

Tables of Compliance

Table 1 – State Environmental Planning Policy No. 55 – Remediation of Land

Section	Requirement	Proposal	Compliance
Clause 7(1)A	▪ A consent authority must not consent to the carrying out of any development on land unless: (a) it has considered whether the land is contaminated, and (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.	It is considered that due to the history of approved uses on the site that contamination is unlikely refer to Section 5.20 of the EAR. A Phase 1 Assessment is included at Appendix W .	Y

Table 2 – State Environmental Planning Policy (Infrastructure) 2007

Section	Requirement	Proposal	Compliance
Clause 104 Traffic Generating Development	(1) This clause applies to development specified in Column 1 of the Table to Schedule 3 that involves: (a) new premises of the relevant size or capacity, or (b) an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.	▪ The proposal is a development to which Clause 104 applies in that it involves the construction of a new commercial building comprising more than 10,000m² of gross floor area.	N/A
	(2) In this clause, relevant size or capacity means: (a) in relation to development on a site that has direct vehicular or pedestrian access to any road—the size or capacity specified opposite that development in Column 2 of the Table to Schedule 3, or (b) in relation to development on a site that has direct vehicular or pedestrian access to a classified road or to a road that connects to a classified road where the access (measured along the alignment of the connecting road) is within 90m of the connection—the size or capacity specified opposite that development in Column 3 of the Table to Schedule 3.	▪ Noted.	N/A

Section	Requirement	Proposal	Compliance
	(3) Before determining a development application for development to which this clause applies, the consent authority must (a) give written notice of the application to the RTA within 7 days after the application is made, and (b) take into consideration: (i) any submission that the RTA provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, the RTA advises that it will not be making a submission), and (ii) the accessibility of the site concerned, including: (A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and (B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and (iii) any potential traffic safety, road congestion or parking implications of the development.	▪ The DoP will refer the application to the RTA as part of the notification process.	N/A
	(4) The consent authority must give the RTA a copy of the determination of the application within 7 days after the determination is made.	▪ Noted.	N/A

Table 3 – North Sydney Local Environmental Plan 1989 (applicable to 77 – 81 Berry Street only)

Section	Requirement	Proposal	Compliance
Clause 2	Aims, objectives etc The general aims and objectives of this plan are: (a) to maintain and increase the availability of land for residential use in North Sydney and to prevent the further alienation of residential areas, (b) to maintain and increase the present population of the municipality by retaining residentially zoned land for residential purposes, by restricting the expansion of other uses into residential zones and encouraging residential use of buildings in non-residential zones, especially those buildings in the commercial zones, (c) to ensure that proper regard is given to the needs and wishes of the community and environmental quality, (d) to ensure that development on land at or near the foreshores of Port Jackson is designed so as to take into consideration the appearance of the land and development when viewed from Port Jackson, (e) to improve access to the foreshore areas of the Municipality by acquisition or dedication or by gaining rights of public access over foreshore land, (f) to provide increased opportunities for public involvement and participation in environmental planning and assessment within the Municipality by advertising all development applications, (g) to maintain commercial and industrial areas within the Municipality while protecting existing residential accommodation and amenity, (h) to provide for the economic and efficient use of land, (i) to incorporate all planning controls for the Municipality into a single local environmental plan, (j) to minimise the adverse effect of traffic within the Municipality, (k) to encourage the amalgamation of development sites generally where appropriate and in particular to avoid the inefficient use of land and to ensure that existing dwellings on sites too small to be redeveloped are developed in conjunction with adjoining properties,	The proposal is consistent with the overall objectives of the plan as it ■ ensures the needs and wishes of the community are regarded through the provision of a new plaza in the North Sydney CBD ■ allowed for the input of the community during the preparation of the application documentation ■ maintains the importance of the North Sydney CBD and the use of the site for hotel and commercial uses ■ amalgamates two sites providing a high quality development ■ proposes the most economic and efficient use of the land ■ proposes outdoor advertising which is consistent with that existing in the North Sydney CBD ■ includes measures to control and improve traffic circulation within the surrounding laneway network ■ maintains and enhances adjacent heritage items	Y

Section	Requirement	Proposal	Compliance
	(l) to control subdivisions in accordance with the special provisions in that behalf made by this plan, (m) to identify items of environmental heritage and conservation areas and to provide guidelines to ensure their conservation, and (n) to allow for outdoor advertising which makes a positive contribution to the built environment of the area of North Sydney and minimises visual clutter.		
Clause 9 Development Control Table	Zoning and permissible Pursuant to Section 9 and the zoning map, 77-81 Berry Street is zoned 3(a) – Commercial 'A' Zone. The permissible uses in that zone are: Adult services; advertisements; airline terminals; attached dwellings; backpackers' accommodation; boarding houses; brothels; bus stations; car parking; car repair stations; child care centres; clubs; commercial premises; drainage; dwellings; educational establishments; hotels; housing for aged or disabled persons; light industry not exceeding 100 sq metres use; motels; open space; places of assembly; places of public worship; professional consulting rooms; public buildings; public utility undertakings; recreational facilities; refreshment rooms; residential flat buildings; roads; service stations; serviced apartments; shops; showrooms; take-away food shops; taverns; transport terminals; trade or craft workshops; utility installations, other than gas holders or generating works; warehouses.	The proposed building on 77 – 81 Berry Street will accommodate commercial, retail and parking uses which are permissible with development consent within the 3(a) Commercial 'A' Zone.	Y
	Zone objectives and general development controls The particular objectives of this zone are: a) to maintain the role of the Central Business District of North Sydney as the focus of commercial development within the Municipality, and as an integral part of the dominant Regional Centre in the Sydney Region by maintaining the floor space ratios contained in previous environmental planning instruments,	The proposed development is consistent with the objectives of the 3(a) Commercial 'A' Zone in that ■ The proposal continues to provide for a commercial development promoting the role of the CBD of North Sydney as the focus of development within the Municipality.	Y
	b) to allow for a diverse range of retail activities and entertainment opportunities within the commercial zones,	■ The proposal provides for a range of retail activities and entertainment opportunities including a new public plaza which will be activated by café and retail uses.	Y
	c) to prevent any expansion of commercial zones at the expense of residential zones,	■ The proposal does not involve the expansion of a commercial zone at the expense of a residential zone.	Y

Section	Requirement	Proposal	Compliance
	d) to encourage residential development on land within the zone especially in North Sydney and St Leonards,	N/A	N/A
	e) to improve, by civic design and landscape proposals, the amenity of commercial areas in the Municipality,	Through site links and public domain works form a crucial element of the proposal which will significantly enhance the North Sydney CBDs open space network.	Y
	f) to limit commercial and retail gross floor area by means of specific controls, having regard to the traffic and car parking capacity of the road system especially within the commercial areas,	The commercial and retail gross floor area is appropriate for the site in terms of the traffic and car parking capacity of the road system within the commercial areas (see Section 5.15 of the EAR).	Y
	g) to ensure by the formulation of appropriate controls that any development carried out within this zone on land adjoining or adjacent to residential areas has no adverse environmental effects on those residential areas,	The proposed development will not affect the environmental amenity of any residential property outside the North Sydney CBD. Mitigative measures as to minimise the potential for impacts on Beau Monde residents. There will however be loss of views associated with the development. Refer to Section 5.10 of the EAR.	Y
	h) to minimise the traffic impact of commercial or retail development on adjacent residential areas, and	The proposed development has been assessed for traffic impacts and has found to be acceptable, refer to Section 5.15 of the EAR and Appendix D.	Y
	i) to encourage vehicular access for commercial development away from major arterial roads.	The entrance to the proposed car park is via Little Spring Street and as such is not accessed from a major arterial road.	Y
Clause 20 Floor Space – Special Provisions	The Commercial building site (79-81 Berry Street, Lot 1 DP 628425) has a maximum permissible floor space ratio of 3.28:1.	Compliance with the maximum GFA control is discussed in Section 5.3 of the report.	N

Table 4 – North Sydney Local Environmental Plan 2001 (88 Walker Street Only)

Section	Requirement	Proposal / Comment	Compliance
Part 1 Preliminary	2. The general aims of this plan are: (a) promotion of ecologically sustainable development, and (b) development that is appropriate to its context and enhances the amenity of the North Sydney community and environment, and (c) enhancement of opportunities for public participation in environmental planning and assessment.	■ The proposed development adopts a number of ESD principles and initiatives that are outlined in Section 4.10 of the EAR and Appendix N. ■ The proposed building envelopes are generally consistent with the future desired character of the North Sydney CBD. ■ Stakeholder consultation has been undertaken during the preparation of the Project Application (See Appendix B).	Y
Specific aims of this plan (relevant aims listed only)	3. The specific aims of this plan are: (a) in relation to the character of North Sydney's neighbourhoods, to: (i) promote the character of the neighbourhood and development which is compatible with neighbouring development in terms of bulk, scale and appearance, and (ii) maintain a diversity of activities while protecting residential accommodation and local amenity, and (iii) ensure that development on foreshore lands or land visible from the harbour or any public place does not adversely affect the appearance of that foreshore land, or the views of that land from the harbour or public place, and	■ The proposed development is generally consistent with the future desired character of the North Sydney CBD. ■ The proposed hotel will provide an additional function within the North Sydney CBD which is complementary to its predominate commercial use.	Y
	(b) in relation to non-residential development, to: (c) maintain a diversity of employment, services, cultural and recreational activities, and (d) ensure that non-residential development does not adversely affect the amenity of residential properties and public places, including adverse affectation by reason of the use, design, bulk, scale or appearance of the development, or the traffic generation and parking associated with the development, and (e) maintain waterfront activities and ensure that these activities do not adversely affect local amenity and environmental quality, and (f) minimise adverse effects of all permitted non-residential development and non-conforming uses or development, and	■ The proposed commercial and hotel development will result in an increase of employment services, cultural and recreational activities, and is consistent with the character of North Sydney Central Business District. ■ The proposed development will not adversely affect the amenity of any residential property outside of the CBD or public place. Mitigation measures have been proposed so as to minimise any potential impacts on the residents of Beau Monde, including increased setbacks and a construction management plan.	Y

Section	Requirement	Proposal / Comment	Compliance
	(g) in relation to environmental quality , to: (h) maintain and protect natural landscape, topographic features and natural ground surfaces, and (i) improve soil quality and regulate the remediation and development of contaminated land, and (j) minimise storm water run-off and its adverse effects and improve the quality of local waterways, and (k) minimise atmospheric pollution and its adverse effects, and (l) minimise noise emissions and their adverse effects, and (m) preserve and protect flora and fauna, and (n) promote the efficient use of energy and resources, and (o) minimise waste generation, including waste to landfill, and	▪ The proposal includes measures to reduce water run-off from the site, including rainwater detention tanks and a blackwater treatment plant. ▪ Management plans will be prepared to ensure that the air quality is not compromised during construction. ▪ Plant equipment will be fitted with attenuation measures to ensure that there are no adverse impacts on surrounding properties. ▪ Waste will be minimised during construction and operation of the buildings.	Y
	(p) in relation to environmental heritage , to: (i) identify and encourage the conservation of the heritage of North Sydney, including heritage items, heritage conservation areas, Aboriginal sites, bushland, parks, foreshores and trees, and (ii) ensure that development does not adversely affect the significance of the heritage of North Sydney (including heritage items, heritage conservation areas, Aboriginal sites, bushland, parks, foreshores and trees), and	▪ A Heritage Impact Statement is included at Appendix V which concludes that there will not be any adverse heritage impact resulting from the proposed development.	Y
	(q) in relation to community well-being , to: (i) provide for the growth of a permanent resident population and encourage the provision of a full range of housing, including affordable housing, and (ii) encourage the expression of community identity and cultural diversity, and (iii) ensure the social and economic effects of development are appropriate, and (iv) ensure good management of, and investment in, the community's assets, and	▪ The proposed development will generate a significant number of new jobs in the North Sydney CBD both during the construction period and the operation phase.	Y

