Tower Cluster Areas and Design Excellence Procedure Amendment

1. The purpose of this Development Control Plan

The purpose of this Development Control Plan (DCP) is to amend the Sydney Development Control Plan 2012 (SDCP2012), adopted by Council on 14 May 2012 and which came into effect on 14 December 2012.

The draft provisions progress key moves proposed in the City of Sydney's Draft Central Sydney Planning Strategy (the Strategy) following feedback from the Department of Planning, Infrastructure and Environment on Planning Proposal Central Sydney.

These provisions only relate to new Tower Cluster Areas and Design Excellence Procedures, with supporting planning controls contained in the amended Central Sydney Planning Proposal and the original Sydney DCP 2012 Central Sydney Planning Strategy Amendment.

2. Central Sydney Planning Proposal

The Central Sydney Planning Proposal provides for additional floor space on select sites up to 50% and additional height. These sites are restricted to Tower Cluster Areas and subject to new Design Excellence procedures.

Proposed new buildings (or altered buildings) that rely on increased FSR must undertake an architectural design competition where any additional floor space is subject to demonstrating design excellence, which is at the discretion of the consent authority.

Proposed new subclause 6.21(7A) of Sydney LEP 2012 details the minimum requirements for accessing up to additional 50% floor space.

These proposed DCP controls compliment new subclause 6.21(7A) in Sydney LEP 2012, providing clarity on procedure, process and minimum assessment requirements.

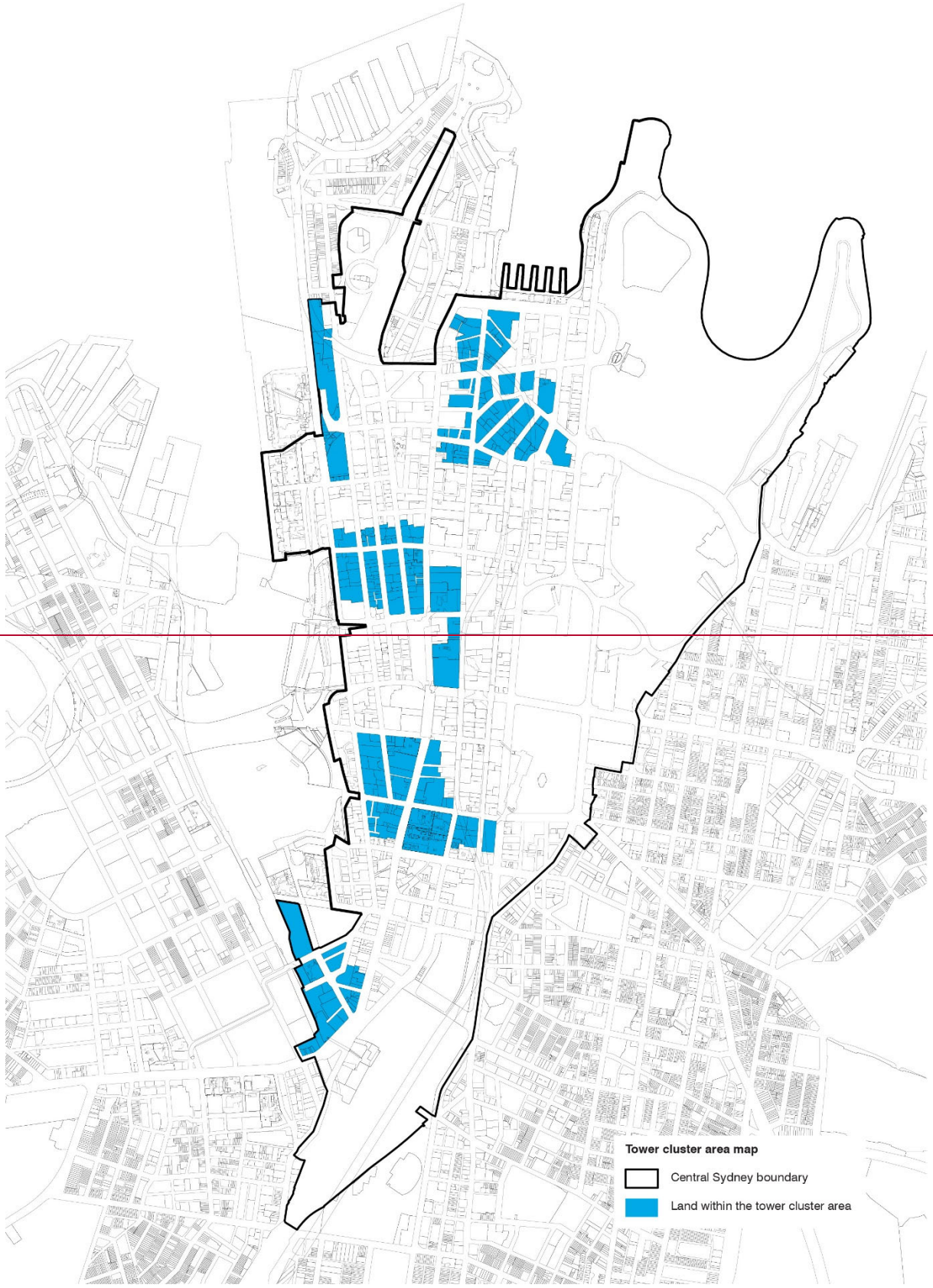
For a more complete understanding of the land use and planning controls being proposed for Central Sydney, this ~~draft~~ DCP should be read in conjunction with the amended Planning Proposal, original Sydney DCP 2012 Central Sydney Planning Strategy Amendment, the amended Competitive Design Policy, the Strategy and its technical appendices.

