
41 McLaren Street, North Sydney

Planning Proposal – Assessment Compliance Tables

For: Erolcene Pty Ltd and Claijade Pty Ltd

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This report is considered a draft unless signed by a Quality Assurance Manager or director



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1.0 North Sydney Local Environmental Plan 2013

The North Sydney Local Environmental Plan 2013 (NSLEP 2013) is the primary environmental planning instrument applicable to development within the North Sydney LGA.

An assessment of compliance with the relevant provisions of the NSLEP 2013 is detailed in **Table 1** below.

Table 1 Assessment of Compliance against the NSLEP 2013

Control	Compliance	Comment
Clause 1.2 Aims of Plan		
(1) This Plan aims to make local environmental planning provision for land in North Sydney in accordance with the relevant standard environmental planning instrument under section 33a of the Act.	✓	The proposed development is consistent with the relevant aims of the NSLEP 2013 as it:
(2) The particular aims of the Plan are as follows:		<ul style="list-style-type: none"> Provides an increase in housing options in the North Sydney Centre; Results in a built form which is consistent in bulk and scale with the envisaged scale of surrounding development under the Ward Street Precinct Masterplan and with the scale of development appropriate for a site in close proximity to the planned Victoria Cross Metro Station (it is noted that Architectus have provided a comprehensive submission to the Ward Street Precinct Masterplan highlighting the need for additional capacity to be provided within the Ward Street Precinct, given its proximity to the metro); Is of the highest environmental quality; and The proposed building exhibits exceptional architectural quality which will create an iconic, landmark tower at the site.
(a) to promote development that is appropriate to its context and enhances the amenity of the North Sydney community and environment		
(b) in relation to the character of North Sydney's neighbourhoods:		
(i) to ensure that new development is compatible with the desired future character of an area in terms of bulk, scale and appearance, and		
(ii) to maintain a diversity of activities while protecting residential accommodation and local amenity, and		
(iii) to ensure that new development on foreshore land does not adversely affect the visual qualities of that foreshore land when viewed from Sydney Harbour and its tributaries,		
(c) in relation to residential development:		
(i) to ensure that new development does not adversely affect residential amenity in terms of visual and acoustic privacy, solar access and view sharing, and		
(ii) to maintain and provide for an increase in dwelling stock, where appropriate,		
(d) in relation to non-residential development:		
(i) to maintain a diversity of employment, services, cultural and recreational activities, and		
(ii) to ensure that non-residential development does not adversely affect the amenity of residential properties and public places, in terms of visual and acoustic privacy, solar access and view sharing, and		
(iii) to maintain waterfront activities and ensure that those activities do not adversely affect local amenity and environmental quality,		
(e) in relation to environmental quality:		

Control	Compliance	Comment
<p>(i) to maintain and protect natural landscapes, topographic features and existing ground levels, and</p> <p>(ii) to minimise stormwater run-off and its adverse effects and improve the quality of local waterways,</p> <p>(f) to identify and protect the natural, archaeological and built heritage of North Sydney and ensure that development does not adversely affect its significance,</p> <p>(g) to provide for the growth of a permanent resident population and encourage the provision of a full range of housing, including affordable housing.</p>		
Zone B4 Mixed Use		
<p>(1) The objectives of this zone are:</p> <ul style="list-style-type: none"> To provide a mixture of compatible land uses To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling. To create interesting and vibrant mixed use centres with safe, high quality urban environments with residential amenity. To maintain existing commercial space and allow for residential development in mixed use buildings, with non-residential uses concentrated on the lower levels and residential uses predominantly on the higher levels. 	✓	<p>The proposed development is consistent with the objectives of the B4 – Mixed Use Zone, as it provides a mix of commercial and residential uses in a highly accessible location, being approximately 60 metres from the future Victoria Cross Metro Station entrance and approximately 600 metres from the existing North Sydney railway station.</p> <p>The proposal will maintain the commercial uses within the existing building, with residential uses above.</p>
Permitted with consent		
<p>Amusement centres; Backpackers' accommodation; Boarding houses; Car parks; Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hostels; Hotel or motel accommodation; Information and education facilities; Medical centres; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Registered clubs; Residential flat buildings; Respite day care centres; Restricted premises; Roads; Seniors housing; Serviced apartments; Sex services premises; Shop top housing; Signage; Vehicle repair stations; Veterinary hospitals</p>	✓	<p>The proposed mixed-use development will comprise commercial premises and a residential flat building.</p> <p>Each of these uses is permitted with consent in the B4 – Mixed Use zone.</p>
Clause 4.3 Height of buildings		
<p>The maximum building height for the subject site is 100 RL m.</p>	See comment	<p>The proposed maximum height of the building is RL 225.8. This Planning Proposal seeking to amend the maximum building height applicable to the site.</p>
Clause 4.4 Floor space ratio		
<p>There is no maximum floor space ratio for the subject site.</p>	See comment	<p>The proposal is subject to Clause 4.4A, below.</p>
Clause 4.4A Non-residential floor space ratios		
<p>The minimum floor space ratio for the subject site is 0.5:1.</p> <p>No part of the ground floor of a building facing a street in the B4 zone is to be used for residential accommodation.</p>	✓	<p>The proposed non-residential FSR is approximately 3.32:1.</p> <p>There are no residential uses proposed at the ground floor of the development and the proposal therefore complies with this clause.</p>
Clause 5.9 Preservation of trees or vegetation		
<p>(1) The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.</p>	✓	<p>The proposal does not require the removal of any trees.</p>

Control	Compliance	Comment
This clause prevents a person to unlawfully ringbark, cut down, top, lop, remove, injure, or wilfully destroy any tree or other vegetation.		
Clause 5.10 Heritage conservation		
(1) Objectives The objectives of this clause are as follows:	✓	The site of the proposed development contains a heritage item I0889 pursuant to Cl.5.10 of the to the NSLEP 2013 and is within proximity to a number of nearby heritage items facing the south-east corner of the site across Harnett Street (including items I0987, I0986, I0985 and I0984). Please refer to a discussion of heritage matters in the Planning Proposal report, as well as the accompanying Heritage Assessment prepared by GML Heritage at Attachment K which has informed the design of the proposed development.
(a) to conserve the environmental heritage of North Sydney,		
(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,		
(2) Requirement for consent Development consent is required for any of the following:		
(a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):		
(i) a heritage item,		
(b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,		
(e) erecting a building on land:		
(i) on which a heritage item is located or that is within a heritage conservation area, or		
(5) The consent authority may, before granting consent to any development:		
(a) On land on which a heritage item is located, or		
(b) On land that is within a heritage conservation area, or		
(c) on land that is within the vicinity of land referred to in paragraph (a) or (b),		
Require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.		
Division 1 North Sydney Centre		
Clause 6.1 Objectives of Division		
The objectives of this Division are as follows:	✓	The site is located within the North Sydney Centre. The design of the proposed development has considered, and is consistent with, the objectives of Clause 6.1 relating to development in the North Sydney Centre. The proposed residential tower has been designed having regard to potential impacts on privacy to surrounding residents and has been appropriately setback from the site boundaries and aligned to preserve views and outlook. In relation to protection of amenity to open space areas and special areas, a key principle in guiding the design of the development has been to promote solar access to proposed public open space to the south of the site within the Ward Street Precinct and also to avoid any additional overshadowing of Berry Square between 12pm and 2pm, being identified as a "Special Area" under the NSLEP 2013. It is recognised that some additional overshadowing of R4 – High Density Residential zoned land east of Walker Street is unavoidable and indeed, is envisaged
(a) to maintain the status of the North Sydney Centre as a major commercial centre,		
(c) to permit an additional 250,000 square metres of non-residential gross floor area in addition to the estimated existing (as at 28 February 2003) 700,000 square metres of non-residential gross floor area,		
(e) to encourage the provision of high-grade commercial space with a floor plate, where appropriate, of at least 1,000 square metres,		
(f) to protect the privacy of residents, and the amenity of residential and open space areas, within and around the North Sydney Centre,		
(g) to prevent any net increase in overshadowing of any land in Zone RE1 Public Recreation (other than Mount Street Plaza) or any land identified as "Special Area" on the North Sydney Centre Map,		
(h) to prevent any increase in overshadowing that		