Section	Requirement	Proposal / Comment	Compliance
	(r) in relation to cultural resources, to: (i) ensure that development does not adversely affect the quality, amenity and value of cultural resources, and (ii) ensure that development does not impede access to cultural resources, and (iii) ensure that development does not adversely affect the presentation to streets and other public places of cultural resources.	The proposal will provide a new public plaza thereby enhancing the cultural resources available to the community.	Y
Clause 14	Consistency of aims and objectives (1) When considering a development application, the consent authority must take into account the aims and objectives stated in this plan. (2) Consent must not be granted to the carrying out of any development that, in the opinion of the consent authority, is inconsistent with the specific aims of this plan, the objectives of the zone or the objectives of controls.	As demonstrated in the sections above, the proposed development is consistent with the aims and objectives of the plan.	Y
Clause 15	Subdivision (1) Subdivision objectives The specific objectives of the subdivision controls are to: a) ensure subdivision and associated development maintain the character of the neighbourhood as reflected in lot size, orientation and shape, and housing density, and b) ensure the strata title conversion of existing multi-unit buildings does not adversely affect the residential amenity of those buildings and their surroundings, and c) maintain a mix of dwelling sizes and affordable accommodation. (2) Consent requirements Subdivision may only be carried out with consent.	A separate application will be lodged for subdivision.	N/A

Section	Requirement	Proposal / Comment	Compliance
Part 2 General Provisions for the Development of Land	Zoning and permissible use table Pursuant to this Section and the zoning map, 88 Walker Street is zoned Commercial. Development for the following purposes may be carried out in the Commercial Zone with development consent advertisements; business identification signs; child care centres; clubs; commercial premises; community facilities; community notice signs; drainage; educational establishments; hospitals; hotels; medical centres; open space; places of assembly; places of public worship; real estate signs; recreational facilities; refreshment rooms; remediation; restricted premises; shops; showrooms; take-away food shops; taverns; telecommunications facilities; temporary signs; temporary structures for the sale of produce and merchandise; utility installations, other than gasholders or generating works.	‘Hotels’ are permissible with development consent on the 88 Walker Street lot. Little Spring Street is within the Road Zone, bridges are permissible in the road zone.	Y
	Objectives of the zone The particular objectives of this zone are: a) to prevent the loss of commercial floor space to residential use, and b) to encourage a diverse range of employment opportunities, and c) to minimise adverse effects of development on residents and occupiers of existing and new development	The proposed development is consistent with the objectives of the Commercial Zone in that ▪ it results in a net increase in commercial floorspace; ▪ The development results in a diverse range of employment opportunities including hotel, commercial and retail opportunities; and ▪ The development does not pose any adverse impacts to existing residential development outside of the CBD and mitigative measures are proposed to minimise any potential impacts on the residents of Beau Monde, as described in Section 5.10 of the report.	Y
Part 3 Special Provisions Division 4 North Sydney Centre			
Clause 28B	North Sydney Centre objectives The specific objectives of this Division are as follows: a) to maintain the status of the North Sydney Centre as a major commercial centre within Australia,	▪ The new commercial building will provide A-grade quality commercial floor space in the North Sydney CBD, thereby improving its status as a major commercial centre.	Y
	b) to require arrangements for railway infrastructure to be in place before additional non-residential gross floor area is permissible in relation to any proposed development in the North Sydney Centre,	▪ It is expected that a Voluntary Planning Agreement will be executed between the Proponent and North Sydney Council which will ensure that a railway contribution is made.	Y

Section	Requirement	Proposal / Comment	Compliance
	c) to ensure that railway infrastructure, and in particular North Sydney Station, will enable and encourage a greater percentage of people to access the North Sydney Centre by public transport than by private transport and will: (iv) be convenient and accessible, and (v) enable a reduction in dependence on private car travel to the North Sydney Centre, and (vi) be adequate to achieve no increase in car parking, and (vii) have the capacity to service the demands generated by development in the North Sydney Centre,	The proposed development will generate a significant number of new employees in the North Sydney CBD that will, in the majority, utilise the public transport facilities available.	Y
	d) to discourage use of motor vehicles in the North Sydney Centre,	Travel guides will be issued to building occupants which will encourage the use of public transport.	Y
	e) to encourage access to and within the North Sydney Centre for pedestrians and cyclists,	- New cycle facilities will be provided in the basement of the commercial building and in the public domain. - Pedestrian linkages will be reinforced by the proposed development.	Y
	f) to allow for 250,000 square metres (maximum) non-residential gross floor area in addition to the estimated existing (as at the commencement of this Division) 700,000 square metres non-residential gross floor area,	The proposal will contribute approximately 62,500m² of new floor space in the CBD	Y
	g) to prohibit further residential development in the core of the North Sydney Centre,	No residential development is proposed.	Y
	h) to encourage the provision of high-grade commercial space with a floor plate, where appropriate, of at least 1000 square metres,	High quality commercial floorplates over 1,000m² are proposed.	Y
	i) to achieve a variety of commercial space,	A variety of tenancies can be provided. The proposal provides much needed large floorplate commercial space.	Y
	j) to encourage the refurbishment, recycling and rebuilding of older buildings,	The existing buildings are not suitable or viable for reuse and redevelopment is more efficient	N
	k) to encourage a diverse range of employment, living, recreation and social opportunities,	The proposal includes a mix of uses and new public open space	Y
	l) to promote high quality urban environments and residential amenity,	The development has been designed to provide a high quality environment at the ground plane by way of provision of a new public plaza, increased ground level setbacks, activated streetscapes and the like.	Y

Section	Requirement	Proposal / Comment	Compliance
	m) to provide significant public benefits such as open space, through-site linkages, childcare and the like,	The proposal provides a new through site link which provides the opportunity to create a new pedestrian plaza.	Y
	n) to improve accessibility within and to the North Sydney Centre,	All public areas of the development will be accessible.	Y
	o) to protect the amenity of residential zones and existing open space within and nearby the North Sydney Centre,	The proposal does not generate any adverse impact on any residential land outside of the CBD or public open space area. Mitigation measures are proposed so as to reduce any potential impacts on the residents of Beau Monde, including increased setbacks and a construction management plan.	Y
	p) to prevent any net increase in overshadowing of any land zoned residential or public open space or identified as a special area,	No adverse overshadowing occurs in any zoned residential outside of the CBD, and no increase in overshadowing occurs on any land zoned public open space or nominated as a Special Area refer to Appendix E.	Y
	q) to maintain areas of open space on private land and promote the preservation of existing setbacks and landscaped areas, and protect the amenity of these areas.	Existing areas of open space are maintained.	Y

Section	Requirement	Proposal / Comment	Compliance
Clause 28C Railway Infrastructure	Railway infrastructure (1) Railway infrastructure objective The specific objective of this clause is to ensure there will be railway infrastructure to accommodate the growth of the North Sydney Centre in accordance with this Division. (2) Railway infrastructure control Consent must not be granted to the carrying out of development on any land in the North Sydney Centre 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. (3) Exception railway infrastructure control Despite subclause (2) but subject to subclause (5), consent may be granted to the carrying out of development on any land in the North Sydney Centre that would result in an increase in the total non-residential gross floor area of buildings lawfully existing on the land, but only if the Director-General has first 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. (4) In determining whether to certify arrangements in accordance with subclause (3), the Director-General must consider the views of: a) the New South Wales Department of Transport, and b) any other public authority that the Director-General considers relevant. (5) Consent must not be granted in accordance with subclause (3) if the consent authority is satisfied that the increase in non-residential gross floor area authorised under the consent concerned when added to the increases (reduced by any decreases) in non-residential gross floor area authorised under all consents granted in relation to land in the North Sydney Centre since the commencement of this Division would exceed 250,000 square metres. (6) The Council is to review this Division to determine whether the policy objectives of the Division remain valid and whether the terms of the Division remain appropriate for securing those objectives. The review is to be undertaken as soon as practicable after consent has been granted that would result in the sum of increases (reduced by any decreases) in the non-residential gross floor area authorised under all consents granted in relation to land in the North Sydney Centre since the commencement of this Division exceeding 200,000 square metres.	It is proposed that a Voluntary Planning Agreement will be executed between the Council and the Proponent which will secure a contribution towards the upgrade of the North Sydney Station.	Y
JBA Urban Planning C	(7) For the purposes of subclauses (5) and (6): a) an increase in non-residential gross floor area is the amount by which the non-		

Section	Requirement	Proposal / Comment	Compliance
Clause 28D Building heights and massing	(1) Building heights and massing objectives The specific objectives of this clause are as follows: a) to achieve a transition of building heights generally from 100 Miller Street (Northpoint) and 79–81 Berry Street (being the location of the tallest buildings) stepping down towards the boundaries of the North Sydney Centre, b) to promote a height and massing that has no adverse impact on land in the public open space zone or land identified as a special area on Sheet 5 of the map marked “North Sydney Local Environmental Plan 2001 (Amendment No 9)—North Sydney Centre” or on heritage items, c) to minimise overshadowing of land in the residential and public open space zones or identified as a special area on Sheet 5 of the map marked “North Sydney Local Environmental Plan 2001 (Amendment No 9)—North Sydney Centre”, d) to protect the privacy of residents within and around the North Sydney Centre, e) to promote scale and massing that provides for pedestrian comfort, in terms of weather protection, solar access and visual dominance, f) to encourage consolidation of sites for provision of high grade commercial space and provision of public benefits.	The proposed development is consistent with the height objectives as: ▪ the building provides a suitable transition of building heights in the North Sydney CBD, creating an arc effect as shown in Section 5.4 of the EAR, ▪ the proposed height and massing has no adverse impact on land in the public recreation zone or land identified as a special area on Sheet 5 of the map marked “North Sydney Local Environmental Plan 2001 (Amendment No 9)—North Sydney Centre” or on heritage items, ▪ the proposal minimises overshadowing of, and loss of solar access to, land in the residential zone or the public recreation zone or identified as a special area on Sheet 5 of the map marked “North Sydney Local Environmental Plan 2001 (Amendment No 9)—North Sydney Centre”, ▪ the hotel building is not in close proximity to a residential building and as such does not compromise the privacy of such a building, ▪ it is of a scale and massing that provides for pedestrian comfort, in terms of weather protection, solar access, and includes elements which relate to the human scale ▪ it consolidates 77 Berry Street and 88 Walker Street and results in the provision of high grade commercial space, a new hotel and provision of public benefits.	Y

