

NORTH SYDNEY DCP 2013 ASSESSMENT

APPENDIX HH





Sydney Metro City & South West

Victoria Cross Over Station

Development:

NSDCP 2013 Assessment

Applicable to:	Sydney Metro City & Southwest
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1.0 Introduction

This document supports a concept State Significant Development application (concept SSD Application or concept proposal) submitted to the Department of Planning and Environment pursuant to Part 4 of the *Environmental Planning and Assessment Act 1979*. The concept SSD Application is made under Section 4.22 of the EP&A Act.

Transport for NSW (TfNSW) is seeking to secure concept approval for a building above the Victoria Cross Station, otherwise known as over station development (OSD). The concept SSD application seeks consent for a maximum building envelope, commercial and retail uses, maximum gross floor area, pedestrian and vehicular access, circulation arrangements and associated car parking, and the strategies and design parameters for the future detailed design.

This document has been prepared to assess the concept proposal's consistency with key relevant controls within *North Sydney Development Control Plan 2013* (NSDCP 2013), including the recent amendments associated with the North Sydney Centre Planning Proposal. Whilst the new LEP has not been made, the DCP amendments have been endorsed by Council and implemented and are contained in the current version of NSDCP 2013.

Clause 11 of *State Environmental Planning Policy (State and Regional Development) 2011* states that development control plans do not apply to State significant development. Accordingly, NSDCP 2013 does not apply to this concept proposal. Also, the SEARs for the project do not list NSDCP 2013 as a relevant document. Nonetheless, the underlying objectives of NSDCP 2013 have informed and influenced this application, as demonstrated in the assessment below.

2.0 Assessment against NSDCP 2013 controls

The table below provides an assessment of the concept proposal against key relevant controls contained within NSDCP 2013.

Section	Provision	Concept proposal
Part B, Section 2 – Commercial and Mixed Use Development		
2.4.3 Setbacks	P1 Provide a setback for public space at ground level where indicated on the relevant character statement (refer to Part C of the DCP)	Refer to Part C assessment below.
	P2 New development must give consideration to the setbacks of adjacent buildings and heritage items	<p>Complies</p> <p>The proposed building envelope features an 18-metres south setback to respect the adjoining MLC Building and open up views to the building's tiled northern façade.</p> <p>The proposed Miller Street setback, while it does not align with the MLC Building, nonetheless maintains views to the building and does not impact adversely on the streetscape.</p> <p>It is important to note that the MLC Building's large setback is anomalous in the street. The proposed building envelope's setback is consistent with existing setbacks to the north, including that of the Rag & Famish Hotel.</p> <p>Furthermore, the low scale building at the southern end of the site, which forms part of the CSSI Approval, aligns with the setback of the MLC Building. Therefore, it is considered that the Integrated Station Development provides an appropriate response to the established setbacks.</p>
	Front P3 A zero metre setback must be provided, unless an alternative setback is identified within the relevant area character statement	Refer to Part C assessment below.

Section	Provision	Concept proposal
	(refer to Part C of the DCP)	
	P4 That part of the building located above the podium must be setback...in accordance with the relevant area character statement (refer to Part C of the DCP).	Refer to Part C assessment below.
	Side & Rear P5 A zero metre setback, unless an alternative setback is identified within the relevant area character statement (refer to Part C of the DCP)	Complies A zero-metre setback has been provided to the eastern side boundary to 65 Berry Street. No alternative setback is identified in Part C.
	P6 Despite P5 above, buildings containing non-residential activities must be setback a minimum of 3m from the property boundary where the adjoining site has balconies or windows to main living areas of dwellings or serviced apartments located at the same level	Not applicable The adjoining development at 65 Berry Street does not contain residential uses.
2.3.7 Solar access	P1 Developments within the North Sydney Centre must comply with the height and overshadowing requirements contained within cl. 4.3, and cl. 6.4 of NSLEP 2013.	Generally complies The proposed building envelope exceeds the maximum height shown on the Height of Buildings Map as required by clause 4.3 of NSLEP 2013. A Clause 4.6 Variation Request has been submitted accordingly (Appendix GG of the EIS). Notwithstanding, the building envelope complies with the overshadowing provisions under clause 6.3(3) of NSLEP 2013, which allows for variations to clause 4.3 where the development does not reduce the solar amenity of dwellings outside the North Sydney Centre. The building envelope also complies with clause 6.3(2), as it results in no net additional overshadowing to surrounding Special Areas or land zoned RE1 Public Recreation between 12 pm and 2 pm