3. Citation

This amendment may be referred to as the Sydney Development Control Plan 2012 – Tower Cluster Areas and Design Excellence Procedure Amendment.

4. Land Covered by this Plan

This plan applies to land identified on the Sydney LEP 2012 Tower Cluster Map. This land is shown in Figure 1 below.


Tower cluster area map
Central Sydney boundary
Land within the tower cluster area

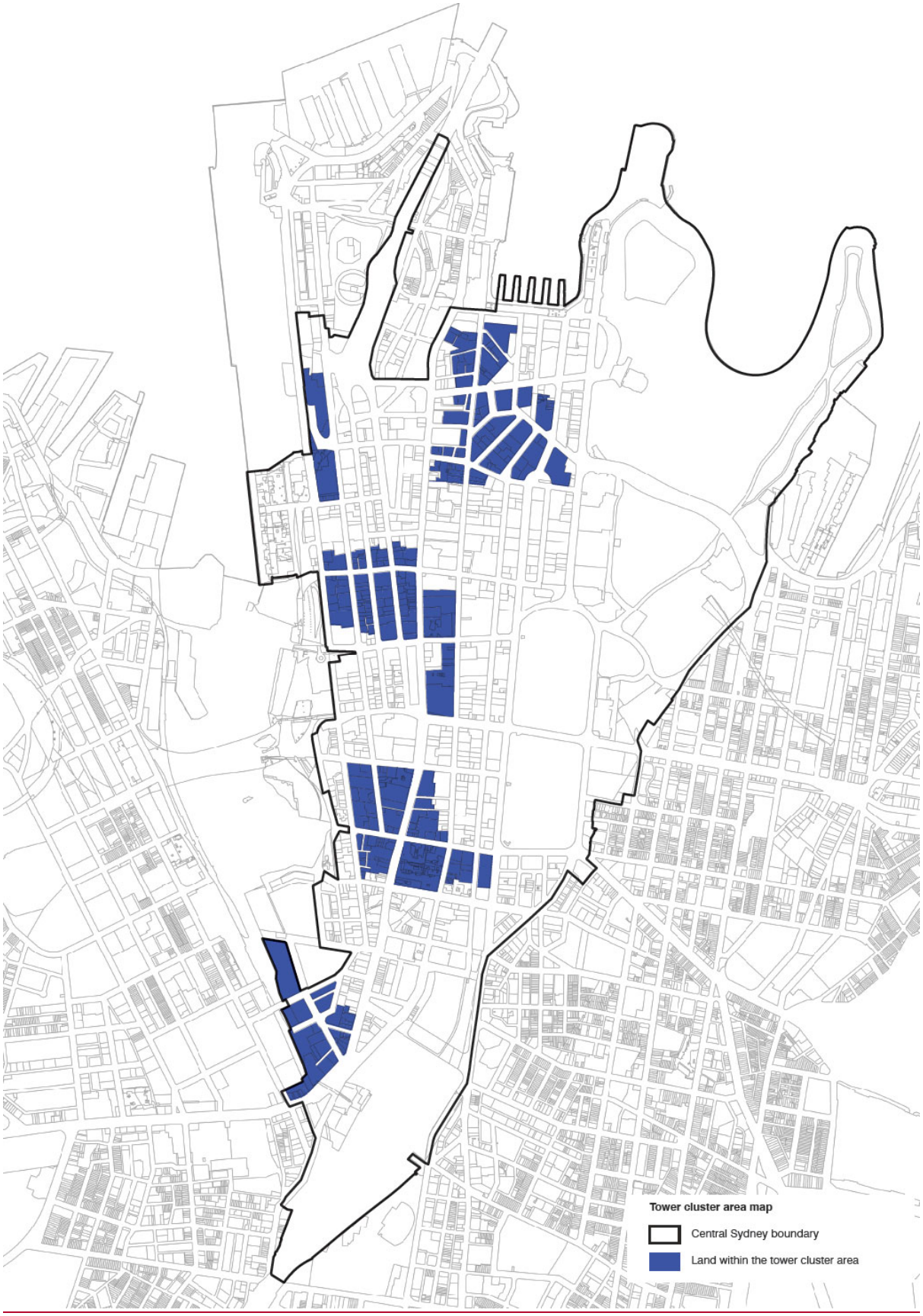


Figure 1 – Tower Cluster Area Map

5. Relationship of this plan to Sydney Development Control Plan 2012

This plan amends the Sydney Development Control Plan 2012 in the manner set out in Schedule 1 below (amendments shown ***bold and italics***).

Schedule 1 – Amendment to Sydney Development Control Plan 2012

[1] Section 3.3 – Design Excellence and Competitive Design Processes

Introduction

This section contains objectives and provisions to guide design excellence and fine grain urban form in significant development. All buildings contribute to the urban and public domain character of a city. It is important that design excellence is a fundamental consideration in the assessment of development applications.

In recognition of the additional cost of a competitive design process, a successful design competition that achieves design excellence can be awarded additional building height or floor space of up to 10% or one floor whichever is the greater.

To recognise and provide for the pre-eminent role of business, office, retail, entertainment and tourist premises in Central Sydney Tower Cluster Areas, a building demonstrating design excellence through an architectural design competition~~successful design competition that achieves design excellence~~ can be awarded up to 50% additional floor space ~~of up to 50%~~.

The following DCP provisions complement Clause 6.21 under the Sydney LEP 2012 and must be read in conjunction with the City of Sydney Competitive Design Policy and the Model Competitive Processes Brief.

