

**DECISION OF 3696<sup>th</sup> COUNCIL MEETING  
HELD ON 30 OCTOBER 2017**

**349. CiS05: Post Gazettal Report – NSLEP 2013 Amendment No.21 (1-11 Cowdroy Avenue and 22 Stratford Street, Cammeray) and Draft Amendment for NSDCP 2013**

Report of Vera Xia, Student Strategic Planner

At its meeting on 21 September 2015, Council considered a Planning Proposal which sought an amendment to North Sydney Local Environmental Plan 2013 (NSLEP 2013) as it relates to 11 Cowdroy Avenue, Cammeray. In particular, the Planning Proposal sought to amend NSLEP 2013 to permit a second dwelling in the form of a 'dual occupancy (detached)'. Council resolved not to proceed with this Planning Proposal. Following a Pre-Gateway Review process, the Minister for Planning issued a Gateway Determination on 30 November 2016 enabling the Planning Proposal to proceed to public exhibition subject to conditions, contrary to Council's adopted position. The Planning Proposal was placed on public exhibition for a period of 28 days from Thursday 23 February 2017 to Wednesday 22 March 2017. In addition, a draft amendment to North Sydney Development Control Plan (NSDCP) 2013 was exhibited concurrently with the Planning Proposal in accordance with a Council resolution of 24 October 2016.

On 1 May 2017, Council considered a post exhibition report in relation to the Planning Proposal that addressed the submissions received during the public exhibition. Council resolved to request the Minister for Planning not to proceed with the Planning Proposal pursuant to s.58(4) of the Environmental Planning and Assessment Act 1979 (EP&A Act).

On 24 July 2017, the Department of Planning and Environment (DPE) advised Council that NSLEP 2013 (Amendment No.21) has been made under section 59(2) of the EP&A Act giving effect to the Planning Proposal, which is contrary to Council's adopted position. NSLEP 2013 (Amendment No.21), is now in force following its publication on the NSW legislation website on 28 July 2017.

As Amendment No.21 has been made, giving effect to the Planning Proposal, it is now recommended to adopt the amendments made to NSDCP 2013 to provide additional guidance with regard to the redevelopment of the site.

Nil.

**Recommending:**

- 1. THAT** the report be received.
- 2. THAT** Council write to the Minister for Planning outlining its disappointment with the outcome of the final determination of the Planning Proposal and the implications for strategic planning and transparency that will result.
- 3. THAT** Council adopt the draft NSDCP 2013 amendment following Attachment 2 to this report that was concurrently exhibited with the Planning Proposal.
- 4. THAT** Council notify its endorsement of the DCP amendment in accordance with the Environmental Planning & Assessment Act and Regulations.

Voting was as follows:

For/Against 10/0

Councillor	Yes	No	Councillor	Yes	No
Gibson	Y		Barbour	Y	
Beregi	Y		Drummond	Y	
Keen	Y		Gunning	Y	
Brodie	Y		Mutton	Y	
Carr	Y		Baker	Y	

**RESOLVED:**

- 1. THAT** the report be received.
- 2. THAT** Council write to the Minister for Planning outlining its disappointment with the outcome of the final determination of the Planning Proposal and the implications for strategic planning and transparency that will result.
- 3. THAT** Council adopt the draft NSDCP 2013 amendment following Attachment 2 to this report that was concurrently exhibited with the Planning Proposal.
- 4. THAT** Council notify its endorsement of the DCP amendment in accordance with the Environmental Planning & Assessment Act and Regulations.

**Report to General Manager**

Attachments:

1. Amendment No.21 to NSLEP 2013
2. Draft Amendment to NSDCP 2013
3. Council Report 1 May 2017 – Post Exhibition

**SUBJECT:** Post Gazettal Report – NSLEP 2013 Amendment No.21 (1-11 Cowdroy Avenue and 22 Stratford Street, Cammeray) and Draft Amendment for NSDCP 2013

**AUTHOR:** Vera Xia, Student Strategic Planner

**ENDORSED BY:** Joseph Hill, Director City Strategy

**EXECUTIVE SUMMARY:**

At its meeting on 21 September 2015, Council considered a Planning Proposal which sought an amendment to North Sydney Local Environmental Plan 2013 (NSLEP 2013) as it relates to 11 Cowdroy Avenue, Cammeray. In particular, the Planning Proposal sought to amend NSLEP 2013 to permit a second dwelling in the form of a ‘dual occupancy (detached)’. Council resolved not to proceed with this Planning Proposal.

Following a Pre-Gateway Review process, the Minister for Planning issued a Gateway Determination on 30 November 2016 enabling the Planning Proposal to proceed to public exhibition subject to conditions, contrary to Council’s adopted position.

The Planning Proposal was placed on public exhibition for a period of 28 days from Thursday 23 February 2017 to Wednesday 22 March 2017. In addition, a draft amendment to North Sydney Development Control Plan (NSDCP) 2013 was exhibited concurrently with the Planning Proposal in accordance with a Council resolution of 24 October 2016.

On 1 May 2017, Council considered a post exhibition report in relation to the Planning Proposal that addressed the submissions received during the public exhibition. Council resolved to request the Minister for Planning not to proceed with the Planning Proposal pursuant to s.58(4) of the Environmental Planning and Assessment Act 1979 (EP&A Act).

On 24 July 2017, the Department of Planning and Environment (DPE) advised Council that NSLEP 2013 (Amendment No.21) has been made under section 59(2) of the EP&A Act giving effect to the Planning Proposal, which is contrary to Council’s adopted position. NSLEP 2013 (Amendment No.21), is now in force following its publication on the NSW legislation website on 28 July 2017.

As Amendment No.21 has been made, giving effect to the Planning Proposal, it is now recommended to adopt the amendments made to NSDCP 2013 to provide additional guidance with regard to the redevelopment of the site.

**FINANCIAL IMPLICATIONS:**

Nil.

**RECOMMENDATION:**

1. **THAT** Council receive the report.
2. **THAT** Council write to the Minister for Planning outlining its disappointment with the outcome of the final determination of the Planning Proposal and the implications for strategic planning and transparency that will result.
3. **THAT** Council adopt the draft NSDCP 2013 amendment following Attachment 2 to this report that was concurrently exhibited with the Planning Proposal.
4. **THAT** Council notify its endorsement of the DCP amendment in accordance with the Environmental Planning & Assessment Act and Regulations.

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## **LINK TO DELIVERY PROGRAM**

The relationship with the Delivery Program is as follows:

Direction: 2. Our Built Environment

Outcome: 2.2 Improved mix of land use and quality development through design excellence  
2.3 Vibrant, connected and well maintained streetscapes and villages that build a sense of community

Direction: 3. Our Economic Vitality

Outcome: 3.1 Diverse, strong, sustainable and vibrant local economy  
3.2 North Sydney CBD is one of Australia's largest commercial centres

Direction: 5. Our Civic Leadership

Outcome: 5.1 Council leads the strategic direction of North Sydney

## **BACKGROUND**

The following outlines the chronology and milestones of the Planning Proposal and draft DCP amendment process to date:

### **Planning Proposal**

21 September 2015 – Council considered an assessment report in relation to a Planning Proposal that sought to amend North Sydney Local Environmental Plan (NSLEP) 2013 to permit a second dwelling in the form of a ‘dual occupancy (detached)’ at 11 Cowdroy Avenue, Cammeray (subject site). Council resolved to defer determining the matter pending an in-house discussion between Councillors, Council staff and the applicant.

