has stated does NOT fall in to the WSPMP. It seems incongruous and wrong that the 45 McLaren Street site has been targeted specifically and intentionally as being excluded from the Ward Street Precinct (and any benefits that may result) yet simultaneously is held to account with controls defined within the same precinct.</p>	<p>45 McLaren Street is located within the bounds of WSP and the primary purpose of the DCP amendment was to give effect to the desired outcomes of the WSPMP. Whilst no uplift in terms of height was granted to 45 McLaren Street under the WSPMP, it still forms part of the Precinct and any development on the site should give consideration to the desired outcomes of the WSPMP.</p> <p>One of the main objectives of the WSPMP includes the delivery of two new public squares centrally within the Precinct which are afforded a high level of amenity, including the maximising of solar access.</p> <p>On 28 March 2022, Council resolved to support the progression of a Planning Proposal for 45 McLaren Street to Gateway Determination, in conjunction with site specific controls to be incorporated into NSDCP 2013.</p> <p>The recommendation to progress the Planning Proposal demonstrates that there is some development potential on the site, whilst still being consistent with the adopted outcomes of the WSPMP.</p> <p>To ensure a more wholistic approach is made to the establishment of appropriate development controls relating to 45 McLaren Street, it is recommended that the site-specific provisions relating to 45 McLaren Street be removed and reconsidered in conjunction with the progression of the Planning Proposal for 45 McLaren Street.</p>	<p>Remove the site-specific provisions relating to 45 McLaren Street</p>	<p>2B, 2E, 2F</p>
		<ul style="list-style-type: none"> Inconsistent decision making 	<p>Suggested that inconsistent planning guidance and advice has been received from Council over the last 5 years, which has consistently shifted and contradicted its own recommendations for the development of 45 McLaren Street site.</p> <p>The proposed DCP amendments will effectively prevent development of 45 McLaren Street. In practice, this has the same impact as the Council recommendation of no uplift.</p>	<p>Council acknowledges that there have been various potential outcomes for 45 McLaren Street in relation to the WSPMP, since its commencement. However, these changes have been made in response to addressing community concerns.</p> <p>Despite no uplift being granted to 45 McLaren Street under the WSPMP, Council resolved to consider a planning proposal to amend the planning controls on</p>	<p>Remove the site-specific provisions relating to 45 McLaren Street</p>	<p>1E</p>

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				<p>the subject site subject to remaining consistent with the desired outcomes of the WSPMP.</p> <p>Following the lodgement of a planning proposal for the subject site in October 2020, Council resolved on 28 March 2022 to support the progression of the Planning Proposal, in conjunction with site specific controls to be incorporated into NSDCP 2013.</p> <p>The recommendation to progress the Planning Proposal demonstrates that there is some development potential on the site, whilst still being consistent with the adopted outcomes of the WSPMP.</p> <p>As indicated in Section 3.1 to the main report, to ensure a more wholistic approach is made to the establishment of appropriate development controls relating to 45 McLaren Street, it is recommended that the site-specific provisions relating to 45 McLaren Street be removed and reconsidered in conjunction with the progression of the planning proposal for 45 McLaren Street.</p>		
		<ul style="list-style-type: none"> Unfair, inequitable and prejudicial Council proposal for DCP regulation amendments 	<p>It is suggested that the proposed DCP amendments apply different standards to the 45 McLaren Street site than to other buildings surrounding and therefore are unfair and inequitable.</p> <p>The shadow impact from proposed development of this site is at most just 45 minutes (from 9-9:45am on June 21). By far the greatest amount of shadow on the public domain is cast from surrounding existing or already approved buildings, which fully shadow the square from 10am onwards. The negligible increase to shadowing from the proposed site at 45 McLaren Street lies squarely within the WSPMP guidelines and objective of “minimising solar reduction”; the Council are clearly applying different standards to the McLaren Street Site than they have to other surrounding buildings. The WSPMP itself achieves significant uplift and therefore overshadows Berry Square and other public spaces, which breaches current North Sydney LEP Prohibition controls</p>	<p>Refer to Section 3.1 and 3.2 of the main report.</p> <p>All sites within the WSP, including 45 McLaren Street are subject to the same proposed solar access controls.</p> <p>On review of the wording to the proposed overshadowing provisions to protect solar access to the two proposed public squares, it has been found to be overly excessive and could effectively significantly limit any uplift on any adjoining and neighbouring sites to the proposed squares.</p> <p>It is recommended therefore that further clarification be provided to ensure that the control does not inadvertently prevent any form of redevelopment surrounding the proposed squares.</p>	<p>Amend the proposed overshadowing controls that seek to protect solar access to the two future public squares ensure greater flexibility.</p>	1A, 1C, 1E
		<ul style="list-style-type: none"> Inconsistency with landuse and 	<p>The proposed controls appear to ignore the construction of a new major public transport in</p>	<p>One of the key reasons the WSPMP had been prepared was to take into consideration the</p>	<p>Remove the site-specific provisions</p>	1A, 1C, 1E

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		<i>transport planning principles</i>	<p>close proximity to the Precinct. Local housing density planning should be located in close proximity to public transport hubs to maximise access to and use of public transport.</p> <p>The 45 McLaren Street Site is diagonally opposite (approx. 120m away) from an entrance to the new Victoria Cross Metro Station. These proposed amendments, which will prevent any uplift to potential height or GFA on that site, will destroy any future development potential that otherwise surely should be maximised to utilise new public transport infrastructure.</p> <p>These proposed controls seem to be targeted specifically to our site. Surrounding parcels of land are clearly considered ripe for high density development and currently experiencing major redevelopment such as the development under construction at 168 Walker Street (29 Storeys) and the future proposal for 175 Walker Street (25 Storeys).</p>	<p>construction of the new Metro station in close proximity to the Precinct.</p> <p>Whilst the proximity of 45 McLaren Street to the Metro Station entries is recognised, there is also a need to balance other planning considerations in the delivery of the WSPMP, which includes the delivery of a significant level of public open space and community facilities which is to afforded the highest level of amenity in the context of its compromised location.</p> <p>Despite no uplift being granted to 45 McLaren Street under the WSPMP, Council resolved to consider a planning proposal to amend the planning controls on the subject site subject to remaining consistent with the desired outcomes of the WSPMP.</p> <p>Following the lodgement of a planning proposal for the subject site in October 2020, Council resolved on 28 March 2022 to support the progression of the Planning Proposal, in conjunction with site specific controls to be incorporated into NSDCP 2013.</p> <p>The recommendation to progress the Planning Proposal demonstrates that there is some development potential on the site, whilst still being consistent with the adopted outcomes of the WSPMP.</p> <p>As indicated in Section 3.1 to the main report, to ensure a more wholistic approach is made to the establishment of appropriate development controls relating to 45 McLaren Street, it is recommended that the site-specific provisions relating to 45 McLaren Street be removed and reconsidered in conjunction with the progression of the planning proposal for 45 McLaren Street.</p>	relating to 45 McLaren Street	
		• Redevelopment Implications	<p>There seems no logic in approving amendments that will prevent the redevelopment of a deteriorating building, when the stated aim of the Council plan is to provide a pleasant square surrounded by buildings that enhance and harmonize with the character of the area.</p> <p>If the proposed changes are proceeded with, it will render the site at 45 McLaren Street completely undesirable to developers, making its continued</p>	<p>Despite no uplift being granted to 45 McLaren Street under the WSPMP, Council resolved to consider a planning proposal to amend the planning controls on the subject site subject to remaining consistent with the desired outcomes of the WSPMP.</p> <p>Following the lodgement of a planning proposal for the subject site in October 2020, Council resolved on 28 March 2022 to support the progression of the</p>	Remove the site-specific provisions relating to 45 McLaren Street	1A, 1C, 1E

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			deterioration inevitable and in stark contrast to the surrounding buildings. Furthermore, the proposed changes will have a financial impact on the owners of 45 McLaren Street, associated with the costly maintenance requirements of an ageing building and the detrimental impact of these planning decisions on the individual unit values if the site is unable to be redeveloped.	Planning Proposal, in conjunction with site specific controls to be incorporated into NSDCP 2013. The recommendation to progress the Planning Proposal demonstrates that there is some development potential on the site, whilst still being consistent with the adopted outcomes of the WSPMP. As indicated in Section 3.1 to the main report , to ensure a more holistic approach is made to the establishment of appropriate development controls relating to 45 McLaren Street, it is recommended that the site-specific provisions relating to 45 McLaren Street be removed and reconsidered in conjunction with the progression of the planning proposal for 45 McLaren Street.		
10	Name and address withheld	Objection - 45 McLaren Street		Responses to the issues raised are addressed below.		
		Development potential	States that the proposed amendment is unfair to all owners of 45 McLaren Street North Sydney, severely limiting its future redevelopment due to: <ul style="list-style-type: none"> • There are currently (and have been in the past) many developments with significant height occurring in and around North Sydney • The WSPMP includes significant height to other sites but not to 45 McLaren Street 	Council acknowledges that there are several sites in the vicinity of 45 McLaren Street which have current height limits which exceed that of 45 McLaren Street. The WSPMP investigated the potential for increased height on the subject site, but ultimately resolved not to allow an increase in height, due to the potential overshadowing impacts that increased height may have on the two proposed squares. Despite no uplift being granted to 45 McLaren Street under the WSPMP, Council resolved to consider a planning proposal to amend the planning controls on the subject site subject to remaining consistent with the desired outcomes of the WSPMP. Following the lodgement of a planning proposal for the subject site in October 2020, Council resolved on 28 March 2022 to support the progression of the Planning Proposal, in conjunction with site specific controls to be incorporated into NSDCP 2013. The recommendation to progress the Planning Proposal demonstrates that there is some development potential on the site, whilst still being consistent with the adopted outcomes of the WSPMP.	Remove the site-specific provisions relating to 45 McLaren Street	1E