The City of Sydney contains a number of urban renewal areas and large development sites. Within these areas it is important that development achieves high design quality standards and design variety. The following objectives and provisions aim to achieve design excellence through the application of competitive design processes.

Refer to Section 3.1.10 Sites greater than 5,000sqm, Section 3.3.8 Site specific development controls plans and ~~Stage 1~~concept development applications.

Provisions

3.3.1 Competitive design process

(1) In accordance with Clause 6.21(5) of the Sydney LEP 2012 any of the following development is subject to a competitive design process:

(a) buildings greater than 55m in Central Sydney and greater than 25m outside of Central Sydney;

(b) development having a capital value of more than $100,000,000;

(c) development in respect of which a development control plan is required to be prepared under Clause 7.22 of the Sydney LEP 2012;

(d) development for which the applicant has chosen such a process.

***(1A) In accordance with Clause 6.21(7A) of Sydney LEP 2012 a building demonstrating design* excellence in a *Tower Cluster Area* must:**

***(a)* be located in a *Tower Cluster Area* on the Locality and Site Identification Map~~Tower Cluster Areas Map~~**

(b) The unencumbered area of the subject site must be greater than 2,000 square metres, excluding areas of the site that are occupied by:

(i) heritage items and the curtilage of heritage items required to maintain ~~the~~ significance of the heritage item

(ii) public places (streets, lanes, parks, squares, through site links open to the sky, areas above or below major infrastructure like railway bridges, viaducts)

(iii) other open spaces, e.g. valued private open spaces, easements, common access, lane, and

(c) contain or proposes only Commercial Premises, Centre-based child care facilities, Community facilities, Educational establishment, Entertainment facilities, Function centres, Health Services facility, Hotel or motel accommodation, Information and education facilities, Light industries and ancillary uses such as parking, utilities and storage.