On 6 October 2015 – an in-house discussion was held where the merits for and against the Planning Proposal were discussed with a focus on the zoning history of the subject site, the character of the surrounding area and potential policy implications for proceeding with the Planning Proposal.

19 October 2015 – Council reconsidered the Planning Proposal where it resolved not to support the Planning Proposal proceeding to Gateway Determination, consistent with the recommendations to the report considered on 21 September 2015.

### **Pre-Gateway Review**

8 December 2015 – The proponent of the Planning Proposal lodged an application with Department of Planning and Environment (DPE) for a Pre-Gateway Review as Council had not supported the progression of the Planning Proposal.

8 February 2016 – Council reinforced its original position not to proceed with the Planning Proposal, in response to the DPE’s letter of 5 January 2016 advising Council of the Pre-Gateway Review. In addition, the response also noted Council’s strong opposition to allowing amendments to its LEP to rectify unlawful activities under past and current planning controls.

29 April 2016 – The DPE advised Council that it had completed its Stage 1 Assessment of the Pre-Gateway Review application. The DPE’s assessment report concluded that the Planning Proposal demonstrated broad strategic and site-specific merit. In particular, the DPE’s assessment report recommended:

- the Planning Proposal be referred to the Joint Regional Planning Panel (JRPP) for independent review on whether it should be submitted for Gateway Determination; and
- should the Planning Proposal proceed to Gateway, the DPE’s recommended option is to rezone the subject site to *R2 Low Density Residential* (consistent with the adjacent lots to the east) and amend *Schedule 1 Additional Permitted Uses* to permit ‘dual occupancies (detached)’ with development consent on the site.

29 June 2016 – the JRPP considered the applicant’s request for a review and recommended the Planning Proposal be submitted for a Gateway Determination, subject to some further amendment. In particular, it was recommended:

- that the subject site and adjacent sites be zoned from *E4 Environmental Living* to *R2 Low Density Residential*; and
- that no amendment to Schedule 1 – Additional Permitted Uses be made to permit ‘dual occupancies (detached)’ on the subject site.

### **Gateway Determination**

19 September 2016 – Council received a letter advising that the DPE recommends that the Planning Proposal proceed to Gateway Determination with amendments. The recommended amendments to the Planning Proposal are generally consistent with those outlined in the DPE’s initial assessment report and the JRPP’s recommendations. However, the DPE’s recommendation to amend *Schedule 1 Additional Permitted Uses* to permit ‘dual occupancies (detached)’ on the subject site was inconsistent with the JRPP’s recommendations. The letter suggested that these two (2) key conditions should comprise two separate planning proposals. Further to this, the DPE enquired as to whether Council would like to be the Relevant Planning Authority (RPA) for processing the instrument.

24 October 2016 – Council resolved to accept the role of RPA in order to manage the plan making process. Additionally, Council resolved that:

- a condition be added to any Gateway Determination issued in relation to the Planning Proposal to include the rezoning of the subject site as well as the neighbourhood properties to *R2 Low Density Residential*. The proposal would be amended by the applicant to address the DPE’s requirements; and
  - once a Gateway Determination is issued that Council delegate to the General Manager the approval of site specific Development Control Plan controls, which are to be placed on exhibition at the same time as the Planning Proposal.
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30 November 2016 - Gateway Determination issued advising Council to publicly exhibit the Planning Proposal subject to following conditions:

- revise the statement of objectives and intended outcomes by way of reference to facilitating separate residential use of the existing three storey building at the rear of 11 Cowdroy Avenue, Cammeray and rezone 11 Cowdroy and the properties to the west (1-9 Cowdroy and 22 Stratford) from *E4 Environmental Living* to *R2 Low Density Residential* to more appropriately reflect the existing built form within the area; and
- revise the explanations of provisions to:
  - a) amend NSLEP 2013 Land Zoning Map by rezoning the subject land from *E4 Environmental Living* to *R2 Low Density Residential*; and
  - b) amend Schedule 1 of NSLEP 2013 to permit with consent ‘dual occupancy (detached)’ for 11 Cowdroy Avenue, Cammeray.
- the inclusion of maps to demonstrate the existing Land Use Zoning and proposed Land Use Zoning, showing the site and its surrounding context.

Council was not authorised to exercise the functions of the Minister for Planning under s.59 of the EP&A Act in relation to this Planning Proposal (i.e. to formally make the Plan).

12 January 2017 – Council receives a revised Planning Proposal, in accordance with the conditions of the Gateway Determination.

9 February 2017 – The draft North Sydney Development Control Plan (NSDCP) amendment was endorsed by Council’s Acting General Manager, for public exhibition purposes.

### **Public Exhibition**

23 February 2017 – The Planning Proposal, together with the associated draft DCP amendment, was placed on public exhibition concurrently for 28 days from Thursday 23 February 2017 to Wednesday 22 March 2017.

### **Post Exhibition**

1 May 2017 – Council considered a post exhibition report in relation to the submissions received during exhibition period and resolved to request the Minister for Planning not to proceed with the Planning Proposal pursuant to s.58(4) of the EP&A Act. In addition, Council resolved to defer adopting the draft DCP amendment until such time as it is made aware of the Minister for Planning’s decision as to whether the Planning Proposal be made or not.

24 July 2017 – Amendment No.21 to NSLEP 2013 was made and came into force (details refer to section 1 in the report).

### **Following Gazettal**

28 August 2017 – A Development Application (DA 300/17) was lodged with Council by the land owner at 11 Cowdroy Avenue, Cammeray, seeking approval to convert existing studio at the rear of the land as a detached dual occupancy within *R2 Low Density Residential zone*, consistent with Amendment No. 21.

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8 September 2017 – Council rejected DA 300/17 under the provisions of clause 51 of the Environmental Planning and Assessment Regulation for the following reasons:

- insufficient plans for enabling separate occupancy of the studio building,
- absence of a BASIX certificate, and
- lack of relevant provisions in Statement of Environmental Effects.

25 September 2017 – A new DA (337/17) was submitted, comprising an amended version of DA 300/17. This application has yet to be determined.

## **CONSULTATION REQUIREMENTS**

Community engagement is not required.

## **SUSTAINABILITY STATEMENT**

The sustainability implications were considered and reported on during the initiation phase of this project.

## **DETAIL**

### **1. Amendment 21 to NSLEP 2013**

On 24 July 2017, the Deputy Secretary to the DPE, as the Minister for Planning's delegate, advised Council that they had made NSLEP 2013 (Amendment No.21) under section 59(2) of the EP&A Act giving effect to the Planning Proposal as exhibited. In addition, the Deputy Secretary advised that under section 34(5) of the EP&A Act, that the LEP would take effect when published on the NSW Legislation website.

NSLEP 2013 (Amendment No.21) gives effect to the Planning Proposal and is now in force following its publication on the NSW legislation website on 28 July 2017. Specifically, it:

- Rezones 1, 3, 5, 7, 9 and 11 Cowdroy Avenue, Cammeray and 22 Stratford Street, Cammeray from *E4 Environmental Living* to *R2 Low Density Residential*; and
- Amends Schedule 1 *Additional Permitted Uses* to permit 'dual occupancies (detached)' with development consent on land at 11 Cowdroy Avenue, Cammeray.

A copy of the instrument is provided at Attachment 1.