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				<p>As indicated in Section 3.1 to the main report, to ensure a more holistic approach is made to the establishment of appropriate development controls relating to 45 McLaren Street, it is recommended that the site-specific provisions relating to 45 McLaren Street be removed and reconsidered in conjunction with the progression of the planning proposal for 45 McLaren Street.</p>		
		<p>New Public Squares</p> <ul style="list-style-type: none"> Solar access 	<ul style="list-style-type: none"> The controls to maintaining sunlight are quite strict for 45 McLaren Street compared to other surrounding sites 	<p>The proposed solar access controls to 45 McLaren Street are identical to all other sites in terms of maintaining solar access to the two proposed squares.</p> <p>As indicated at Section 3.2 to the main report, the wording of the proposed controls is overly restrictive and it's recommended that they be revised to provide increased flexibility.</p>	<p>Amend the proposed overshadowing controls that seek to protect solar access to the two future public squares ensure greater flexibility.</p>	1A, 1C, 1E
11	Kevin Sippel 18 / 45 McLaren Street NORTH SYDNEY NSW 2060	Lack of information	Disappointed with the proposed amendments, as they appear to contain little more than possible walkways and a negative outcome for 45 McLaren Street. No plans or drawings for the central piece of the Ward Street Development have been provided.	<p>The proposed amendments apply to more than just 45 McLaren Street. These controls have been applied equally in terms of the outcomes for the Ward Street Precinct.</p> <p>The additional site-specific controls applying to 45 McLaren Street were to reflect a consistent approach to the remainder of the development within the block bound by McLaren, Walker, Berry and Miller Streets.</p> <p>However, as indicated at Section 3.1 to the main report, it is proposed to remove the site-specific controls related to 45 McLaren Street, to reflect any negotiated outcome for that site as part of the planning proposal process.</p>	<p>Remove the site-specific provisions relating to 45 McLaren Street</p>	1E
		Exposure of Planning Proposal details	Suggests that Council has used the draft DCP amendment to blatantly and publicly reveal confidential details of the Planning Proposal for 45 McLaren Street, before it is subject to formal public exhibition, which normally follows the issue of a Gateway Determination.	Council has proactively publicly identified the lodgement of planning proposals and associated documents on its tracking website since 2015. The purpose of this is to provide a more clear and transparent view of the planning process, by giving the wider community an opportunity to understand what is being proposed in their locality. Accordingly, this suggestion is unfounded.	Nil	2F
		Unfair targeting of 45 McLaren Street	Suggests that Council is taking a hardline with 45 McLaren Street, despite many close-by properties being treated with the advantage of	Despite no uplift being granted to 45 McLaren Street under the WSPMP, Council resolved to consider a planning proposal to amend the planning controls on	<p>Remove the site-specific provisions</p>	1E

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			<p>redevelopments and uplifts. Its indecision has cost the residents of 45 McLaren financially.</p> <p>Council's decision to consider a planning proposal for the redevelopment of 45 McLaren Street which "minimises solar reductions upon the new public domain as identified in the Masterplan", despite the outcomes of the adopted WSPMP appears to be forgotten. Hopefully, Council will now take on board all submissions and thoughtfully produce another update.</p>	<p>the subject site subject to remaining consistent with the desired outcomes of the WSPMP.</p> <p>Following the lodgement of a planning proposal for the subject site in October 2020, Council resolved on 28 March 2022 to support the progression of the Planning Proposal, in conjunction with site specific controls to be incorporated into NSDCP 2013.</p> <p>The recommendation to progress the Planning Proposal demonstrates that there is some development potential on the site, whilst still being consistent with the adopted outcomes of the WSPMP.</p> <p>As indicated in Section 3.1 to the main report, to ensure a more holistic approach is made to the establishment of appropriate development controls relating to 45 McLaren Street, it is recommended that the site-specific provisions relating to 45 McLaren Street be removed and reconsidered in conjunction with the progression of the planning proposal for 45 McLaren Street.</p>	relating to 45 McLaren Street	
12	Bronwyn Maltby 5 / 45 McLaren Street North Sydney, NSW 2060	45 McLaren Street • lack of uplift	Suggested that the proposed DCP controls do not enable an uplift for 45 McLaren Street, contrary to previous outcomes decided by Council.	<p>Despite no uplift being granted to 45 McLaren Street under the WSPMP, Council resolved to consider a planning proposal to amend the planning controls on the subject site subject to remaining consistent with the desired outcomes of the WSPMP.</p> <p>Following the lodgement of a planning proposal for the subject site in October 2020, Council resolved on 28 March 2022 to support the progression of the Planning Proposal, in conjunction with site specific controls to be incorporated into NSDCP 2013.</p> <p>The recommendation to progress the Planning Proposal demonstrates that there is some development potential on the site, whilst still being consistent with the adopted outcomes of the WSPMP.</p> <p>As indicated in Section 3.1 to the main report, to ensure a more holistic approach is made to the establishment of appropriate development controls relating to 45 McLaren Street, it is recommended that the site-specific provisions relating to 45 McLaren Street be removed and reconsidered in</p>	Remove the site-specific provisions relating to 45 McLaren Street	1A, 1C, 1E

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				conjunction with the progression of the planning proposal for 45 McLaren Street.		
13	James McKinnon 79-81 Berry Street North Sydney, NSW 2060	Expansion of Berry Square north of Berry Street	Strongly supports the expansion of Berrys Square to the northern side of Berry Street.	Noted	Nil	2D
14	Lynley and Steve Newton 16 / 45 McLaren Street, North Sydney NSW 2060	Objection - 45 McLaren Street	Objects to the proposed DCP amendments as they relate to 45 McLaren Street based on the following: <ul style="list-style-type: none"> inconsistency in planning resolutions; financial hardship if no uplift is awarded; and Solar controls are inconsistent with resolution of Council 	Responses to the issues raised are addressed below.		
		Development potential <ul style="list-style-type: none"> Inconsistency in decision making 	Council has erratically and inconsistently changed its position on the redevelopment potential of 45 McLaren Street, 5 times over the past 5 years. It is not possible to plan, or execute a plan, when the Council has changed its mind so many times. This approach has and continues to cause distress and confusion to the owners. Significant investment has been made in terms of planning and this now all appears to be a very disappointing waste of time and effort.	Council acknowledges that there have been various potential outcomes for 45 McLaren Street in relation to the WSPMP, since its commencement. However, these changes have been made in response to addressing community concerns. Despite no uplift being granted to 45 McLaren Street under the WSPMP, Council resolved to consider a planning proposal to amend the planning controls on the subject site subject to remaining consistent with the desired outcomes of the WSPMP. Following the lodgement of a planning proposal for the subject site in October 2020, Council resolved on 28 March 2022 to support the progression of the Planning Proposal, in conjunction with site specific controls to be incorporated into NSDCP 2013. The recommendation to progress the Planning Proposal demonstrates that there is some development potential on the site, whilst still being consistent with the adopted outcomes of the WSPMP. As indicated in Section 3.1 to the main report , to ensure a more holistic approach is made to the establishment of appropriate development controls relating to 45 McLaren Street, it is recommended that the site-specific provisions relating to 45 McLaren Street be removed and reconsidered in conjunction with the progression of the planning proposal for 45 McLaren Street.	Remove the site-specific provisions relating to 45 McLaren Street	1E

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		<ul style="list-style-type: none"> Financial Hardship 	<p>Questioned if Council had considered the implications for the owners of 45 McLaren Street if they are forced to remain status quo.</p> <p>Suggested that the owners will face significant financial burden to bring the building up to code and to counter the impacts of higher foot traffic, road noise and security issues related to other planned developments.</p> <p>These amendments are simply unsatisfactory and constitute poor, short-sighted and prejudiced practice by the North Sydney planners.</p> <p>Suggests that 45 McLaren Street is either part of the WSPMP and therefore entitled to uplift, or it is not and consequently should not be in scope of the proposed DCP controls.</p>	<p>Refer to Section 3.1 of the main report.</p> <p>Planning controls are not prepared to ensure positive financial outcomes for residents or developers. The key purpose of planning controls is to ensure a balance between delivering positive environmental, social and economic outcomes to the wider community and not specific individuals.</p> <p>Despite the WSPMP not awarding any uplift to the subject site, Council resolved on 24 June 2019 to consider a planning proposal for the site that is consistent with the WSPMP.</p> <p>Following the lodgement of a planning proposal for the subject site in October 2020, Council resolved on 28 March 2022 to support the progression of the Planning Proposal, in conjunction with site specific controls to be incorporated into NSDCP 2013.</p> <p>This demonstrates that there is some development potential on the site, whilst still being consistent with the adopted outcomes of the WSPMP.</p> <p>Therefore, it would be more appropriate to remove the proposed site-specific controls under this DCP amendment and exhibit new DCP controls consistent and concurrently with the Planning Proposal assessment.</p>	<p>Remove the site-specific provisions relating to 45 McLaren Street</p>	1E
		<p>New Public Squares</p> <ul style="list-style-type: none"> Solar Controls 	<p>The proposed controls stipulate that 45 McLaren Street should “maintain solar access” to the new public squares year-round, which is a direct contradiction to the wording contained in the endorsed WSPMP which stipulates “minimise solar reductions...”. This amendment and others (referring to s.2.1.3, 2.4.2, 2.2.3 and 2.4.3) are significant and effectively prevents 45 McLaren Street from being redeveloped.</p> <p>It is questioned why it is acceptable that 45 McLaren Street can be overshadowed by surrounding developments, but 45 McLaren Street is bound to this strict solar requirement.</p>	<p>Refer to Section 3.2 of the main report.</p> <p>On review of the wording to the proposed overshadowing provisions to protect solar access to the two proposed public squares, it has been found to be overly excessive and could effectively significantly limit any uplift on any adjoining and neighbouring sites to the proposed squares.</p> <p>It is recommended therefore that further clarification be provided to ensure that the control does not inadvertently prevent any form of redevelopment surrounding the proposed squares.</p>	<p>Amend the proposed overshadowing controls that seek to protect solar access to the two future public squares ensure greater flexibility.</p>	1A, 1C, 1E
15	Annette Ferrari 12 / 45 McLaren Street North Sydney, NSW 2060	Objection	<p>The development potential of 45 McLaren Street has been disregarded, based on the following:</p> <ul style="list-style-type: none"> Inconsistency in decision making; Removal of development potential; 	Responses to the issues raised are addressed below.		