(1B) For the purposes of 6.21(7A) a building demonstrating design excellence means a building where the design of the building (or the design of an external alteration to the building) is the winner of an architectural design competition and the consent authority is satisfied that the building or alteration exhibits design excellence.

(2) The competitive design process must be undertaken in accordance with the City of Sydney Competitive Design Policy and using the Model Competitive Processes Brief.

(3) The competitive design process is to be undertaken in accordance with a Design Excellence Strategy approved by Council as part of an associated site-specific DCP or concept~~s stage~~ development application (~~Stage 1~~Concept Development Application).

(4) The competitive design process is to be undertaken before the detailed ~~Stage 2~~ Development Application is submitted.

3.3.2 Design excellence strategy

(1) The Design Excellence Strategy is to define:

(a) the location and extent of each competitive design process, where each competitive design process is to be limited to a single development site or street block.

(b) the type of competitive design process(es) to be undertaken: an open or invited architectural design competition or competitive design alternatives. ***Competitive design alternatives is not available for buildings seeking to demonstrate design excellence in a Tower Cluster Area.***

(c) the number of designers involved in the process(es)

(d) how fine grain and contextually varied architectural design is to be achieved across large sites

(e) whether the competitive design process is pursuing additional floor space or height

(f) options for distributing any additional floor space or height which may be granted by the consent authority for demonstrating design excellence through a competitive design process

(g) the target benchmarks for ecologically sustainable development

(1A) In addition to clause (1), buildings seeking to demonstrate design excellence in a Tower Cluster Area, the Design Excellence Strategy is to:

(a) demonstrate compliance with the City of Sydney Competitive Design Policy

(b) demonstrate the analysis required under 3.3.8 Site Specific development control plans and concept~~stage 1~~ development applications has been addressed in the application.

~~***(b) establish a compliant base case building massing envelope in accordance with 5.1.1 Built Form Controls***~~

~~***(c) document a minimum 3 alternative massing envelopes that comply with Schedule 11***~~

~~***(d) provide detailed environmental impact tests and compare the base case building massing envelope and alternative massing envelopes, including:***~~

~~***(i) overshadowing of protected public spaces***~~

~~***(ii) public view protection planes***~~

~~***(iii) Sydney Airport Prescribed Airspace***~~

~~***(iv) Special Character Area, street frontage heights, setbacks, tower heights and contextual analysis***~~

~~***(v) compliance with tower massing and tapering requirements of any relevant development control plan or guide***~~

~~***(vi) wind tunnel testing and compliance***~~

~~***(vii) wind and daylight equivalence form testing, and***~~

~~***(viii) underground infrastructure.***~~

~~***(d) For the purpose of provide providing an indicative FSR for each massing envelope, where the envelopes and estimated FSRs assume:***~~

~~***(i) a 15 metre architectural roof feature zone for sites where the maximum height of the building is determined by Sun Access Planes, No Overshadowing Controls or Public View Protection***~~

Planes (or an amount as demonstrated by best practice and a reference design)

(ii) a 30 metre architectural roof feature/construction zone where the maximum height of the building is determined by Sydney Airports Prescribed Airspace (excluding the Obstacle Limitation Surface) (or an amount as demonstrated by best practice and a reference design)

(iii) 5 metres clear floor to floor for ground and first floors and allowances for new pedestrian links and public domain improvements supported by urban design analysis

(iv) 3.85 metres floor to floor for typical commercial floors and structural transfer zones at steps in the building massing

(v) 3.3 metres floor to floor for typical hotel floors and structural transfer zones at steps in the building massing

(vi) A full floor plant level at least for every 20 occupied levels at minimum 6 metres floor to floor should be provided for plant and equipment with no floor space

(vii) A mMinimum 15 per centproportion of the entire design envelope for architectural articulation and external façade depth and external sun shading (not occupied by floor space), structures, sun shading or the like) of 8.0% plus 0.5% for each 10m in height above 120m up to a maximum value of 16% articulation.

