

10.1. North Sydney DCP Streamlining Project

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ATTACHMENTS	1. Draft DCP 2025 [10.1.1 - 664 pages]
CSP LINK	<ul style="list-style-type: none">1. Our Living Environment<ul style="list-style-type: none">1.1 Protected, enhanced and biodiverse natural environment2. Our Built Infrastructure<ul style="list-style-type: none">2.2 Vibrant public domains and villages3. Our Innovative City<ul style="list-style-type: none">3.1 Our commercial centres are prosperous and vibrant3.2 North Sydney is smart and innovative3.3 Distinctive sense of place and design excellence4. Our Social Vitality<ul style="list-style-type: none">4.3 North Sydney's history is preserved and recognised5. Our Civic Leadership<ul style="list-style-type: none">5.1 Lead North Sydney's strategic direction5.2 Strong civic leadership and customer focussed services5.4 Council services are efficient and easy to access

PURPOSE:

The purpose of this report is to seek Council's endorsement of a comprehensive draft Development Control Plan (DCP) which is proposed to replace North Sydney Development Control Plan 2013 (NSDCP 2013) for the purpose of public exhibition.

EXECUTIVE SUMMARY:

- Council considered a report at its meeting of 22 April 2024 (in response to a request from the NSW Minister for Planning and Public Space) which identified potential opportunities for Council to improve its development assessment timeframes and assist in positively addressing concerns on housing supply across Sydney.
- The report, in part, identified an opportunity to simplify and streamline Council's DCP through the removal of redundant and duplicate controls. The report also identified that Council staff had commenced an application for Commonwealth grant funding to undertake this project.
- Having successfully acquired Commonwealth funding, Council engaged APP Group to prepare a new comprehensive draft DCP, in a format that can be more readily implemented into a future artificial intelligence (AI) platform for development assessment purposes. The project should be considered as stage 1 of a more

comprehensive review given its complexity and the time constraints posed by the grant-funding authority. This initial stage does not seek to make any significant policy changes to the DCP.

- The first stage of the simplification and streamlining of the DCP is now complete and endorsement is sought to progress the draft DCP to the public exhibition stage.

RECOMMENDATION:

- 1. THAT** Council endorse the draft North Sydney Development Control Plan 2025, forming Attachment 1 to this report, for the purposes of public exhibition.
- 2. THAT** the draft North Sydney Development Control Plan be placed on public exhibition for a minimum of 28 days.
- 3. THAT** the outcomes of the public exhibition be reported to Council.

BACKGROUND

National Housing Accord

In 2022, the Commonwealth Government released the National Housing Accord, which sought to accommodate an additional million new and better located dwellings across Australia over a five-year period commencing in 2024. In 2023, this target was revised to 1.2 million additional dwellings in five years commencing on 1 July 2024, after the state and territory governments had given their commitment to the delivery of their state or territory's share of housing. North Sydney Council's share of this target is 5,900 new homes by 2029.

Request for Review of Planning Controls

On 30 October 2023, the NSW Minister for Planning and Public Spaces wrote to all NSW councils requesting that planning controls be urgently reviewed to address concerns on housing supply in NSW.

In response to this request, Council considered a [report at its meeting of 22 April 2024](#), which sought to identify opportunities to improve its development assessment timeframes. One of the opportunities identified in the report included the review and simplification of Council's Development Control Plan (DCP). The report specifically stated:

Council's planning controls, especially the Development Control Plan, are complex and particularly lengthy, and can make the development application process more complex for both the applicant and the Councils in their assessment, leading to longer assessment times.

The complexity of planning controls also limits the ability of Council to automate application processes.

Council could consider undertaking a comprehensive review with a view to simplifying its Development Control Plan.

The report further identified that Council had already commenced the preparation of an application for funding under the Commonwealth's Housing Support Program to assist Council in the streamlining and simplification of its DCP.

Housing Support Program

In March 2024, the Commonwealth Department of Infrastructure Transport, Regional Development, Communications, and the Arts commenced the Housing Support Program, one of several programs designed to help achieve the National Housing Accord's target of building 1.2 million new homes.

The Housing Support Program is designed to fund projects that seek to deliver enabling infrastructure, provide amenities to support new housing development, and improve building

planning capability. Stage 1 of the Program specifically looked at providing funding to state, territory, and local governments to improve planning capability.

In April 2024, Council applied for funding under the Commonwealth Housing Support Program, which was successfully granted on 11 July 2024.