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No.	Name & Address	Property / Issue	Key Points Raised	Council Response	Recommended Action	Criteria
			<ul style="list-style-type: none"> Unfair solar access controls; and Financial hardship. 			
		<p>Development potential</p> <ul style="list-style-type: none"> Inconsistency in decision making Unfair restrictions 	<p>Council has been inconsistent in its position relating to height and density</p> <p>It is questioned why 45 McLaren Street is being unfairly punished? Suggests there may be corruption at play.</p> <p>Our site is being held to differing standards in what exists with both the WSPMP and existing LEP controls for the North Sydney Centre.</p>	<p>Council acknowledges that there have been various potential outcomes for 45 McLaren Street in relation to the WSPMP, since its commencement. However, these changes have been made in response to addressing community concerns.</p> <p>Despite no uplift being granted to 45 McLaren Street under the WSPMP, Council resolved to consider a planning proposal to amend the planning controls on the subject site subject to remaining consistent with the desired outcomes of the WSPMP.</p> <p>In accordance with this resolution, a planning proposal was subsequently lodged in October 2020 to amend the planning controls as it relates to 45 McLaren Street.</p> <p>On 28 March 2022, Council resolved to support the progression of the Planning Proposal to Gateway Determination, in conjunction with site specific controls to be incorporated into NSDCP 2013.</p> <p>The recommendation to progress the Planning Proposal demonstrates that there is some development potential on the site, whilst still being consistent with the adopted outcomes of the WSPMP.</p> <p>As indicated in Section 3.1 to the main report, to ensure a more wholistic approach is made to the establishment of appropriate development controls relating to 45 McLaren Street, it is recommended that the site-specific provisions relating to 45 McLaren Street be removed and reconsidered in conjunction with the progression of the planning proposal for 45 McLaren Street.</p>	<p>Remove the site-specific provisions relating to 45 McLaren Street</p>	1E
		<ul style="list-style-type: none"> context 	<p>The proposed controls destroy any development potential for 45 McLaren Street.</p> <p>It will result in 45 McLaren Street being left sitting in the middle of beautiful apartment blocks, large scale development.</p> <p>This is contrary to Council's desire to bring people into North Sydney taking advantage of the future Metro station nearby and creating an exciting hub.</p>	<p>Council acknowledges that there have been various potential outcomes for 45 McLaren Street in relation to the WSPMP, since its commencement. However, these changes have been made in response to addressing community concerns.</p> <p>Despite no uplift being granted to 45 McLaren Street under the WSPMP, Council resolved to consider a planning proposal to amend the planning controls on</p>	<p>Remove the site-specific provisions relating to 45 McLaren Street</p>	1E

ATTACHMENT 2: Draft amendment to NSDCP 2013 – Ward Street Precinct – SUBMISSIONS TABLE						
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				<p>the subject site subject to remaining consistent with the desired outcomes of the WSPMP.</p> <p>In accordance with this resolution, a planning proposal was subsequently lodged in October 2020 to amend the planning controls as it relates to 45 McLaren Street.</p> <p>On 28 March 2022, Council resolved to support the progression of the Planning Proposal to Gateway Determination, in conjunction with site specific controls to be incorporated into NSDCP 2013.</p> <p>The recommendation to progress the Planning Proposal demonstrates that there is some development potential on the site, whilst still being consistent with the adopted outcomes of the WSPMP.</p> <p>As indicated in Section 3.1 to the main report, to ensure a more holistic approach is made to the establishment of appropriate development controls relating to 45 McLaren Street, it is recommended that the site-specific provisions relating to 45 McLaren Street be removed and reconsidered in conjunction with the progression of the planning proposal for 45 McLaren Street.</p>		
		<ul style="list-style-type: none"> Financial Hardship 	The lack of uplift will financially impact on the owners of 45 McLaren Street due to new measures that will need to be implemented in order to remain living here (eg. Acoustic upgrades; value decrease in our property).	<p>Planning controls are not prepared to ensure positive financial outcomes for residents or developers. The key purpose of planning controls is to ensure a balance between delivering positive environmental, social and economic outcomes to the wider community and not specific individuals.</p> <p>Even if the proposed amendments were not proposed, this would still be a consideration in the redevelopment of the subject site.</p> <p>However, it is noted that on 28 March 2022, Council resolved to progress a planning proposal for the subject site which provides a significant level of development uplift.</p>	Nil	2A
		<p>New Public Squares</p> <ul style="list-style-type: none"> Solar access 	The proposed controls to maintain sunlight to the proposed new squares is both inconsistent and contrary to all accepted planning practices in Australia's major capital cities. Current best practice is to clearly have several hours of sunlight	<p>Refer to Section 3.2 in the main report.</p> <p>One of the key issues raised in submissions when developing the WSPMP was to ensure that solar access to the proposed new public squares retains their existing level of solar access to ensure the</p>	<p>Revise the proposed solar access controls such that they:</p> <ul style="list-style-type: none"> Only apply between the 	1A, 1C

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			<p>per day as a minimum standard. Nowhere does this practice preclude shadowing prior to 10am for public squares on any given day of the year.</p> <p>The proposed controls also contradict Council's own established solar access standards.</p>	<p>highest level of amenity is achieved, especially given the existing constraints of the locality in terms of existing and approved built form.</p> <p>Upon review of the proposed controls, there is insufficient flexibility to allow the redevelopment of sites adjoining the proposed public squares. To enable greater flexibility, it is recommended that the proposed controls be revised, such that solar access is protected at its key times of usage.</p>	<p>March and September Equinoxes; and</p> <ul style="list-style-type: none"> Apply between 9am and 4pm to the proposed Central Square only. 	
16	Tony Walker 4 / 45 McLaren Street North Sydney, NSW 2060	Objection	<p>Objects to the proposed controls relating to 45 McLaren Street for the following reasons:</p> <ul style="list-style-type: none"> Removal of development potential; Inconsistent decision making; Proposed solar access controls are inappropriate; Financial implications 	<p>Responses to the issues raised are addressed below.</p>		
		Development Potential • context	<p>Without any uplift being granted the site will become an eyesore.</p> <p>It is suggested that the proposed controls segregate and isolate 45 McLaren Street for the sole purpose of Council's benefit. I cannot fathom that Councillors cannot see how inappropriate the steps that have been taken are.</p>	<p>Council acknowledges that there have been various potential outcomes for 45 McLaren Street in relation to the WSPMP, since its commencement. However, these changes have been made in response to addressing community concerns.</p> <p>Despite no uplift being granted to 45 McLaren Street under the WSPMP, Council resolved to consider a planning proposal to amend the planning controls on the subject site subject to remaining consistent with the desired outcomes of the WSPMP.</p> <p>In accordance with this resolution, a planning proposal was subsequently lodged in October 2020 to amend the planning controls as it relates to 45 McLaren Street.</p> <p>On 28 March 2022, Council resolved to support the progression of the Planning Proposal to Gateway Determination, in conjunction with site specific controls to be incorporated into NSDCP 2013.</p> <p>The recommendation to progress the Planning Proposal demonstrates that there is some development potential on the site, whilst still being consistent with the adopted outcomes of the WSPMP.</p> <p>As indicated in Section 3.1 to the main report, to ensure a more wholistic approach is made to the</p>	<p>Remove the site-specific provisions relating to 45 McLaren Street</p>	1E

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		<ul style="list-style-type: none"> Consistency in decision making 		establishment of appropriate development controls relating to 45 McLaren Street, it is recommended that the site-specific provisions relating to 45 McLaren Street be removed and reconsidered in conjunction with the progression of the planning proposal for 45 McLaren Street.		
			<p>Since 2016, the message from Council regarding the future of 45 McLaren Street has been “cloudy” and the way the site has been treated as a potential development site is appalling.</p> <p>The process has created undue stress and anguish which is entirely unacceptable and believes that the practices of Council have become unconscionable.</p> <p>It appears that there are different rules for large multinational construction companies and local families, with preference given to proposals from the multinationals.</p> <p>After significant lobbying, Council suggested a planning proposal be lodged for 45 McLaren Street. This has been done at considerable expense, for a moderately scaled development. However, Council has thrown out the proposal because of the possible overshadowing impacts over an immensely short period of time.</p>	<p>Council acknowledges that there have been various potential outcomes for 45 McLaren Street in relation to the WSPMP, since its commencement. However, these changes have been made in response to addressing community concerns.</p> <p>Despite no uplift being granted to 45 McLaren Street under the WSPMP, Council resolved to consider a planning proposal to amend the planning controls on the subject site subject to remaining consistent with the desired outcomes of the WSPMP.</p> <p>In accordance with this resolution, a planning proposal was subsequently lodged in October 2020 to amend the planning controls as it relates to 45 McLaren Street.</p> <p>On 28 March 2022, Council resolved to support the progression of the Planning Proposal to Gateway Determination, in conjunction with site specific controls to be incorporated into NSDCP 2013.</p> <p>The recommendation to progress the Planning Proposal demonstrates that there is some development potential on the site, whilst still being consistent with the adopted outcomes of the WSPMP.</p> <p>As indicated in Section 3.1 to the main report, to ensure a more holistic approach is made to the establishment of appropriate development controls relating to 45 McLaren Street, it is recommended that the site-specific provisions relating to 45 McLaren Street be removed and reconsidered in conjunction with the progression of the planning proposal for 45 McLaren Street.</p>	Remove the site-specific provisions relating to 45 McLaren Street	1E
		<p>New Public Squares</p> <ul style="list-style-type: none"> Solar Access 	45 McLaren Street is surrounded by or about to be surrounded by tall buildings, leaving 45 McLaren Street out of character in terms of density and scale. However, there appears to be no regard for	<p>Refer to Section 3.2 to the main report.</p> <p>One of the key issues raised in submissions when developing the WSPMP was to ensure that solar access to the proposed new public squares retains</p>	Revise the proposed solar access controls such that they:	1A, 1C

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			<p>the impediment of solar access to 45 McLaren Street.</p> <p>If overshadowing is such a significant issue, it was suggested that the vast majority of approvals in the locality over the last 5 years would not have been made.</p>	<p>their existing level of solar access to ensure the highest level of amenity is achieved, especially given the existing constraints of the locality in terms of existing and approved built form.</p> <p>There are numerous other generic controls within Part B of the DCP that seek to provide solar protection to all residential development regardless of the development being proposed. The approval of development in the locality would indicate that their level of overshadowing impacts are acceptable.</p> <p>Upon review of the proposed controls, there is insufficient flexibility to allow the redevelopment of sites adjoining the proposed public squares. To enable greater flexibility, it is recommended that the proposed controls be revised, such that solar access is protected at its key times of usage.</p>	<ul style="list-style-type: none"> • Only apply between the March and September Equinoxes; and • Apply between 9am and 4pm to the proposed Central Square only. 	
17	Michelle Blumer 9 / 45 McLaren Street North Sydney, NSW 2060	<p>Development potential</p> <ul style="list-style-type: none"> • Inconsistency in development potential 	<p>Council has demonstrated inconsistent, contradictory and confusing planning practice regarding the redevelopment of 45 McLaren Street since 2016.</p> <p>Whilst it is acknowledged that Council resolved to pursue Option 2 to the WSPMP, incorporating no additional uplift to 45 McLaren Street, Council also resolved to consider a planning proposal to enable the redevelopment of 45 McLaren Street.</p> <p>The proposed draft amendment significantly prejudices the Proposed Planning at 45 McLaren Street going beyond the WSPMP.</p> <p>There are concerns with the equity and fairness of the proposed draft amendment to the WSPMP and its impact to exclude any future development at 45 McLaren Street. The proposed development of 45 McLaren Street can only enhance the objective of North Sydney Council. Attractive and sustainable buildings to support an increasing population-providing living standards and amenities to locals whilst providing employment opportunities, in addition accessing the increasing public transport system in the local area- benefiting locals and visitors.</p>	<p>Council acknowledges that there have been various potential outcomes for 45 McLaren Street in relation to the WSPMP, since its commencement. However, these changes have been made in response to addressing community concerns.</p> <p>Despite no uplift being granted to 45 McLaren Street under the WSPMP, Council resolved to consider a planning proposal to amend the planning controls on the subject site subject to remaining consistent with the desired outcomes of the WSPMP.</p> <p>In accordance with this resolution, a planning proposal was subsequently lodged in October 2020 to amend the planning controls as it relates to 45 McLaren Street.</p> <p>On 28 March 2022, Council resolved to support the progression of the Planning Proposal to Gateway Determination, in conjunction with site specific controls to be incorporated into NSDCP 2013.</p> <p>The recommendation to progress the Planning Proposal demonstrates that there is some development potential on the site, whilst still being consistent with the adopted outcomes of the WSPMP.</p> <p>As indicated in Section 3.1 to the main report, to ensure a more holistic approach is made to the establishment of appropriate development controls</p>	<p>Remove the site-specific provisions relating to 45 McLaren Street</p>	1E