Note: the proportion (percentage) is established according to the maximum building height, this proportion is then applied to the whole envelope.

(viii) Minimum 750mm facade depth for facade and external shading elements

(ix) Minimum 16 per cent floor space exclusions allocated to building core and other internal non-floor space elements

Vehicle access, servicing, services, balconies, voids or other areas are not counted as floor space and should be determined from demonstrated best practice or and a reference designs.

Note: the FSR assumptions in this provision are only for the purpose of establishing a generally acceptable indicative FSR accounting for general site constraints and commercial building efficiencies. The individual parts (i)-(ix) are not to be treated as development standards or controls for assessing detailed building designs.

(e) The base case building massing envelope, the alternative massing envelopes and indicative FSRs will form part of the endorsed Design Excellence Strategy and the architectural design competitionve design brief

~~*(f) Council may amend the indicative FSRs within the endorsed Design Excellence Strategy based on the assessment of the Concept Plan application*~~

3.3.3 Award for design excellence

(1) In accordance with Clause 6.21(7) of the Sydney LEP 2012, the consent authority may grant up to 10% additional floor space or height to a building where design excellence is achieved through a competitive design process.

(1A) In accordance with Clause 6.21(7A) of the Sydney LEP 2012, the consent authority may grant up to 50% additional floor space where a building demonstrates design excellence ~~is achieved~~ through an architectural design competition ~~competitive design process~~.

3.3.4 Awarding additional height

(1) Additional height available under Clause 6.21(7) of the Sydney LEP 2012 must be located on the building which is ~~to be~~ subject to the competitive design process.

(2) Awarding additional height is at the discretion of the consent authority and is dependent on the building achieving design excellence with the additional height included in the design

(3) Despite 3.3.4(1) and (2) a building demonstrating design excellence in a Tower Cluster Area may have a building height that exceeds the maximum height shown for the land on the Sydney LEP 2012 Height of Buildings Map, but must not exceed any sun access controls, public view protections or aircraft operations related controls, as per Clause 6.21(7A)(e).

3.3.5 Awarding additional floor space

(1) Additional floor space available under Clause 6.21(7) ***and Clause 6.21(7A)*** of the Sydney LEP 2012 will be pro-rated by the area covered by the competitive design process, as a proportion of the total developable site area.

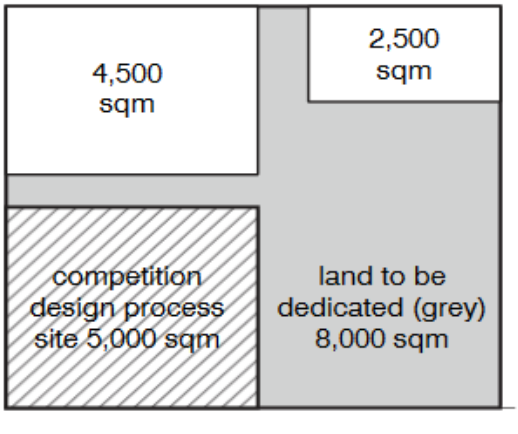
Clause 6.21(7)
Additional floor space bonus (%) = {Competitive design process site area / (Lot area – Land to be dedicated area)} x 10

or

Clause 6.21(7A)
Additional floor space bonus (%) = {Competitive design process site area / (Lot area – Land to be dedicated area)} x 50

For example, if a competitive design process covers half the developable site area, then the maximum additional floor space will be up to 5%.

A further example is shown below:



A competitive design process undertaken on the hatched site would result in a maximum floor space bonus of up to:

{5,000sqm / (20,000sqm – 8,000sqm)} x 10 = 4.17% floor space bonus

(2) Awarding additional floor space is at the discretion of the consent authority and is dependent on achieving design excellence and the capacity of the developable site area to absorb the additional floor space without environmental impacts.

