26 November 2007

Ms Penny Holloway
General Manager
North Sydney Council
PO Box 12
NORTH SYDNEY NSW 2059

Attn: Mr Brad Stafford

Dear Ms Holloway

North Sydney Draft Local Environmental Plan Amendment 28 - North Sydney Centre

The Planning Institute of Australia, NSW Division welcomes this opportunity to provide comments on the re-exhibition of draft amendment number 28 to the North Sydney Local Environmental Plan – North Sydney Centre (DLEP 28).

PIA is concerned that the strategic importance of the North Sydney CBD to the NSW and Australian economy generally has not been acknowledged and recommends the North Sydney Council work with the Department of Planning’s Cities Taskforce to develop the new comprehensive local environmental plan for the CBD.

In the interim, PIA is generally supportive of the proposed amendments (with a suggested change to the overshadowing provisions) as they seek to deliver immediate certainty to all parties involved in the North Sydney development process.

1.0 The significance of North Sydney in Metropolitan Sydney must be recognised

According to the Draft Inner North Subregional Strategy, the North Sydney central business district is Sydney’s second largest office market and the sixth largest in Australia. It provides around 800,000 m² of commercial office space, and nearly 50,000 jobs, contributing 2.8% to the gross state product of New South Wales ($319.5 billion) in 2005/06.

Yet despite being integral to the Global Economic Corridor and being bundled with the Sydney CBD as the mega “Global Sydney”, North Sydney has not benefited from the expertise of the NSW Government’s Cities Taskforce in the same way as the six regional cities of Parramatta, Liverpool, Penrith, Gosford, Wollongong and Newcastle.

Growth in the North Sydney CBD has been limited since the mid 1990s, partially due to the “no-growth” nature of the former (1989) LEP, the complexity of the current (2003) LEP and the rise of alternative commercial locations such as Macquarie Park and Rhodes. Although there have been incremental amendments to the LEP since that time, North Sydney has languished and the current building stock is declining in quality and environmental performance relative to other centres.
If North Sydney is to reach its employment capacity target of 60,000 jobs by 2031 and an additional 250,000 m² of commercial floorspace to support and fund the upgrade to the North Sydney railway station, more than minor amendments are required to the North Sydney LEP: a wholesale rethinking, and re-modelling, of the development capacity of the CBD can be developed to ensure the CBD retains its rightful place as Sydney’s largest office market.

To achieve this, North Sydney Council needs to engage with the Department of Planning to ensure the North Sydney CBD’s importance and contribution to the ongoing economic development of NSW and Australia is recognised.

**Recommendation:** A new LEP, DCP and contributions plan for the North Sydney Centre be prepared by the Cities Taskforce in collaboration with North Sydney Council.

### 2.0 DLEP Amendments

As an interim measure, PIA welcomes the proposed amendments to the North Sydney LEP in particular the replacing of the composite shadow diagram with maximum RL building heights and complementary floor space ratio controls. There are some reservations as to whether the additional 250,000 m² of commercial floorspace in the CBD can be realised under the RL and FSR controls but it is understood that this has been tested by Preston Rowe Paterson in May 2007. Ongoing monitoring must be undertaken to ensure the target floorspace can be achieved.

It is suggested that the same controls that have successfully maintained solar access in the Sydney CBD should be applied in North Sydney: namely prohibiting additional overshadowing of key public spaces between 12 noon and 2pm and between the dates of 14 April and 31 August. This removes the conflicting provisions of the draft amendments for some sites and ensures consistency and ease of interpretation of planning controls across Global Sydney – a key aspect of the recent reforms to local planning introduced by the Department of Planning.

We are concerned that in some cases the proposed height limits and FSR limits do not align sufficiently. Currently, the LEP provides that where the height and FSR controls are inconsistent, the height control prevails. However, in order to ensure that the true development potential of the North Sydney CBD is achieved, PIA believes that the FSR control should prevail in instances where there is conflict. This would allow for the ease of defining and monitoring the true growth capacity of the CBD. It would also remove any potential conflict at the DA stage and provide greater certainty to land owners as well as the infrastructure providers, particularly the providers of the rail station upgrade.

**Recommendation:** Solar access controls should be consistent with those adopted by the City of Sydney. Clause 28D(8) should be amended so that the maximum FSR control (Clause 28D(2)(e)) prevails over the maximum height control (Clause 28D(2)(a)) when the controls are in conflict.

### 3.0 Conclusion

The Planning Institute of Australia, NSW Division supports North Sydney Council’s efforts to improve and clarify the planning controls applying to any proposed new development in the North Sydney CBD. However, PIA is concerned that the strategic importance of the North Sydney CBD to the NSW and Australian economy generally has not been sufficiently acknowledged and recommends North Sydney Council work with the Department of Planning’s Cities Taskforce to develop the new comprehensive local environmental plan for the CBD. PIA also recommends that the City of Sydney’s overshadowing and FSR controls be adopted to provide consistency and to ensure floorspace targets are achievable.
The Planning Institute of Australia would be happy to work with North Sydney Council to champion the role of the North Sydney CBD to the State Government. We look forward to hearing from you to discuss the issues raised our submission.

Yours faithfully

Anthony Newland
President
Planning Institute of Australia, NSW Division