Control	Compliance	Comment
<p>would adversely impact on any land within a residential zone,</p> <p>(i) to maintain areas of open space on private land and promote the preservation of existing setbacks and landscaped areas, and to protect the amenity of those areas.</p>		<p>by the Council's own North Sydney Centre Planning Proposal and the draft Ward Street Master Plan. Accordingly, to enable growth within the North Sydney Centre, it is reasonable to apply the overshadowing and solar access principles detailed in SEPP 65 and the ADG. A detailed solar analysis has been undertaken by Harry Seidler & Associates and is held at Attachment B.</p>

Clause 6.3 Building heights and massing

<p>(1) The objectives of this clause are as follows:</p> <p>(a) to achieve a transition of building heights generally from 100 Miller Street and 79–81 Berry Street to the boundaries of the North Sydney Centre,</p> <p>(b) to promote a height and massing that has no adverse impact on land in Zone RE1 Public Recreation or land identified as "Special Area" on the North Sydney Centre Map</p> <p>(c) to minimise overshadowing of, and loss of solar access to, land in Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone R4 High Density Residential, Zone RE1 Public Recreation or land identified as "Special Area" on the North Sydney Centre Map,</p> <p>(d) to promote scale and massing that provides for pedestrian comfort in relation to protection from the weather, solar access, human scale and visual dominance,</p> <p>(e) to encourage the consolidation of sites for the provision of high grade commercial space.</p> <p>(3) Development consent for development on land to which this Division applies may be granted for development that would exceed the maximum height of buildings shown for the land on the Height of Buildings Map if the consent authority is satisfied that any increase in overshadowing between 9 am and 3 pm is not likely to reduce the amenity of any dwelling located on land to which this Division does not apply.</p> <p>(5) In determining whether to grant development consent for development on land to which this Division applies, the consent authority must consider the following:</p> <p>(a) the likely impact of the proposed development on the scale, form and massing of the locality, the natural environment and neighbouring development and, in particular, the lower scale development adjoining North Sydney Centre,</p> <p>(b) whether the proposed development preserves significant view lines and vistas,</p> <p>(c) whether the proposed development enhances the streetscape in relation to scale, materials and external treatments.</p>	<p>See comment</p>	<p>The building will not result in any additional overshadowing of land zoned RE1 or any land identified as a "Special Area" on the North Sydney Centre Map between 12pm and 2pm. Further, the building has been designed to avoid any additional overshadowing of Berry Square between these times through the reduction in size of the western wing of the building above level 21.</p> <p>The proposed development will result in some minor additional overshadowing of land zoned R4 to the east of Walker Street, however will not result in any overshadowing of land east of the Warringah Freeway. Accordingly, in consideration of the impact to this land zoned R4 – High Density Residential, it is reasonable to consider the principles of overshadowing and solar access within SEPP 65 (and the associated ADG), which requires at Section 4A the provision of 2 hours of direct sunlight between 9am and 3pm to 70% of dwellings. Please refer to a detailed analysis of solar impacts prepared by Harry Seidler & Associates and held at Attachment B.</p>
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Clause 6.5 Railway infrastructure – transitional arrangements

<p>(1) The objective of this clause is to require satisfactory arrangements to be made for the provision of railway infrastructure to satisfy needs that arise from development in North Sydney Centre.</p> <p>(2) Development consent must not be granted for development on land to which this Division applies if the total non-residential gross floor area of buildings on the land after the development is carried out would exceed the total non-residential gross floor area of buildings lawfully existing on the land immediately before the development is carried out, unless:</p>	<p>✓</p>	<p>The proposed development will not result in any increase in non-residential GFA, noting that the cap provided in Cl.6.5(2) which is identified for removal in the North Sydney Centre Planning Proposal. This Planning Proposal has received Gateway Approval and is currently with Council for implementation.</p> <p>Additionally, it is noted that the site is within close proximity to the proposed Victoria Cross Metro Station, being located approximately 50m from the proposed entrance at the corner of McLaren Street and Miller Street, which will significantly increase public transport</p>
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Control	Compliance	Comment
<p>(a) the Director-General has certified, in writing to the consent authority, that satisfactory arrangements have been made for railway infrastructure that will provide for the increased demand for railway infrastructure generated by the development, and</p> <p>(b) the consent authority is satisfied that the increase in non-residential gross floor area authorised under the development consent concerned when added to the increases (reduced by any decreases) in non-residential gross floor area authorised under all consents granted since 28 February 2003 in relation to land in the North Sydney Centre would not exceed 250,000 square metres.</p>		capacity within the North Sydney Centre.
Clause 6.12A Residential flat buildings in Zone B4 Mixed Use		
<p>(1) The objective of this clause is to ensure that development for residential flat buildings on land in Zone B4 Mixed Use forms part of mixed use developments and does not impact on the activation of street frontages.</p> <p>(2) This clause applies to land in Zone B4 Mixed Use.</p> <p>(3) Development consent must not be granted for development for the purpose of a residential flat building on land to which this clause applies unless the consent authority is satisfied that:</p> <p>(a) the residential flat building is part of a mixed-use development, and</p> <p>(b) no part of the ground floor of the building that is facing a street is used for residential accommodation.</p>	✓	The proposed development provides for a range of active uses at the ground level and therefore complies with this clause. No part of the ground floor will be used for residential accommodation.

2.0 State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development

The proposed development is considered to be consistent with the nine design principles of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65) and the accompanying objectives of the Apartment Design Guide (ADG).

An assessment of the proposal against the key objectives of the ADG is provided in **Table 2** below.

Table 2 Assessment of Compliance against the ADG

Control	Compliance	Comment
3D Communal and public open space		
Design Criteria		
<ul style="list-style-type: none"> Communal open space has a minimum area equal to 25% of the site. Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (midwinter) 	✓	<p>The site has a total area of 2,359m² and therefore requires 589.75m² of communal open space at the site.</p> <p>The proposed development provides for approximately 775 sqm of communal space at level 7, comprising landscaped open space, pool facilities and communal kitchen areas and therefore complies with this requirement.</p> <p>The pool and surrounding areas have a northern aspect and will receive in excess of 2 hours of direct sunlight mid-winter.</p>
3E Deep soil zones		
Design Criteria		
<ul style="list-style-type: none"> A minimum of 7 per cent of total site area should be deep soil zone. Additionally, based on the following categories, minimum deep soil zone dimensions are to be considered: <ul style="list-style-type: none"> Site area less than 650m²- none Site area 650m² - 1,500m²-3m Site area greater than 1,500m²-6m Site area greater than 1,500m² with significant existing tree cover- 6m 	See comment	<p>The necessary retention of the existing building, which occupies the majority of the site, dictates that it is not possible to provide deep soil zones. However, the Proposal is to contribute to the cost of creating the North-south public spine through the street block which includes new deep soil planting zones.</p>