Section	Requirement	Proposal / Comment	Compliance
	(2) Building heights and massing controls Consent must not be granted to the erection of a building within the North Sydney Centre, unless: a) the height of the building will not exceed RL 195 AHD, and b) there is no net increase in overshadowing of any land between the hours of 9am and 3pm, 21 June outside the composite shadow area, as shown on the map marked "North Sydney Local Environmental Plan 2001 (Amendment No 9)—North Sydney Centre" (except land that is in the Road or Railways Zone), and c) there is no net increase in overshadowing, between 10am and 2pm, at any time of the year, of any land that is within the North Sydney Centre and is within the public open space zone or within a special area as shown on Sheet 5 of the map marked "North Sydney Local Environmental Plan 2001 (Amendment No 9)—North Sydney Centre", and d) there will be no increase in overshadowing that would reduce the amenity of any dwelling that is outside the North Sydney Centre and falls within the composite shadow area referred to in paragraph (b), and e) the site area is not less than 1,000 square metres.	■ The hotel building does not exceed a height of RL 195, does not overshadow a public open space or special area or residential property outside the CBD. ■ The site area is not less than 100m².	Y
	(3) State Environmental Planning Policy No 1—Development Standards does not apply to a requirement made by subclause (2) (a), (b) or (c) (including a requirement varied under subclause (4)).	Noted.	N/A

Section	Requirement	Proposal / Comment	Compliance
	(4) Minor variation of overshadowing controls The consent authority may make a determination to vary, to a minor extent only, the operation of subclauses (2) (b) or (c), or both, in respect of a particular development application, but only if: a) it is satisfied that the variation is justified due to the merits of the development application and the public benefit to be gained, and b) it is satisfied that any increase in overshadowing will not reduce the amenity of any land, and c) in relation to a variation of the operation of subclause (2) (b), the variation will result in not more than 2 hours net increase in overshadowing of land referred to in that paragraph between the hours of 9am and 3pm, 21 June, and d) in relation to a variation of the operation of subclause (2) (c), the variation will result in not more than 15 minutes net increase in overshadowing of land referred to in that paragraph between the hours of 10am and 12 noon, and no net increase between the hours of 12 noon and 2pm, on any day.	N/A	N/A
	(5) Building design and public benefits When determining whether or not to grant consent to a development application in respect of land within the North Sydney Centre, the consent authority must consider: a) the impact of the proposed development in terms of scale, form and massing within the context of the locality and landform, the natural environment and neighbouring development and in particular lower scale development adjoining the North Sydney Centre, and b) whether the proposed development provides public benefits such as open space, through-site linkages, community facilities and the like, and c) whether the proposed development preserves important view lines and vistas, and d) whether the proposed development enhances the streetscape in terms of scale, materials and external treatments, and provides variety and interest.	The proposed development ■ Provides suitable built form for the North Sydney CBD which is in keeping with Council's future desired character of the CBD (refer to Section 5.4 of the EAR). ■ Does not result in any adverse overshadowing of a residential property outside of the CBD or and overshadowing of a public open space or special area between 12 midday and 2pm; ■ Provides significant public benefits such as a new through site link, new plaza and public parking; ■ Does not have any impact on the views and view lines nominated in the North Sydney CBD Character Statement (refer to Section 5.9 of the EAR), and ■ Significantly increases the level of activation and enhances the amenity of the existing laneway network.	Y

Section	Requirement	Proposal / Comment	Compliance
Clause 39 Excavation of land	Excavation of land (1) Excavation objectives The specific objectives of the excavation of land controls are to: a) retain existing vegetation and allow for new substantial vegetation and trees, and b) minimise the adverse effects of excavation on the amenity of neighbouring properties, and c) minimise excavation and site disturbance so as to retain natural landforms, natural rock faces, sandstone retaining walls and the like and to retain natural water runoff patterns and underground water table and flow patterns, and d) ensure the structural integrity of adjoining properties. (2) Excavation controls Development that includes excavation must not be carried out unless: a) the development is in accordance with and promotes the objectives in subclause (1), and b) land stability of the site and adjoining land is preserved, and c) the natural drainage patterns of the land and catchment will not be disrupted, and d) adverse effects on other properties are avoided or minimised.	The proposed development is consistent with the excavation objectives and controls in the following way: ■ there are no existing trees on either site, new trees will be planted in the public domain and within the roof terrace gardens, ■ a construction management plan will be prepared which will outline mitigation measures which will minimise the impacts on the amenity of neighbouring properties, ■ no natural landforms will be lost and the proposal will not affect the water table, ■ a geotech report and dilapidation reports will be prepared prior to excavation works commencing,	Y
Clause 40 Contaminated land	Contaminated land (1) Consent must not be granted to the carrying out of any development on land unless the consent authority: a) has considered whether the land is contaminated, and b) if the land is contaminated, is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, is satisfied that the land will be remediated before the	A Phase 1 Environmental Assessment has been undertaken (Appendix X) which outlines that it is unlikely that contaminated soil will be found on either parcel of land. As such it is considered that the site is suitable for the proposed purpose.	Y

Section	Requirement	Proposal / Comment	Compliance
	land is used for that purpose. (2) Nothing in this clause affects the application of State Environmental Planning Policy No 55 – Remediation of Land or the Contaminated Land Management Act 1997 to land to which this plan applies.		
Clause 50 Development in the vicinity of heritage items	Development in the vicinity of heritage items (1) Development in vicinity objective The specific objective of the development in the vicinity of heritage items control is to ensure that development in the vicinity of a heritage item does not adversely affect the heritage significance of the item or its curtilage. (2) Development in vicinity controls When determining a development application relating to land in the vicinity of a heritage item the consent authority must consider the likely effect of the proposed development on the heritage significance of the heritage item and its curtilage. (3) Before determining a development application relating to land in the vicinity of a heritage item, the consent authority may require the submission of a statement of heritage impact on the heritage item and its curtilage.	A Heritage Impact Statement is included at Appendix W which concludes that no adverse impacts will occur on the heritage items in the vicinity of the site.	Y

Table 5 – Draft North Sydney Local Environmental Plan 2001 (Amendment No. 28)

Section	Requirement	Proposal	Compliance
Part 2 General Provisions for the Development of Land	Zoning and permissible use table Development for the following purposes may be carried out in the Commercial Zone: advertisements; business identification signs; child care centres; clubs; commercial premises; community facilities; community notice signs; drainage; educational establishments; hospitals; hotels; medical centres; open space; places of assembly; places of public worship; real estate signs; recreational facilities; refreshment rooms; remediation; restricted premises; shops; showrooms; take-away food shops; taverns; telecommunications facilities; temporary signs; temporary structures for the sale of produce and merchandise; utility installations, other than gasholders or generating works.	The amendment seeks to rezone 77 – 81 Berry Street so that it is zoned commercial. Commercial and retail uses are permissible within the Commercial Zone, however parking will be prohibited.	Y/N
	Objectives of the zone The particular objectives of this zone are: a) to prevent the loss of commercial floor space to residential use, and b) to encourage a diverse range of employment opportunities, and c) to minimise adverse effects of development on residents and occupiers of existing and new development.	The proposed development is consistent with the objectives of the Commercial Zone in that - the proposal does not result in the loss of commercial floor space to residential use; - The development results in a more diverse range of employment opportunities, including hotel, commercial and retail employment opportunities; and - The development does not pose any adverse impacts to existing residential development outside of the North Sydney CBD and mitigation measures are proposed so as to reduce any potential impacts on the residents of Beau Monde, as described in detail in Section 5.10 of the EAR.	Y
28B (new clause inserted)	ha) to ensure a high quality of building design, energy efficiency and urban design for all building development,	The proposed development satisfies the new objective for the North Sydney CBD as it - Will deliver two new buildings that are of high quality architectural design and finishes; - Involves commitments that will ensure that the buildings achieve high ESD ratings under the Green Star and NABERS ESD rating tools; and - Proposed two buildings which are considered to embody good urban design principles, including provision of increased setbacks at the ground plane and from the neighbouring residential building, increased permeability through the site and creation of a transition of building heights from the centre of the CBD.	

Section	Requirement	Proposal	Compliance
Clause 28D	Building heights and massing (1) Building heights and massing objectives a) to achieve a transition of building heights generally from 100 Miller Street (Northpoint) and 79-81 Berry Street (being the location of the tallest buildings) stepping down towards the boundaries of the North Sydney Centre in accordance with the building heights shown on Sheet 1 of the map marked North Sydney Local Environmental Plan 2001 (Amendment No.28), b) to promote a height and massing that has no adverse impact on land in the public open space zone or land identified as a special area on Sheet 9 of the map marked "North Sydney Local Environmental Plan 2001 (Amendment No 28)" or on heritage items, - ba) to promote a height and massing that has no adverse impact on residential land that adjoins the North Sydney Centre, c) to minimise overshadowing of and loss of solar access to land in the residential zone or the public open space zone or land identified as a special area on Sheet 9 of the map marked "North Sydney Local Environmental Plan 2001 (Amendment No 28)", d) to protect the privacy of residents within and around the North Sydney Centre, e) to promote scale and massing that provides for pedestrian comfort, in terms of weather protection, solar access, human scale and visual dominance, f) to encourage consolidation of sites for provision of high grade commercial space and provision of public benefits.	The proposed development is consistent with the amended building height and massing objectives in the following way: ■ the buildings provide a suitable transition of building heights in the North Sydney CBD, creating an arc effect as shown in Section 5.4 of the EAR, ■ the proposed height and massing of the two buildings has no adverse impact on land in the public recreation zone or land identified as a special area on Sheet 9 of the map marked "North Sydney Local Environmental Plan 2001 (Amendment 28)" or on heritage items, ■ the proposed height and massing of the two buildings has no adverse impact on residential land that adjoins the North Sydney Centre, ■ the proposal minimises overshadowing of, and loss of solar access to, land in the residential zone or the public recreation zone or identified as a special area on Sheet 9 of the map marked "North Sydney Local Environmental Plan 2001 (Amendment 28)", ■ the hotel building is not in close proximity to a residential building and as such does not compromise the privacy of such a building, a 24m separation distance is proposed between the commercial building and Beau Monde , ■ it is of a scale and massing that provides for pedestrian comfort, in terms of weather protection, solar access, and includes elements which relate to the human scale, and ■ it consolidates 77 Berry Street and 88 Walker Street and results in the provision of high grade commercial space, a new hotel and provision of public benefits.	Y
	(2) Building heights and massing controls Consent must not be granted to the erection of a building on land within the North Sydney Centre, if: a) the building height will exceed the height for the land shown on Sheet 1 of the map marked "North Sydney Local Environmental Plan 2001 (Amendment No 28)", or b) there will be a net increase in overshadowing between 12 noon and 2pm, Eastern Standard Time, of any land that is within the North Sydney Centre and is	■ As shown on Sheet 1 of the map marked "North Sydney Local Environmental Plan 2001 (Amendment 28), the maximum permissible height for 88 Walker Street is 112m and for 77-81 Berry Street is 111m. The proposed development involves a variation to these maximum height controls as discussed in Section 5.3 of the EAR. Public benefits which result from the proposed development are discussed at Section 5.5 of the EAR. No net increase in overshadowing occurs on any land within the public open space zone or within a special area as shown on Sheet 9 of the map marked "North Sydney Local Environmental Plan 2001 (Amendment No 28)	Y