### **2. Implications of Amendment 21 to NSLEP 2013**

In determining to make NSLEP 2013 (Amendment No.21) of the LEP amendment, the Minister's delegate has advised Council:

*In determining to make the Plan, I noted and considered Council's concerns, the zoning change to R2 Low Density Residential was considered appropriate due to the existing built form and character of the area which is already predominantly developed with*

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*attached dual occupancies or residential flat buildings. It was also considered reasonable in the context of this surrounding development, and whether unauthorised works were involved or not, to include the amendment to Schedule 1 for 11 Cowdroy Avenue to provide the landowner with an opportunity to seek consent for a detached dual occupancy.*

The DPE's resolution of giving effect to the Planning Proposal is contrary to Council's adopted position and has resulted in a significant undesirable precedent with wider-spread implications. Those implications have been discussed on Council's report of 1 May 2017. Notably they were:

- representing an unacceptable precedent in that:
  - a) introducing a new residential accommodation type which was not permissible anywhere in the Local Government Area (LGA);
  - b) leaving community an impression that the planning controls to legitimise unlawful works or unauthorised uses are willing to be amended; and
  - c) alternating character of the Cammeray area and ignoring the community aspiration with regard to the application of *E4 Environmental Living zone*.
- resulting in unreasonable amenity impacts for the occupants of the two dwellings on the site, despite any compliance with the draft amendment to NSDCP 2013 for detached dual occupancy development on the subject site;
- not complying with the relevant planning controls under NSLEP 2013 relating to dual occupancies and therefore requires the establishment of new planning controls for 'dual occupancies (detached)' in order to be compliant under the Schedule 1 listing.

This justification was also supported by the JRPP in its assessment of the Pre-Gateway Review, where it recommended against the allowing of a detached dual occupancy on 11 Cowdroy Avenue.

In light of the significant precedent this amendment created, there is no compelling reason to deviate from Council's original reasons for refusing the Planning Proposal. Therefore, it is recommended that Council write to the Minister for Planning outlining its disappointment with the outcome of the final determination of the Planning Proposal and the implications for strategic planning and transparency that will result.

### **3. Proposed Amendments to NSDCP 2013**

On 24 October 2016, Council resolved to prepare an associated draft amendment to NSDCP 2013 to ensure that there were adequate development controls in place should the site be redeveloped for a detached dual occupancy, as sought by the Planning Proposal.

Council staff subsequently investigated the controls relating to setbacks, site coverage, landscape area and private open space requirements for inclusion within NSDCP 2013. A site specific controls for 11 Cowdroy Avenue, Cammeray, was subsequently drafted. The associated new development controls were to be incorporated under the relevant Area Character Statement (Cammeray neighbourhood) within Part C of the NSDCP 2013. In particular, it was recommended the following provisions be incorporated that:

- *state that the site should be used for a detached dual occupancy or a single dwelling with a detached studio for separate occupation;*

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- *reinforce a two storey built form character and that the buildings should cascade down to follow the topography of the land;*
  - *no FSR limits should be applied to the subject site;*
  - *require a subject site to provide a minimum allotment size of 450sqm;*
  - *apply controls on setback that:*
    - a) *should the existing buildings on the site be rebuilt, or added to, the existing setback controls within Part B of the DCP are to apply; or*
    - b) *should the existing buildings on the site be retained for use as a dual occupancy, then the setbacks of the existing buildings are to be retained and not further encroached upon.*
  - *require building on the subject to achieve a minimum 6m building separation, with any request for a variation to be considered on merit;*
  - *require the subject site not exceed a maximum site coverage of 40%;*
  - *require the subject site provide a minimum landscaped area of 40%;*
  - *require the subject site provide a minimum private open space area of 40sqm at the ground level; and*
  - *require the subject site provide appropriate overlooking of the public domain.*

On 9 February 2017, the draft DCP amendment (refer to Attachment 2) was endorsed by Council's Acting General Manager.

In accordance with Council's resolution of 24 October 2016, the Planning Proposal and Draft amendment to NSDCP 2013 were concurrently publicly exhibited for 28 days from 23 February 2017 to 22 March 2017.

On 1 May 2017, Council considered a post-exhibition report (refer to Attachment 3) in relation to the Planning Proposal and associated draft DCP amendment. Only one submission was received in relation to the draft DCP amendment. The submission principally sought clarification to the intention of the wording of two draft controls. However, a level of flexibility was already designed into these provisions to account for whichever future development on the site was pursued. Therefore, no amendment was initially recommended to the exhibited draft DCP.

Council subsequently resolved to recommend to the Minister for Planning not proceed with the Planning Proposal and Council defer making a recommendation to adopt the draft DCP amendment, until such time that Council had a better indication as to whether the Planning Proposal will be made.

As Amendment No.21 to NSLEP was made on 28 July 2017, this has triggered the need to determine how to progress the draft DCP amendment. As the LEP was made as exhibited, there are no further implications for the provisions in the draft DCP amendment.

It is therefore recommended, that Council adopt the draft amendment (refer to Attachment 2) to NSDCP 2013 unamended, ensuring Council can appropriately address any further DA on the site at 11 Cowdroy Avenue that takes advantage of NSLEP 2013 Amendment No.21.

#### **4. Conclusion**

On 24 July 2017, Council was advised that NSLEP 2013 (Amendment No.21) has been made under section 59(2) of the EP&A Act giving effect to the Planning Proposal, contrary to Council's adopted position in relation to the Planning Proposal. NSLEP 2013 (Amendment No.21) came into force on 28 July 2017 following its publication on the NSW legislation website.

The DPE's resolution of giving effect to the Planning Proposal is contrary to Council's adopted position and has resulted in a significant undesirable precedent with wider-spread implications. It is therefore recommended that Council again write to the Minister outlining its disappointment in not being able to meet and to outline the potential implications that their delegate's decision may create.

Also, it is recommended that Council adopt the draft NSDCP 2013 amendment that was concurrently exhibited with the Planning Proposal, in order to be sure adequate controls are in place and facilitate the DA process for a potential detached dual occupancy at 11 Cowdroy Avenue, Cammeray.



New South Wales

# **North Sydney Local Environmental Plan 2013 (Amendment No 21)**

under the

**Environmental Planning and Assessment Act 1979**

The Greater Sydney Commission makes the following local environmental plan under the *Environmental Planning and Assessment Act 1979*.

STEPHEN MURRAY  
As delegate for the Greater Sydney Commission

North Sydney Local Environmental Plan 2013 (Amendment No 21) [NSW]

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## **North Sydney Local Environmental Plan 2013 (Amendment No 21)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of Plan**

This Plan is *North Sydney Local Environmental Plan 2013 (Amendment No 21)*.

### **2 Commencement**

This Plan commences on the day on which it is published on the NSW legislation website.

### **3 Land to which Plan applies**

This Plan applies to the following land at Cammeray:

- (a) 1 Cowdroy Avenue (Lot 1, DP 1016774),
- (b) 3 Cowdroy Avenue (SP 15224),
- (c) 5 Cowdroy Avenue (Lot 1, DP 849767),
- (d) 7 Cowdroy Avenue (SP 20230),
- (e) 9 Cowdroy Avenue (SP 2695),
- (f) 11 Cowdroy Avenue (Lot 62, DP 8933),
- (g) 22 Stratford Street (Lot 2, DP 849767).

### **4 Maps**

The maps adopted by *North Sydney Local Environmental Plan 2013* are amended or replaced, as the case requires, by the maps approved by the Greater Sydney Commission on the making of this Plan.