Control	Compliance	Comment												
3F Visual Privacy														
Design Criteria														
<ul style="list-style-type: none"> Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows: 	See comment	<p>Appropriate design measures with Adequate building separation distances have been provided to enable reasonable levels of external and internal visual privacy between the site and surrounding properties.</p> <p>Whilst the proposed does not strictly comply with ADG separation distances to property boundaries, suitable separation distances are provided between surrounding buildings, a number of which are either under construction (229 Miller Street) or recently approved (221 Miller Street), and which also vary ADG minimum setback distances.</p> <p>The building is proposed to be setback 9.7 metres from the centreline of the ROW which adjoins the site to the west and 8.03 metres from the centreline of Harnett Lane to the east and will therefore maintain adequate separation distances from these boundaries to surrounding developments.</p> <p>Additionally, building separation will be approximately 15 meters from the approved development at 229 Miller Street, noting that that this development holds a setback to its eastern (rear) boundary of between 3 metres and 3.3 metres, and is separated from the existing commercial building on 41 McLaren Street by 11.6 metres.</p> <p>To assist in achieving adequate visual privacy between dwellings, appropriate architectural treatments have been integrated into the design of the building to minimise any potential adverse impacts on visual privacy and amenity. At lower levels, the curved form of the balconies is replaced by square balconies which maximises the separation distance between the proposed building and both the existing building at 37 McLaren Street and the approved development at 229 Miller Street.</p> <p>Where possible, principal balconies are provided with a southern or northern aspect and only secondary balconies are west-facing, and are directed towards the gap between 229 Miller Street and 37 McLaren Street. It is considered that these secondary balconies are to be less frequently used than the principle balconies within these apartments. Proposed western balconies at the lower elevations have also been offset where possible from windows and balconies on adjoining sites to further improve visual privacy and minimise the potential for overlooking.</p>												
<table border="1"> <thead> <tr> <th>Building height</th><th>Habitable rooms and balconies</th><th>Non-habitable rooms</th></tr> </thead> <tbody> <tr> <td>up to 12m (4 storeys)</td><td>6m</td><td>3m</td></tr> <tr> <td>up to 25m (5-8 storeys)</td><td>9m</td><td>4.5m</td></tr> <tr> <td>over 25m (9+ storeys)</td><td>12m</td><td>6m</td></tr> </tbody> </table>	Building height	Habitable rooms and balconies	Non-habitable rooms	up to 12m (4 storeys)	6m	3m	up to 25m (5-8 storeys)	9m	4.5m	over 25m (9+ storeys)	12m	6m		
Building height	Habitable rooms and balconies	Non-habitable rooms												
up to 12m (4 storeys)	6m	3m												
up to 25m (5-8 storeys)	9m	4.5m												
over 25m (9+ storeys)	12m	6m												
4A Solar and daylight access														
Design Criteria														
<ul style="list-style-type: none"> Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at midwinter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government area In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at midwinter A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at midwinter 	✓	<p>The proposed development will achieve over 2 hours' direct sunlight to more than 70% of apartments at midwinter.</p>												

Control	Compliance	Comment
4B Natural ventilation		
Design Criteria		
<ul style="list-style-type: none"> At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line 	✓	The first floor of proposed residential units is located at level 9 of the development.
4C Ceiling heights		
Design Criteria		
<ol style="list-style-type: none"> Measured from finished floor level to finished ceiling level, minimum ceiling heights for apartments and mixed use buildings are: <ul style="list-style-type: none"> Habitable rooms: 2.7m Non-habitable: 2.4m For 2 storey apartments: <ul style="list-style-type: none"> 2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area Attic spaces: <ul style="list-style-type: none"> 1.8m at edge of room with a 30 degree minimum ceiling slope If located in mixed used areas: <ul style="list-style-type: none"> 3.3m for ground and first floor to promote future flexibility of use These minimums do not preclude higher ceilings if desired 	✓	Floor-to-floor heights of 3.2 metres have been provided to ensure that sufficient floor-to-ceiling heights can be achieved throughout the development.
4D Apartment size and layout		
Design Criteria		
<ul style="list-style-type: none"> Apartments are required to have the following minimum internal areas: <ul style="list-style-type: none"> Studio 35m² 1 bedroom 50m² 2 bedroom 70m² 3 bedroom 90m² The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms Habitable room depths are limited to a maximum of 2.5 x the ceiling height In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window 	✓	<p>The proposed development provided an appropriate unit breakdown including:</p> <ul style="list-style-type: none"> - 22 x studio apartments; - 78 x 1 bed apartments; - 86 x 2 bed apartments; - 32 x 3 bed apartments; and - 6 x 4 bed apartments. <p>As detailed on the architectural plans held at Attachment B, all apartments comply with respective minimum apartments sizes.</p>

Control	Compliance	Comment															
4E Private open space and balconies																	
Design Criteria																	
<ul style="list-style-type: none"> All apartments are required to have primary balconies as follows: <table border="1"> <thead> <tr> <th>Dwelling type</th><th>Minimum area</th><th>Minimum</th></tr> </thead> <tbody> <tr> <td>Studio apartments</td><td>4m²</td><td>-</td></tr> <tr> <td>1 bedroom apartments</td><td>8m²</td><td>2m</td></tr> <tr> <td>2 bedroom apartments</td><td>10m²</td><td>2m</td></tr> <tr> <td>3+ bedroom apartments</td><td>2.4m</td><td>2.4m</td></tr> </tbody> </table> <ul style="list-style-type: none"> The minimum balcony depth to be counted as contributing to the balcony area is 1m For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m² and a minimum depth of 3m 	Dwelling type	Minimum area	Minimum	Studio apartments	4m ²	-	1 bedroom apartments	8m ²	2m	2 bedroom apartments	10m ²	2m	3+ bedroom apartments	2.4m	2.4m	✓	As detailed on the architectural plans held at Attachment B , all apartments comply with respective minimum balcony requirements.
Dwelling type	Minimum area	Minimum															
Studio apartments	4m ²	-															
1 bedroom apartments	8m ²	2m															
2 bedroom apartments	10m ²	2m															
3+ bedroom apartments	2.4m	2.4m															
4F Common circulation and spaces																	
Design Criteria																	
<ul style="list-style-type: none"> The maximum number of apartments off a circulation core on a single level is eight For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40 	✓	The maximum number of apartments per floor is eight.															

3.0 North Sydney Development Control Plan 2013

The proposed development is considered to be consistent with the relevant objectives and provisions of the North Sydney Development Control Plan (NSDCP) 2013.

An assessment of the proposal against the relevant provisions of the NSDCP2013 is provided in **Table 3** below.