Section	Requirement	Proposal	Compliance
	within the public open space zone or within a special area as shown on Sheet 9 of the map marked "North Sydney Local Environmental Plan 2001 (Amendment No 28)", or c) there will be a net increase in overshadowing between 10am and 2pm, Eastern Standard Time, of the land known as Don Bank Museum, 6 Napier Street, North Sydney, or d) the site area is less than 1,000 square metres, or e) the floor space ratio will exceed the maximum specified on Sheet 11 of the map marked "North Sydney Local Environmental Plan 2001 (Amendment No 28)". (3) State Environmental Planning Policy No 1—Development Standards does not apply to subclause (2) (b) or (c). (4) Despite subclause (2) (a), consent may be granted for development that exceeds the maximum building height, but only if the consent authority is satisfied that: a) the variation is justified by the merits of the development and the public benefit to be gained, and b) any increase in overshadowing between the hours of 9am and 3pm, Eastern Standard Time, will not reduce the amenity of any dwelling that is outside the North Sydney Centre. (4A) Despite subclause (2) (e), consent may be granted for development that exceeds the maximum floor space ratio, but only if: a) the development complies with the maximum building height set out in subclause (2) (a), or b) the requirements for a variation of building height set out in subclause (4) have been satisfied.	■ No overshadowing occurs on 6 Napier Street ■ The combined site area is greater than 1,000m², ■ No overshadowing impacts which affect the amenity of any residential dwelling outside of the NS CBD occur. ■ The maximum permissible FSR for 88 Walker Street is 25:1 and for 77-81 Berry Street is 23:1. The proposal complies with these maximums.	
	Building design and public benefits e) that the application of building height controls has priority over the achievement of a maximum floor space ratio.	■ The maximum permissible FSR for 88 Walker Street is 25:1 and for 77-81 Berry Street is 23:1. The proposal complies with these maximums.	Y
Clause 28F	77-81 Berry Street, 93-95 Pacific Highway and 263 Alfred Street, North Sydney (1) Despite any other provision of this plan, the northern portion of the land known as 77-81 Berry Street, North Sydney may be used for residential purposes in accordance with	■ The residential use existing on 77 – 81 Berry Street will be retained.	Y

Section	Requirement	Proposal	Compliance
	development consent DA 1466/96. (2) Despite any other provision of this plan, the land known as 93–95 Pacific Highway, North Sydney and 263 Alfred Street, North Sydney may be used for residential purposes.		

Table 6 – North Sydney Development Control Plan 2002

Section	Requirement	Proposal	Compliance
Section 9 Car Parking	Section 9.2 Non-residential zones a. Reduce on-site car parking due to the proximity of public transport. Contain traffic congestion and facilitate use of public and alternative transport modes including walking and cycling. - For non-residential zones, including the residential component of Mixed Use Zones, provide on-site car parking at the maximum rates specified in the Schedule to this Section. - For specific uses provide on-site car parking at the maximum rates specified in the Schedule to this Section. - On-site carparking provision significantly below maximum rates specified in the Schedule to this Section, will generally not be accepted due to the impact that additional vehicle parking may have on surrounding residential streets. - No additional parking is provided to that legally existing on the 28 February 2003, in the North Sydney Centre if the provision already exceeds maximum rates stated in the Schedule to this Section. - Submit a Traffic and Transport Study prepared by an appropriately qualified person, if required. - Provide all off street parking underground. - Design car parking and loading spaces in accordance with AS2890.1 which requires 1-2% of spaces provided to be designated for use by people with mobility impairment.* - Car parking spaces for people with disabilities or their associates are provided adjacent or close to the principal public entrance in accordance with AS1428.2.* - Use turntables and mechanical stacking equipment only if there is no alternative. - Provide security between resident parking and the publicly accessible non-resident parking areas.* - Stacking may be permitted, for the non-residential component only, and limited to 25% of the number of spaces or where the parking space is in the same ownership or strata lot.	■ A Traffic Impact Assessment is included at Appendix D which concludes that the proposal will not result in any adverse traffic impacts. ■ The proposal includes additional public parking to that which already existing on the site, however this will be operated by the Council and is for the benefit of the operation of commercial businesses in the North Sydney CBD. It also partly alleviates the loss of on street parking spaces which results from the reconfiguration of the laneway network as well as those on street spaces which will be lost as a result of the roadworks which Council are undertaking on Miller Street. ■ The commercial rate of parking complies with that permitted by the DCP as discussed in Section 5.3 of the report. ■ Accessible parking spaces have been provided in accordance with AS1428. ■ Security boom gates will be provided between the public and commercial parking spaces. A boom gate will also separate the commercial / public parking from the residential parking under Beau Monde. ■ Loading and servicing spaces are provided on the lower ground floor level in accordance with the spaces nominated. ■ Motorcycle spaces are provided on various levels of the basement.	Y

Section	Requirement	Proposal	Compliance
	xii. Provide loading facilities within the site for couriers and delivery services. xiii. Loading bays are located to ensure all vehicles stand in their entirety within premises when loading and unloading and have minimum dimensions of: 7.6m x 3m x 3.6m for an FSR>2:1, and 5.5m x 2.5m for an FSR<2:1 xiv. Provide courier parking spaces near vehicle entry points and lifts. xv. Provide parking for motor cycles at the minimum rate of 1 space per 10 cars or part thereof, with each bay being 1.2m x 3m. xvi. The use of carspaces is restricted to the occupiers(s) of a development.* xvii. Designate disabled and visitor car parking spaces as common property.*		
Section 16 Outdoor Advertising	16.1 Advertising Design Analysis The following advertising design analysis aims to provide guidance on desirable forms of advertising in North Sydney for different zones and areas. Advertising design should reinforce the character of advertising described in this analysis. c. Mixed Use Zones v. North Sydney Centre North Sydney Centre is a vibrant, prosperous commercial centre consisting mainly of multi storey commercial buildings. The area is well serviced with community facilities such as North Sydney Oval, the Stanton Library and the Civic Centre Park and the Don Bank Museum. Within North Sydney Centre there are two conservation areas (McLaren Street and Walker Street) that contain significant landmarks such as St Thomas Church and the Council Chambers. Signage within the North Sydney Centre is diverse with a number of large illuminated wall and roof business identification signs that dominate the skyline. In addition to larger advertisements, there are numerous small scale business identification signs at street level including under awning and window signs, top hamper signs, free standing signs, fascia signs and projecting wall signs. The visual impact of the larger illuminated roof and walls signs in the North Sydney Centre is significant given their prominent location on the shores of Sydney Harbour and their close proximity to Bradfield Highway. To enhance views from Sydney Harbour, large business identification wall signs on multi storey buildings above first floor level should be limited to two per building that are incorporated into the overall design of the building. Generally, additional signage should be limited to small scale	- Signage will be placed on the east and west façade of the commercial building at the upper rooftop level (2 signs). - Four signs are proposed on the hotel building, these will be placed on all elevations on top of the terracotta core. - Future applications will be lodged for the erection of lower ground level signage and all other signage, including that listed above.	N

Section	Requirement	Proposal	Compliance
	business identification signs at ground floor level to convey messages to potential customers in preference to large scale roof and/or sky signs.		
Section 20 Commercial Development	20.1 Function a. A diversity of activities, facilities, opportunities and services; including high grade business accommodation, community services, employment, entertainment, government agencies, health and welfare, recreation and retail. i. Provide a variety of different sized non-residential spaces. ii. Consider incorporating community and entertainment facilities. iii. Encourage a variety of uses at street level which contribute positively to economic and social vitality. iv. Enhance the amenity of the public domain to meet the needs of the workforce, residents and visitors.	■ The proposal is consistent as it provides a mix of commercial and hotel uses, as well as ground floor retail. ■ The public domain will also be significantly enhanced with the provision of a new activated plaza.	Y
	b. Maximum access and provision for access to the area by public transport, foot and bicycle. i. Locate pick up and drop off points for public transport and taxi ranks as close as possible to public spaces and activities. ii. Locate short stay (ten minute) parking spaces within or as close as possible to meeting places.* iii. Limit the amount of long stay commuter parking on site to that which existed at the time of gazettal of the NSCLEP.* iv. Minimise non-residential parking on site.* v. Provide bicycle storage facilities in accordance with section 20.4.* vi. Provide showers for use by cyclists and people that walk to work.	■ A new drop off zone is provided in front of the hotel on Little Spring Street which will allow for taxis to drop off visitors to the commercial building and hotel guests. ■ Cycle and pedestrian facilities will be enhanced by the development. ■ Bicycle storage spaces and shower facilities are provided in the basement of the building with visitor spaces provided in the public domain, ■ No long stay commuter parking is proposed. ■ Short stay public parking will be provided on the site and operated by Council.	Y
	20.2 Environmental Criteria a. Clean air i. Select operating plant, materials and finishes that are non-toxic and reduce toxic emissions.* ii. Discourage use of the private motor car and encourage walking, cycling and use of public transport* iii. Car parking complies with the requirements of car parking section of this DCP.	■ Plant equipment will be fitted with appropriate air filters ■ The use of public transport will be encouraged. ■ Car parking exceeds the maximum provision rate, however this will be of benefit to surrounding businesses as a significant amount of public parking is proposed and public parking will be lost as a result of the proposed road works on Miller Street (Refer to Sections 5.5 and 5.15 of the EAR.	N

Section	Requirement	Proposal	Compliance
	b. Noise production does not exceed the following repeatable maximum L Aeq (1 hour) level, on weekdays: Day 7am-6pm: 55dB(A) Evening 6pm- 10pm: 45dB(A) Night 10pm-7am: 40dB(A) and on weekends: Day 8am-7pm: 50dB(A) Evening 7pm-10pm: 45dB(A) Night 10pm-8am: 40dB(A) or in any case not more than 5 dB(A) above the background level during the day and evening and not exceeding the background level at night when measured at the boundary of the property.* - Incorporate noise reduction measures on plant and machinery. - Use design features or planning that will reduce noise. - Incorporate adequate measures for tonal, low frequency, impulsive, or intermittent noise.* - Comply with EPA Industrial Noise Policy 2000 in particular the modification required for acceptable noise level (ANL).*	Existing noise levels already exceed this criteria, refer to Section 5.11 of the EAR and the Acoustic Report at Appendix P.	N (not possible)
	c. Maximum wind speed of 13m/s at footpaths and accessible outdoor spaces so that people do not experience uncomfortable wind speeds when walking down the street or when sitting in public spaces. - Submit a Wind Impact Report, prepared by an appropriately qualified person, where the building has a height of 33m or more.* - Reduce wind velocity at footpaths and public outdoor spaces through building design.	Wind amelioration measures are proposed. Refer to section 5.13 of the EAR and Appendix R.	Y

Section	Requirement	Proposal	Compliance
	d. Pedestrians and motorists are not affected by reflected light, reflectivity from buildings is minimized i. Provide a greater proportion of solid to void on all facades and use non reflective materials. ii. Use non-reflective glass or recess glass behind balconies.* iii. Provide sun shields to glass, such as awnings, canopies and pergolas. iv. Submit a Reflectivity Study.*	■ Design measures have been made to ensure no adverse reflectivity will occur, refer to Appendix S.	Y
	e. Artificial light does not impact on the amenity of residents and pedestrians. i. Do not flood light buildings.* ii. Minimise glare from artificial lighting. iii. Impose a 1 a.m. curfew to limit impact to residential areas from lighting on roof top or podium level facilities.*	■ Lighting will be installed to the relevant Australian Standard, refer to Commitment 7 and Appendix Q.	Y
	f. Renewable energy sources are used for outdoor lighting. A safe urban environment is achieved without adverse affects on surrounding development or the public domain. i. Council may require the submission of a Lighting Report for the building prepared by an appropriately qualified person.* ii. Use solar powered lighting and technology which reduces the amount of energy for lighting.* iii. Entrances are well lit and do not produce shadows.* iv. If staff entrances must be separated, they are well lit and opportunities for casual surveillance is maximized.*	■ The use of solar powered lighting will be investigated.	