Minister's Statement of Expectations

On 1 July 2024, the NSW Minister for Planning and Public Spaces made a new Statement of Expectations Order under the Environmental Planning and Assessment (EP&A) Act 1979, which sets the expected performance for all NSW councils in relation to planning and development matters.

This Order sets new benchmarks for Council performance on development assessment, planning proposals and strategic planning. The expectations set out in the Ministerial Order include:

- new minimum performance standards for determining development applications;
- new standard for DA lodgement times;
- new benchmark time frames to complete stages of planning proposals;
- new requirements for councils to complete and carry out local strategic planning statements and local planning strategies, with a focus on delivering housing targets within time frames that the department specifies; and
- new heads of consideration that guide how the Minister considers council performance against the expectations.

To promote the meeting of the Expectation Order, the Department of Planning, Housing, and Infrastructure (DPHI) launched the NSW Council League Table on 11 July 2024. The League Table comprises an interactive dashboard on the DPHI's website, which presents data on lodgement and assessment timeframes for DAs for all NSW councils and monitors that performance.

On 6 March 2025, Council received a letter from the Minister for Planning and Public Spaces stating that within the first six months of monitoring Council's performance, Council had not met the benchmark timeframes for development application assessment performance. The Minister advised that Council had 28 days to prepare an endorsed "action plan" to identify improvements to its DA assessment performance. A Council report was considered by Council at its meeting on 24 March 2025, in which an action plan was endorsed. One of the actions in that plan was the preparation of a review of the North Sydney DCP 2013.

Use of Artificial Intelligence in Planning

In October 2023, the NSW Minister for Planning and Public Spaces announced that the NSW Department of Planning, Housing, and Infrastructure (DPHI) were seeking to incorporate the use of artificial intelligence (AI) in the NSW Planning System as a way to speed up assessment timeframes to deliver more homes, jobs, and infrastructure.

The NSW Government had recently invested \$5.6 million to introduce AI into the planning system, and 16 councils are currently trialling AI solutions through the DPHI's AI Early Adopter Grant.

In line with this initiative, Council has included a requirement in the DCP streamlining and simplification project to move the DCP to a format that can be more readily implemented into a future digitised AI assessment platform, with the goal to speed up assessment timeframes.

REPORT

1. Purpose

The primary purpose of the streamlining project is to make Council's comprehensive DCP (North Sydney Development Control Plan 2013):

- easier to use;
- more accessible; and
- easier to integrate into future Artificial Intelligence platforms and ensure its readiness for future assessment processes.

Council's current DCP is lengthy (at 740 pages) and sometimes complex (with some parts taking precedence over others in the event of any inconsistency; and its relationship with other planning instruments and policies). It has been identified as one factor that contributes to slower development application processing times at Council.

In the current and broader climate of housing supply issues, the development assessment process and its timeliness have come under significant focus. The current complexity, format, and sheer length of the DCP can represent a barrier to transparency and timely processing of development applications. Streamlining and simplifying the DCP is an important step in expediting the assessment process, addressing the pressing need for efficiency in planning and development approvals.

By clarifying its requirements, reducing or removing redundant provisions, ensuring greater consistency across the document, and increasing the use of numeric controls in lieu of descriptive provisions where appropriate, a simplified DCP framework can provide greater clarity and predictability to developers, planners, local residents, and other stakeholders. This increased clarity would help contribute to the acceleration of assessment timeframes, as well as enhance transparency and consistency in decision-making.

In light of the very tight timeframes attached to the Commonwealth funding and more recent threats of the imposition of a Performance Improvement Order, the scope of the project has had to be limited to what is immediately achievable. However, this does not prevent Council from undertaking additional work in the future with the view to further streamline and simplify the DCP.

2. Consultant Engagement

To complete the project in the timeframes required as dictated by the Housing Support Program funding, it was decided to engage a consultant to undertake the project, with advice being provided by an internal Project Control Group, comprising Council staff from the Strategic Planning, Development Assessment, and Information Technology units. In September 2024, AAP Group in conjunction with Ark PI (an IT specialist) was appointed as the successful consultant.

The project is to comprise two concurrent sub-projects:

- 1) restructuring and simplifying the DCP as a word document suitable for Council staff to easily amend; and
- 2) digitising the DCP in an electronic format that is capable of being incorporated within an AI platform.

This report specifically deals with the first part to the project which involves restructuring the content of the DCP as a word document.