Table 3 Assessment of Compliance against the NSDCP2013

Control	Compliance	Comment
Section 2 Commercial & Mixed Use Development		
2.2.1 Diversity of activities, facilities, opportunities and services		
<ul style="list-style-type: none"> Non-residential buildings or components of buildings should incorporate a variety of different sized spaces that reflect a site's location in the commercial centre hierarchy (i.e. large floor plates should be provided in higher order centres with small floor plates in lower order centres). Consideration should be given to incorporating community and entertainment facilities within a development. A variety of uses should be provided at street level, which contributes positively to economic and social vitality. Avoid blank walls that face streets and laneways at the ground level. Enhance the amenity of the public domain to meet the needs of the workforce, residents and visitors. Mixed use developments within the B4 – Mixed Use zones should: <ul style="list-style-type: none"> (a) ensure all residential common areas of the building (including the principal entrance to the building) are accessible to all persons regardless of mobility; and (b) have the retail/commercial uses located on the ground floor, retail/commercial or residential uses on the first floor, and residential uses on upper floors. 	✓	The proposal seeks to retain the existing commercial building and provide active ground floor uses, with residential provided above podium commercial uses. All residential common areas within the building will be accessible.
2.2.2 Maximise use of public transport		
Objectives		
<ul style="list-style-type: none"> To try and achieve a modal split of 60% public transport and 30% private car. 	✓	As discussed within the Planning Proposal report, the site is well serviced by existing public transport infrastructure and is located within 50m of the future Victoria Cross Metro Station. The proposal therefore has been designed to minimise parking at the site, with suitable bicycle parking and EOT facilities provided within basement levels.
Provisions		
<ul style="list-style-type: none"> Locate pick up and drop off points for public transport and taxi ranks as close as possible to public spaces and activities. Locate short stay (ten minute) parking spaces within or as close as possible to meeting places. Limit the amount of long stay commuter parking on site to that which existed at the time of gazettal of NSLEP 2001 (Amendment No.9 – North Sydney Centre) on the 28 February 2003. Minimise any non-residential parking on site. Bicycle storage facilities are provided in accordance with Part B: Section 10 – Car Parking and Transport of the DCP. Provide showers for use by cyclists and people that walk to work. 		The proposal is accompanied by a Traffic Impact Assessment Report, prepared by Ason Group (Attachment M). This report considers the impact of the proposed development on the surrounding road network and finds that the proposed development will have a negligible impact on the performance of key intersections in the locality, with only minor increases to intersection delays and no change to existing levels of service.

Control	Compliance	Comment																		
2.2.3 Mixed Residential Population																				
<ul style="list-style-type: none"> Mixed use developments incorporating residential accommodation should aim to achieve a dwelling yield generally consistent with Council's Residential Development Strategy (2009). Mixed use developments incorporating residential accommodation containing 20 or more dwellings should provide a mix of dwelling sizes in accordance with the below: 	✓	<p>The proposed development provides for an appropriate mix of apartment sizes as detailed below.</p> <table> <tr> <th>Dwelling Size</th><th>Dwellings</th><th></th></tr> <tr> <td>studio</td><td>22 (9.8%)</td><td rowspan="2">(Combined Studio and 1 bedroom is 44.6%)</td></tr> <tr> <td>1 bedroom</td><td>78 (34.8%)</td></tr> <tr> <td>2 bedroom</td><td>86 (38.4%)</td><td rowspan="3">(Combined 3 bedroom and 4 bedroom is 17%)</td></tr> <tr> <td>3 bedroom</td><td>32 (14.3%)</td></tr> <tr> <td>4 bedroom</td><td>6 (2.7%)</td></tr> <tr> <td>Total:</td><td>224</td><td></td></tr> </table>	Dwelling Size	Dwellings		studio	22 (9.8%)	(Combined Studio and 1 bedroom is 44.6%)	1 bedroom	78 (34.8%)	2 bedroom	86 (38.4%)	(Combined 3 bedroom and 4 bedroom is 17%)	3 bedroom	32 (14.3%)	4 bedroom	6 (2.7%)	Total:	224	
Dwelling Size	Dwellings																			
studio	22 (9.8%)	(Combined Studio and 1 bedroom is 44.6%)																		
1 bedroom	78 (34.8%)																			
2 bedroom	86 (38.4%)	(Combined 3 bedroom and 4 bedroom is 17%)																		
3 bedroom	32 (14.3%)																			
4 bedroom	6 (2.7%)																			
Total:	224																			
<p>Dwelling Size % of Total Dwellings</p> <p>studio 10-20%</p> <p>1 bedroom 25-35%</p> <p>2 bedroom 35-45%</p> <p>3 bedroom+ 10-20%</p>																				
<ul style="list-style-type: none"> No more than 55% of all dwellings must comprise a combination of both studio and 1-bedroom dwellings. A minimum of 15% of dwellings in mixed use developments containing more than 5 dwellings must comprise adaptable housing. Adaptable housing components must: <ul style="list-style-type: none"> (a) be integrated into the overall design of the development, and must not be isolated; and (b) not use a different standard of materials and finishes to the remainder of the building. Provide services and facilities within the development that meet the needs of different population groups and build flexibility into communal spaces to meet changing needs. 		<p>The proposed development is capable of complying with accessibility provisions within this clause.</p>																		
2.3 Environmental Criteria																				
2.3.1 Clean Air																				
<ul style="list-style-type: none"> Operating plant, building materials and finishes should be incorporated that are nontoxic and reduce toxic emissions. Discourage use of the private motor car and encourage walking, cycling and use of public transport. Car parking is provided in accordance with DCP provisions. 	✓	<p>The proposed development complies with the requirements of this clause.</p>																		
2.3.2 Noise																				
<p>Council may require the submission of an Acoustic Report to ensure compliance.</p> <p>Development is to comply with the technical requirements in the NS DCP 2013.</p>	✓	<p>An Acoustic Report has been prepared by Wood & Grieve and is provided at Attachment O. The report finds that a future development of the site will be capable of complying with the relevant internal noise levels as provided by the NSDCP 2013 and AS/NZS2107, and also that the traffic generated by the proposed development will comply with the NSW Road Noise Policy.</p>																		
2.3.3 Wind Speed																				
<p>A Wind Impact Report must be submitted with any application where the proposal results in the building exceeding 33m in height.</p> <ul style="list-style-type: none"> Buildings should be designed to reduce wind velocity at footpaths and public outdoor spaces. Development should not result in the wind speed exceeding 13m/s at footpaths and accessible outdoor spaces. 	✓	<p>A Wind Assessment has been undertaken for the proposed development by Cermak Peterka Petersen Pty Ltd and is provided as Attachment N. the report provides that detailed wind tunnel testing for sites in the vicinity of 41 McLaren Street has indicated that most sites are classified as suitable for pedestrian standing or walking from a comfort perspective, and pass the relevant distress criterion.</p>																		
2.3.4 Reflectivity																				
<ul style="list-style-type: none"> Buildings should provide a greater proportion of solid to void on all facades and use non-reflective materials. 	✓	<p>To assist in minimising reflectivity, large glass surfaces have been generally recessed behind</p>																		