Section	Requirement	Proposal	Compliance
	g. Weather protection for people in streets and other public spaces. i. Provide continuous, horizontal awnings with a minimum width of 2m, and on street frontages identified in the character statement, using materials that are sun, rain and wind proof. ii. Project awnings to within 1.1m of the kerb (or 0.6m where walkway not of sufficient width) to allow for street signage and 1.5m for street trees, continuous along street frontage. iii. Locate awnings at least 3.2m, and no more than 4.2m, above the footpath level. iv. Relate height of awnings to existing adjacent awnings and provide a weather seal where awnings adjoin each other and the building. v. Provide temporary shade structures such as retractable blinds, umbrellas and pergolas where appropriate (e.g. outdoor café and gardens).	■ An awning is provided on Walker Street and undercroft spaces are proposed for weather protection on Little Spring, Spring and Denison Streets. ■ Outdoor café spaces will be protected by the awning on Denison Street.	Y
	h. Solar access is maintained to special areas, open spaces and publicly accessible outdoor places. i. Detailed overshadowing controls for the special areas refer to North Sydney LEP 2001. ii. Spaces between taller buildings avoid a solid mass of development and allow for penetration of daylight and/or sunlight through to pedestrian level and to northern and eastern facades of buildings. iii. The height of new commercial developments will be controlled by the amount of overshadowing the building will have on the surrounding area. iv. Provide setbacks that create gaps between buildings above podiums. v. Minimize overshadowing of northern and eastern facades of adjacent buildings. vi. Provide a mix of sun-protected and unprotected areas in public open space, rooftop gardens and other outdoor spaces.	■ The proposal does not generate any additional overshadowing to special areas between the hours of 12 midday and 2pm. ■ An additional setback is proposed between the commercial building and Beau Monde which will avoid a solid mass of development and allow for a greater penetration of sunlight into the surrounding areas. ■ Above podium setbacks are generally in accordance with the North Sydney DCP character statement requirements. ■ Protected and unprotected areas will be available in the new Denison Plaza due to the varied shadows that will fall across the space. Undercrofts and umbrellas will further provide protection from the sun.	Y

Section	Requirement	Proposal	Compliance
	i. Solar access is maintained to surrounding residential areas. i. Do not increase in overshadowing of residential areas outside of North Sydney Centre Shadow Composite Area. ii. Cumulative overshadowing does not reduce solar access to a property in a residential zone to less than three hours between 9am and 3pm during the winter solstice (21 June) to any solar panels, main internal living areas or principal private open space.	The proposal does not generate any adverse overshadowing to residential properties between the hours of 9am and 3pm. Refer to Section 5.8 of the EAR and the Shadow Diagrams at Appendix E.	Y
	k. Water use within the building is minimized. i. Use at least AAA rated shower roses, taps and appliances. ii. Use of dual flush toilets; equal or less than 6/3 litres per flush. iii. Use of waterless urinals. iv. Install sensor operated taps, or automatic shutoff taps, especially in public areas.	A Blackwater Treatment Plant is proposed which will ensure that the development uses minimal potable water.	Y
	l. Water is reused to reduce potable water consumption and stormwater runoff. i. Reuse greywater for subsurface irrigation and toilet flushing. ii. Harvest and use rainwater for garden irrigation and toilet flushing. iii. Collect and reuse stormwater runoff for subsurface irrigation.	See above.	Y
	m. Stormwater runoff and water use from landscaped areas is minimized. i. Ensure paved areas are at least 50% pervious. ii. Use endemic plants and xeriscape principles in landscaping. iii. Install water efficient irrigation systems and controls. iv. Use grass swales and detention basins to minimize and filter runoff.	Rainwater will be collected for irrigation purposes.	Y
	20.3 Quality Built Form a. Site layout and building design responds to the existing characteristics, opportunities and constraints of the site and its context (adjoining land and the locality). i. Undertake the site analysis in accordance with Site Analysis section of this DCP (this should form part of a masterplan if one is being prepared for a site). ii. Design the development in response to the issues identified in the site analysis and in the Character Statements (where relevant).	A detailed site analysis is included at Section 2 of the EAR.	Y

Section	Requirement	Proposal	Compliance
	b. The building contributes to external and internal public spaces and facilities nearby and inclusion of these areas as part of the public domain. The building interacts with and contributes positively to its surroundings at street level; it contributes to diversity, vitality, social engagement and 'a sense of place'. i. Ensure the built form and intensity of new development respects the scale, character and density of existing development adjacent to the North Sydney Centre and does not detrimentally affect the amenity of the existing area, having regard to its redevelopment potential. ii. Provide a range of outdoor spaces. Larger spaces and wider footpaths provide more opportunities for a range of activities. iii. Avoid cluttering spaces and changes of level. iv. Locate facilities that attract people, such as public phones, seating and information kiosks, in public spaces to reinforce activity at ground level. v. Avoid over-management of public spaces by security patrols or through the use of closed circuit television (CCTV) see section 20.4 (d).	The proposal will: ■ Create a new public plaza in Denison Street ■ Improve the width and amenity of footpaths within the surrounding laneway network ■ Provide a new through site link which is accessible 24 hours a day.	Y
	c. A distinctive and well designed skyline through the introduction of visually interesting elements in the articulation and detailing of the upper levels and roofs of buildings with tallest building step down in use. i. Step down in height regardless of topography from Miller Street and Berry Street, refer to North Sydney LEP 2001 and character statement for further information. ii. Integrate roof design into the overall building design. iii. Contain all rooftop equipment and services within a single structure centrally located to avoid overshadowing and other impacts. iv. Telecommunication aerials incorporated into rooftop design, not ad hoc additions. v. Roof design considers building's appearance for a regional view catchment. vi. Plant room equipment should not be visible.	■ The proposal will contribute to the CBD skyline, conforming to the urban design principle of a 'CBD arc' (see section 5.4 of the EAR). ■ Articulation of the buildings contributes creating a unique skyline ■ Roof plant equipment has been designed into the overall building structure and will not be visible from the public domain.	Y

Section	Requirement	Proposal	Compliance
	d. Building form and design reinforces the junction and termination of streets (not including laneways). i. Emphasise the built form at the corner of the street block and at the termination of a street ii. Reinforce the corner through utilisation of splays, curves, building entries and other architectural elements. iii. Set splays back minimum 1.5m from corner of property boundary in each direction. iv. Amass height on the section of the building at the corner and reduce heights on other sections where appropriate.	■ The site is not a prominent corner, however the proposal responds appropriately to the urban context particularly at the lower levels where the building has been setback to enhance the relationship between the building and the street network.	N/A
	e. The building provides access to the site and surrounding area especially for pedestrians, subject to security and safety considerations. i. Provide access from 6am to 10pm daily.* ii. Line with active uses that engage pedestrians. iii. Have a minimum of 6m in width that is free from obstructions.* iv. Provide escalators where there is a substantial change in level. v. Maximise the number of pedestrian entries from the street and laneways. vi. Provide linkages to facilities, outdoor spaces and public transport vii. Provide linkages through site to other streets and laneways where identified in the character statement or where enhancing pedestrian movement to public transport infrastructure.	The pedestrian environment will be significantly enhanced through the: ■ Widening of footpaths, ■ Introduction of activation along the street edges, ■ Provision of escalators and lifts to upper levels, ■ New public plaza in Denison Street, and ■ Provision of a new through site link which is accessible 24 hours a day.	Y

Section	Requirement	Proposal	Compliance
	f. Lively and active street and laneway frontages that create a feeling of safety both by day and night. i. Align ground floor level with the corresponding level of the footpath, laneway or outdoor space.* ii. Provide active uses, such as shops and cafes, at ground level to all streets, laneways and public spaces. iii. Provide at least 50% of the building frontage to the laneway as active frontage. iv. Avoid landscaping and changes in level at building frontages to facilitate natural surveillance of public areas and views into buildings. v. Clear glaze all street and laneway frontage windows at ground level.* vi. Shopfronts have a zero setback at ground level unless specified in the character statement vii. Introduce visually interesting elements to the building façade such as articulation, detailing and art works. viii. Elements used in the streetscape (eg street furniture, lighting, awnings, outdoor seating and umbrellas) to be consistent with Council's corporate standards.	▪ Landscaping has been designed so as to maintain site access lines ▪ Laneways will be activated by retail uses, lobbies and the like ▪ Details of public domain elements are provided at Section 4.9 of the EAR and Appendix F.	Y
	g. Setbacks reduce impact of scale as well as assist with ventilation, solar access, privacy, view sharing and a reduction of adverse wind effects. i. Side setbacks are in accordance with those identified in the character statement.	Setbacks are discussed further in the North Sydney Character Statement further below in this table.	N/A
	ii. Provide a setback for public space at ground level.	Significant setbacks are provided at the ground level to enhance the new plaza area and to widen footpaths in the laneway	Y
	iii. Consider adjacent setbacks and heritage items in the vicinity.	The hotel lobby aligns and respects the adjacent Firehouse Hotel	Y
	iv. Front setback above podium is a weighted average in accordance with the character statement (see fig. 20.1).	Setbacks are discussed further in the North Sydney Character Statement further below in this table.	N/A
	v. Buildings containing commercial activities are set back from adjacent balconies or windows to main living areas of residential and serviced apartments by a minimum of 3m from the property boundary	A 24m setback is proposed which significantly enhances the amenity of the occupants of Beau Monde .	Y

Section	Requirement	Proposal	Compliance
	h. Entrances and exits cater for the disabled and are clearly visible from the street and convey a sense of address. i. Main entrances and exits located at the front of the site visible from the street. ii. At least one main entrance to the building is incorporated in a continuous path of travel. iii. Entrances are not obscured by landscaping or other obstacles and have clear sight lines. iv. Entrances are clearly identifiable to reduce confusion and unintentional entry.* v. If exits are closed after hours, indicate at the entrance of the building.* vi. Provide a level landing between the door and the end of a ramp in accordance with BCA standards.* vii. Entrance lobbies are well illuminated, with seating provided and a firm and level non-slip floor surface.* viii. All specifications relating to doors and circulation spaces are in accordance with AS 1428.2.* ix. Places of safe refuge are incorporated into the overall design of buildings. Lift lobbies or toilets may be used as all or part of a safe refuge.* x. Design the building so that evacuation procedures for people with disabilities are in place.	A CPTED review has been included at Appendix X . All of the proposed entrances cater for the mobility impaired and are clearly visible from several points.	Y
	i. A consistent street frontage podium that contributes to the human scale of buildings (see fig 20.2). i. Provide a podium at the street frontage with a height and setback above the podium in accordance with the character statement. ii. Podium should match height of adjacent buildings or the average of the heights of the adjacent podiums having regard to their existing nature and/or their redevelopment potential. iii. Where the level changes across the width of a site, step the podium at an appropriate location to maintain podium height.	Consistent street podiums are proposed, however variations to the heights of the podium are proposed refer to Section 5.3 of the report. The podiums step in height due to the significantly varying ground levels.	Y