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				relating to 45 McLaren Street, it is recommended that the site-specific provisions relating to 45 McLaren Street be removed and reconsidered in conjunction with the progression of the planning proposal for 45 McLaren Street.		
		New Public Squares <ul style="list-style-type: none"> • Solar Access 	<p>Objects to the proposed controls to maintain year-round solar access to the new public squares to be created in the Ward Street Precinct as they:</p> <ul style="list-style-type: none"> • contradict the endorsed WSPMP; • contradict the ability to “minimise overshadowing” to the public squares with the redevelopment of 45 McLaren Street; • appear to reflect different standards within the existing WSPMP and North Sydney DCP controls; • prescribe no uplift to 45 McLaren Street; • are inconstant and contradictory to current best practice standards in Australian capital cities (e.g. City of Sydney: Martin Place – 14th April-31st August: 12pm-2pm - St Leonards & Crows Nest – Public Open Space: 10am – 3pm - City of Melbourne – Parliament Steps – 22nd April-22nd September: 11am – 3pm - City of Brisbane – King George Square –21st June: 12pm-2pm). <p>Points out that significant height and density uplift has already occurred in the locality, with the major contributors creating a shadow impact between 12pm-3pm are existing and approved buildings. However, the extent of solar impact as demonstrated in the current Planning Proposal is negligible with a 45minute impact on the 21st June between 9am and 9.45am.</p>	<p>Refer to Section 3.2 in the main report.</p> <p>One of the key issues raised in submissions when developing the WSPMP was to ensure that solar access to the proposed new public squares retains their existing level of solar access to ensure the highest level of amenity is achieved, especially given the existing constraints of the locality in terms of existing and approved built form.</p> <p>Upon review of the proposed controls, there is insufficient flexibility to allow the redevelopment of sites adjoining the proposed public squares. To enable greater flexibility, it is recommended that the proposed controls be revised, such that solar access is protected at its key times of usage.</p> <p>On 28 March 2022, Council resolved to support the progression of the Planning Proposal to Gateway Determination, in conjunction with site specific controls to be incorporated into NSDCP 2013.</p> <p>The recommendation to progress the Planning Proposal demonstrates that there is some development potential on the site, whilst still being consistent with the adopted outcomes of the WSPMP.</p>	<p>Revise the proposed solar access controls such that they:</p> <ul style="list-style-type: none"> • Only apply between the March and September Equinoxes; and • Apply between 9am and 4pm to the proposed Central Square only. 	1A, 1C
18	Peter Jonas 10 / 45 McLaren Street North Sydney, NSW 2060	New Public Squares <ul style="list-style-type: none"> • Delivery 	Supports the delivery of new public squares within the Ward Street Precinct.	Noted	Nil	
		New public squares <ul style="list-style-type: none"> • Solar access 	<p>Objects to the restrictions placed on development to deliver the future public squares within the WSP.</p> <p>Suggests that the proposed controls do not reflect a collaborative approach.</p>	<p>Refer to section 3.2 of the main report.</p> <p>The WSPMP went through several iterations and were subject to extensive community engagement processes.</p>	<p>Amend the proposed overshadowing controls that seek to protect solar access to the two future public</p>	1A, 1C, 1E

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			<p>Whilst it is understood there have been concerns about height limits affecting access to sunlight and the type of building uses within the Ward Street Precinct, there has been plenty of evidence put forward to suggest that:</p> <ul style="list-style-type: none"> • Additional height could be accommodated on 45 McLaren Street with no adverse impacts on solar access; and • There is a need for the delivery of commercial and residential. 	<p>As part of the consultative processes, solar access to the future public squares as identified as a key issue. It is acknowledged that if solar access is not protected to these new public spaces, then their amenity would be compromised potentially affecting their usability.</p> <p>On review of the wording to the proposed overshadowing provisions to protect solar access to the two proposed public squares, it has been found to be overly excessive and could effectively significantly limit any uplift on any adjoining and neighbouring sites to the proposed squares.</p> <p>It is recommended therefore that further clarification be provided to ensure that the control does not inadvertently prevent any form of redevelopment surrounding the proposed squares.</p>	squares ensure greater flexibility.	
19	Vanessa Mahes 2 / 45 McLaren Street North Sydney, NSW 2060	<p>Development potential</p> <ul style="list-style-type: none"> • Inconsistent position on height and density 	<p>Since 2016, Council has been inconsistent on their position as to the future height and density of 45 McLaren Street.</p> <p>This inconsistency has resulted in the residents of 45 McLaren Street:</p> <ul style="list-style-type: none"> • Being financially burdened through the engagement of professional services to move towards a collective sale of 45 McLaren Street; • Enduring mental and emotional stress of having to put up with excessive construction impacts (such as noise, dust, traffic) going on in the area. <p>Due to Council's inaction with regard to 45 McLaren Street, it is inevitable that the site will fall into disrepair and become dilapidated and remain out of character with the surrounding new built form.</p> <p>Current residents of 45 McLaren Street have no motivation to improve the existing building in any way.</p> <p>It is claimed that 45 McLaren Street is clearly being denied the possibility of being developed into an attractive, modern and sustainable building, which is inconsistent with Council's Plan to improve and revitalise the Ward Street Precinct.</p>	<p>Council acknowledges that there have been various potential outcomes for 45 McLaren Street in relation to the WSPMP, since its commencement. However, these changes have been made in response to addressing community concerns.</p> <p>Despite no uplift being granted to 45 McLaren Street under the WSPMP, Council resolved to consider a planning proposal to amend the planning controls on the subject site subject to remaining consistent with the desired outcomes of the WSPMP.</p> <p>In accordance with this resolution, a planning proposal was subsequently lodged in October 2020 to amend the planning controls as it relates to 45 McLaren Street.</p> <p>On 28 March 2022, Council resolved to support the progression of the Planning Proposal to Gateway Determination, in conjunction with site specific controls to be incorporated into NSDCP 2013.</p> <p>The recommendation to progress the Planning Proposal demonstrates that there is some development potential on the site, whilst still being consistent with the adopted outcomes of the WSPMP.</p> <p>As indicated in Section 3.1 to the main report, to ensure a more holistic approach is made to the establishment of appropriate development controls</p>	Remove the site-specific provisions relating to 45 McLaren Street	1E

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				relating to 45 McLaren Street, it is recommended that the site-specific provisions relating to 45 McLaren Street be removed and reconsidered in conjunction with the progression of the planning proposal for 45 McLaren Street.		
20	Podia Suite 407 L4 55 Miller Street PYRMONT NSW 2009 (applicant of PP6/20 – 45 McLaren Street)	Timing of proposed amendments	The role of DCPs, as a non-statutory document, is to guide, detailed design and respond to desired local character objectives. In this case, the proposed controls, will serve to pre-empt amendments to the LEP and stifle the ability of large functional sites such as 45 McLaren Street, to be developed in line with zoning objectives. The decision by Council to implement Draft DCP Controls during the assessment of a Planning Proposal ahead of it being supported for Gateway, or the gazettal of the LEP amendments, is without precedent. This is contrary to proper process for all other DCP amendments at this Council and others, which have taken place concurrently with the exhibition of Planning Proposals or carried out post the amendment of an LEP.	Refer to section 3.1 of the main report. The proposed DCP amendments do not negate the development potential of 45 McLaren Street. However, upon review of the wording to the proposed overshadowing provisions to protect solar access to the two proposed public squares, the proposed control was determined to be overly excessive, and would have some level of impact upon the development potential of sites neighbouring the proposed squares, including 45 McLaren Street. Since the lodgement of the Planning Proposal for 45 McLaren Street in October 2020, the reference design has undergone a number of amendments. The applicant has also offered to include some site-specific development controls to NSDCP 2013 to ensure that the intent of the planning proposal is delivered. On 28 March 2022, Council resolved to support the progression of the Planning Proposal, in conjunction with site specific controls to be incorporated into NSDCP 2013. These draft controls are best placed on public exhibition concurrent with the planning proposal. To remove any inconsistency and confusion, the site-specific controls should be removed from this draft DCP amendment.	Remove the proposed site-specific controls that relate to 45 McLaren Street	1A, 1C, 1E
		Development potential • Removal of development potential	The proposed amendments remove the development potential of 45 McLaren Street and appear to have no public benefit or basis in planning, despite the site having both site specific and strategic merit, given its proximity to the new Metro station and surrounding prevailing built form.	Refer to section 3.1 of the main report. The submission does not specifically identify how the development potential is removed via the proposed controls. However, upon review of the proposed controls, there is insufficient flexibility to allow the redevelopment of sites adjoining the proposed public squares, including 45 McLaren Street. To enable greater flexibility, it is recommended that the	Revise the proposed solar access controls such that they: • Only apply between the March and September Equinoxes; and	1A,1D,1E