Control	Compliance	Comment
<ul style="list-style-type: none"> Buildings should use non-reflective glass and / or recess glass behind balconies. Sun shields, such as awnings, canopies and pergolas should be provided to glazed areas. Council may require the submission of a Reflectivity Study prepared by a suitably qualified consultant. 		balconies and the curved wing windows on the façade are slot windows.
2.3.5 Artificial illumination		
<ul style="list-style-type: none"> External facades of buildings should not be floodlit. Where external artificial illumination is proposed: <ul style="list-style-type: none"> (a) it should be designed and sited to minimise glare. (b) It must comply with the standards set out in Australian Standard AS 4282 – Control of the Obtrusive Effects of Outdoor Lighting. Illumination of roof top and/or podium level facilities is not to exceed the curfew of: <p><i>B4 Mixed Use zoning</i></p> <p>- 11.00pm</p> Entrances must be well lit and do not produce shadows or adverse glare. Staff entrances which are separated from the main building entrance must be well lit and opportunities for casual surveillance is maximised. Timers and sensors should be used to minimise sky glow. Council may require the submission of a Lighting Report for a development prepared by an appropriately qualified person. 	✓	The proposal does not include any floodlighting.
2.3.6 Awnings		
<ul style="list-style-type: none"> Provide continuous, horizontal awnings on all street frontages which are activated by ground floor uses and those streets identified in the relevant area character statement (refer to Part C of the DCP), using materials that are sun, rain and wind proof. <p>B4 Mixed Use</p> <p>Minimum width of 2m</p> <p>Setback from kerb at 1.1m, or</p> <p>To accommodate street trees, at 1.5m</p> <p>Height above footpath level at 3.2m – 4.2m</p> <ul style="list-style-type: none"> New awnings should match the height of existing awnings on adjacent sites. Weather seals are to be provided between new and existing awnings on adjacent sites and between the awning and the building. Where appropriate, temporary shade structures such as retractable blinds, umbrellas and pergolas may be provided (e.g. to outdoor café and gardens). Openings with a minimum dimension of 1.5m - 2m (measured from kerb) by 2.5m wide must be provided in awnings located over public footpaths to allow for the accommodation of street trees 	✓	The proposal seeks retention of the existing heritage building and does not require the provision of any awnings along McLaren Street.
2.3.7 Solar access		
<ul style="list-style-type: none"> Developments within the North Sydney Centre must comply with the height and overshadowing requirements contained within cl.4.3, and cl.6.4 of NSLEP 2013. Living rooms and private open spaces for at least 70% of dwellings within a residential flat building or shoptop housing should receive a minimum of 2 hours of solar access between the hours of 9.00am and 3.00pm at the winter 	See comment	Please refer to discussion of the ADG.

Control	Compliance	Comment
<p>solstice (21st June).</p> <ul style="list-style-type: none"> New development should not overshadow existing or proposed public open spaces located outside of the North Sydney Centre between 11.30am and 2.30pm. Spaces are to be created between taller buildings to avoid a solid mass of development and to allow daylight and/or sunlight to penetrate through to pedestrian level. Setbacks must be provided between buildings above the podium level. Provide a mix of sun-protected and unprotected areas in public open space, roof top gardens and other outdoor spaces. Avoid providing apartments within mixed use developments that have a sole orientation to the south. Where south facing apartments can not be avoided, ensure that they are provided with adequate access to natural light (e.g. by providing enlarged windows, skylights and the like). The use, location and placement of photovoltaic solar panels take into account the potential permissible building form on adjoining properties. 		
<p>2.3.8 Views</p> <ul style="list-style-type: none"> Where appropriate, the opening up of views should be sought to improve the legibility of the area. Provide public or semi-public access to top floors where possible (e.g. restaurants, roof top gardens and facilities). Use setbacks, design and articulation of buildings to maintain street views, views from public areas and those identified in the relevant area character statement (refer to Part C of the DCP). Maintain and protect views identified in the relevant area character statement (refer to Part C of the DCP) from future development. 	✓	<p>The proposed development will not result in any unreasonable impact to views as detailed in the Urban Design Report held at Attachment A.</p>
<p>2.3.9 Acoustic privacy</p> <p>Development is to comply with the technical requirements of this clause. This subsection only applies to the residential component of any mixed use development.</p> <ul style="list-style-type: none"> An acoustic report must be submitted with all development applications which involves the construction of 4 or more new dwellings. Buildings are to be designed and rooms positioned to reduce noise transmission within and between dwellings. Bedrooms should be designed so that wardrobes provide additional sound buffering between rooms within the dwelling or between adjoining dwellings. Windows and doors should be located away from external noise sources, or buffers used where separation cannot be achieved. Materials with low noise penetration properties should be used where practical. Locate bedrooms and private open spaces away from noise sources such as garages, driveways, mechanical equipment and recreation areas. Mechanical equipment, such as pumps, lifts or air conditioners should not be located adjacent to bedrooms or living rooms of dwellings within the development or on adjoining properties. Where dwellings are located on busy roads incorporate the following into the design of the development to reduce traffic noise within the dwelling: <ul style="list-style-type: none"> (a) cavity brick walls; (b) double glazing; 	✓	<p>An Acoustic Report prepared by Wood & Grieve and is provided at Attachment O. The report finds that a future development of the site will be capable of complying with the relevant internal noise levels as provided by the NSDCP 2013 and AS/NZS2107, and also that the traffic generated by the proposed development will comply with the NSW Road Noise Policy.</p>

Control	Compliance	Comment
(c) solid core doors; (d) concrete floors; and (e) recessed balconies. • Development comprising child care centres or containing residential uses on land which meets the criteria in the DoP's Development Near Rail Corridors and Busy Roads – Interim Guideline (19 December 2008) must consider this Guideline.		
2.3.10 Vibration Development is to comply with the technical requirements of this clause. Objective To minimise the impact on safety and the operation of road and rail tunnels.	✓	Vibration impacts have been addressed in the Acoustic Report prepared by Wood & Grieve at Attachment O .
2.3.11 Visual privacy • Locate windows to avoid direct or close views into the windows, balconies or private open space of adjoining dwellings. • Where windows are located with a direct outlook to windows of an adjacent dwelling, the windows must be provided with a minimum sill height of 1.5m, or use fixed obscure glazing or other privacy devices. • Provide suitable screening structures or planting to minimise overlooking from proposed dwellings to the windows, balconies or private open space of adjacent dwellings, to windows, balconies or private open space of dwellings within the same development. • Provide visual separation between any non-residential use and residential uses within buildings and sites. The residential components of mixed use developments are to provide adequate separation between habitable rooms, balconies and non-habitable rooms, consistent with SEPP 65: <i>Up to 12m</i> Habitable to habitable – 12m Habitable to non-habitable – 9m Non-habitable to non-habitable – 6m <i>12m-25m</i> Habitable to habitable – 18m Habitable to non-habitable – 12m Non-habitable to non-habitable – 9m <i>25m +</i> Habitable to habitable – 24m Habitable to non-habitable – 18m Non-habitable to non-habitable – 12m	See comment	Please refer discussion of the ADG.
2.4 Quality Built Form 2.4.1 Context • Proposed developments must be designed to respond to the issues identified in the site analysis and in the relevant area character statement (refer to Part C of the DCP).	✓	The development has been designed to respond to the constraints and opportunities presented by the site as detailed in the Urban Design report held at Attachment A .
2.4.3 Setbacks General • Provide a setback for public space at ground level where indicated in the relevant area character statement (refer to Part C of the DCP).	See comment	Setbacks to McLaren Street at lower levels are established by the existing commercial building, which has a terraced setback to McLaren Street.