Section	Requirement	Proposal	Compliance
	j. Laneways form an integral component of the pedestrian network in mixed use areas and are safe and comfortable for pedestrians. i. Provide a podium at the laneway frontage in accordance with the height and setback above the podium in the character statement ii. Where the level changes across the width of a site, step the podium at an appropriate location to maintain podium height.	- The commercial podium responds to the change of levels in the laneway and is broken down by the new through site link. - The hotel podium responds to the adjacent Firehouse Hotel.	Y
	k. Building design that reinforces the urban character and clearly defines streets, street corners and public spaces. i. Maximise floor to ceiling heights at ground level with a minimum of 3.6m for the ground floor and 3.3m for the upper floors*.	- The commercial lobby has a floor to ceiling height of 10m and the commercial floors have a floor to ceiling height of 2.7m (floor to floor is 3.65m). - The lobby of the hotel has a height of 10.9m and the hotel levels have a floor to ceiling height of 2.7m (floor to floor height is 3.2m)	Y
	ii. Break down the apparent length by articulation, design and detailing, changes in materials and colours.	A discussion on the scale, form and massing of the building is provided at Section 5.4 of the report.	Y
	iii. Use of high quality materials in building design.		Y
	iv. Build the podium to the boundary of the site unless providing a setback for public space at ground level (as required in the character statement).		Y
	v. Build predominantly to setback alignment		Y
	vi. Building form is articulated and has a positive relationship with the public domain in terms of scale and setbacks		Y
	vii. Relate building elements such as materials, finishes, and window dimensions to neighbouring buildings.		Y
	viii. Respect the setting and curtilage of heritage items (ref. Cultural resources and heritage section).		Y
	ix. Architectural detailing and ornamentation provides a rich visual reference for pedestrians.		Y
	l. The building adds to the visual interest of the street and cityscape by night i. Lower level windows allow light to pass onto footpath. ii. Internally lit windows illuminate building's form. iii. Illuminate decorative elements or architectural features of the building.*	Lighting will be installed in accordance with the relevant Australian Standard. The high level signage will be illuminated at night. The signage will be the subject of a separate application.	Y

Section	Requirement	Proposal	Compliance
	20.4 Quality Urban Environment a. A path of travel is continuous, relatively straight and does not incorporate any obstacle preventing safe access by people with disabilities, having regard for AS 1428.1, 1428.2, 1428.3, and 1428.4 i. Ensure all common surfaces are slip resistant in accordance with above Australian Standards. ii. Paths are at least 1000mm wide, excluding skirtings, handrails and other obstructions. iii. There is at least 2000mm headroom at all times. iv. At the end of paths and ramps, there are contrasting surfaces. v. Ramps are not the only or prime method of moving from one level to another. Where it is appropriate, provide lifts. vi. Gradients between landings are constant and the angle of approach to changes in gradient is at or near zero degrees. vii. Kerb ramps are provided from the footpath to the road at all intersections and through traffic islands where practicable. The kerb ramps are flush with the footpaths and roadways and avoid ridges which create barriers for wheelchairs and child strollers. Tactile surfaces indicate a kerb ramp for people with impaired vision. viii. The ramp and sloping sides are slip resistant and of colours that contrast with the adjoining surfaces. ix. Tactile surfaces are integrated in the design in accordance with BCA. x. Lift design and associated functions are in compliance with AS 1735.12 and AS 1428.2.* xi. Information concerning the level and direction of travel both in lifts and lift lobbies is both visible and audible.* xii. Controls for lifts are accessible to all and control buttons and lettering are raised.* xiii. In fixed seating venues provide one wheelchair space for each 100 seating places or part thereof, with a minimum of 2 spaces. The positioning of spaces provides equal amenity and choice for all users.*	■ The proposal will be designed to comply with AS1428 and the BCA.	Y
	b. All signs and symbols including their location, size, and illumination are designed to be understood by all users, including those with sensory disabilities.	See comment above	Y

Section	Requirement	Proposal	Compliance
	i. International symbols should be used, with specifications relating to signs, symbols and size of lettering complying with AS 1428.2.* ii. Height of letters on signage is in accordance with AS 1428.2.* iii. Signs and other information indicating access and services should incorporate tactile communication methods in addition to visual methods to assist people with various disabilities such as, people with sight impairment or intellectual disabilities.		
	c. Design which considers the hearing impaired (specifications relating to hearing augmentation are found in Australian Standard 1428.2). i. Appropriate signage identifies areas where a hearing augmentation device is provided, its type, and whether it is turned on or off.* ii. Places of assembly provide hearing augmentation for at least 15% of the seating.*	See comment above	Y
	d. A high level of personal safety and security in the development i. Design routes between building entrances to maximise personal safety. Routes from parking areas to lift lobbies are particularly important in this regard. Clear lines of sight and well lit routes are required. ii. Provide open space and pedestrian routes that are clearly defined, and have clear and direct sightlines for the users. iii. Provide adequate lighting of open spaces, entrances and pedestrian areas to avoid the creation of shadowed areas.* iv. Ensure that rear service areas and access lanes are either secured or easily visible. v. Locate after hours land use activities along well-used pedestrian routes. vi. Locate public toilets, telephones and other public facilities with direct access and good visibility from well-used public spaces. vii. Discourage vandalism through the use of robust and durable design features.* viii. Bollards or low walls and the careful design of shopfronts can decrease the likelihood of ram raids and provide higher levels of security for shop owners or tenants. ix. Avoid security grilles at the street frontage. If security grilles are necessary then install on the inside of the shopfront and maintain clear visibility into the shop. Use	A Crime Prevention Through Environmental Design Assessment Report is included at Appendix X.	Y

Section	Requirement	Proposal	Compliance
	toughened glass.* x. Avoid recesses for roller doors and fire escapes. If these are necessary locate them in recesses that are shallow to provide for personal security of pedestrians.* xi. Provide for overlooking and natural surveillance of rear lanes (e.g. from retail and other uses) and first floor uses that overlook laneway frontage. xii. Provide safe and secure lighting of rear lanes.* xiii. Maintain clear sight lines around the vehicle access points. xiv. Buildings are easily identifiable at all times by number. Street numbering is clearly visible from street.*		
	e. Provide sufficient lighting of public areas in accordance with AS 1158.3.1 Pedestrian (P).* i. Provide sufficient footpath and laneway lighting, in accordance with AS 1158.3.1 Pedestrian (P).* ii. Provide sufficient lighting of shopfronts and the area under awnings, in accordance with AS 1158.3.1 Pedestrian (P).* iii. Use accent lighting to highlight solid sections of buildings adjoining public footpaths.* iv. Level of lighting provided, and fittings used, to be consistent with that of nearby properties.	A commitment has been made which will ensure lighting of the public domain is in accordance with the Australian Standards. Refer to Section 6 of the report	Y
	f. Provide lighting in accordance with AS/NZS 1158.3.1:1999 Pedestrian (P) – “pedestrian area performance and installation requirements” except the following; <i>North Sydney CBD</i> i. Illuminance values in the range of 150% to 400% of the Lighting Category P6 illuminances. ii. Maintained horizontal average illuminance – 30 lux. iii. Minimum maintained horizontal average illuminance – 10 lux. iv. Maintained illuminance uniformity – 10. v. Maintained vertical illuminance – 10 lux.	A commitment has been made which will ensure lighting of the public domain is in accordance with the Australian Standards.	Y
	g. Hours of operation	Noted, the proposal will comply.	Y

Section	Requirement	Proposal	Compliance
	i. External lighting operates, as a minimum requirement, from dusk until dawn on Thursday, Friday and Saturday nights, and from dusk until midnight on other nights. ii. Control to turn on at dusk is initiated by a suitably adjusted/calibrated photo-electric switch such that the lights will be at full output when the daylight illuminance in the subject areas falls to the required illuminances stipulated above.		
	h. Types of Luminaires i. Luminaires are suitable for the installation conditions (noncorroding, sealed against ingress of water, dust and insects) and utilize lamps with a luminous efficacy not less than 70 lumens per watt. ii. Luminaires are aesthetically compatible with the design of the awnings and building façade. iii. Do not use bare lamp fluorescent luminaires. iv. Where practicable, use recessed downlights (with suitable broad lighting distribution). v. Where the design of the awning or building façade precludes the installation of recessed downlights, use surface mounted luminaires compatible with the design of the awning/façade.	Noted, the proposal will comply.	Y

Section	Requirement	Proposal	Compliance
	i. Car parking i. Provide all parking underground. ii. Provide all parking underground. iii. Where security doors/gates are proposed provide an intercom system to facilitate visitor/service access to underground parking areas. iv. Consent for tenant parking will only be given on the condition that the tenant car parking will not be used or occupied by any person other than a person who resides or works in or visits the building or the land in or which the car park is located. v. Consent for car parking spaces for places of assembly will be only granted once the location and availability of existing public car parking in the vicinity of the proposed place of assembly is considered. vi. Any car parking allowed specifically for the place of assembly may, with consent, also be available only for short-stay parking during the hours of 9.30am to 6pm, but for no other purpose.	All parking is provided underground. Parking will be allocated to specific commercial and retail tenancies.	Y
	j. The use of bicycles as an environmentally beneficial form of transport and an alternative to the use of private motor vehicles. i. Provide on-site, secure bicycle parking spaces and storage at the following rates for commercial: - 1 bicycle locker per 600m² of gross floor area (GFA). - visitor parking 1 bicycle rail per 2 500m² GFA. ii. Design bicycle parking and storage facilities in accordance with AS 2890.3.	161 cycle spaces are proposed. Storage and shower facilities are also proposed.	Y

Section	Requirement	Proposal	Compliance
	k. Pedestrian safety is enhanced and disruption to the streetscape from vehicle crossovers is minimized. i. Provide all vehicle access from laneways, where these are available. ii. Combine service vehicle access with parking access. iii. Limit vehicular access points to a maximum of one per building. iv. Where possible, share or amalgamate vehicle access points with an adjoining building. v. Finish vehicle entries, walls and ceilings with high quality materials, finishes and detailing, similar to the external facades of the building. vi. Conceal service ducts and pipes from visibility from the street.	The proposal will reduce the number of vehicle crossovers in Little Spring Street from 3 to 1, thereby significantly improving pedestrian safety.	Y
	l. Efficient design of garbage storage areas at entrances and exits. i. Provide ample onsite waste storage, recycling area and collection point. ii. Do not locate garbage storage facilities at entrances. iii. Garbage collection point within two metres of street boundary, bins stored in collection facility are within three metres of facility entrance. iv. Provide a sufficiently large waste storage and recycling area to hold the required number of and size of bins. v. Provide convenient access for on-site movement and collection. vi. Provide more than one communal on-site waste storage and recycling area on large or steep sites, or where there is more than one Council collection point. vii. Screen garbage storage areas from the laneway to discourage dumping of rubbish and unsightly mess visible to pedestrians. viii. Locate and manage the area to avoid causing a nuisance from smells, insects or animals.* ix. Provide adequate manoeuvring space. x. Provide sufficient space to comfortably contain any on-site treatment facilities (eg compaction). xi. Provide adequate weather protection: where appropriate enclosed or undercover. xii. Provide ventilation and drain to sewer.	Separate waste storage areas are provided in the basement of both buildings. A Waste Management Plan is located at Appendix Y . Recycling facilities which allow for the separation of waste are also proposed.	Y

