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Australia's property industry

## Creating for Generations

30 August 2021

North Sydney Council  
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Submitted Via Email to [yoursay@northsydney.nsw.gov.au](mailto:yoursay@northsydney.nsw.gov.au)

Attn: Caitlin Summers, Strategic Planner

### Draft Amendment to North Sydney Development Control Plan 2013 – North Sydney CBD Commercial Tower Setbacks and Separation

The Property Council welcomes the opportunity to provide feedback to North Sydney Council (Council) on the Draft Amendment to North Sydney Development Control Plan 2013 – North Sydney CBD commercial tower setbacks and separation (the Draft DCP).

As Australia's peak representative of the property and construction industry, the Property Council's members include investors, owners, managers, and developers of property across all asset classes.

We note that the Draft DCP proposes the following amendments:

- 6m minimum above podium whole of tower side setbacks to the boundary for sites over 1,000m<sup>2</sup>
- Tower facades above podium should not exceed 55m in length
- No portion of a commercial tower should be located within 3m of the podium face. Above podium weighted setback controls will continue to apply
- Commercial towers on the same site require a minimum building separation of 12m
- Commercial towers on lots with adjoining rear boundaries (i.e. without street frontage) require a minimum 6m above podium rear setback
- Visually interesting treatment to party walls.

The Council proposes to introduce these changes to 'protect pedestrian and building occupant amenity and promote commercially viable towers as North Sydney CBD continues to grow.

Our comments on the Draft DCP are outlined below for your consideration.

### **The Alfred Street Precinct should not be included in the Draft DCP**

We note that the Draft DCP applies controls to the Alfred Street Precinct. The Alfred Street Precinct was not considered to be part of the 'North Sydney CBD Centre' as identified in Council's Capacity and Land Use Strategy (the Strategy) and associated North Sydney Planning Proposal. Its inclusion in this Draft DCP amendment is not reflective of Council's planning and consideration for North Sydney centre and should be removed.

**Recommendation:** The Draft DCP boundaries should be amended to remove the Alfred Street Precinct, consistent with planning strategies produced by Council for the North Sydney CBD.

### **The introduction of side and rear setbacks to towers above podium level is not supported**

We are concerned about the impact on feasibility of development sites as a result of potential introduction of side and rear setbacks to towers in the North Sydney CBD.

We recommend Council give further consideration to the planning and practical implications arising from the application of these setback controls and outcomes. The following concerns in particular are raised:

- The changes have significant negative implications upon the development feasibility of many key sites throughout the North Sydney CBD, and would cause future redevelopment to be unviable for the development towers, in particular A-Grade towers
- The amendment is not evaluated or justified by an economic analysis of its implications upon the North Sydney CBD
- The proposed application of the tower setbacks proposed will reduce the number of sites in the CBD capable of accommodating tower development
- The introduction of these setbacks will significantly reduce the Council's projected increase in Gross Floor Area that justified the recent increase in permitted building heights under the Local Environmental Plan for land in the North Sydney CBD
- The proposed changes will have a subsequent flow on effect of reducing the potential number of future employees able to be accommodated in the CBD, and reducing the total number of potential jobs in the CBD (from that currently achievable)
- The proposed changes will prevent the achievement of urban outcomes desired by council, including improved pedestrian amenity, building occupant amenity, view sharing and delivery of commercially viable towers.

**Recommendation:** We recommend Council engage an independent consultant to undertake a thorough and rigorous economic analysis of the impacts of the proposed amendments upon the future growth, development, and urban form of the North Sydney CBD. Analysis of sites with a variety of characteristics and constraints should be included as part of this report.

We request the Council reconsider the draft amendments, taking into consideration the outcomes and findings of this economic analysis.

### **A site-specific approach to setbacks is required**

The proposed broad-brush application of the setback controls is inappropriate for the CBD given the complexity of the existing lot arrangement and prevailing established built form. Consideration must be given to the site context of individual lots and take into account and allow for site specific circumstances.

Any requirement for a tower side or rear setback, if considered necessary, should be applied on a site-specific basis, and should have regard for, and provide exemptions in a manner which ensures tower development is still achievable on sites with an area in excess of 1000sqm.

Any potential policy requirement for a tower side or rear setback should only be applied in consideration of:

- a. Whether a site has the potential to be amalgamated (is the site surrounded by constrained sites and is therefore unlikely to have any future amalgamation potential)
- b. The width of a lot. The proposed setbacks are proposed to be applicable to land in excess of 1000m<sup>2</sup> site area but does not take into account lot width. The internal dimension of typical floor plate for an A-grade building would need to be at least 20m. A site of 25m or greater width, with a building located on its side boundary can provide for such a tower building.
- c. The current boundary interface with existing/approved neighbouring development and its proximity to the boundary, and its treatment.
- d. Corner lots (with two frontages that are already subject to two 5m podium setbacks under the DCP). These should not be required to provide further additional side and rear setbacks where the site width is less than 50m and / or is an isolated site
- e. Land uses on neighbouring sites (setbacks should not be required where adjacent to commercial office tower purposes, as opposed to residential uses, for

**Recommendation:** The proposed DCP requirement for a setback from a side or rear boundary should be the exception, not the rule, and applied on a case-by-case basis subject to clear criteria.

Should you wish to discuss these issues further, please contact Annie Manson, NSW Policy Manager on email at [amanson@propertycouncil.com.au](mailto:amanson@propertycouncil.com.au) or phone on 0422131741.

Yours sincerely



**Luke Achterstraat**

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