Work on the digitisation of the DCP has commenced. However, the extent of that work has been limited to determining the format and storage solutions related to the DCP. The completion of the digitisation of the DCP, will not occur, until a post-exhibition version of the DCP has been adopted by Council.

3. Role of Development Control Plans (DCP)

Provisions contained within a DCP are intended to support and facilitate development envisaged under the higher-order planning controls applying to a site. These are established in the Local Environmental Plan (LEP) and typically include zoning which establishes land use permissibility and limited built form controls, such as maximum building height and density (e.g., floor space ratios).

A DCP generally contains more detailed design parameters to help assist in managing impacts through the development application process. Under the Environmental Planning and Assessment Act (EP&A Act), a DCP cannot contain provisions that unreasonably restrict or seek to undermine the development provisions of an LEP, or another type of Environmental Planning Instrument such as a State Environmental Planning Policy.

4. Proposed Structure of draft North Sydney DCP 2025 (NSDCP)

4.1. Existing Structure

NSDCP 2013 currently comprises three main parts:

- Part A – General Requirements
- Part B – Development Standards
- Part C – Area Character Statements

Part A outlines the function of the DCP, when it applies, and how it is to be used.

Part B of the DCP focuses on specific development types and issues such as residential development and car parking.

Part C implements a ‘place management’ planning approach. It contains a suite of Area Character Statements, whereby controls are tailored to achieve a desired future character, that is unique to each place in the Local Government Area (LGA). Furthermore, where required, they may also contain additional controls to a site-specific level. The controls within Part C of the DCP, prevail over those contained within Part B.

4.2. Proposed Structure

In order to simplify and streamline the DCP, it is proposed to restructure the document, to break it down such that generic issues that apply to all forms of development are consolidated, thereby significantly reducing the overall number of provisions. The proposed restructure has enabled the draft DCP to be reduced by 76 pages.

Table 1 below illustrates how NSDCP 2013 will be revised into the new structure under draft NSDCP 2025.

TABLE 1 – New DCP Structure			
Draft NSDCP 2025		NSDCP 2013	
Part	Part Name	Part	Part Name
A	Preliminary	A	General Requirements
B	Environmental Considerations	B	Development Standards
C	Heritage and Conservation		
D	Development Elements	C	Area Character Statements
E	Development Types		
F	Area Character Outcomes	C	Area Character Statements

A complete copy of draft NSDCP 2025 is provided in Attachment 1.

4.3. Key Changes

Table 2 outlines the key changes made between NSDCP 2013 and draft NSDCP 2025.

TABLE 2 – Key Changes		
Issue	Action	Comment
Name	Revised to NSDCP 2025	Whilst it is not the intent to revise the currently adopted policy positions of Council, the extent of restructuring warrants the renaming of the DCP.

TABLE 2 – Key Changes

Issue	Action	Comment
Structure	Restructured to be theme based	<p>The DCP contains numerous duplications of the same objectives and provisions which are not development specific. These duplications have been removed and the objectives and provisions relocated into new common theme-based sections, including:</p> <ul style="list-style-type: none">• consolidating the following matters into individual sections:<ul style="list-style-type: none">○ Topographical impacts○ Visual impact and view loss○ Biodiversity○ Water○ Solar access○ Visual privacy impacts○ Operational noise impacts○ Illumination impacts○ Wind and air quality impacts○ Environmental sustainability matters○ Subdivision matters○ Carparking and transport matters○ Waste management matters○ Security and safety matters
Variations to Key Development Controls	Revised to reflect changes to the application of cl.4.6 under NSLEP 2013.	<p>NSDCP 2013 contained provisions relating to instances when proponents sought to seek variations to key development controls relating to setbacks, landscaped area, and site coverage. It effectively sought to apply the same tests and considerations as required to vary a development standard under NSLEP 2013.</p> <p>Clause 4.6 under NSLEP 2013 was amended in November 2023, however no subsequent amendment was made to the provisions under NSDCP 2013.</p> <p>Accordingly, this section has been revised to ensure a more consistent approach to the variation of key development standards.</p>
Context Section	Removed	<p>This former section (Section 2 to Part A of NSDCP 2013) provided a background context to development in the locality effectively describing the current situation.</p> <p>This section constantly became out of date and did not reflect the desired future outcomes of the LGA, which is what the DCP is aiming to do.</p>