Section	Provision	Concept proposal
		(refer to further discussion in Chapter 8.3 of the EIS).
2.3.8 Views	P1 Where appropriate, the opening up of views should be sought to improve the legibility of the area.	Complies The proposed building envelope features a 18-metre south setback, which is indicative of a full street width, as well as a tapered southern elevation and low-rise form fronting Denison Street. These features open up views to the iconic MLC Building, which will help improve the legibility of the area.
	P4 Maintain and protect views identified in the relevant area character statement (refer to Part C of the DCP) from future development.	Not applicable The site is not located within any identified view corridor.
2.4.9 Through-site pedestrian links	P1 Provide linkages through sites to other streets and laneways as identified in the relevant area character statement (refer to Part C of the DCP) applying to the site or where enhancing pedestrian movement to public transport infrastructure.	Complies Refer to Part C assessment below.
2.4.10 Streetscape	P3 Where practical, the building's ground level façade to a laneway should be provided as an active frontage (e.g. has a retail or commercial premises fronting the laneway).	Not applicable The ground level facades to the future through-site link are being dealt with under the terms of the CSSI Approval and will be resolved through the preparation of the Station Design and Precinct Plan required under that approval.
10.2 Parking provision	All uses in B3 Commercial Core zone: Maximum of 1 space per 400m ² GFA (150 spaces)	Complies The indicative OSD design (refer to Appendix D of the EIS) provides for 161 parking spaces for the Integrated Station Development, with 150 spaces allocated to the OSD and 11 spaces allocated to station retail (under the CSSI Approval). This is consistent with the maximum of 168 spaces allowed for a commercial

Section	Provision	Concept proposal
		development of 67,000 square metres in North Sydney CBD.
Part B, Section 9 – Advertising and signage		
9.4 General Controls – Design, Scale and Size	<p>P1 Signage attached to buildings is to be designed, scaled and sized having regard to a façade grid analysis.</p> <p>P2 Where practical signage not attached to buildings must be designed to have regard to the size, height and scale of nearby buildings and their elements.</p> <p>P3 Signage should be visually interesting and integrated with the architecture of the building.</p> <p>P4 Lettering, materials and colours should be used that complement the existing building or place.</p> <p>P5 Signage must not dominate the building or site to which it is attached.</p> <p>P6 Do not locate signage where it will obstruct views, vistas or cause significant overshadowing.</p> <p>P7 Signage must not dominate the skyline or protrude above any parapet or eaves.</p> <p>P8 Signage must not cover any window, other opening or significant architectural features of the building.</p> <p>P9 The proposed means of fixture to the building or any support structure for freestanding signs must be consistent with the relevant character statement in Section 9.2.</p>	<p>Complies</p> <p>The proposed indicative signage zones are appropriately placed so as to not obstruct views, cause overshadowing or dominate the building.</p> <p>Details of the signage would provided as part of the future detailed SSD Application and would have regards to the provisions of this DCP.</p>
9.5 Location	<p>P1 Where relevant, signage should be located to take account a façade-grid analysis.</p> <p>P2 The preferred location for</p>	<p>Complies</p> <p>The concept proposal provides for two indicative signage zones above the first floor level of the proposed OSD building</p>

Section	Provision	Concept proposal
	<p>signage is identified in the relevant character statement in Section 9.2.</p> <p>P3 Signage should be located such that they do not unreasonably obstruct accessible paths of travel for pedestrians.</p> <p>P4 Signage should be located such that they do not obscure a driver's or pedestrian's sightlines, especially in the vicinity of intersections, traffic control devices or driveways.</p> <p>P5 Provide signs that respect the viewing rights of other advertisers.</p>	<p>envelope (on southern and eastern elevations at the top of the building).</p> <p>The indicative signage zones are consistent with the character statement for North Sydney Centre in Section 9.2, which allows for two signs above the first floor level of a multi storey building. The location of the signage zones are appropriately placed against the building wall to avoid impacts on sightlines of drivers and pedestrians.</p>
9.6 Restrictions	<p>P3 Must not provide more than one large building and/or business identification sign per building, allocated to a major tenant of that building.</p> <p>P4 Avoid advertising products that are not sold on the premises.</p> <p>P5 Maximum of one directory board per multiple-occupancy buildings.</p> <p>P6 Where provided, the name or logo of the person who owns or leases an advertisement must be integrated into the advertising display area and not exceed 0.25m² in area.</p> <p>P7 Any consent granted by Council for advertising signs (i.e. not building identification or business identification signs) is valid for a maximum of three (3) years.</p>	<p>Generally complies</p> <p>The indicative signage zones for building naming rights and tenants are integrated into the building design and appropriately placed to avoid visual clutter.</p> <p>The proposed indicative signage zones are similar to the signage of surrounding commercial towers in terms of size and scale.</p>
9.8 Pedestrian and Road Safety	<p>P1 Signage should be designed in accordance with the provisions contained within the NSW Roads and Traffic Authority Policy for Advertising on RTA infrastructure (1999).</p> <p>P2 Messages and signage</p>	<p>Complies</p> <p>The proposed signage zones are appropriately placed and would not adversely affect driver and pedestrian safety.</p> <p>Any signage proposed under a future</p>