Control	Compliance	Comment
<ul style="list-style-type: none"> New development must give consideration to the setbacks of adjacent buildings and heritage items A zero-metre setback must be provided, unless an alternative setback is identified within the in the relevant area character statement (refer to Part C of the DCP). That part of the building located above the podium must be setback a weighted average in accordance with the relevant area character statement (refer to Part C of the DCP). <p>Side & Rear</p> <ul style="list-style-type: none"> A zero-metre setback, unless an alternative setback is identified within the relevant area character statement (refer to Part C of the DCP). Buildings containing non-residential activities must be set back a minimum of 3m from the property boundary where the adjoining site has balconies or windows to main living areas of dwellings or serviced apartments located at the same level. Development proposed on land adjoining or adjacent to a Residential or Recreation zone must not exceed a building height plane commencing: <ul style="list-style-type: none"> (b) at 3.5m above ground level (existing) and projected at an angle of 45 degrees internally to the site from the centre line of any adjoining road or laneway separating the site from land zoned R2 – Low Density Residential, R3 – Medium Density Residential, R4 – High Density Residential, RE1 – Public Recreation. Where setbacks are required from existing property boundary this should be clear of all structures above and below ground level, excluding awnings and other elements allowed by Council. Where an applicant seeks a basement structure built to the property boundary fronting a laneway in the B4 – Mixed Use zone for the purposes of underground car parking, Council may require a 1.5m setback at street level to be provided subject to an s.88B instrument application outlining public access rights, clear of any structure to 1.5m below ground level (existing) and 3m above ground level (existing) and requiring all maintenance, cleaning and the like to be the responsibility of the property owner. Applicants are advised to contact Council prior to the lodgement of any development application seeking a basement car park built to the property boundary fronting any laneway to determine if the setbacks in this provision are required to be met. 		<p>These terraces are considered to be a significant element in the heritage value of the building and accordingly, the proposed residential development above has been setback from McLaren Street in order to respect the significance of these terraces.</p> <p>The existing ground level setback to Harnett Street will be increased due to the removal of the sun blades at the ground level to accommodate services and access from Harnett Street. Please refer to a further discussion of setback matters against the ADG within this report.</p>
2.4.4 Podiums		
<ul style="list-style-type: none"> Where required, a podium must be provided along all street frontages including laneways, with a height and setback above the podium, in accordance with the relevant area character statement (refer to Part C of the DCP). Podiums should match the height and setbacks of adjacent buildings or the average of the heights of the adjacent podiums having regard to their existing nature and/or their redevelopment potential. Where the ground level changes across the width of a site, the podium should be stepped at an appropriate location to maintain a characteristic podium height. 	✓	<p>The existing commercial building is to be retained on the site and will form the podium for the residential tower above. As previously stated, the front setback has been designed to respect the heritage significance of the terraced setback of the existing building.</p>
2.4.5 Building design		
<ul style="list-style-type: none"> Floor to ceiling heights should be provided in accordance with the minimum requirements set out below for B4 – Mixed Use: <ul style="list-style-type: none"> Ground floor – 3.3m First floor – 3.3m Upper floors – 2.7m 	✓	<p>The proposed development provides for floor to ceiling heights of 3.2m throughout the building, noting that it is not possible to provide for greater heights at lower levels by virtue of the existing heritage building, to be retained. Materials and finishes will be selected which complement the existing heritage building.</p>

Control	Compliance	Comment
<ul style="list-style-type: none"> The apparent length of buildings should be broken down through the use of articulation, design and detailing, changes in materials and colours. High quality materials should be used throughout the building design. Podiums are to be built to the boundary of the site unless providing a setback for public space at ground level as required by the relevant area character statement (refer to Part C of the DCP). Buildings should be built predominantly to setback alignment. Building should be articulated and have a positive relationship with the public domain in terms of scale and setbacks. Building elements, such as materials, finishes, and window dimensions should relate to neighbouring buildings. Buildings should incorporate architectural detailing and ornamentation which provides a rich visual reference for pedestrians. Balconies are to be incorporated within the setback or building envelopes. 		
2.4.6 Skyline		
<ul style="list-style-type: none"> Buildings located on land within the North Sydney Centre must comply with the building height requirements outlined in cl.4.3 of NSLEP 2013. The built form should step down from the centre of each commercial or mixed use centre to a comparable scale at the interface of any adjoining residential zone. Roofs should be designed such that they are integral with the overall design of the building. All roof top located building plant and services are to be contained within a single structure. It should be centrally located to avoid overshadowing and other impacts. If telecommunication aerials are to be provided, they must be incorporated into the roof top design, and not comprise ad-hoc additions. With respect to buildings greater than 30m in height, and all buildings within the North Sydney Centre, the roof is to be designed such that consideration is given to the building being seen in a regional view catchment. All plant room equipment must not be visible from any location viewed from ground level. 	See comment	This Planning Proposal seeks to increase the maximum height of building control applicable to the site to facilitate the proposed development. Please refer to a further discussion of height and skyline matters contained within the Planning Proposal Report.
2.4.7 Junction and termination of streets		
<ul style="list-style-type: none"> Buildings located on the corner of a street intersection or at the termination of a street should: <ul style="list-style-type: none"> (a) be designed with increased emphasis to anchor primary vistas and nodal points; (b) be designed such that the corner of the building addressing an intersection is reinforced through utilisation of splays, curves, building entries and other architectural elements; (c) where located at a street intersection, incorporate a minimum 1.5m splay measured from the corner of the intersection along each property boundary; and (d) be designed such that the building's height is concentrated on that section of the building located at the corner of the street intersection or is centralised on the street façade where it is located at the termination of a street. 	✓	The existing commercial building which addresses the intersection of McLaren Street and Harnett Street is to be retained.

Control	Compliance	Comment
2.4.8 Balconies - Apartments		
<ul style="list-style-type: none"> Balconies must be incorporated within building envelope (as specified by setbacks and or building height plane) and should not be located on roofs, podiums or be cantilevered. Balconies should be integrated into the overall architectural form and detail of the building. No balconies, verandahs or the like are to project over the public domain. Where a proposal involves the conversion of an existing commercial building, and that commercial building's envelope does not comply with the setback and/or building envelope controls for the site, any new balcony must not project beyond the existing building's envelope. Balconies should not be enclosed. 	✓	Balconies have been designed an integral feature of the building's architectural form and do not project over the public domain.
2.4.9 Through-site pedestrian links		
<ul style="list-style-type: none"> Provide linkages through sites to other streets and laneways as identified in the relevant area character statement (refer to Part C of the DCP) applying to the site or where enhancing pedestrian movement to public transport infrastructure. Provide linkages to facilities, outdoor spaces and public transport. Provide public access through pedestrian links from 6am to 10pm daily. Pedestrian links must be lined with active uses along at least one side of the link to engage pedestrians. Pedestrian links must be a minimum of 6m in width that is free from obstructions. Escalators must be provided within the link where there is a substantial change in level. The number of pedestrian entries to the link is maximised. The extent of natural light to the link should be maximised where possible. Signage must be provided at the entry to the linkage, indicating public accessibility and the street to which the connection links. Opportunities for integration of public art installations within the link are to be maximised. The linkage is to be designed to positively respond to the "safer by design" principles. 	✓	The proposal includes a double height colonnade, approximately 7m wide located to the west of the site, which will act as a through-site link.
2.5 Quality Urban Environment		
2.5.4 High quality residential accommodation		
<ul style="list-style-type: none"> Apartments within mixed use developments, must be designed to provide the following minimum internal areas: <ul style="list-style-type: none"> (a) Studio 40m² (b) 1 bedroom 50m² (c) 2 bedrooms 80m² (d) 3+ bedrooms 100m² Include courtyards, balconies and gardens as the principal open space area for residents. These should have solar access for a minimum of 2 hours a day measured at June 21st Communal corridors must have a minimum width of 2m to facilitate movement (i.e. no right angled corners). No more than 10 dwellings are to be accessible from a single common lobby space. Avoid the use of double loaded corridors. Maximum depth of a habitable room from a window, providing light and air to that room, is 10m. 	✓	As noted within this report, the proposed development either complies, or is capable of complying with, the ADG, and will provide for high quality residential accommodation at the site.