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				<p>proposed controls be revised, such that solar access is protected at its key times of usage.</p> <p>Whilst the WSPMP does not award any uplift to the subject site, Council resolved on 24 June 2019 to consider a planning proposal for the site that is consistent with the WSPMP.</p> <p>Following the lodgement of a planning proposal for the subject site in October 2020, Council resolved on 28 March 2022 to support the progression of the Planning Proposal, in conjunction with site specific controls to be incorporated into NSDCP 2013.</p> <p>This demonstrates that there is some development potential on the site, whilst still being consistent with the adopted outcomes of the WSPMP.</p> <p>Therefore, it would be more appropriate to remove the proposed site-specific controls under this DCP amendment and exhibit new DCP controls consistent and concurrently with the Planning Proposal assessment.</p>	<ul style="list-style-type: none"> Apply between 9am and 4pm to the proposed Central Square only. <p>Remove the proposed site-specific controls that relate to 45 McLaren Street</p>	
		<ul style="list-style-type: none"> Orderly development of land 	<p>The enactment of the DCP amendments, as planned, will not allow for the orderly urban renewal of this important part of the WSPMP to occur in close proximity to a new Metro Station. Sterilising sites through excessive control is bad planning.</p> <p>Suggested that the owners are being subjected to a different set of standards, with many other sites being awarded significant uplift.</p>	<p>Uplift envisaged under the WSPMP was effectively limited to a small number of sites generally located to the south of the proposed public squares. Part of the justification for this approach was to maximise the extent of solar access to these proposed public squares in an already constrained urban environment, acknowledging the already intense development occurring to the west and north west of the proposed squares and the existing development at 168 Walker Street.</p>	<p>Remove the site-specific provisions relating to 45 McLaren Street</p>	1E
		<ul style="list-style-type: none"> Prejudice 	<p>The owners of 45 McLaren Street are being prejudiced by the proposed controls as:</p> <ul style="list-style-type: none"> The site will remain out of context with the scale of surrounding development; The WSPMP allocates major uplift to the vast majority of sites surrounding the proposed public squares. 	<p>Despite no uplift being granted to 45 McLaren Street under the WSPMP, Council resolved to consider a planning proposal to amend the planning controls on the subject site subject to remaining consistent with the desired outcomes of the WSPMP.</p> <p>In accordance with this resolution, a planning proposal was subsequently lodged in October 2020 to amend the planning controls as it relates to 45 McLaren Street.</p> <p>On 28 March 2022, Council resolved to support the progression of the Planning Proposal to Gateway</p>		

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				Determination, in conjunction with site specific controls to be incorporated into NSDCP 2013. The recommendation to progress the Planning Proposal demonstrates that there is some development potential on the site, whilst still being consistent with the adopted outcomes of the WSPMP.		
		New Public Squares <ul style="list-style-type: none"> Solar Access 	Claims that the proposed solar access controls are inconsistent and contrary to all accepted planning practices in Australia's major capital cities, which seek to provide between 2-4 hours of solar access to significant public spaces from 10am.	Refer to Section 3.2 in the main report. Solar access controls are generally tied to the intended use of a proposed space at its key times. One of the key issues raised in submissions when developing the WSPMP was to ensure that solar access to the proposed new public squares retains their existing level of solar access to ensure the highest level of amenity is achieved, especially given the existing constraints of the locality in terms of existing and approved built form. Upon review of the proposed controls, it was determined that the controls effectively extended the protection generally beyond the likely key use times. To enable greater flexibility, it is recommended that the proposed controls be revised, such that solar access is protected at its key times of usage.	Revise the proposed solar access controls such that they: <ul style="list-style-type: none"> Only apply between the March and September Equinoxes; and Apply between 9am and 4pm to the proposed Central Square only. 	1A, 1C
			The proposed controls relating to solar access, are in direct contradiction to the endorsed WSPMP, which stipulates that the solar controls for 45 McLaren Street need to "minimise solar reductions" on the new proposed public domain.	The WSPMP contains encompassing solar protection controls for all development within and adjacent to the Precinct. It does not contain specific solar access controls for 45 McLaren Street. Whilst Council resolved to consider a planning proposal for 45 McLaren Street and that any overshadowing should be minimised, the key aspects of the WSPMP are to prevail. Upon review of the proposed controls, there is insufficient flexibility to allow the redevelopment of sites adjoining the proposed public squares. To enable greater flexibility, it is recommended that the proposed controls be revised, such that solar access is protected at its key times of usage.	Revise the proposed solar access controls such that they: <ul style="list-style-type: none"> Only apply between the March and September Equinoxes; and Apply between 9am and 4pm to the proposed Central Square only. 	1A, 1C
		Traffic Impacts	Council should reconsider the proposed provision (P36 of S.2.1.3 to Part C of the DCP) that specifies	Refer to Section 3.4 of the main report. The provision was intended as a high level objective that relates to the cumulative impacts of the	Delete the provision and incorporate a high level objective into	1E

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			that development within the WSP should not result in a nett increase in traffic generation. The proposed control is not underpinned by detailed traffic modelling and the implications of such a control could undermine the intent of the WSPMP to facilitate development in ta highly accessible location.	Precinct as a whole, based on traffic analysis undertaken in conjunction with the developing of the WSPMP. However, it is conceded that it could also be read that this control applies on a site-by-site basis. It is therefore recommended to delete the proposed provision and incorporate it as a high level outcome within section 2.0 of Part C of the DCP.	section 2.0 of Part C of the DCP.	
21	Barbra and Victor Noden 11 / 45 McLaren Street, NORTH SYDNEY NSW 2060	Amendment of the Ward Street Masterplan	Objects to any amendment of the WSPMP	The proposed DCP amendments do not seek to amend the adopted Masterplan, but to give effect to the adopted Masterplan.	Nil	2F
		Development Potential	Suggests that the proposed controls have removed any chance of selling their property at 45 McLaren Street for redevelopment. Doesn't find it fair that all surrounding sites are being redeveloped or have been, some of which do not conform to NSC's own so called 'aims', but their site been singled out for no additional development potential. The planning proposal before council for this site has been prepared to 'tick all the boxes' and is quite modest in scale in comparison to adjoining development. However, it appears that Council is not supportive of this proposal. Neighbours of adjoining unit blocks are all expecting the redevelopment of 45 McLaren Street and therefore do not think there would be a lot of opposition to a reasonable proposal.	Council acknowledges that there have been various potential outcomes for 45 McLaren Street in relation to the WSPMP, since its commencement. However, these changes have been made in response to addressing community concerns. Despite no uplift being granted to 45 McLaren Street under the WSPMP, Council resolved to consider a planning proposal to amend the planning controls on the subject site subject to remaining consistent with the desired outcomes of the WSPMP. In accordance with this resolution, a planning proposal was subsequently lodged in October 2020 to amend the planning controls as it relates to 45 McLaren Street. On 28 March 2022, Council resolved to support the progression of the Planning Proposal to Gateway Determination, in conjunction with site specific controls to be incorporated into NSDCP 2013. The recommendation to progress the Planning Proposal demonstrates that there is some development potential on the site, whilst still being consistent with the adopted outcomes of the WSPMP. As indicated in Section 3.1 to the main report , to ensure a more wholistic approach is made to the establishment of appropriate development controls relating to 45 McLaren Street, it is recommended that the site-specific provisions relating to 45 McLaren Street be removed and reconsidered in	Remove the site-specific provisions relating to 45 McLaren Street	1E

ATTACHMENT 2: Draft amendment to NSDCP 2013 – Ward Street Precinct – SUBMISSIONS TABLE						
No.	Name & Address	Property / Issue	Key Points Raised	Council Response	Recommended Action	Criteria
				conjunction with the progression of the planning proposal for 45 McLaren Street.		
Submissions received after closure of exhibition period						
22	Ethos Urban 173 Sussex Street SYDNEY NSW 2000	Building Setback to Walker Street	<p>Requests the removal of existing 7m whole of building setback (Provision P8(b) to s.2.1.3 to Part C of the DCP) be removed.</p> <p>Requests removal as the existing DCP control is inconsistent with the envisaged building envelopes identified within the Ward Street Masterplan.</p> <p>The setback is considered to be redundant, as:</p> <ul style="list-style-type: none"> • It does not respond to the built form of 70-76 Berry and 138 Walker Street which are built to the Walker Street boundary • A 7m setback is only implemented north of 138 Walker Street this where the built form transitions to the heritage listed, detached residential dwellings at 144-150 Walker Street. • The provision of usable public space at ground level to Walker Street would not be achieved as the properties along Walker Street include physical constraints (such as fencing or raised planters) which limit the available public space regardless of the building setback. • Walker Street is no longer identified as a key north/south pedestrian accessway, with new and enhanced accessways proposed through the middle of the Precinct and along Miller Street. • The site is located on a prominent street corner which provides the opportunity to provide a 'marker' building that defines both street frontages and marks the south eastern corner of the Ward Street Precinct commercial area. 	<p>Refer to section 3.5 of the main report.</p> <p>A review of the setbacks to the western side of Walker Street between Berry and Ridge Streets indicates that the prevailing minimum setback is in the order of 5m. The location of heritage items at 150-154 Walker Street, largely dictate the positioning of buildings to the north and south.</p> <p>Requiring a 5m setback to Walker Street at 70-76 Berry Street is not considered appropriate as the land transitions into the North Sydney Centre where a stronger active frontage is required.</p>	<p>Revise the provision such that a 5m whole of building setback is provided to the western side of Walker Street north of 70-76 Berry Street.</p>	1A, 1C, 1E
		Through site link	<p>Requests the removal of the retained requirement (Provision P26 to S.2.1.2 to Part C of the DCP) to provide a 6m wide east-west pedestrian link across 3-11 Ward Street to the north western corner of 70-76 Berry Street.</p> <p>Since the construction of the new electricity substation to the west of the site, there is no</p>	<p>The original intent of this control was to provide a link to the existing open space to the rear of 70-76 Berry Street.</p> <p>However, there are clear intentions under the WSPMP that 70-76 Berry Street is to be redeveloped and there is no guarantee that a ground level open space will be provided in this location in the future.</p>	<p>Remove provision P26 to S.2.1.2 to Part C of the DCP</p>	1A

ATTACHMENT 2: Draft amendment to NSDCP 2013 – Ward Street Precinct – SUBMISSIONS TABLE						
No.	Name & Address	Property / Issue	Key Points Raised	Council Response	Recommended Action	Criteria
			longer a clear benefit of providing a through-site link at this location as the pathway is now blocked and no clean line of sight could be provided. Furthermore, the WSPMP does not identify a connection in this location and provides alternative linkages throughout the Precinct.	It is further acknowledged that the new substation constructed across 3-11 Ward Street prevents a future link being provided in the long term. Accordingly, the provision is effectively redundant and should be removed in its entirety.		
		New Public Squares • Solar Access	The draft DCP amendments include a new control under Section 2.1.3 that requires new developments 'to be designed to maintain year round solar access to the new public squares to be created within the Ward Street Precinct'. • It is unclear whether this control is intended to apply to <i>Berry Square North</i> or just <i>Central Square</i> and <i>Green Square</i> in the centre of the Precinct. The control should not apply to Berry Square North as the building envelopes identified within the Ward Street Masterplan for Sites B and G will inherently result in shadowing of this area given their position to the immediate north.	It was intended that the proposed new overshadowing control was to apply to the new proposed squares to be located centrally within the Precinct and not the proposed square off Berry Street. To provide additional clarification, the clause can be reworded to apply to the central squares only.	Amend the solar provision control to clarify that the control does not apply to any public square provided on the northern side of Berry Street.	1A, 1C, 1E
			• It is unclear at what time of day the control applies and how it is measured. For example, does this control prevent any overshadowing of the nominated areas of open space at any time or is it intended that specific areas will receive solar access at key times (such as lunchtime)? This control should be clarified to set clear expectations for future development and any new requirements should be established in consideration of the building envelopes specified under the Ward Street Masterplan. • Accordingly, it is recommended that this control be amended to clarify which public squares it applies to and nominate specific times of the day when solar access is to be maintained	Refer to Section 3.2 in the main report. One of the key issues raised in submissions when developing the WSPMP was to ensure that solar access to the proposed new public squares retains their existing level of solar access to ensure the highest level of amenity is achieved, especially given the existing constraints of the locality in terms of existing and approved built form. Upon review of the proposed controls, there is insufficient flexibility to allow the redevelopment of sites adjoining the proposed public squares. To enable greater flexibility, it is recommended that the proposed controls be revised, such that solar access is protected at it key times of usage.	Revise the proposed solar access controls such that they: • Only apply between the March and September Equinoxes; and • Apply between 9am and 4pm to the proposed Central Square only.	1A, 1C
		Traffic impacts	Council should reconsider the proposed provision (P36 of S.2.1.3 to Part C of the DCP) that specifies that development within the Ward Street Precinct	Refer to Section 3.4 of the main report. The provision was intended as a high level objective that relates to the cumulative impacts of the Precinct as a whole. However, it is conceded that it	Delete the provision and incorporate a high level objective into	1E