Section	Requirement	Proposal	Compliance
	xiii. Efficient design of garbage storage areas in retail and commercial areas. xiv. Provide commercial premises with waste storage and recycling areas similar to that described for residential uses, with any necessary modifications. xv. Calculate the space allocated for waste storage and recycling areas taking into account the waste generation rates set out in the "Garbage Bays" pamphlet available from the Council. Industry standards for waste generation rates may be used where these differ from the Council figures or if no Council figure is given. xvi. The area allocated must accommodate any privately arranged collection (e.g. daily or weekly, etc. collections). xvii. Pay particular attention to paper and cardboard recycling, with source separation at the waste storage and recycling area, education of staff and regular collection services. - xviii. Specialised containment is provided for food scraps. xix. Arrange regular/daily collection of food scraps. xx. Provide refrigerated garbage rooms when large volumes, perishables (such as seafood) and infrequent collection is proposed. xxi. Provide grease traps where appropriate. (Sydney Water may have specific trade waste requirements.) xxii. Make special arrangements for storage and disposal of special waste material, such as medical or hazardous wastes. Contact should be made with the Council and Environment Protection Authority. - xxiii. Other design suggestions are described in the "Garbage Bays" pamphlet available at Council.		
	20.5 Efficient use and management of resources a. The design of the building and its services must be capable of achieving a 4.5 star rated building under the Sustainable Energy Development Authority's (SEDA's) Building Greenhouse Rating Scheme. In this regard, the following information is required to be lodged with the certifying authority (Council or an accredited certifier) prior to the issue of a Construction Certificate: i. Provide evidence that a Commitment Agreement has been entered into with SEDA, to deliver this star rating for the base building (services traditionally supplied as 'common' to tenants, such as air conditioning, lifts and common area lighting) or for the whole building where the applicant is to occupy the building.	The following ESD ratings are being targeted: ■ 5-Star Green Star Rating Office Design V3 (Commercial Building) ■ 5-Star NABERS rating (Commercial) ■ 4-Star NABERS rating (hotel)	Y

Section	Requirement	Proposal	Compliance
	ii. Use an independent energy assessment report that follows the guidelines in SEDA's Australian Building Greenhouse Rating Scheme Design Energy Efficiency Review and the Energy Efficiency Design Review.xls (spreadsheet) (applicants should contact SEDA to obtain the current version of these documents) iii. Prepare and submit a computer building simulation in accordance with the guidelines of SEDA's Validation Protocol for the Use of Computer Building Simulation in Commitment Ratings (applicants should contact SEDA to obtain the current version of this document). The computer building simulation is required to demonstrate to the satisfaction of Council, or the private certifier if Council is not the certifying authority, that the building can reasonably be expected to achieve the proposed rating under realistic operating conditions.		
	b. To reduce new building material usage and minimise volume of demolition materials. i. Council may require the submission of a Waste Management Plan detailing estimated volume of waste and method of waste disposal for the construction and operation phases of the building and/or a Procurement Plan listing materials used in construction prepared by an appropriately qualified person.* ii. Design the building to encourage waste minimisation (e.g. source separation, reuse and recycling).* iii. Provide adequate recycling systems in the design of the garbage room. iv. Refer to the section on Waste Management in this DCP. v. Use materials with long life and low maintenance needs.	■ A commitment has been made to recycle 80% of demolition materials, refer to Section 5.22 of the report ■ Waste recycling areas have been incorporated into the design.	Y
	c. Minimise material usage and waste during building, construction and demolition. i. Prepare a waste management strategy to minimise generation of solid waste. ii. Prepare a demolition waste management plan. iii. Prepare a construction waste management plan. iv. Educate the contractor and sub-contractors about the waste objectives. v. Ensure secure storage of hazardous waste materials.	A Construction Management Plan will be prepared by the appointed contractor prior to the issue of the first CC. This will include a Waste Management Plan.	Y
	d. To protect watersheds, maintain water quality and maximise on-site retention. i. Council may require the submission of an Erosion and Sediment Control Plan for the construction and operation of the building.	■ An Erosion and Sediment Control Plan will form part of the Construction Management Plan. ■ Rainwater will be collected and reused for irrigation purposes	Y

Section	Requirement	Proposal	Compliance
	ii. Demonstrate how run-off from the site will be minimised and the quality of water leaving the site is improved.* iii. Minimise stormwater runoff through use of water retention facilities or using porous surfaces for paving in outdoor areas.* iv. Collect and reuse rainwater in irrigation, car washing and toilet flushing where practicable.* v. Incorporate water saving measures within the building's operation (such as low flow tap and shower heads).* vi. Use of water efficient fixtures and fittings for conservation of water. vii. Landscaping to assist in microclimate management using endemic plants and xeriscape principles. viii. Monitor and report water consumption to help understand water usage and prevent wastage. ix. Install sub-metering. x. Develop a reporting system to inform/educate occupants about the buildings water consumption.	■ A Blackwater Treatment Plant will be installed which will allow for recycling of water on site.	
	e. Use materials with a low environmental impact during their life cycle. i. Favour products with the least life cycle impact. ii. Use durable materials. iii. Choose locally manufactured materials and products. iv. Maximise use of building materials with low embodied energy content. v. Maximise the use of salvaged and/or recycled materials. vi. Use timber from certified sustainable sources. vii. Use materials with a high (>50%) recycled content.	Where possible, recycled materials will be sourced.	Y
	f. Use toxin free material to minimise the health impact of materials used indoors. i. Use low volatile organic compound (VOC) emitting materials. ii. Avoid using copper, chrome, cadmium, lead, mercury, cyanide, and formaldehyde. iii. Use mechanical fixings instead of adhesives and glues, where possible.	Toxin free materials will be used for the indoor environment, refer to ESD report at Appendix N	Y

Section	Requirement	Proposal	Compliance
	iv. Avoid the use of materials, sealants and adhesives containing PVC. v. Use physical termite barriers (made of granite or stainless steel) instead of chemicals where possible. vi. Avoid the use of wood treated with CCA. vii. Use Medium Density Fibreboard with low formaldehyde content. viii. Use toxin-free floor finishes. ix. Avoid solvents.		
	g. Adaption and reuse of buildings. i. Reuse of existing buildings is encouraged rather than demolition. ii. Encourage adaptable office floorspace to accommodate changing occupier requirements.	Reuse of the existing buildings is not proposed.	N
	20.6 Public Domain a. Street furniture, landscaping works, utilities and equipment that contribute to the community's enjoyment of the public domain, but do not impede pedestrian movement and safety nor visual quality. i. All design should be in accordance with North Sydney Centre Public Domain Strategy and North Sydney Council Infrastructure Manual. ii. Overhead wires, where present, are placed underground along property boundaries.* iii. Provide seating in public spaces that is not allocated to a specific use (e.g. a café) for people to 'hang out', take refuge and rest.* iv. Position seating or seating areas at the edge of footpaths where through movement is not blocked.* v. Do not obscure pedestrian eye-level sight lines with landscaping or other street improvements.* vi. Keep public areas free from clutter and unclear level changes, having particular regard for accessibility.* vii. Maintain a high quality of lighting for security and amenity.*	■ A new public plaza, through site link and widened pedestrian footpaths are proposed as part of the development. ■ The public domain has been designed in accordance with the North Sydney Public Domain Strategy, refer to Appendix F. ■ All public domain elements will be accessible. ■ Lighting will be incorporated into the design for safety.	Y
	b. Venues for public entertainment and expression of community identity. i. Provide formal and informal spaces for public entertainment.	The new public plaza will form a new space in the CBD which is available for social gatherings and community events.	Y

Section	Requirement	Proposal	Compliance
	ii. Use multi-functional street furniture, e.g. a flat bench may become an informal plinth for performance artists.* iii. Provide at least one space, in the Centre, that is large enough to hold an open air performance or market. iv. Provide public notice boards and kiosks in locations where people will be gathering.* v. Provide space for community facilities within the building, such as exhibition areas, recreational facilities or cinemas.*		
	c. Public art that contributes to the cultural life and enjoyment of the centre, and allows for community self expression. i. All design should be in accordance with North Sydney Centre Public Domain Strategy. ii. Integrate artworks into the design of public spaces.* iii. Integrate artworks into the design of private development, in publicly accessible locations such as main entrances, lobbies, street frontages, gardens, walls and rooftops.* iv. Consult with Council's Arts and Culture Officer in the design and execution stages. v. Consult with community groups in the design of artworks. vi. Consider artworks that serve a dual role, e.g. as play equipment for children, informal seating or a marker for a meeting place.* vii. Artwork has demonstrated relevance to its location, reflecting the area's history, culture or local community.* viii. Artwork enhances a sense of place or the distinctive identity of the area.* ix. Refer to the Arts Plan which documents the process for completing an Arts plan submission where an Arts Plan is lodged with a development application.	A public art strategy will be prepared, and art will be incorporated into the public domain elements of the CBD, refer to Commitment 13 .	Y
	d. Pedestrian surfaces that are safe for all users, clearly identified and constructed from materials that provide consistency and continuity of streetscape. i. Except where negotiated with the Council, provide all footpath paving along property frontages in accordance with Council's specifications (including requirements for disabled).* ii. The extent, nature and type of paving materials includes tactile surfaces in	Details of the proposed finishes in the public domain are included at Appendix F .	Y

Section	Requirement	Proposal	Compliance
	appropriate locations to assist the visually impaired.* iii. Consider paving as community art, in consultation with Council.*		
	e. Increased native vegetation and water in the public domain. i. All design should be in accordance with North Sydney Centre Public Domain Strategy. ii. Include water features in public spaces, building entrances, foyers, facades and rooftops.* iii. Provide roof top gardens where practicable. iv. Plant trees where appropriate for shade, shelter and fauna.* v. Use native species and planting methods which minimise potable water consumption.*	- Native vegetation is proposed in the new public plaza and street tree planting is proposed in accordance with the NS Public domain strategy. - Rooftop gardens are proposed on the top of the podium, one of which will be publicly accessible. - No water features are proposed.	Y
	20.7 Hotels a. Hotels are not used or converted for permanent residential accommodation. i. No more than 50% of rooms have kitchenettes ii. Provide a minimum of 10.5m ² for any room proposed for occupation by one person and an additional 5.5m ² for each additional person after that (maximum 4 people in a room) iii. Maximum size of rooms is 27m ² iv. Provide common facilities such as conference rooms, restaurants and bars. v. Do not provide balconies to hotel rooms	- None of the proposed hotel rooms have kitchenettes or a balcony - The average hotel room size is 30m², which is slightly larger than the maximum provision. However this room size is required in order to achieve a 4 1/2 star hotel rating. - Conference, restaurant and bar facilities which will be available to the general public and hotel guests are proposed on Levels 2, 3 and 4.	N
	a. Hotels are appropriately managed i. Hotel to be operated as one entity with a central management structure ii. A Management Statement stating that the premises is a hotel with common facilities should be submitted with the DA to ensure that the premises operates as a hotel iii. Prior to consent being granted Management Statement should be conjointly signed by Council and applicant iv. Maximum period of tenure for guests is not to exceed 13 weeks v. Rooms to be serviced daily	The hotel will be centrally managed. No operator has been approached as yet.	Y