Control	Compliance	Comment
<ul style="list-style-type: none"> • Apartments have a minimum width of 4m. An apartment's width should increase relative to an increase in its depth. • Single aspect apartments have a maximum depth of 8m from a window. • The habitable space serviced by a window is no more than 10 times the glazed area of the window. • At least 60% of apartments are to be provided with cross ventilation (i.e. window openings that face different directions). For apartments with no cross ventilation, ceiling fans must be provided. • Utilise double glazing, awnings or window solar screens to reduce reliance on artificial cooling of buildings. • The amount of glazing on eastern and western elevations is to be minimised and incorporate external shading devices. • Amenity and safety of residents is protected from intrusion by users of the non-residential parts of the development (e.g. through the use of security access to lifts and car parking). 		
2.5.6 Private Open Space		
<ul style="list-style-type: none"> • Apartments within mixed use developments must provide the following minimum private open space areas: <ul style="list-style-type: none"> (a) Studio 8m² (b) 1 bedroom 8m² (c) 2 bedrooms 12m² (d) 3+ bedrooms 20m² <p>Note: Best practice standard for balcony size is 15% of floor area of the apartment.</p> • Private open spaces must provide a minimum depth of 2m and area of 8m². • Where apartments are proposed without private open space, the size of the apartment must be increased by a minimum of 8m² (i.e. reflecting the minimum private open space requirement). • Private open spaces should be located such that they are directly accessible off a main living area of the dwelling. • Multi-dwelling developments are encouraged to provide communal residential areas to encourage social interaction. <p>Notes: It is considered best practice to provide communal areas in the order of 25% to 30% of the site area. A reduction in this requirement could be considered acceptable where private open spaces in excess of the minimum requirements are provided.</p> • Communal residential spaces: <ul style="list-style-type: none"> (a) should comprise a mixture of indoor and outdoor spaces (such as gymnasium, pool and meeting rooms for residents); (b) must be provided in developments containing more than 15 bedrooms, with a minimum area of 20m² or 1m² per bedroom, whichever is the greater; (c) may be provided in form of an internal room as long as it has a minimum area of 75% of the total residential communal area requirement (as required in P6(b) above), with the remainder appropriately located in the external recreation area; and (d) must be provided with access to natural light and not be located in basements. 	✓	
2.5.7 Vehicular access		
<ul style="list-style-type: none"> • Where available and practical, all vehicle access must be provided from laneways. • Service vehicle access should be combined with parking access. • Vehicular access points should be limited to a maximum of 	✓	Existing vehicle access to the basement car park will be maintained from Harnett Street.

Control	Compliance	Comment
one access point per building.		
<ul style="list-style-type: none">Where possible, shared or amalgamated vehicle access points with an adjoining building should be provided.Vehicle entries, walls and ceilings should be finished with high quality materials, finishes and detailing, similar to the overall external facades of the building.		
2.5.8 Car Parking		
Objectives		
<ul style="list-style-type: none">Maintain existing on-site car parking provision for employees and visitors.	✓	A total of 219 car parking spaces have been provided on site in accordance with the maximum car parking rates. Please refer to a further breakdown of car parking allocation and traffic matters discussed within the Traffic Impact Assessment Report, prepared by Ason Group and held at Attachment M .
Provisions		
<ul style="list-style-type: none">Provide on-site car parking in accordance with Part B: Section 10 – Car Parking and Transport of the DCP.All car parking must be provided underground.Where security doors/gates are proposed provide an intercom system to facilitate visitor/service access to underground parking areas.Disabled and visitor parking spaces must be designated common property once the development is subdivided.		
Section 10 Car Parking and Transport		
10.2 Parking Provision		
Parking within the North Sydney Centre may exceed the maximum requirements, but only where the level of non-residential parking provided does not exceed the number legally existing on the 28 February 2003.	✓	A total of 219 car parking spaces have been provided on site in accordance with the maximum car parking rates. Please refer to a further breakdown of car parking allocation and traffic matters discussed within the Traffic Impact Assessment Report, prepared by Ason Group and held at Attachment M .
<i>Residential flat buildings (B4 Mixed Use)</i> Provide on-site car parking, including visitor parking at the maximum rates below: <ul style="list-style-type: none">Studio, 1 bedroom – 0.5 space / dwelling2 or more bedrooms – 1 space / dwellingMotorcycle parking – 1 space / 10 car spaces Where providing 4 or more dwellings, a car wash bay is to be provided within the visitor parking area. The car wash bay may comprise a visitor car space. Designate disabled and visitor car parking spaces as common property. Developments containing adaptable housing must allocate at least one accessible parking space to each adaptable dwelling.		
Non-Residential Development		
Provide on-site car parking at the maximum rates specified below: All uses (B4 Mixed Use) <ul style="list-style-type: none">1 space / 400m² non-residential GFA <i>Child care centres</i> <ul style="list-style-type: none">Staff – 1 space / 2 employees (max. 3 spaces) <i>Motor cycles</i> <ul style="list-style-type: none">Minimum rate of 1 space per 10 cars or part thereof.	✓	
10.5 Bicycle Parking and Associated Facilities		
Number	✓	The development will comply.
Provide on-site, secure bicycle parking spaces and storage for residential accommodation in accordance with the minimum rates specified below with the following exceptions: (a) where an apartment in a residential building has a basement storage area on title that is large enough to accommodate a bike and being no smaller than a Class 1 bike locker, then additional bike parking for that apartment is		

Control	Compliance	Comment															
not required; Calculated minimum rates are to be rounded up.																	
<table> <tr> <th>Type</th><th>Occupants</th><th>Visitor/customer</th></tr> <tr> <td>Residential</td><td>1 / 1 dwelling</td><td>1 / 10 dwellings</td></tr> <tr> <td>Commercial (Office/business)</td><td>1 / 150m² GFA</td><td>1 / 400m² GFA</td></tr> <tr> <td>Commercial (Shop/restaurant/café)</td><td>1 / 25m² GFA</td><td>2 + 1 / 100m² over 100m² GFA</td></tr> <tr> <td>Community (Child care centre)</td><td>1 / 10 staff</td><td>2 / centre</td></tr> </table>	Type	Occupants	Visitor/customer	Residential	1 / 1 dwelling	1 / 10 dwellings	Commercial (Office/business)	1 / 150m ² GFA	1 / 400m ² GFA	Commercial (Shop/restaurant/café)	1 / 25m ² GFA	2 + 1 / 100m ² over 100m ² GFA	Community (Child care centre)	1 / 10 staff	2 / centre		
Type	Occupants	Visitor/customer															
Residential	1 / 1 dwelling	1 / 10 dwellings															
Commercial (Office/business)	1 / 150m ² GFA	1 / 400m ² GFA															
Commercial (Shop/restaurant/café)	1 / 25m ² GFA	2 + 1 / 100m ² over 100m ² GFA															
Community (Child care centre)	1 / 10 staff	2 / centre															
Location Locate private bicycle storage facilities and end of trip facilities within basement parking levels of the building where provided, on the uppermost level of the basement; and as close to the primary entry point as possible; and subject to security camera surveillance.																	
Access <ul style="list-style-type: none"> A safe path of travel from bike parking areas to entry/exit points is to be marked. Access to bike parking areas are to be: <ul style="list-style-type: none"> (a) a minimum of 1.8m wide to allow passage of a pedestrians and bikes to pass each other (access ways can be shared with vehicles within buildings and at entries to buildings); (b) accessible via a ramp; (c) clearly identified by signage; and (d) accessible via appropriate security/intercom systems. 																	
Changing / shower facilities For non-residential uses, the following facilities for bike parking are to be provided at the following rates: <ul style="list-style-type: none"> 1 personal locker for each bike parking space; 1 shower and change cubicle for up to 10 bike parking spaces; 2 shower and change cubicles for 11 to 20 or more bike parking spaces are provided; 2 additional shower and change cubicles for each additional 20 bike parking spaces or part thereof; 	✓	EOT facilities have been provided within basement levels.															
Section 11 – Traffic Guidelines for Development 11.2 Traffic Management Plan A Traffic Management Plan must be submitted with all development applications that are also required to be referred to the Roads and Traffic Authority under cl.104 and Schedule 3 of the Infrastructure SEPP, and for all applications which are classified as designated development pursuant to s.77A of the EP&A Act 1979. Council may require a Traffic Management Plan to be submitted with a development application for child care centres or significant expansion or modification to an existing development type.	✓	It is anticipated that a Traffic Management Plan will be submitted with a future DA for the site.															
11.3 Construction Management Plan A Construction Management Plan should contain a Safe Work Method Statement and be lodged with Council (as part of the development application).	✓	It is anticipated that a Construction Management Plan will be submitted with a future DA for the site															