ATTACHMENT 2: Draft amendment to NSDCP 2013 – Ward Street Precinct – SUBMISSIONS TABLE						
No.	Name & Address	Property / Issue	Key Points Raised	Council Response	Recommended Action	Criteria
			<p>should not result in a nett increase in traffic generation.</p> <p>Whilst supportive of the objective of reducing traffic generation in proximity of the new Metro station, the practicability of this control is questionable. Despite traffic mitigation measures, including reduced parking rates, there will always be some degree of traffic generation associated with development in the precinct due to the significant uplift in GFA afforded by the masterplan.</p> <p>Consideration could be given to include a merit-based assessment of parking rates for development within the Precinct.</p>	<p>could also be read that this control applies on a site-by-site basis.</p> <p>It is therefore recommended to delete the proposed provision and incorporate it as a high level outcome within section 2.0 of Part C of the DCP.</p>	<p>section 2.0 of Part C of the DCP.</p>	
		Berry Street Crossing	<p>Generally supports the inclusion of a new control (P21 to s.2.1.2 to Part C of the DCP) to consider providing a direct pedestrian connection between the new public open space within the Ward Street Precinct and Victoria Cross Station.</p> <p>However, delivery of such a pedestrian connection will impact on the viability of the WSPMP. More details should be identified within the DCP, including the location and type of pedestrian connection desired, such as traffic calming initiatives for Berry Street, raised pedestrian crossing directly linking Berry Square with the proposed Berry Square North.</p>	<p>The original intent of this provision was to, if possible, provide this link underground (i.e. vertically), rather than at grade (i.e. horizontally). Accordingly, the provision as proposed is not necessarily clear in its application. However, the use of the phrase “direct connection” implies that there would be no need to traverse any roads to get to the Metro Station.</p> <p>The provision can be reworded to clarify that the potential link is to be made underground or vertically.</p>	<p>Revise P21 to s.2.1.2 to Part C of the DCP, such that the reference to the pedestrian link is located underground/vertically</p>	1E
		Above podium setbacks & separation controls	<p>Council proposes to introduce a number of new tower setback and separation controls within the DCP to provide further clarification and guidance on the design of tall buildings in the North Sydney CBD.</p> <p>Concern is raised with these controls as they are inconsistent with the building envelopes nominated within the Ward Street Masterplan.</p> <p>It is disappointing that more onerous controls are now proposed which would hinder the ability to achieve the desired premium-grade commercial floorplate size and implement the shared vision for the site.</p>	<p>The proposal does not seek to amend the above podium setbacks, nor tower separation controls. These issues are specifically being addressed as part of a separate draft amendment to the DCP. This aspect of the submission will be addressed as part of that draft DCP amendment.</p>	Nil	2A, 2B

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



SECTION 2 NORTH SYDNEY PLANNING AREA

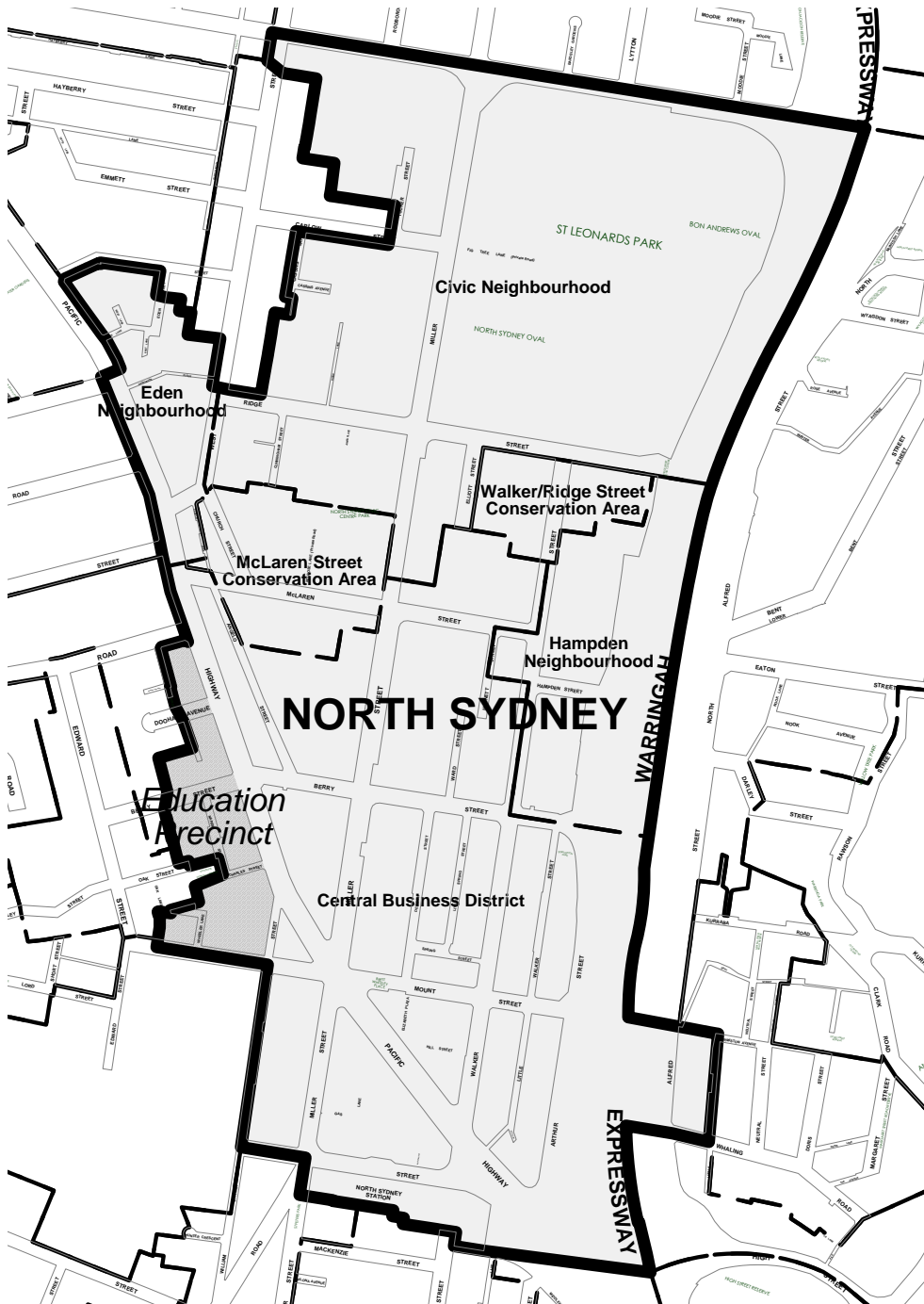
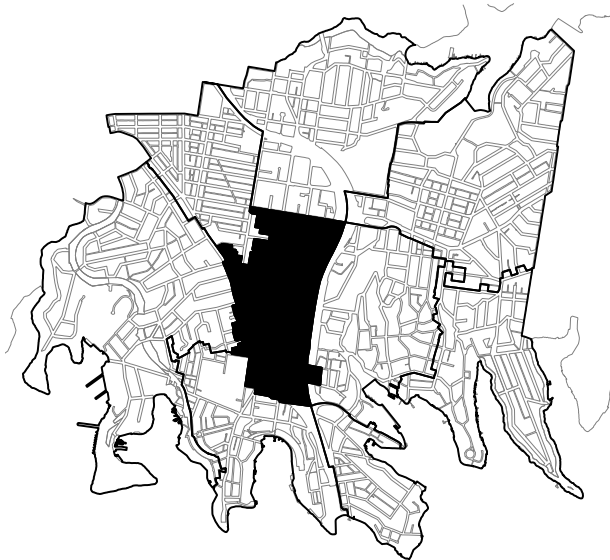


Figure C-2.1: North Sydney Planning Area and associated Locality Areas

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 and the Ward Street Precinct is located within the northern portion of the Planning Area.

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
- the creation of a new vibrant public meeting place within the Ward Street Precinct for workers, residents and visitors which has high levels of amenity and activated in the daytime, evenings and weekends
- 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

North Sydney Development Control Plan 2013 – DRAFT AMENDMENT FOR ADOPTION**Area Character Statements - North Sydney Planning Area**

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
- 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
- Creation of a new pedestrian focal point centrally within the Ward Street Precinct, through the provision of new public squares which integrate with the existing and enhanced fine-grain a highly permeable pedestrian networks and is activated by commercial and community frontages
- 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

Part**C****Page****C2-3**



North Sydney Development Control Plan 2013 – DRAFT AMENDMENT FOR ADOPTION

Area Character Statements - North Sydney Planning Area

- The significance of heritage items is retained, and promotes the rich development history and provides interest in the physical fabric of the area
- Heritage items are protected, and significant streetscape elements are conserved in the Walker and McLaren Street Conservation Areas
- Predominant early 20th Century character of the McLaren Street Conservation Area is maintained and protected
- Victorian and Federation character of streets in the Walker Street Conservation Area is maintained and protected
- Pedestrian connections provide alternate east/west and north/south 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
- The cumulative desired future built form outcome within the Ward Street Precinct does not result in a nett increase in traffic generation for the Precinct
- 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
- A new public square/s be provided centrally within the Ward Street Precinct which is integrated with existing and enhanced fine-grain a highly permeable pedestrian networks
- Streetscape improvements occur in accordance with the *North Sydney Centre Public Domain Strategy* and *Education Precinct Public Domain Masterplan*