### **5 Amendment of North Sydney Local Environmental Plan 2013**

#### **Schedule 1 Additional permitted uses**

Insert at the end of the Schedule with appropriate clause numbering:

#### **Use of certain land at 11 Cowdroy Avenue, Cammeray**

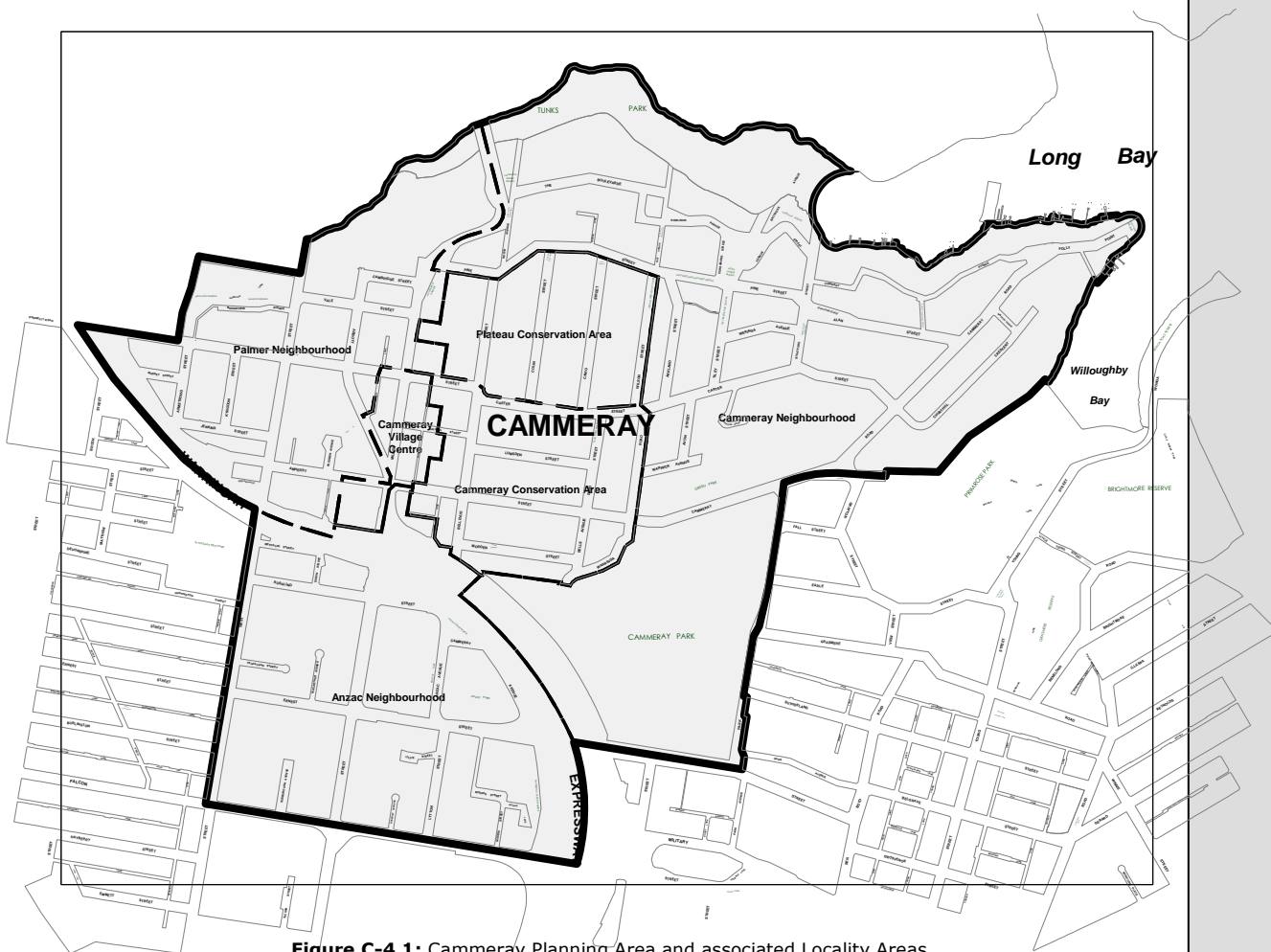
- (1) This clause applies to land at 11 Cowdroy Avenue, Cammeray, being Lot 62, DP 8933.
- (2) Development for the purposes of a dual occupancy (detached) is permitted with development consent.

**Draft** North Sydney Development Control Plan 2013

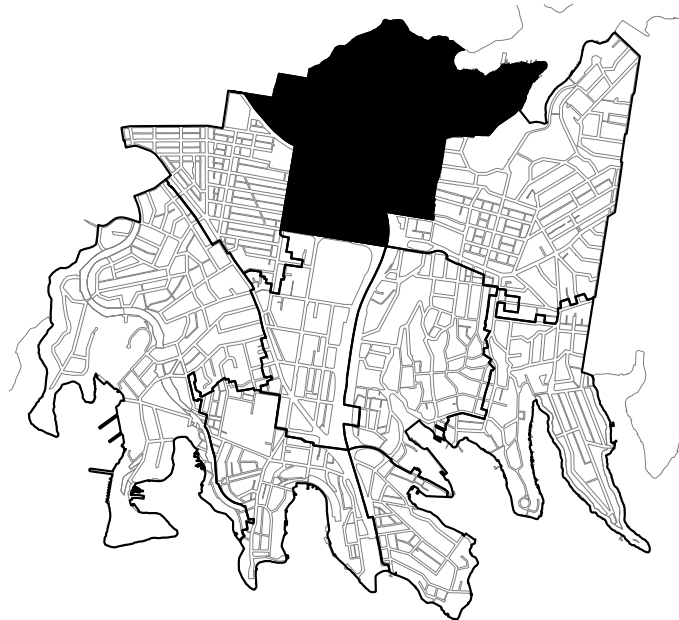
**Area Character Statements - Cammeray Planning Area**



# SECTION 4 CAMMERAY PLANNING AREA



**Figure C-4.1:** Cammeray Planning Area and associated Locality Areas

**Draft North Sydney Development Control Plan 2013****Area Character Statements - Cammeray Planning Area****4.0 CAMMERAY PLANNING AREA CHARACTER STATEMENT**

The following statement identifies the existing character and the desired future outcome for development in the Cammeray Planning Area.

The Planning Area is focussed around Cammeray Village, which is an active, pedestrian friendly shopping area that has small scale shops and provides street level activity with an lively pedestrian environment, where:

- local shops cater to the local community and are balanced between basic needs such as food and grocery, and recreation such as cafes and galleries
- development on both sides of Miller Street is unified through common elements
- there is safe and easy pedestrian movement across Miller Street

The surrounding residential neighbourhoods are diverse in nature, where:

- most of the existing dwelling houses and dual occupancies are retained
- capacity exists to accommodate some attached dwellings, multi dwelling housing and residential flat buildings close to existing public transport, services and facilities
- the density of residential development generally reduces the further away from Miller and Falcon Streets a property is located.