Section	Requirement	Proposal	Compliance
North Sydney Centre Character Statement	Part 1.1 Central Business District		
	a. Diversity of activities, facilities, opportunities and services. i. High rise and medium commercial, residential and mixed use development ii. A variety of different sized office, retail, community and entertainment spaces. iii. A variety of outdoor and indoor community spaces (eg. gymnasium; gardens; seating; outdoor and indoor eating areas for public use). iv. No new residential development to occur in the commercial zone (core).	The proposal complies with this element of the CBD character statement in the following ways: ■ High density commercial and hotel uses are proposed ■ A range of office sizes can be accommodated ■ New public open space is proposed ■ No residential development is proposed.	Y
	b. Public transport i. North Sydney Station is upgraded to accommodate the growth of the Centre. ii. Public transport, cycling and walking are the main forms of public transport. iii. Locate pick up and drop off points for public transport and taxi ranks as close as possible to public spaces and activities, and main building entries. iv. Locate short stay (ten minute) parking spaces within or as close as possible to meeting places. v. Reduce the amount of long stay commuter parking on site. vi. Reduce the amount of non-residential parking on site.	The proposal complies with this element of the CBD character statement in the following ways: ■ 95% of the workforce occupying the two buildings will use public transport to travel to work ■ 194 cycle parking spaces are proposed -161 in the basement of building and 23 on Spring Street for visitors ■ Pedestrian connections will be enhanced by the proposed development ■ Short stay public parking will be provided on site.	Y
	c. Identity/Icons i. Greenwood ii. MLC Building iii. Don Bank Museum iv. Mount Street Plaza/ Ward Street Plaza	Noted.	N/A
	d. Awnings i. Provide continuous awnings to commercial buildings (in accordance with s.20.2(g) except on Miller Street between Pacific Highway and McLaren Street. ii. Consider weather protection at entrance or to outdoor seating areas for above mentioned buildings on Miller Street.	The proposal complies with this element of the CBD character statement in the following ways: ■ A new awning is proposed on the Walker Street façade of the hotel ■ Undercroft spaces are provided on the Little Spring Street, Spring Street and Denison Street frontages of the buildings.	Y
	e. Solar access i. Solar access to special areas and open spaces maintained between the hours	The proposal complies with this element of the CBD character statement in the following ways:	Y

Section	Requirement	Proposal	Compliance
	of 10am and 2pm throughout the year. ii. Buildings on William Street step down in height, towards Blue Street, to maintain existing levels of solar access and a positive relationship in terms of scale to the heritage item at 218 Blues Point Road (St Peters Church).	- Solar access is maintained to the Mount Street plaza between the hours of 12 – 2pm - The new Denison Plaza will have a high level of sunlight during the hours of 12 – 2pm	
	f. Views i. Preserve and improve existing views from Ward Street Plaza, where appropriate, of the Harbour and Neutral Bay district. ii. Preserve existing views to sky between buildings on east side of Miller Street, between Berry and McLaren Streets. iii. Preserve existing views towards the Harbour Bridge from the plaza outside Zurich Building (5 Blue Street). iv. Preserve and enhance views to the harbour and Neutral Bay district from Doris Fitton Park.	The proposal complies with this element of the CBD character statement in the following ways: The listed views will not be affected by the proposed development	Y
	fa. Building Heights i. Building heights for particular property, is not in excess of the height specified (RL) on the map marked 'Building Height Map – North Sydney CBD'. ii. The building heights (RL) specified on the map is to include plant room, lift overruns and the like.	The proposal complies with this element of the CBD character statement in the following ways: - The building heights proposed include plant rooms, lift overruns and the like. - The proposed building heights will exceed the maximum building heights prescribed for the site, refer to Section 5.2 of the report	Y

Section	Requirement	Proposal	Compliance
	faa. Amalgamation criteria - Where a property will be isolated by a proposed development and that development cannot justify the minimum lot requirements, the negotiations between the owners of the properties should commence at an early stage and prior to the lodgement of the development application. - Where no satisfactory result is achieved from the negotiations, the development application should include details of negotiations between the parties. Their details should include offers to the owner of the isolated property. A reasonable offer, for the purposes of determining the development application and addressing the planning implications of an isolated lot, is to be based on at least one recent independent valuation and may include other reasonable expenses likely to be incurred by the owner of the isolated property in the sale of the property. - The level of negotiation and any offers made for the isolated site are matters that can be given weight in the consideration of the development application. The amount of weight will depend on the level of negotiation, whether any offers are deemed reasonable or unreasonable and any relevant planning requirements.	The proponent has approached the owners of 100 Walker Street and 86 Walker Street. Neither adjacent landowner was willing to sell the land to the proponent. As such 88 Walker Street has been amalgamated with 77 – 81 Walker Street so as to achieve an amalgamated outcome.	Y
	g. Public spaces and facilities - Provide open space and community facility at Ward Street Plaza (carpark site). - Provide roof top gardens and/or public facilities that allow the public and/or residents to access district views. - Mount Street Plaza is a focus point for North Sydney CBD.	The proposal complies with this element of the CBD character statement in the following ways: A new plaza will be created in Denison Street which will connect with the existing public open space in the North Sydney CBD, including Mount Street Plaza.	Y
	h. Skyline - Buildings step down in height from the tallest buildings, being Northpoint (100 Miller Street) and Shopping World (79-81 Berry Street) to the boundary and surrounding residential areas (see fig.1.1 and fig. 1.2). - Roof design contributes to building's appearance from a regional view catchment.	The proposal complies with this element of the CBD character statement in the following ways: - The proposal complies with the commonly accepted principle of a CBD arc as it is located in the centre of the CBD and in the middle of the three existing tallest buildings in the North Sydney CBD. - The building will contribute to the regional view of the CBD	Y

Section	Requirement	Proposal	Compliance
	i. Junction and termination of streets i. 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. ii. The Greenwood historic school building and large Moreton Bay Figs are retained and incorporated as the southern pedestrian gateway to the Centre. iii. The intersection of Miller Street and Pacific Highway forms an important focal point of the Centre with a distinctive character reinforced by the former Post Office and the MLC building.	N/A	N/A
	j. Thru-site links i. North/south mid block pedestrian link from McLaren Street to Elliot Street across 54 McLaren Street. ii. North/south mid block pedestrian link from McLaren Street to Ward Street across the vehicle access of 221 Miller Street. iii. North/south mid block pedestrian link from Charles Street to Wheeler Lane across 100 Pacific Highway and 16 Mount Street. iv. East/west mid block pedestrian link from Miller Street to Ward Street across 221 Miller Street. v. East/west mid block pedestrian link from Hamett Street to Walker Street across 142 Walker Street. vi. East/west mid block pedestrian link from Walker Street to Little Walker Street across 81-83 Walker Street. vii. East/west mid block pedestrian link from Little Walker Street to Arthur Street across 100 Arthur Street.	The proposal complies with this element of the CBD character statement in the following ways: ■ A new through site link from Little Spring Street to Denison Street which will be publicly accessible 24 hours a day.	Y

Section	Requirement	Proposal	Compliance
	k. Setbacks i. Zero setback at ground floor and adjacent to heritage items with the following exceptions: ii. East side of Miller Street maintain 14m setback from kerb alignment; iii. Walker Street, western side, north of Berry Street, provide 7m setback from property boundary; iv. South side of Berry Street maintain 8m setback from kerb alignment; v. Walker Street, eastern side, north of Berry Street, maintain existing setbacks from property boundary; vi. Maintain setback at 62 Miller Street of 17m from kerb alignment; vii. South side of Mount Street maintain 20m setback from kerb alignment; viii. Landscaped setting and setbacks of existing buildings north of McLaren Street are maintained in new development ix. Conserve views to, and the setbacks and settings of, heritage items at 86 and 146 - 150 Walker Street, 94 Pacific Highway (fmr Post Office), 36 Blue Street (Greenwood), 153 Miller Street (MLC Building), 168 - 172 Pacific Highway and 1-7 Napier Street.	The development proposes variations to the ground plane setback controls as discussed in Section 5.3 of the report. These variations will improve the public domain by way of provision of wider footpaths and weather protection for pedestrians.	N
	l. Street frontage podium height i. Miller, Walker, Berry, Mount and Alfred Street and Pacific Highway maximum of five storeys.	The Walker Street podium height is equivalent to three storeys.	Y
	ii. North of McLaren Street maximum three storeys.	N/A	N/A
	iii. Podium height matches or is transitional in height between immediately adjacent buildings.	The Walker Street podium matches the height of the adjacent heritage item.	Y
	iv. Podium height matches height of adjacent heritage items.	Yes, the Walker Street podium matches the height of the Firehouse Hotel	Y
	v. Podium height may be reduced to that part of the building devoted to commercial use in mixed-use buildings.	N/A	N/A
	vi. If there is no commercial component, and therefore no podium, adequate side separation should be provided for residential amenity.	N/A	N/A

Section	Requirement	Proposal	Compliance
	m. Above podium setbacks, street frontage i. Miller, Walker, Berry, Mount and Alfred Streets and Pacific Highway frontages a weighted average of 5m from edge of podium. ii. Walker and Miller Street frontages north of McLaren Street a weighted average of 3m from edge of podium.	The podium on Walker Street has been setback 5m from the edge of the podium.	Y
	n. Laneway frontage podium height i. Wheeler Lane, Charles, Napier, Elliott, Denison, Ward, Spring, Little Spring and Little Walker Streets between two to three storeys (7-10m). ii. Podium height may be reduced to that part of the building devoted to commercial use in mixed-use buildings. iii. If there is no commercial component, and therefore no podium, adequate side separation should be provided for residential amenity.	The commercial podium matches the height of the adjacent Beau Monde building and is at a height of approximately 9m on Denison Street and 13m on Little Spring Street. The non-compliance is a direct result of the differing site levels which must be contended with.	N
	o. Above podium setbacks, laneway frontage. i. Wheeler Lane, Charles, Napier, Denison, Ward, Spring, Little Spring and Little Walker Street frontages a weighted average of 4m from edge of podium. ii. Elliott Street frontage a weighted average of 3m from edge of podium.	A weighted average setback of 4m is provided to all three street edges of the commercial building. The hotel building complies with this control from the mid plant level and above. The conference, bar and restaurant levels of the hotel do not comply with the provision as they have been setback from the Walker Street façade and to allow for sufficient sized floor plates encroach on the setback requirement on the Little Spring Street façade. This has a positive effect however as it creates an undercroft space providing weather protection for the hotel entrance.	Y
	oa. Additional setbacks (for solar access, residential amenity and urban form) i. Berry and Walker Streets and Pacific Highway, as shown on fig. 20.3	N/A	N/A
	p. Building design i. 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. ii. Provide a visually rich intimate pedestrian environment with active street frontages at ground level. iii. Rock outcrop incorporated in design at 136 Walker Street.	Both buildings have been articulated and will be constructed of high quality materials. All pedestrian street frontages will be activated by either retail spaces, lobby entrances or a vehicular entrance	Y

Section	Requirement	Proposal	Compliance
	q. Energy Efficiency i. Buildings are energy efficient with low environmental impact during their life cycle. ii. Minimise stormwater runoff and recycle where possible. iii. Minimise energy consumption and waste disposal.	Both buildings will achieve higher than average ESD ratings.	Y
	r. Public Domain i. Have regard to Public Domain designed in accordance with the North Sydney Centre Public Domain Strategy and North Sydney Council Infrastructure Manual.	The proposed public domain elements are in accordance with the North Sydney Public Domain Strategy.	Y
	s. Landscaping i. Continued use of tree planting and use of native vegetation to enhance the urban environment and attract birdlife. ii. Choice of trees and vegetation in accordance with North Sydney Centre Public Domain Strategy, Street Tree Strategy and North Sydney Council Infrastructure Manual.	The proposed landscaping is in accordance with the North Sydney Public Domain Strategy.	Y