3.3.6 Distribution of additional floor space

(1) In distributing any additional floor space within the site area covered by the competitive design process, the following considerations must be appropriately addressed:

(a) Site and context analysis

(b) Public domain layout, including levels, uses, access and circulation, dedications and hierarchy of spaces

(c) Built form massing and dimensioned envelopes

(d) Overshadowing analysis

(e) Stormwater management strategy

(f) Traffic management and servicing strategy, parking numbers and location

(g) Ecologically sustainable development strategies and benchmark commitments (including connection to green infrastructure), and

(h) Heritage impact statement

(2) In addition to provisions 3.3.6(1)(a)-(h), for Tower Cluster Area sites subject to Clause 6.21(7A) of Sydney LEP 2012, when distributing any additional floor space within the site area covered by the architectural design competitionve ~~design~~ process, the following considerations must be appropriately addressed:

(a) Where variations to Minimum Street Setbacks, Minimum Side and Rear Setbacks, Building Form Separations and Tapering controls under Sydney DCP 2012 are proposed, a Procedure B: Wind and Daylight Equivalence report is to be prepared in accordance with Schedule 11 of Sydney DCP.

To allow multiple options to be explored during the design competition applicants are required to test at least three massing options as part of the Concept Plan (see 3.3.8). For regular shaped sites where the base case envelope results in large, functional, and regular shaped floor plates, the base case envelope may be considered as one of the three massing options.

Note: where variations to Sydney DCP 2012 Minimum Street Setbacks, Minimum Side and Rear Setbacks, Building Form Separations and Tapering controls are sought ~~required for feasibility, the onus is on~~ the proponent is to demonstrate ~~at an early stage~~ that variations comply with equivalency variation tests in relation to wind impacts and daylight/sky view factor. Importantly equivalency results still require urban design and streetscape analysis to determine their acceptability.

(b) A quantitative wind effects report is to be prepared by a suitably qualified wind specialist testing the base case building massing envelope and alternative massing envelops. The report is to detail findings and compliance of wind tunnel testing conducted in accordance with Sydney DCP 2012 controls including Schedule 11, where appropriate. The report is to identify all locations and elements requiring wind management.

Note: Wind tunnel testing is a mandatory requirement. This wind tunnel testing will also apply where setback and separation variations to Sydney DCP 2012 are proposed.

(c) Provision of appropriate architectural roof feature and construction zones.

Note: Construction methodology for envelopes within 30 metres vertically of an airspace protection surface (excluding the Obstacle Limitation Surface) must be provided demonstrating no temporary penetrations of surfaces are required for cranes and other construction equipment.

A detailed site survey and demonstrated compliance via an envelope analysis of airspace protection charts detailed below is required http://www.sydneyairport.com.au/corporate/community-environment-and-planning/planning/airspace-protection.aspx

(d) Proposed new buildings —(or altered buildings) must be capable of achieving best practice National Australian Built Environment Rating System (NABERS) performance that exceeds established minimum requirements of Sydney DCP 2012, as demonstrated through Energy Commitment Agreements.

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3.3.7 Public art

No change.

3.3.8 Site specific development control plans and conceptstage 1 development applications

A site specific development control plan or a conceptstage 1 development application is required under Clause 7.20 of Sydney LEP 2012 for certain categories of development. The development control plan must address the issues set out in Clauses 7.20(4) and 6.21 Design Excellence of Sydney LEP 2012.

(1) The following documentation is to be provided as part of a site specific development control plan application:

(a) Site, context and development options analysis;

(b) Public domain layout including levels, uses, access and circulation and dedications;

(c) Built form massing and dimensioned envelopes;

(d) Distribution of uses and floor space areas;

(e) Overshadowing analysis;

(f) Stormwater management strategy;

(g) Traffic management and servicing strategy and parking numbers and location;

(h) Ecologically sustainable development strategies and benchmark commitments (including connection to green infrastructure);

(i) Heritage impact statement;

(j) Design excellence strategy;

(k) Landscape concept plan;

(l) Public art strategy; and a

(m) Staging plan.

(2) The site, context and development options analysis is to document at least three different and realistic site development options and is to provide an analysis of each option.

(2A) For Tower Cluster Area sites subject to Clause 6.21(7A) of Sydney LEP 2012, this option analysis is to incorporate: the analysis described in 3.3.2.