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C2-4	Page
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North Sydney Development Control Plan 2013 – DRAFT AMENDMENT FOR ADOPTION



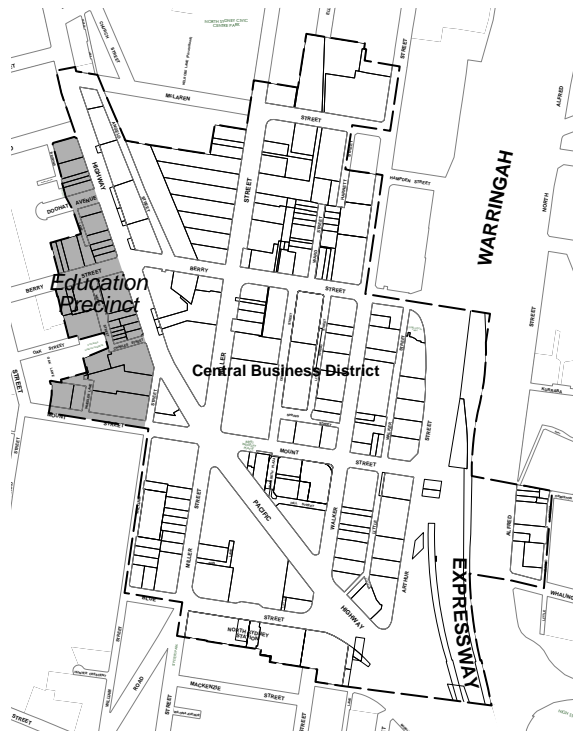
Area Character Statements - North Sydney Planning Area

In addition to the above character statement for the Planning Area, the relevant character statement for the following Locality Areas also requires consideration:

- Section 2.1: Central Business District
- Section 2.2: Civic Neighbourhood
- Section 2.3: Eden Neighbourhood
- Section 2.4: Hampden Neighbourhood
- Section 2.5: McLaren Street Conservation Area
- Section 2.6: Walker Street Conservation Area



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.

C	Part
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C2-6	Page
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North Sydney Development Control Plan 2013 – DRAFT AMENDMENT FOR ADOPTION**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.
- P6P7 Creation of a substantial new public space within the middle of the street block bound by McLaren, Walker, Berry and Miller Streets, activated by surrounding buildings and new community facilities consistent with the Ward Street Precinct Masterplan. This space is to be designed to be highly adaptable for events and prominent activities and form a spill over space for other community events associated with community facilities to be located in adjacent buildings.
- P8 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

Part**C****Page****C2-7**



North Sydney Development Control Plan 2013 – **DRAFT AMENDMENT FOR ADOPTION**

Area Character Statements - North Sydney Planning Area

Mount Street. This expanded plaza will provide dedicated space for outdoor dining, large and small events, and other activities.

~~P7~~P9 Consideration be given to expanding Berrys Square to the northern side of Berry Street.

~~P8~~P10 The Central Laneways Precinct will become a major focal point of pedestrian activity and amenity.

~~P9~~P11 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.

~~P10~~P12 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~~P13 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~~P14 Provide roof top gardens and/or public facilities that allow the public and/or residents to access district views.

~~P14~~P15 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~~P16 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~~P17 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.

P18 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.

~~P17~~P19 Community facilities that are of a type that support the creation of a cultural destination which is activated in the daytime, evenings and weekends are to be incorporated into the lower levels of the redevelopment of 56-66 Berry Street and the Ward Street Carpark site and these facilities are to front onto a new public square/s consistent with the Ward Street Precinct Masterplan.

Accessibility and permeability

~~P20~~ 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.

~~P18~~P21 Consideration be given to providing a direct vertical pedestrian connection between the new public open space located centrally within the Ward Street Precinct and the Victoria Cross Metro Station concourse.

~~P19~~P22 Barriers to pedestrian movement, particularly within the Ward Street Precinct, Miller Street, Berry Street and the Pacific Highway, will be reimagined such that their function and treatment favour pedestrian movement and amenity.

~~P20~~P23 New development focuses on the use of public transport, cycling and walking.

~~P21~~P24 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~~P25 Loading and delivery facilities should be located away from the street and where possible be located underground.

North Sydney Development Control Plan 2013 – DRAFT AMENDMENT FOR ADOPTION**Area Character Statements - North Sydney Planning Area**

~~P23~~P26 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 52 and 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 of at least 3m in width is provided from Miller Street to the future public open space off Ward Street along the northern boundary of 201 Miller Street.
- ~~(d)~~ An east-west pedestrian link of at least 6m in width is provided from Miller Street to the future public open space off Ward Street along the southern boundary of 213-219 Miller Street.
- ~~(e)~~(e) An east - west pedestrian link from Miller Street to Ward Street across 221 Miller Street.
- ~~(d)~~(f) A north - south pedestrian link from Charles Street to Wheeler Lane across 100 Pacific Highway and 16 Mount Street.
- ~~(e)~~(g) 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)~~(h) An east - west pedestrian link from Walker Street to Little Walker Street across 81-83 Walker Street.
- ~~(h)~~(i) 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~~P27 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~~P28 Consideration should be given to the demolition of the single storey structure at the northern end of 105 Miller Street (MLC Building) to improve accessibility and permeability to Miller Street and the Victoria Cross metro station.

2.1.3 Desired Built Form

Subdivision

P1 Development sites should be of a size which enables the creation of large high quality floor plates which helps to reinforce the Centre's role as a Global City as identified within the Metropolitan Strategy.



North Sydney Development Control Plan 2013 – **DRAFT AMENDMENT FOR ADOPTION**

Area Character Statements - North Sydney Planning Area

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

P2P3 Site amalgamation should occur generally in accordance with that identified within the Ward Street Precinct Masterplan to maximise the delivery of the desired outcomes of the Masterplan.

Form, massing and scale

P3P4 Buildings should be carefully designed to minimise the impact of their height and bulk on surrounding residential areas.

P4P5 Roof design contributes to building's appearance from a regional view catchment.

P6 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.

P7 Development is to be designed to ~~maintain~~ maximise year round solar access to the new public squares to be created centrally within the Ward Street Precinct.

P5P8 Development must not result in a nett increase in overshadowing to the main southern ~~proposed square to be created centrally within the Ward Street Precinct between 9am and 4pm from the March equinox to the September equinox (inclusive).~~

Setbacks

P6P9 Zero setback to all street frontages at the ground floor level and adjacent to heritage items, with the following exceptions:

- (a) In accordance with cl.6.4 of the LEP for all properties on the eastern side of Miller Street, north of the Pacific Highway.
- (b) 7m-5m from the western side of Walker Street, north of 76 Berry Street.
- (c) 5.4m from the southern side of Berry Street, between Pacific Highway and Miller Street.
- (d) 14.5m from the western side of Miller Street, at No.60 Miller Street.
- (e) 15m from the southern side of Mount Street, at No.60 Miller Street.
- (f) Maintaining the setback of existing buildings to all properties comprising Monte St Angelo Convent and Girls School.
- (g) Maintaining the setback of existing buildings to all properties on the northern side of McLaren Street.
- (h) 1.5m whole of building setback from the eastern side of Napier Street, at No. 1-9 Napier Street and No.120 Pacific Highway.

P7P10 Buildings must be setback to conserve views to, and the setbacks and settings of, heritage items at 86 and 146-144 - 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.

P8P11 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

P9P12 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.

North Sydney Development Control Plan 2013 – DRAFT AMENDMENT FOR ADOPTION**Area Character Statements - North Sydney Planning Area**

(c) A podium of between 2 and 3 storeys to Wheeler Lane and Angelo, Charles, Denison, Harnett, Napier, Little Spring and Little Walker Spring, Ward Streets, with a weighted setback of 4m above the podium.

(e)(d) A podium of between 3 and 5 storeys above the finished level of the new public squares to be created centrally within the Ward Street Precinct, where buildings front onto those squares, with setbacks above the podium that result in the minimising of potential wind impacts and maintaining a human scale to the squares.

P10P13 Podium heights should match or provide a transition in height between immediately adjacent buildings.

P11P14 Podium heights should match the height of adjacent heritage items.

P12P15 Podium height may be reduced to that part of the building devoted to commercial use in mixed-use buildings.

P13P16 If there is no commercial component, and therefore no podium, adequate side separation should be provided for residential amenity.

Building design

P14P17 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.

P15P18 Provide a visually rich intimate pedestrian environment with active street frontages at ground level.

P16P19 The natural rock outcrop at 136 Walker Street should be incorporated into the design of any redevelopment proposal for the site.

Awnings

P17P20 Continuous awnings must be provided to all commercial buildings, except on the eastern side of Miller Street between the Pacific Highway and McLaren Street.

P18P21 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

P19P22 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.

P20P23 The Greenwood historic school building and large Moreton Bay Figs are retained and incorporated as the southern pedestrian gateway to the North Sydney CBD.

P21P24 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.

P22P25 Improve amenity and safety by installing lighting, public art and/or landscape along the eastern facade of 12-14 Mount Street.

P23P26 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.

P24P27 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

P28 Have regard to Public Domain designed in accordance with the *North Sydney Centre Public Domain Strategy* and *North Sydney Council Infrastructure Manual*.



North Sydney Development Control Plan 2013 – **DRAFT AMENDMENT FOR ADOPTION**

Area Character Statements - North Sydney Planning Area

P29 A new multi-purpose public square with a minimum dimension of 52m by 40m is to be created in the centre of the Ward Street Precinct and integrated with a secondary public square of minimum dimension 35m by 33m consistent with the Ward Street Precinct Masterplan. The squares are to be designed to maximise the flexibility of uses.

P30 Consideration be given to activating the secondary northern square within the Ward Street Precinct with a café, public facilities or other active and community uses.

P25P31 Consideration be given to expanding Berry Square across to the northern side of Berry Street.

Landscaping

P26P32 Continued use of tree planting and use of native vegetation to enhance the urban environment and attract birdlife.

P27P33 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

P28P34 Short stay parking spaces should be located within or as close as possible to meeting places.

P29P35 Reduce the amount of long stay commuter parking on site.

P36 Reduce the amount of non-residential parking on site.

P30P37 ~~Development within the Ward Street Precinct does not result in a nett increase in traffic generation for the Precinct.~~

Vehicle Servicing

P38 Consideration to be given to providing all vehicular access to 213-219 Miller Street, 56-66 Berry Street and the Ward Street Carpark site from Harnett Lane and underneath the proposed new public squares, to maximise pedestrian amenity within the Ward Street Precinct.

P31P39 Vehicular access to 76 Berry Street be provided from Walker Street.

C Part

C2-12 Page



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.



North Sydney Development Control Plan 2013 – **DRAFT AMENDMENT FOR ADOPTION**

Area Character Statements - North Sydney Planning Area

P15 Buildings are aligned to the street.