*and where:*

**Function**

- large areas of open space are used by locals and the wider regional population for recreation

**Environmental Criteria**

- the natural foreshores and water courses of Willoughby and Long Bay are conserved and protected, with pedestrian access to these areas is extended and improved

**Draft North Sydney Development Control Plan 2013****Area Character Statements - Cammeray Planning Area**

- the scale and form of foreshore development protects and enhances the scenic, environmental and cultural qualities of the foreshore and adjoining lands
- major views from lookouts and other vantage points are not obscured by buildings or landscaping
- existing natural features such as rock outcrops and sandstone cliffs are conserved
- bushland and wetlands are protected from the adverse effects of development – such as stormwater runoff, spread of exotic plants and weeds, and visual impact of buildings and structures
- use of locally indigenous flora extends habitats for native birds and other fauna
- man made noise is limited, especially near foreshore areas and bushland
- noise insulation and orientation minimises noise impacts on developments close to the Warringah Expressway and main roads

**Quality Built Form**

- any development that occurs, reflects and reinforces the existing distinctive built form/ landscape areas and distribution of accommodation types
- the significance of heritage items and Conservation Areas are maintained

**Quality Urban Environment**

- public transport, cycling and walking are the preferred means of transport
- parking is managed to reduce impacts to local residents from regional commuter parking
- comfortable and safe pedestrian routes are maintained and extended
- cohesiveness throughout the area and its many built forms is achieved through landscaping and street tree planting
- backyards are provided for a variety of social and recreational activities
- public plazas provide a vibrant focal point for the local community

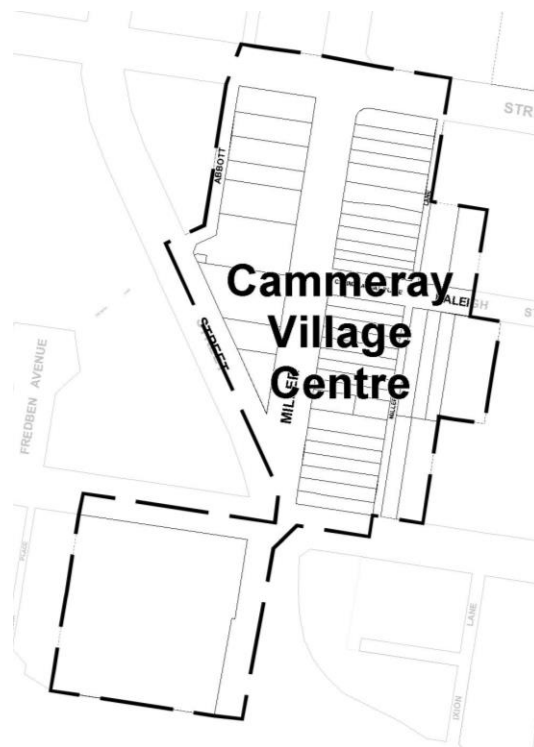
**Efficient Use of Resources**

- existing buildings and materials are conserved
- stormwater is retained for re-use onsite

In addition to the above character statement for the Planning Area, the character statements for the following Locality Areas also require consideration:

- Section 4.1: Cammeray Village
- Section 4.2: Cammeray Neighbourhood
  - [Section 4.2.4: 11 Cowdroy Avenue](#)
- Section 4.3: Anzac Neighbourhood
- Section 4.4: Palmer Neighbourhood
- Section 4.5: Plateau Conservation Area
- Section 4.6: Cammeray Conservation Area



**Draft North Sydney Development Control Plan 2013****Area Character Statements - Cammeray Planning Area****4.1 CAMMERAY VILLAGE CENTRE****4.1.1 Significant Elements****Land Use**

P1 Predominantly mixed commercial and residential development.

**Topography**

P2 Generally flat, straddling the topmost part of the ridge following the alignment of Miller Street.

**Natural Features**

P3 Forms topmost part of the ridge following the alignment of Miller Street.

**Views**

P4 The following views and vistas are to be preserved and where possible enhanced:

- (a) District views to Middle Harbour from the upper levels of some buildings.

**Identity / Icons**

P5 Raleigh Street Mall.

P6 Cammeray Square.

**Subdivision**

P7 Generally small narrow allotments in multiple ownerships to the east of Miller Street.

P8 Generally large consolidated allotments to the west of Miller Street.

**Streetscape**

P9 Wide, fully paved footpaths.

P10 Buildings built to street and laneway frontages.

P11 Continuous awnings along Miller Street.

**Draft North Sydney Development Control Plan 2013****Area Character Statements - Cammeray Planning Area**

P12 Irregular planting of street trees.

P13 Active frontages to Miller Street and Raleigh Street.

**Public transport**

P14 Development to respond to the high level of accessibility to high frequency public bus services along Miller Street.

**4.1.2 Desired Future Character****Diversity**

P1 Generally small scale commercial activities, concentrated at the ground level, with a mix of commercial and residential uses above.

**Active Streets**

P2 The ground level of all buildings should be designed to activate streets, laneways and the public car parks to which they front.

P3 Active frontages must be provided to the ground floor level of buildings directly fronting Raleigh Street.

**Traffic**

P4 Development should minimise impacts to traffic flow on Miller Street.

P5 Development should ensure that pedestrian access continues to unify both sides of Miller Street

**4.1.3 Desired Built Form****Form, massing & scale**

P1 Vertical design elements to reduce the visual bulk of buildings and create an appearance similar to traditional shops.

P2 Parapet heights and setbacks to be consistent along the Miller Street frontage.

P3 Where lots are consolidated, the built form reflects the former fine grain subdivision pattern.

**Setback**

P4 Setback 3m, at ground level from the Palmer Street frontage. Landscaping including trees is to be provided within this setback.

**Podiums**

P5 Podium of 8.5m (2 storeys) at street frontage with a setback of 2.5m above the podium.

**Awnings**

P6 Awnings to be provide along all street frontages.

**Noise**

P7 Elevations of buildings fronting Miller Street and the Warringah Freeway are to be designed and incorporate design features to minimise traffic noise transmission (e.g. the use of cavity brick walls, double glazing, minimal glazing, solid core doors, concrete floors, enclosed balconies etc).

**Car accommodation**

P8 Car parking must be provided underground, with the exception of Council owned or operated public car parking.

P9 Trees in Council car park to be retained contribute to amenity of area.

**Draft North Sydney Development Control Plan 2013**

**Area Character Statements - Cammeray Planning Area**



**4.2 CAMMERAY NEIGHBOURHOOD**



**Draft North Sydney Development Control Plan 2013****Area Character Statements - Cammeray Planning Area****4.2.1 Significant Elements****Land Use**

P1 Predominantly residential development.

**Topography**

P2 Generally falling from the ridge along Carter Street and Cammeray Road down to the foreshores of Long Bay and Willoughby Bay.

P3 Steeper land generally adjacent to the foreshore areas.

**Natural Features**

P4 Natural vegetation and landforms, including shoreline with rock outcrops and native vegetation.

P5 Wetlands in the form of Coastal Saltmarsh along the foreshores of Willoughby Bay (refer to Section 15 – Bushland to Part B of the DCP).

**Views**

P6 The following views and vistas are to be preserved and where possible enhanced:

(a) Pine Street lookout (7), Tiley Street lookout (8), Stratford Street lookout (9), Churchill Crescent lookout (12), Folly Point lookout (13).

(b) District views to Middle Harbour and the suspension bridge over Tunks Park.

**Identity / Icons**

P7 Tunks Park.

P8 Long Bay.

P9 Primrose Park.

P10 Bushland on slopes above Tunks Park and Primrose Park.

P11 Suspension bridge over Tunks Park

P12 Willoughby Bay, Long Bay and foreshores

P13 Cammeray Park

P14 Warringah Expressway

**Subdivision**

P15 Regular grid patterns on the upper slopes of the Area.

P16 Irregular grid pattern adjacent to the foreshore areas due to the steep and irregular topography.

P17 Long narrow lots adjacent to the foreshores of Long Bay.

**Streetscape**

P18 Narrow width roads and split carriageways adjacent to foreshore and Tunks Park with garages, carports and retaining walls built to the street.

P19 Wide roads with grassed verges on the upper slopes of the Area and informal street planting.

P20 Double rail timber fences.

P21 Tall sandstone fences and sandstone retaining walls.

P22 Buildings generally setback from the boundary with a skewed alignment to respective street frontages.

**Public transport**

P23 Regular public bus services through the area.