Control	Compliance	Comment
Section 13 – Heritage and Conservation		
13.4 Development in the Vicinity of Heritage Items		
<ul style="list-style-type: none"> Respect and respond to the curtilage, setbacks, form, scale and style of the heritage item in the design and siting of new work. Maintain significant public domain views to and from the heritage item. Ensure compatibility with the orientation and alignment of the heritage item. Provide an adequate area around the heritage item to allow for its interpretation. Retain original or significant landscape features that are associated with the heritage item or that contribute to its setting. 	✓	Please refer to the accompanying Heritage Assessment prepared by GML Heritage at Attachment K which has informed the design of the proposed development.
13.5 Heritage items		
A Heritage Impact Statement is to be submitted with applications for development affecting heritage items.	✓	
13.5.1 Protecting heritage significance		
<ul style="list-style-type: none"> Retain features (including landscape features) that contribute to the significance of the item. Remove unsympathetic elements, especially where substantial changes are proposed to a heritage item, and there is potential for an improved heritage outcome. New work is to be consistent with the setback, massing, form and scale of the significant features of the heritage item. Retain significant fabric, features or parts of the heritage item that represent key periods of the item's history or development. Locate change away from original areas of the heritage item that are intact. All works are to be consistent with an adopted Conservation Management Plan/s where applicable. 	✓	
Section 14 – Contamination and Hazardous Building Materials		
Where land is known or has potential to be contaminated or affects buildings works constructed with hazardous building materials, a Preliminary Investigation is required to be submitted to Council in accordance with Clause 6 or 7 of SEPP 55.	✓	The site is not known to be contaminated. A Preliminary Site Investigation will accompany any DA submitted for the site.
Section 17 – Erosion and Sediment Control		
An Erosion/Sediment Control Plan may be required to be submitted with the Development Application for a development involving excavation or that is likely to pose a significant environmental risk.	✓	Erosion and Sediment Control details will accompany any DA submitted for the site.
Section 18 – Stormwater Management		
A Stormwater Management Plan is required for all developments and must demonstrate compliance with this section as well as the relevant stormwater management provisions in the NS DCP 2013.	✓	This Planning Proposal is accompanied by a Stormwater Management Report, prepared by Wood and Grieve Engineers and held at Attachment T .
Part C – Character Statements		
Section 2 – North Sydney Planning Area		
2.1.1 Significant Elements		
Views		
The following views and vistas are to be preserved and where	✓	As detailed within the Urban Design Study held at

Control	Compliance	Comment
possible enhanced: <ul style="list-style-type: none"> Views to between buildings on east side of Miller Street, between Berry and McLaren Streets. 		Attachment A , the proposed development will not impact on any significant view or vistas, including views to between buildings on east side of Miller Street, between Berry and McLaren Streets.
2.1.2 Desired Future Character		
Diversity of activities, facilities, opportunities and services		
<ul style="list-style-type: none"> High rise and medium density, commercial and mixed use developments. Provision of a variety of different sized office, retail, community and entertainment spaces. Provision of a variety of outdoor and indoor community spaces (e.g. urban plazas, gymnasium; gardens; outdoor and indoor dining areas and food courts). Public open space and a community facility is provided at Ward Street Plaza (car parking station site). Provide roof top gardens and/or public facilities that allow the public and/or residents to access district views. 	✓	The proposed mixed-use development seeks to incorporate a number of elements contained within this clause. Following lodgement of this Planning Proposal, a VPA will be discussed with Council in relation to potential community uses within the Ward Street Precinct.
Accessibility and permeability		
<ul style="list-style-type: none"> New development focuses on the use of public transport, cycling and walking. 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. The following through site links are to be provided, retained and enhanced: (a) A north - south pedestrian link from McLaren Street to Elliot Street across 54 McLaren Street. (b) A north - south pedestrian link from McLaren Street to Ward Street across the vehicle access of 221 Miller Street. (c) A east - west pedestrian link from Miller Street to Ward Street across 221 Miller Street. (e) A east - west pedestrian link from Harnett Street to Walker Street across 142 Walker Street. (f) A east - west pedestrian link from Harnett Street to Walker Street across 144- 150 Walker Street. (i) A east - west pedestrian link from Ward Street to the open space area at the north-western corner of 76 Berry Street across 3-11 Ward Street. 	✓	It is proposed to provide a through-site link along the western boundary of the site, which will link with proposed public open space within the Ward Street Precinct and to Berry Street beyond.
2.1.3 Desired Built Form		
Form, massing and scale		
<ul style="list-style-type: none"> Buildings should generally step down in height from the tallest buildings, being Northpoint (100 Miller Street) and Shopping World (79-81 Berry Street) to the boundary of the North Sydney Centre and surrounding residential areas. Roof design contributes to building's appearance from a regional view catchment. 	See comment	Please refer to a discussion of height matters within the accompanying Planning Proposal report.
Setbacks		
<ul style="list-style-type: none"> Zero setback to all street frontages at the ground floor level and adjacent to heritage items 	✓	The proposal will retain the existing building which holds a zero-setback to McLaren Street.
<ul style="list-style-type: none"> Buildings must be setback to conserve views to, and the setbacks and settings of, heritage items at 86 and 146 - 150 Walker Street, 94 Pacific Highway (Post Office), 36 Blue Street (Greenwood), 153 Miller Street (MLC Building), 168 - 172 Pacific Highway and 1-7 Napier Street. 	✓	It is not considered that the proposed development would have any impact on the setting of these heritage items, nor any significant views to these items.
<ul style="list-style-type: none"> 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. 	✓	The proposed development will not have any impact on existing fig trees, which are located on the opposite side of McLaren Street.

Control	Compliance	Comment
Podiums <ul style="list-style-type: none"> A maximum podium of 5 storeys to all streets, with a weighted setback of 5m above the podium with the following exceptions: 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 Podium heights should match or provide a transition in height between immediately adjacent buildings. Podium height may be reduced to that part of the building devoted to commercial use in mixed-use buildings. If there is no commercial component, and therefore no podium, adequate side separation should be provided for residential amenity. 	✓	<p>The existing commercial building is proposed to be retained and will form the podium of the building. The building has an appearance of a 2-3 storey podium when viewed from McLaren Street, which a terraced setback above, increasing to up to 7 storeys at the southern elevation. The proposed tower will be setback a minimum of 24 metres from McLaren Street.</p>
Building design <ul style="list-style-type: none"> 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. Provide a visually rich intimate pedestrian environment with active street frontages at ground level. 	✓	<p>Overall, the proposed building exhibits exceptional architectural quality which will create an iconic, landmark tower at the site.</p>