Section	Provision	Concept proposal
	<p>structures must be designed such that they do not result in a pedestrian or driver being confused with messages contained within road traffic signs, signals or other traffic information device.</p> <p>P3 The proposed sign does not obscure a road hazard, traffic warning or directional sign or signal, oncoming vehicles or pedestrians.</p> <p>P4 Avoid advertising messages, designs, or bright lighting that may distract motorists or pedestrians.</p> <p>P5 Signs must not be located where drivers and pedestrians require a higher level of concentration (e.g. major intersections).</p>	<p>detailed SSD Application would include additional assessment under this provision.</p>
Part C, 2.1 Central Business District		
2.1.1 Significant elements	P20 Development is to take advantage of the accessibility provided by existing and planned public transport infrastructure.	<p>Complies</p> <p>The concept proposal takes advantage of the accessibility provided by the planned Victoria Cross Station by locating significant commercial floor space directly above the station.</p>
2.1.2 Desired future character	P1 High rise and medium density, commercial and mixed use developments.	<p>Complies</p> <p>The concept proposal aligns with the desired future character of North Sydney CBD in that it provides for a high-density commercial development directly above Victoria Cross Station, which will encourage use of public transport as well as cycling and walking.</p>

P2 Provision of a variety of different sized office, retail, community and entertainment spaces.	Complies The concept proposal supports a mix of uses at the site and opportunity for large A-grade commercial floor plates.
P4 The commercial focus of the Centre is to be enhanced by preventing any further residential development from occurring in its core (i.e. the B3-Commercial Core zone).	Complies The concept proposal includes no residential uses.
P5 Development above the Victoria Cross metro station will provide significant commercial floorspace, as well as retail, dining and community uses that will contribute to the overall amenity and vitality of the CBD.	Complies The concept proposal provides a maximum of 60,000 square metres of commercial and retail floor space, which will contribute to the amenity and vitality of the CBD.
P6 Council will pursue its vision for Miller Street as the civic heart of North Sydney. This will involve significant interventions and public domain improvements aimed at creating a vibrant place for people, with vehicle movements removed or minimised as much as practicable and both sides of Miller Street activated.	Complies All public domain improvements at the site will be delivered under the terms of the CSSI Approval for the station. The public domain improvements will form a key component of the Station Design and Precinct Plan required to be prepared in accordance with Condition E101 of that approval.
P7 Brett Whiteley Place is a key public space for the North Sydney CBD which will incorporate an expanded Elizabeth Plaza, as well as portions of Denison Street and Mount Street. This expanded plaza will provide dedicated space for outdoor dining, large and small events, and other activities.	Complies The concept proposal preserves solar access to Brett Whiteley Place (as discussed in Chapter 8.3 of the EIS), contributing to a high amenity plaza.
P8 The Central Laneways precinct will become a major focal point of pedestrian activity and amenity	Complies The concept proposal is located in the Central Laneways Precinct and will form part of an Integrated Station Development. The overall development is consistent with the desired future character and will enhance the vitality of the precinct, improve connectivity through the establishment of an east-west pedestrian link and provide retail offerings to commuters and the broader community.
P9 Active frontages at the Metro site, 1 Denison Street	Complies The concept proposal seeks consent for the