P16 Awnings generally provided for shops, cafes and other commercial uses on Miller Street.

P17 A variety of street trees and shrubs.

Public transport

P18 Development is to take advantage of high accessibility to high frequency public bus services along Miller and Falcon Streets.

P19 Public transport, cycling and walking are the main forms of public transport.

P20 Traffic calming measures along Miller Street, Falcon Street, and Ridge Street.

2.2.2 Desired Future Character

Diversity of activities, facilities, opportunities and services

P1 A variety of specialty uses including education, public services, community facilities and recreational parks.

P2 Active street frontages from such activities as cafes and shops at ground level on both Miller and Ridge Streets.

P3 Limited residential development in the form of dwelling houses, semi detached dwellings, multi dwelling housing and residential flat buildings according to zone.

P4 Open space used by local residents, students and the wider regional population for social and recreational purposes.

Accessibility and permeability

P5 Pedestrian connections are to be provided to Stanton Library from Ridge and Miller Streets.

P6 Pedestrian connections through Civic Park and St Leonards Park.

P7 Pedestrian routes are as direct as possible with direct through views from adjacent streets or public domain.

Public spaces and facilities

P8 Cohesiveness throughout the area is achieved through landscaping and tree planting.

P9 Safe pedestrian links with improved lighting and passive surveillance.

Junction and termination of streets

P10 Junction at Miller and Falcon Streets provides a gateway to North Sydney Centre.

2.2.3 Desired Built Form

Form, scale and massing

P1 Generally 1-3 storeys in height with a strong relationship with adjacent building heights.

P2 ~~Development is to be designed to maintain~~ maximise solar access year round to the new public squares to be created within the Ward Street Precinct.

P1P3 ~~Development must not result in a nett increase in overshadowing to the main southern proposed square to be created within the Ward Street Precinct between 9am and 4pm from the March equinox to the September equinox (inclusive).~~

Setbacks

P2P4 Minimum front setback of 3m for residential zoned land with landscaping, including trees and shrubs provided at street frontage.

C **Part**

C2-14 **Page**

North Sydney Development Control Plan 2013 – DRAFT AMENDMENT FOR ADOPTION



Area Character Statements - North Sydney Planning Area

Fences

P3P5 Front fences no higher than 800mm.

Gardens

P4P6 Substantial planting including trees in front gardens to complement street trees.

Car accommodation

P5P7 Short stay metered car parking for visitors on-street.

P6P8 Retention and enhancement of off-street public car parking at the Ridge Street car park.

Streetscape

P7P9 Avenue of trees to line roads provides attractive streetscape and provides borders to the road.

P8P10 Encourage open street frontages with low fences or no fences, landscaping to complement street planting.

Part

C

Page

C2-15



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.

C **Part**

C2-16 **Page**

North Sydney Development Control Plan 2013 – DRAFT AMENDMENT FOR ADOPTION**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.

Part**C****Page****C2-17**


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.

C
Part
C2-18
Page



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.



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.~~

~~P2/P3 Consideration be given to the rezoning of 45 McLaren Street to B4 Mixed Use, to align with the zoning in the remainder of the street block.~~

Accessibility and permeability

~~P4 Pedestrian walk along the western side of Warringah Expressway accessed from Hampden Street.~~

~~P3/P5 An east-west pedestrian link from Harnett Street to Walker Street across 45 McLaren Street, to enhance the existing east-west pedestrian link from Harnett Street to Walker Street across 144-150 Walker 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.~~

~~P4 Development is to be designed to maintain-maximise solar access year round to the new public squares to be created within the Ward Street Precinct.~~

~~P5 Development must not result in a net increase in overshadowing to the main southern proposed square to be created within the Ward Street Precinct between 9am and 4pm from the March equinox to the September equinox (inclusive)~~

~~P6 Council may consider a Planning Proposal to increase maximum building heights on sites within the Locality Area, but only where the proposal is:~~

~~(a) generally consistent with the desired built form under an endorsed Planning Study; and~~

~~(b) the future building envelope maintains solar access year round to the proposed new public squares to be created within the Ward Street Precinct.~~

~~P7 If 45 McLaren Street is to be redeveloped subject to a planning proposal for a mixed use development:~~

~~(a) a zero metre setback to Harnett Street and McLaren Streets~~

~~(b) a 1-3 storey podium height to McLaren Street with a minimum 3m weighted setback above the podium.~~

~~(c) the podium height to Walker Street must positively relate to the height and scale of the heritage dwellings at 144-150 Walker Street.~~

C Part

C2-20 Page

North Sydney Development Control Plan 2013 – **DRAFT AMENDMENT FOR ADOPTION****Area Character Statements - North Sydney Planning Area**

~~(d) A minimum 1.5m setback is to be provided to its southern boundary to enable the provisions of a widened through site link between Harnett Street and Walker Street~~

~~(a)(c) The building's Harnett Street and McLaren Street frontages are activated with non-residential uses.~~

Setbacks

~~P8~~ P8 Maintain existing setbacks from property boundary along the eastern side of Walker Street and the northern side of Berry Street.

~~P3~~ ~~P9~~ A 7m landscaped setback is to be provided along the western side of Walker Street.

Fences

~~P4~~ P10 Low fences (max 800mm)

~~P5~~ P11 Small picket fences above sandstone bases

Car parking

~~P6~~ P12 Located off-street and below ground for all residential flat buildings and multi dwelling housing.

~~P7~~ P13 Located on-street parking for all heritage listed attached dwellings.

~~P8~~ P14 Short term on-street meter parking.

~~P9~~ P15 Existing sandstone retaining walls on street frontages must not be breached to accommodate garages or car parking spaces.

Streetscape

~~P10~~ P16 Heritage features such as Walker Street and Hampden Street sandstone walls.

~~P11~~ P17 Substantial gardens within front setback area.

~~P12~~ P18 Steps and pathways along Walker and Hampden Streets are maintained.

~~P13~~ P19 Landscaping in front gardens/private open space.

~~P14~~ P20 Tree lined streets and mature vegetation on median enhances area.

Noise

~~P15~~ P21 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).

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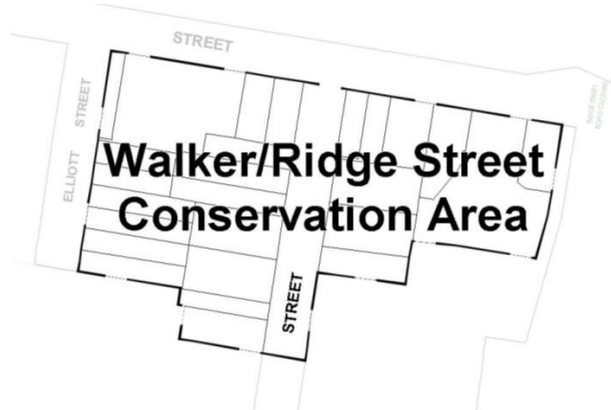
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Page

C2-21



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 19th century, mostly for private homes. The area was once comprised part of "the Macquarie Street of the north" due to the number of doctors surgeries and cottage hospitals. A portion of the area is now occupied by Wenona School.

The main building period is 1880-1900.

2.5.2 Description

The Walker/Ridge Streets Conservation Area includes the eastern end of Ridge Street and the sloping, northern portion of Walker Street. It is bounded St Leonards Park to the north, Elliot Street to the west and the Warringah Expressway to the east.

The landform falls to the south. Subdivision is determined by the grid pattern of the streets and lot sizes are irregular and many are developed for attached housing.

The area is characterised by intact groups of single and two storey detached and attached dwelling houses in a mix of Victorian Italianate and Federation styles with St. Helens being a remnant of the Victorian Georgian. The main buildings at the northern end of Walker Street are substantial residences in the Federation Arts and Crafts and Queen Anne styles. There is some modern residential infill and educational buildings associated with Wenona.

Street verges are 3.5 metres wide with concrete footpaths and lined with regularly spaced street trees.

The vista towards the War Memorial in St Leonards Park up Walker Street is a significant feature of the Conservation Area and there are views from the eastern edge to Sydney Harbour. Original fencing and retaining walls are important unifying elements in the streetscape.

Mature landscaping is a unifying and significant feature of the Conservation Area and the gardens to Walker Street contribute to this. There are street trees to Walker Street.

Uncharacteristic elements include contemporary multi-storey buildings; over-scaled, two storey additions; over-scaled and poorly detailed carports and garages; front and side

North Sydney Development Control Plan 2013 – DRAFT AMENDMENT FOR ADOPTION



Area Character Statements - North Sydney Planning Area

dormers and rooflights; removal of original detailing; verandah infill; rendered and painted face brickwork; modernised facades; high walls and fences to the street.

2.5.3 Statement of Significance

The Walker/Ridge Streets Conservation Area is significant:

- (a) For its late 19th and early 20th century character defined by the number of intact heritage items in the area.

	<p>Figure C-2.1 (left): Circa 1890</p>
	<p>Figure C-2.2 (below left): Circa 1943</p>
	<p>Figure C-2.3 (below): Circa 2008</p>

2.5.4 Significant elements

Topography

P1 Steeply sloping to the south along Walker Street from Ridge Street.

Subdivision

P2 Lot sizes – 700m² to 1250m².

P3 Rectilinear with narrow boundary to street.

Streetscape

P4 Continuity of fences and landscaping.

Views

P5 Warringah Expressway Lookout at the end of Ridge Street. Towards St Leonards Park War Memorial along Walker Street.



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.

C	Part
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C2-24	Page
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North Sydney Development Control Plan 2013 – DRAFT AMENDMENT FOR ADOPTION**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.



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 Blackett.

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.

C **Part**

C2-26 **Page**



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

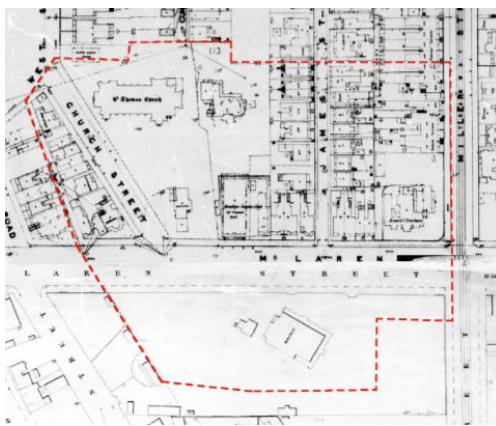


Figure C-2.4 (left):
Circa 1890



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

**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.

C	Part
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C2-28	Page
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North Sydney Development Control Plan 2013 – DRAFT AMENDMENT FOR ADOPTION



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.



North Sydney Development Control Plan 2013 – **DRAFT AMENDMENT FOR ADOPTION**

Area Character Statements - North Sydney Planning Area

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C	Part
C2-30	Page