**Draft North Sydney Development Control Plan 2013****Area Character Statements - Cammeray Planning Area****4.2.2 Desired Future Character****Diversity**

- P1 Primarily low-density residential development consisting of dwelling houses, semi-detached houses concentrated long the foreshore areas.
- P2 Multi dwelling housing and residential flat buildings concentrated towards the tops of the ridges.
- P3 The density of development along foreshore areas and in areas of steep terrain must be kept to a minimum.

**4.2.3 Desired Built Form****Siting**

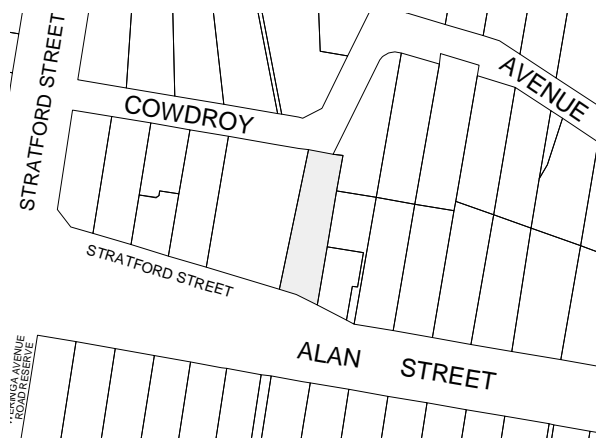
- P1 Buildings should provide adequate separation to bushland and foreshore areas.
- P2 Buildings should not obstruct views from neighbouring properties. This is especially important in foreshore areas or sites that enjoy water views.
- P3 Buildings should not obstruct views and vistas from public places to the waterway.

**Form, scale and massing**

- P4 Buildings near foreshore areas should address the waterway.
- P5 Buildings on sloping land should be designed to follow the slope of the land, with minimum cut and fill to be undertaken.

**Foreshore**

- P6 Boat sheds are small in scale and do not dominate the foreshore frontage.
- P7 Development associated with boating activity is kept to minimum and is compatible with the surrounding uses.
- P8 Development adjoining foreshore or bushland areas (such as Tunks and Primrose Parks) use muted colours and non-reflective materials to ensure the scenic and environmental Qualities are enhanced.
- P9 Walls and fences along the foreshore should be kept low enough to allow views of private gardens from the waterway.

**Draft North Sydney Development Control Plan 2013****Area Character Statements - Cammeray Planning Area****4.2.4 11 Cowdroy Avenue**

*\* This clause applies to land comprising Lot 62, DP 8933. The following provisions supplement those within Part B to the DCP and reflect a proposed intention to use the site as a detached dual occupancy.*

**Diversity**

P1 Single dwelling with detached studio to the south (not for separate occupation) or a detached dual occupancy.

**Density**

P2 The area of the lot on which the dual occupancy is to be situated is not to be less than 450sqm.

**Siting**

P3 Each dwelling is to be orientated to its respective street frontage with at least an entry door and 1 window to a habitable room directly facing the street to ensure adequate casual surveillance over the public domain.

P4 A minimum separation of 6m between dwellings is to be provided to ensure visual and acoustic privacy, unless these issues can be satisfactorily mitigated by other means.

P5 If the site is to be used as a dual occupancy, and existing buildings (as at 23 February 2017) are to be substantially retained, any new development must not further encroach into the side or street frontage setbacks.

P6 If the site is to be used as a dual occupancy, and the existing buildings (as at 23 February 2017) are to be wholly or substantially demolished, the setback requirements within Part B to the DCP must be applied.

**Form, scale and massing**

P7 The dwellings should be no taller than two storeys in height, measured vertically at any point through the building.

P8 The dwellings should step down with the topography of the land.

P9 If the site is to be used as a dwelling house, the relevant provisions for site coverage and landscaped area within Part B to the DCP must be applied.

P10 If the site is to be used as a dual occupancy, and the existing buildings (as at 23 February 2017) are to be substantially retained, there must be:

- (a) no nett increase in site coverage; and
- (b) no nett decrease in landscaped area.

P11 If the site is to be used as a dual occupancy, and the existing buildings (as at 23 February 2017) are to be wholly or substantially demolished, the development must:

- (a) not exceed a maximum site coverage of 40%; and

**Draft North Sydney Development Control Plan 2013****Area Character Statements - Cammeray Planning Area**

(b) provide a minimum landscaped area of 40%.

**Amenity**

P12 Each dwelling is to be provided with a private open space area of at least 40sqm located at the ground level and be located directly off a primary living space (e.g. lounge room, family room) of the dwelling.

**Draft North Sydney Development Control Plan 2013****Area Character Statements - Cammeray Planning Area****4.3 ANZAC NEIGHBOURHOOD****4.3.1 Significant Elements****Land Use**

- P1 Predominantly residential accommodation.
- P2 Passive and active recreational spaces.
- P3 Educational and community facilities.

**Topography**

- P4 Falling from Miller Street eastwards towards the Warringah Expressway.

**Views**

- P5 The following views and vistas are to be preserved and where possible enhanced:
  - (a) District views towards Middle Harbour from the upper levels of some buildings.

**Identity / Icons**

- P6 Crows Nest TAFE.
- P7 Warringah Freeway.
- P8 ANZAC Memorial Club.
- P9 ANZAC Park.

**Subdivision**

- P10 Rectilinear grid pattern.

**Streetscape**

- P11 Wide street reserves with grass verges, concrete footpaths and street trees.
- P12 London Plane trees to Miller Street.
- P13 Mixture of low full masonry and part masonry and timber paling fences.
- P14 Buildings setback from the boundary and aligned with the street frontage.



**Draft North Sydney Development Control Plan 2013****Area Character Statements - Cammeray Planning Area****Public transport**

- P15 Development to take advantage of high levels of accessibility to high frequency public bus services along Miller, Ernest and Falcon Streets.

**4.3.2 Desired Future Character****Diversity**

- P1 Predominantly medium to high density residential development such as attached dwellings, multi dwelling housing and residential flat buildings according to zone.
- P2 Any development should be in accordance with Council's Residential Development Strategy, with any increase in density focused primarily on sites situated on Miller Street, Falcon Street and West Street which have good access to public transport.

**4.3.3 Desired Built Form****Siting**

- P1 Development to provide gardens within the front setback, especially facing busy roads.

**Noise**

- P2 Elevations of buildings fronting the Warringah Freeway are to be designed and incorporate design features to minimise traffic noise transmission (e.g. the use of cavity brick walls, double glazing, minimal glazing, solid core doors, concrete floors, enclosed balconies etc).

**Draft North Sydney Development Control Plan 2013****Area Character Statements - Cammeray Planning Area****4.4 PALMER NEIGHBOURHOOD****4.4.1 Significant Elements****Land Use**

P1 Predominantly residential accommodation.

**Topography**

P2 Falling from Miller Street north-west towards Tunks Park.

**Natural Features**

P3 Bushland on slopes above Tunks Park

**Views**

P4 The following views and vistas are to be preserved and where possible enhanced:

- (a) Fred Hutley Reserve lookout Hamilton Avenue (1), Palmer Street lookout (2).
- (b) District views to the suspension bridge over Tunks Park.

**Identity / Icons**

- P5 Tunks Park
- P6 Suspension Bridge over Tunks Park
- P7 Warringah Freeway

**Subdivision**

P8 Generally regular grid pattern.

**Streetscape**

- P9 Generally single storey built form appearance fronting West Street between Palmer Street and Amherst Street.
- P10 Tree lined streets with grassed verges and concrete footpaths.
- P11 A mixture of masonry and sandstone retaining walls built to street frontages and dividing split carriageways.