TABLE 2 – Key Changes

Issue	Action	Comment
Site Analysis	Removed	<p>This former section (Section 5 to Part A of NSDCP 2013) explains how to undertake a site analysis, a requirement of DA lodgement. As a site analysis does not dictate whether a development is consistent with the desired future outcomes for an area, there is no need to include such a requirement in the DCP.</p>
Child Care Centres	Identification for further amendment post-exhibition.	<p>SEPP (Transport and Infrastructure) 2021 introduces specific requirements for childcare centres. Where the SEPP provisions are the same as those under a DCP, the provisions under the SEPP will prevail. There was insufficient time to adequately review and compare these provisions prior to finalising the draft DCP.</p> <p>This issue is identified within the Draft DCP, and this section may be subject to additional changes post-exhibition to ensure any duplication of controls is removed.</p>
Outdoor Dining and Goods Display on the Footpath	Removed	<p>This former section (Section 5 to Part B of NSDCP 2013) applied to development for the purposes of outdoor dining and goods display on the footpath.</p> <p>Since 2013, all forms of outdoor dining and most forms of goods display on the footpath have been permitted as exempt development under SEPP (Exempt and Complying Development Codes) 2008. As a result, this section of the DCP has rarely been used.</p> <p>Noting that this former section of the DCP largely replicates the requirements under Council's Outdoor Dining and Goods Display Policy & Guidelines, its removal is considered acceptable, given that consideration can still be given to this Council policy and guidelines, if required.</p>
Crows Nest Transit Orientated Development Precinct	References incorporated	<p>In November 2024, planning provisions relating to the Crows Nest Transit Orientated Development Precinct were implemented by the State Government. An accompanying set of Design Guidelines were also introduced which effectively work as a DCP and prevail over Council's DCP if there is any inconsistency.</p> <p>There was insufficient time to adequately review and compare these provisions prior to finalising the draft DCP. Notwithstanding, a notation has been included in several locations in the draft DCP, advising of the implementation of these new controls.</p>

TABLE 2 – Key Changes

Issue	Action	Comment
Mixed Use Developments	Separation of residential and non-residential controls	<p>Former section 2 to Part B of NSDCP 2013 contained controls relating to mixed residential and non-residential developments and sole non-residential developments. This has been revised to only apply to non-residential developments whether they are part of a mixed-use development or not and that any residential components within a mixed-use development are required to consider the new residential section of the DCP.</p> <p>Whilst mixed-use developments will be required to consider two sections within the same part, the number of provisions to be considered will be approximately the same.</p>
Boarding houses and Co-Living housing	Revisions to recognise Co-living Developments	The former Boarding Houses section under NSDCP 2013 has been expanded to apply to co-living housing, which is effectively the same form of development as boarding houses.
Site-specific development controls	Removed or consolidated into the generic controls	The current DCP contains numerous site-specific controls that seek to guide a known development outcome. Some of these sites have been developed, substantially commenced, or the proposal is no longer being pursued. Therefore, their removal and or relocation into the generic provisions for the Locality Area will eliminate redundancies.
Spelling, typographical, & grammatical errors	Errors have been corrected	The current DCP has several minor spelling, typographical, and grammatical errors. These have been corrected.
Clarification	Controls have been revised.	<p>Council officers identified several instances where the current controls are not being interpreted as per their intent.</p> <p>It is proposed to incorporate some minor amendments to improve clarity to ensure the overarching intent of the controls are being implemented.</p>
Reference documents and Hyperlinks	Documents and links have been updated	Some of the documents referenced have become redundant and/or replaced. In addition, some of the hyperlinks have become broken. These have been revised to improve accessibility and usability.

Some sections within NSDCP 2013 currently comprise Council's formal policy in relation to matters called upon under other legislation (e.g., tree preservation and contamination), and contain information that is not necessarily directly related to the assessment of development

applications. As a result of the tight timeframes associated with the Commonwealth funding, some sections of the DCP were not able to be given a thorough review with the aim to simplify and streamline the DCP. This was due to the need to create separate standalone policies to exist outside of the DCP, which would also need adoption by Council. It is intended that such sections be reviewed at a later date.

4.4. Application of the Draft DCP

To minimise impacts on the assessment timeframes of DAs that have already been lodged, a savings and transitional provision has been included, such that any DA that had been lodged and not finally determined before the commencement of NSDCP 2025, will continue to be assessed under NSDCP 2013. The primary purpose of this is to avoid the need for development assessment officers to change all the DCP references within an already prepared but not finalised assessment report, or require an applicant to provide a revised assessment against the most current DCP applying at the time of determination.