	and the MLC building will contribute to the activation of the public domain in the Central Laneways Precinct.	<p>use of an OSD lobby and a retail area fronting Miller Street and Berry Street. These uses will help activate the public domain and add to the vitality of the Miller Street Special Area.</p> <p>Other active frontages at the site are being dealt with through the CSSI Approval process for the station.</p>
	P14 Development should maximise opportunities to incorporate retail, restaurant, bar facilities and other non-residential floor space at ground level to promote street level activation, amenity, diversity and place making objectives	<p>Complies</p> <p>The concept proposal incorporates retail and commercial lobby uses at ground level, which will promote activation, amenity, diversity and the creation of a new great place – an Integrated Station Development that will serve as a new transport, commercial and retail hub in North Sydney.</p> <p>Other ground level uses are being dealt with under the CSSI Approval for the station.</p>
	P18 Victoria Cross metro station is designed to enhance the North Sydney CBD as a major commercial centre and further encourage the use of public transport. Pedestrians are prioritised throughout the CBD with a number of interconnected pedestrian routes that facilitates all direction movement and encourages fine grain retail and dining uses.	<p>Complies</p> <p>The concept proposal contributes to the creation of an Integrated Station Development at Victoria Cross that will enhance North Sydney's status as a major commercial centre and encourage the use of public transport.</p>
	P20 New development focuses on the use of public transport, cycling and walking.	<p>Complies</p> <p>The concept proposal is located in a highly accessible location. The indicative OSD design illustrates how end-of-trip facilities can be incorporated into the development and promote non-car based travel.</p>
	<p>P23 The following through site links are to be provided, retained and enhanced:</p> <p>(I) An east-west pedestrian link through the Victoria</p>	<p>Complies</p> <p>This through-site link will be delivered under the CSSI Approval. The proposed building envelope features a large southern setback</p>

	Cross metro station linking Miller Street and Denison Street	and tapered southern elevation, which will improve solar access and amenity to the link.
2.1.3 Desired built form	P1 Development sites should be of a size which enables the creation of large high quality floor plates which helps to reinforce the Centre's role as a Global City as identified within the Metropolitan Strategy.	Complies The proposed building envelope allows for the creation of large, high quality A-grade commercial floor plates. The indicative OSD design prepared by TfNSW features floor plates ranging in size from 1,243 to 2,231 square metres.
	P3 Buildings should be carefully designed to minimise the impact of their height and bulk on surrounding residential areas.	Complies The proposed building envelope has been designed to minimise overshadowing impacts on residential areas outside the CBD. For further detail refer to Chapter 8.3 and Appendix L of the EIS.
	P6 Zero setback to all street frontages at the ground floor level and adjacent to heritage items, with the following exceptions: (a) In accordance with Cl. 6.4 of the LEP for all properties on the eastern side of Miller Street, north of the Pacific Highway.	Not applicable The proposed building envelope sits above the approved station building (CSSI Approval). Nonetheless, the building envelope has been designed to respond to the MLC Building by providing an 18-metre south setback as well as a lower form fronting Denison Street that responds to the height of the MLC Building and the surrounding building context. For further detail refer to the Built Form and Urban Design report at Appendix F of the EIS.
	P7 Buildings must be setback to conserve views to, and the setbacks and settings of, heritage items at 86 and 146-150 Walker Street, 94 Pacific Highway (Post Office, 36 Blue Street (Greenwood), 153 Miller Street (MLC Building), 168-172 Pacific Highway and 1-7 Napier Street.	Complies The proposed building envelope provides an 18-metre setback from the MLC Building, which improves views to the item and also allows for a low-rise building form and pedestrian through-site link at the southern end of the site (to be delivered under the CSSI Approval). The purpose and impact of this setback is considered in detail in the heritage impact assessment report at Appendix O of the EIS.
	P9 A maximum podium of 5 storeys to all streets, with a weighted setback of 5m above the podium	Partially complies In relation to Berry Street, the proposed building envelope provides a five-metre setback above the station in accordance with this control. In relation to Miller Street and Denison Street, the proposed building envelope does not

		<p>provide a setback above the station. However, this is considered appropriate, as there is no established above-podium setback along these streets in the vicinity of the site. For example, the adjoining MLC Building to the south, for example, features no such setback on its Miller or Denison Street frontages, and the adjoining development at 65 Berry Street also does not feature an upper level setback from Denison Street.</p>
	<p>P11 Podium heights should match the height of adjacent heritage items.</p>	<p>Generally complies</p> <p>The proposed building envelope has been designed as a series of stacked volumes that specifically reference the adjacent heritage items. The base and the top of the lowermost volume generally align with the Rag & Famish Hotel and MLC Building, respectively.</p>

3.0 Conclusion

Overall, it has been found that the concept proposal generally complies with relevant controls within NSDCP 2013, with sufficient justification for any variation.

The concept proposal aligns with Council's desired future character and built form for North Sydney CBD by capitalising on the transport benefits of Sydney Metro, delivering significant commercial floor space, providing for ground level activation and respecting surrounding heritage items.