**Draft North Sydney Development Control Plan 2013****Area Character Statements - Cammeray Planning Area**

P12 Buildings setback from the boundary and aligned with the street frontage.

P13 Low rendered masonry retaining walls to the high side of streets.

P14 A mixture of paling and double rail timber fences.

**Public transport**

P15 Development to take advantage of high levels of accessibility to high frequency public bus services along Miller Street.

**4.4.2 Desired Future Character****Diversity**

P1 Predominantly medium to high density residential development such as attached dwellings, multi dwelling housing and residential flat buildings according to zone.

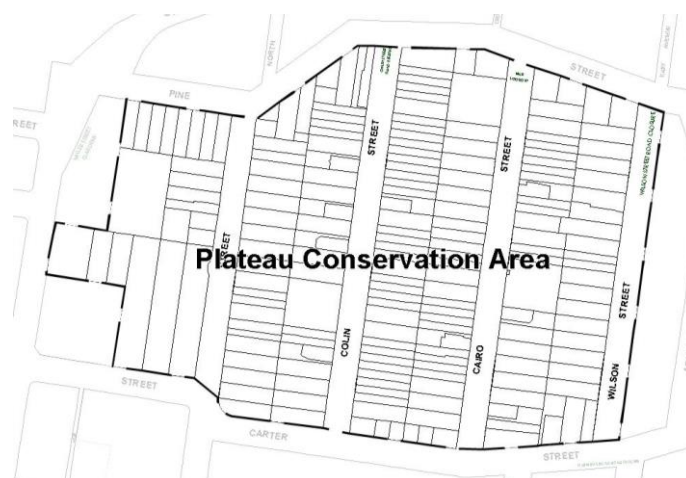
**4.4.3 Desired Built Form****Siting**

P1 Substantial gardens in front setback especially facing busy roads

P2 Buildings should provide adequate separation to bushland areas.

**Noise**

P3 Elevations of buildings fronting the Warringah Freeway are to be designed and incorporate design features to minimise traffic noise transmission (e.g. the use of cavity brick walls, double glazing, minimal glazing, solid core doors, concrete floors, enclosed balconies etc).

**Draft North Sydney Development Control Plan 2013****Area Character Statements - Cammeray Planning Area****4.5 PLATEAU CONSERVATION AREA****4.5.1 History**

The Plateau Conservation Area was subdivided as part of the 1899 *Cooliatta Estate* that was formed from the 23 acres grant to Alexander Macarthur in 1853.

In comparison with other parts of North Sydney the area was relatively remote, although the opening of the Suspension Bridge in 1892 and extension of the tramway along Miller Street in 1909 improved access.

The main period of development in the Conservation Area was in the early 20<sup>th</sup> century when the area developed slowly with modest houses on narrow blocks of land. Additional houses came after the First World War when the area was consolidated, particularly along the sloping northern boundary of Pine Street.

**4.5.2 Description**

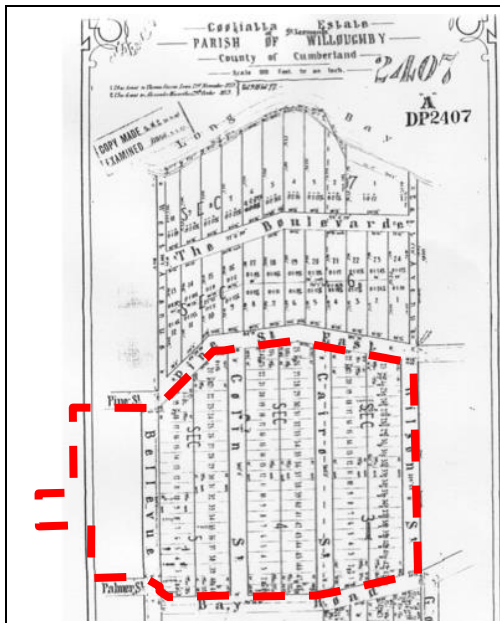
The Plateau Conservation Area is located on a natural plateau at the northern end of Cammeray. The area is defined by escarpment along Pine Street, Wilson Street, Carter Street and Miller Street.

The landform slopes to the southeast and is a small plateau with escarpments to the north and east. The subdivision pattern is a regular grid of rectangular lots with dead end streets at the escarpments.

The Plateau Conservation Area is characterised by single storey Federation and Edwardian dwelling houses, reflecting the area's main period of development. The houses range from freestanding dwellings on large lots to small, semi-detached dwellings on narrow lots. There are also examples of Victorian Georgian style, weatherboard cottages.

The buildings generally have small setbacks from the street with cottage gardens and a mix of fence types.

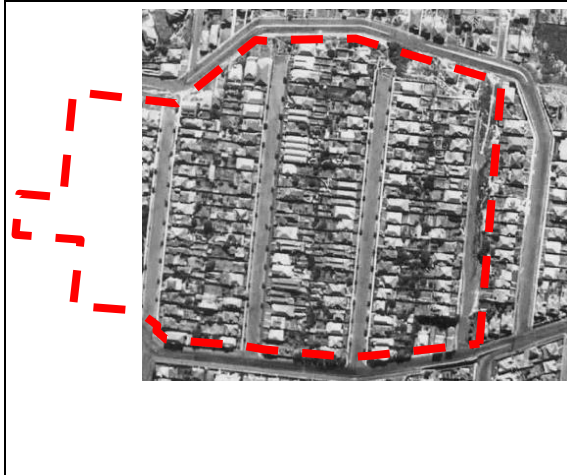
The Brushbox street trees are characteristic of the area's main period of development, and give a strong regularity to the streetscape. Front gardens are well established, and often have extensive plantings to give an overall impression of a landscaped garden suburb.

**Draft North Sydney Development Control Plan 2013****Area Character Statements - Cammeray Planning Area**

**Figure C-4.1 (left):**  
Circa 1890

**Figure C-4.2 (below left):**  
Circa 1943

**Figure C-4.3 (below right):**  
Circa 2008



### 4.5.3 Statement of Significance

The Plateau Conservation Area is significant:

- For the unity of its subdivision history and consistency of the housing stock which is evident in the built form of the area.
- For its largely intact residential form that illustrates small-scale housing including timber buildings, and which has survived without large scale intrusions.
- For its strong landscape quality defined by street trees and front garden plantings that give an overall impression of a landscaped garden suburb.

### 4.5.4 Significant elements

#### Topography

P1 Level plateau with escarpments to the north and east.

#### Subdivision

P2 Regular rectangular lots.

#### Streetscape

P3 Street trees and street gardens.

**Draft North Sydney Development Control Plan 2013****Area Character Statements - Cammeray Planning Area**

P4 Sandstone kerbing, sandstone and concrete retaining walls, street gardens. Changes of level in topography.

**Views**

P5 North facing lookouts: Bellevue Street, Colin Street, Carter Street, Cairo Street. Views from Colin, Wilson, Bellevue and Pine Street steps.

**4.5.5 Characteristic buildings**

P1 Single storey, detached and semi-detached Federation and Edwardian dwelling houses sometimes in groups. Some Victorian cottages.

**4.5.6 Characteristic built elements****Siting**

P1 To the front of the lot with large gardens to the rear.

**Form, massing and height**

P2 Detached and attached dwellings with projecting bays and verandahs to street.

P3 Double fronted cottages with projecting bays and flanking verandahs.

P4 Single storey, rear extensions within single storey roof line. Reduced scale to the rear.

**Roofs**

P5 Hipped roofs pitched between 30 and 45 degrees without dormer windows or openings that can be seen from the street.

P6 Gabled ends for projecting bays to the street, skillion roofs to rear extensions.