(a) demonstrate compliance with the City of Sydney Competitive Design Policy

(b) establish a compliant base case building massing envelope in accordance with 5.1.1 Built Form Controls

(c) document a minimum 3 alternative massing envelopes that comply with Schedule 11

(d) provide detailed environmental impact tests that compare the base case building massing envelope and alternative massing envelopes, including:

(i) overshadowing of protected public spaces

(ii) public view protection planes

(iii) Sydney Airport Prescribed Airspace

(iv) Special Character Area, street frontage heights, setbacks, tower heights and contextual analysis

(v) compliance with tower massing and tapering requirements of any relevant development control plan or guide

(vi) wind tunnel testing and compliance

(vii) wind and daylight equivalence form testing, and

(viii) underground infrastructure.

(d) For the purpose of providing an indicative FSR for each massing envelope, where the envelopes and estimated FSRs assume:

(i) a 15 metre architectural roof feature zone for sites where the maximum height of the building is determined by Sun Access Planes, No Overshadowing Controls or Public View Protection Planes (or an amount as demonstrated by best practice and a reference design)

(ii) a 30 metre architectural roof feature/construction zone where the maximum height of the building is determined by Sydney Airports Prescribed Airspace (excluding the Obstacle Limitation Surface) (or an amount as demonstrated by best practice and a reference design)

(iii) 5 metres clear floor to floor for ground and first floors and allowances for new pedestrian links and public domain improvements supported by urban design analysis

(iv) 3.8 metres floor to floor for typical commercial floors and structural transfer zones at steps in the building massing

(v) 3.3 metres floor to floor for typical hotel floors and structural transfer zones at steps in the building massing

(vi) A full floor plant level at least for every 20 occupied levels at minimum 6 metres floor to floor should be provided for plant and equipment with no floor space

(vii) A minimum proportion of the entire design envelope for architectural articulation and external façade depth and external sun shading (not occupied by floor space) of 8.0% plus 0.5% for each 10m in height above 120m up to a maximum value of 16% articulation.

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Note: the proportion (percentage) is established according to the maximum building height, this proportion is then applied to the whole envelope.

(viii) Minimum 16 per cent floor space exclusions allocated to building core and other internal non-floor space elements

(ix) Vehicle access, servicing, services, balconies, voids or other areas are not counted as floor space and should be determined from demonstrated best practice and a reference design.

Note: the FSR assumptions in this provision are only for the purpose of establishing a generally acceptable indicative FSR accounting for general site constraints and commercial building efficiencies. The individual parts (i)-(ix) are not to be treated as development standards or controls for assessing detailed building designs.

(e) The base case building massing envelope, the alternative massing envelopes and indicative FSRs will form part of the architectural design competition brief

(f) Consent authority may amend the indicative FSRs based on the assessment of the Concept Plan application

(3) A design excellence strategy is to be provided that defines:

(a) the location and extent of each competitive design process, where each competitive design process limited to a single development site or street block;

(b) the type of competitive design processes to be undertaken: an architectural design competition, open or invited; or competitive design alternatives;

(c) the number of designers involved in the processes;

(d) how fine grain and contextually varied architectural design is to be achieved across large sites; and

(e) options for distributing any additional floor space area which may be granted by the consent authority for demonstrating design excellence through a competitive design process.

(3A) ***For Tower Cluster Area sites subject to Clause 6.21(7A) of Sydney LEP 2012, if appropriate, the Concept ~~(Stage 1)~~ DA or Site Specific DCP will be determined with an envelope capable of achieving the indicative maximum FSR ~~demonstrated to be appropriate by the Design Excellence Strategy~~.***

The approved ~~endorsed~~ *Design Excellence Strategy, ~~including~~ the base case building massing envelope, the alternative massing envelopes and indicative FSRs will inform the Architectural Design Competition brief ~~competitive design brief with the Architectural Design Competition to explore design excellence in relation to built form, massing and FSR~~.*

Final FSR will be applied for in the detailed design DA~~at Stage 2~~ and assessed and determined by the consent authority at this time.

(4) A detailed Public Art Strategy, prepared by a suitably qualified person and consistent with the City of Sydney Guidelines for Public Art in Private Development is to be submitted with a Concept~~Stage 1~~ DA or Site Specific DCP.

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