5. AI Integration

This aspect of the project is progressing concurrently and is unable to be completed until the final form of the DCP has been adopted by Council, post-exhibition.

In the interim, Council, in consultation with the consultant, has identified the appropriate pathway to move the DCP to a digital-ready form.

Options

Council has the following options in relation to this matter:

1. Adopt the draft DCP and place it on public exhibition; or
2. Do nothing/take no action.

These options are assessed in Table 3 below.

TABLE 3: Options Table			
Option	Finance/Resourcing	Risk/Opportunity	Consultation
1.	Minimal costs and staff time required to undertake the necessary notifications, public exhibition, and implementation under the EP&A Act. Long term improvements in DA assessment timeframes.	Potential short-term impacts on DA assessment timeframes due to the need to reconfigure DA assessment reports to align with the new DCP structure. Conversely, Council's assessment timeframes will be improved over the long term due to a reduction in the number of potential controls to be considered.	The EP&A Act requires that the proposed draft DCP amendment is placed on public exhibition for a minimum period of 28 "calendar days".

TABLE 3: Options Table

Option	Finance/Resourcing	Risk/Opportunity	Consultation
		The DCP will be in a better format and structure for it to be implemented in future AI platforms in the longer term.	
2.	Potential that the Commonwealth Government may request reimbursement of the grant funding and/or withhold remaining payments.	If not seen to be actively progressing the amendment of the DCP, the State Government may impose a Performance Improvement Order on Council, resulting in redirecting of Council resources to address the issue. The DCP will not be in a form and structure that is AI-ready.	No additional consultation is required.

Option 1, is recommended for the following reasons:

- there are minimal long-term impacts on financial and staff resources;
- it will result in long-term assessment time efficiencies;
- it will enable the DCP to be readied for future integration into AI assessment and delivery programs; and
- it enables community comment consistent with legislative requirements and Council's Community Engagement Protocol.

Consultation Requirements

Community engagement will be undertaken in accordance with Council's Community Engagement Protocol and the requirements of the NSW Environmental Planning and Assessment Act, 1979 and accompanying Regulations.

It is noted that the Council's Community Engagement Protocol requires all projects to be placed on public exhibition for a minimum of six weeks (or 42 calendar days).

Despite the proposal to implement a new comprehensive DCP technically affecting the entire LGA, the new DCP is effectively a restructure of the existing DCP; with no changes to endorsed Council policy positions, it will have no material impact on anyone within the LGA. On this basis, the new DCP is highly unlikely to generate a significant number of submissions.

In addition, the Housing Support program funding incorporates very tight timeframes within which to complete various components of the review and implementation. Failure to meet these timeframes may put some, or all of, that funding in jeopardy.

Therefore, it is recommended that the exhibition period be limited to the minimum-required 28 calendar days under the EP&A Act, rather than for an extended 42 calendar days.

In addition, it would be cost-prohibitive to send direct letter notification to all property owners and occupants in the LGA (approximately 60,000) for what is effectively a restructure of Council's existing DCP and no significant change to adopted policy positions. On this basis, it is recommended that the extent of notification be generally limited to an advertisement in the Mosman Daily, a public notice on Council's website, and direct contact with Council's Precinct Committees.

Financial/Resource Implications

This DCP review is fully funded by a Commonwealth Government grant. In addition, staff time has been required to oversee, and quality assure, the consultants' work. There will otherwise be minimal financial/resource implications in progressing the new DCP. This will generally be limited to staff time spent in undertaking the required notifications, assessment of submissions, and implementation of a final amendment and publication of a notice in the Mosman Daily.

As indicated above, it is recommended that Council not pursue the direct notification of all property owners and occupants in the LGA as this would be cost-prohibitive with regard to the likely level of response to be received for a restructure of an existing planning policy.

All aspects of the progression of the draft DCP can be achieved within existing budget lines.

It is noted that there may be some initial and short-term loss in efficiencies at the time that the new DCP is implemented. However, the new DCP will provide longer-term efficiencies through the reduction in the number of provisions needing to be addressed during the assessment of a development application.

Legislation

Compliance with the relevant provisions of the following legislation have been addressed throughout this report:

- NSW Environmental Planning and Assessment Act, 1979 and accompanying Regulations (2021)
- NSW Local Government Act 1993 and accompanying Regulations (2021).