P7 Brick and rendered chimneys.

**Materials**

P8 Walls: Weatherboards; Face brick on sandstone foundations

P9 Roofs: Slate and corrugated metal on older dwellings; Terracotta tiles with corrugated iron or corrugated sheet metal on rear extensions.

P10 Timber verandahs. Timber windows and doors.

**Windows and doors**

P11 Consistent with building period. Timber

**Fences**

P12 Low height front fences and walls to 800mm in height.

P13 Timber fences to side and rear.

P14 Timber picket, stone, face brick and brick piers with timber pickets or horizontal rails.

**Car accommodation**

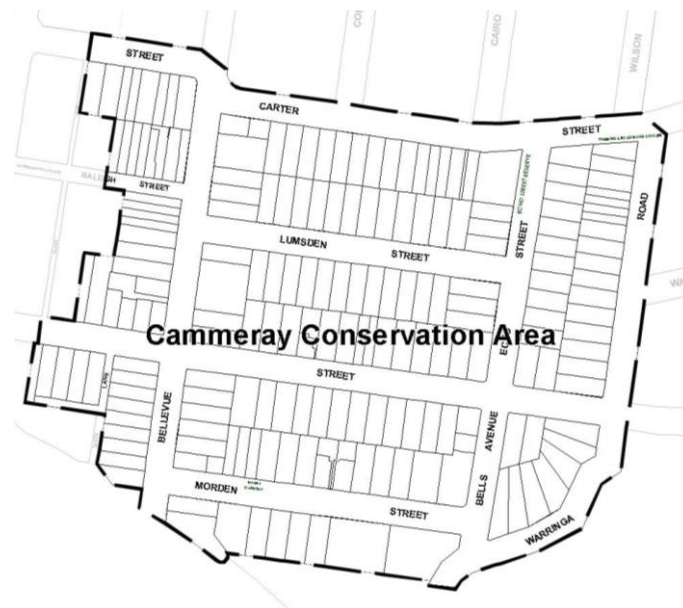
P15 No off street parking.

**4.5.7 Uncharacteristic elements**

P1 Over-scaled additions; dormers to front roof slopes; carports and garages to the street; paved front gardens; high solid fences to the street; rendering and painting of face brick; loss of original detail; aluminium windows; modern infill development.

**Draft North Sydney Development Control Plan 2013****Area Character Statements - Cammeray Planning Area**

## 4.6 CAMMERAY CONSERVATION AREA



### 4.6.1 History

Most of the Cammeray Conservation Area was subdivided in 1889 by Alexander Maxwell as the *Cooliatta Estate* on land granted to Alexander Macarthur in 1853. The south-western part of the area was called *Bells Paddock*.

The opening of the Suspension Bridge in 1892 and extension of the tramway along Miller Street in 1909 improved access to the area and provided a trigger for development. Most of the area was purchased as the Bell's Estate in 1909 after which time the area developed.

Very little redevelopment occurred in the area until the 1960s when uncharacteristic, three storey flat developments were built in Morden Street.

### 4.6.2 Description

The Cammeray Conservation Area is bounded by Carter Street, the Freeway to the south, Warringa Road to the east, and Miller Street properties to the west.

The landform slopes down from the north towards the south and east and there are escarpments at Morden Street and Echo Street that form dead end roads.

The subdivision pattern is a regular grid that overlays the topography.

The characteristic buildings of the area are typically later Federation and Edwardian Queen Anne, reflecting the predominant period of development. Buildings are typically single storey, freestanding and constructed on a sandstone base with face brick walls and terracotta tiled hipped roof with asymmetrical street elevations with projecting gabled bays projection and a flanking verandah.

Street plantings and raised verges reinforce the cohesive character and regular pattern formed by the buildings and underlying lot pattern.

Several late Victorian residences are located in the northwest corner of the area, and timber houses are represented in Palmer, Bellevue and Raleigh Streets. There is some modern development to the southern edge.

**Draft North Sydney Development Control Plan 2013****Area Character Statements - Cammeray Planning Area**

**Figure C-4.4 (left):**  
1890 Subdivision Plan of the Cooliatta Estate

**Figure C-4.5 (below left):**  
Circa 1943

**Figure C-4.6 (below right):**  
Circa 2008

### 4.6.3 Statement of Significance

The Cammeray Conservation Area is significant:

- For the unity of its subdivision history which is evident in the built form of the area and that overlays its sloping and stepped topography;
- As an area of modest Federation speculative builder housing set out in a geographically defined area that has survived without large-scale intrusion; and
- For its landscape quality defined by street trees, stone boundary walls, rock escarpments, raised and front garden plantings that combine to give an impression of a landscaped garden suburb.

### 4.6.4 Significant elements

#### Topography

P1 Sloping towards east and south with sandstone escarpments.

#### Subdivision

P2 Regular grid pattern overlying topography.

#### Streetscape

P3 Houses at street level or raised above it.

P4 Consistent scale of housing addressing the street in garden setting.





**Draft North Sydney Development Control Plan 2013**

**Area Character Statements - Cammeray Planning Area**

P5 Raised verges, sandstone kerbing, sandstone and concrete retaining walls, street gardens.

P6 Street trees, including central plantings.

**Views**

P7 Carter Street lookout. Views from Morden Street to the south.

**4.6.5 Characteristic buildings**

P1 Single storey, free-standing, double fronted Federation dwelling houses.

P2 Late Victorian residences in the north-western portion.

**4.6.6 Characteristic built elements**

**Siting**

P1 Detached dwelling houses to the front of the lots with gardens to front and rear.

**Form, massing and height**

P2 Single storey, detached dwelling houses.

P3 Simple forms articulated with projecting bays and verandahs to front.

P4 Reduced bulk and scale to rear.

**Roofs**

P5 Hipped and gabled roofs pitched between 30 and 45 degrees with overhanging eaves.

P6 Gabled ends for projecting bays to the street.

P7 Skillion roofs to rear wings.

P8 Brick and rendered chimneys.

**External Materials**

P9 Timber or face brick on sandstone bases.

P10 Terracotta tiles with corrugated metal on rear wings. Slate and corrugated metal on older dwellings

P11 Shingled or half-timbered gable roofed bays.

**Windows and doors**

P12 Late Victorian and Federation. Decorative leadlights and glazing.

**Fences**

P13 Low height front fences and walls to 800mm.

P14 Timber fences to rear and side.

P15 Stone, face brick and brick piers or timber pickets and horizontal rails.

**Car accommodation**

P16 Garages and carports located to the side and rear of dwellings.

P17 No garages or carports located in front of the building line.

P18 Single driveways.

**4.6.7 Uncharacteristic elements**

P19 Carports, garages or paving to front of lot; dormers to front of roofs; over-scaled additions; painting and rendering of face brickwork; high fences to street; and inappropriate detailing.

**Draft North Sydney Development Control Plan 2013****Area Character Statements - Cammeray Planning Area**

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Previous Report - Attachment 3

CiS05 Post Exhibition Report for Planning Proposal – 1-11 Cowdroy Avenue and 22 Stratford Street, Cammeray and Draft Amendment to NSDCP 2013

[https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2017/may\\_1\\_2017\\_700pm/city\\_strategy\\_division\\_1\\_may\\_2017/cis05\\_post\\_exhib\\_rpt\\_planning\\_proposal\\_-\\_11\\_cowdroy\\_ave.pdf](https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2017/may_1_2017_700pm/city_strategy_division_1_may_2017/cis05_post_exhib_rpt_planning_proposal_-_11_cowdroy_ave.pdf)