

10.5. Proposed amendment to NSDCP 2013 – Implementation of the St Leonards / Crows Nest 2036 Plan - Post-Exhibition Report

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ATTACHMENTS:

1. Addendum to summary of submissions received during public exhibition period [10.5.1 - 13 pages]
2. Draft Amendment to NSDCP (North Sydney Development Control Plan) 2013 – Tracked Changes [10.5.2 - 60 pages]
3. Draft Amendment to NSDCP (North Sydney Development Control Plan) 2013 – For Adoption [10.5.3 - 44 pages]

PURPOSE:

To report on submissions received in response to the exhibition of draft amendments to the North Sydney Development Control Plan 2013 relating to built form controls associated with the implementation of the *St Leonards and Crows Nest 2036 Plan*, and to recommend a course of action.

EXECUTIVE SUMMARY:

On 12 September 2022, North Sydney Council resolved to place a [draft amendment to North Sydney Development Control Plan 2013 \(NSDCP 2013\)](#) on public exhibition.

The purpose of the draft amendment is to adopt the reasonable recommendations included in the Department of Planning and Environment's (DPE) *St Leonards and Crows Nest 2036 Plan (2036 Plan)*. Further, it seeks to provide amended and additional design guidance to:

- minimise the impact of tall towers;
- create a human scale to the street and transition to lower density areas; and
- improve public spaces and street level amenity.

The draft amendment implements the intent of the *2036 Plan* that was released in August 2020. The Plan foreshadows substantial changes to planning controls relating to increased maximum building height, minimum non-residential floor space ratio (FSR), and maximum FSR controls. It also identifies desired built form controls on street wall heights, building setback requirements and solar protection.

The [draft amendment to NSDCP 2013](#) was placed on public exhibition from 4 October to 15 November 2022. Thirty-five (35) submissions were received.

During the exhibition period, the draft amendment to the NSDCP 2013 received considerable support from the Wollstonecraft and Willoughby Bay Precinct Committees as well as its community members. In particular, support was expressed for Council's approach in addressing the significant issues which concern the community, and for the clarity of the new design guidelines in managing the impact of the increased height and density uplift.

Key issues raised during the exhibition period relate to landowners and residents expectations for height and density endorsed by the *2036 Plan*, concerns regarding reduced public domain and building occupant amenity, and the lack of additional infrastructure.

In response to the submissions made, it is recommended that the draft amendment to the NSDCP 2013 be further revised to:

- Reduce the required minimum above podium setback to all side and rear boundaries for buildings up to 8 storeys from 6m to 4.5m consistent with the Apartment Design Guide.
- Allow a 3-storey podium height to Nicholson Place, the western boundaries of 366 to 376 Pacific Highway (Lots 1, 2, 3, 4, 5 & 6) and 360 Pacific Highway.
- Clarify the above podium setback requirements for land zoned *B3 Commercial Core* or *B4 Mixed Use* that directly adjoins residentially zoned land and is separated by a public road in the Crows Nest Town Centre.

It is recommended that Council adopt the draft amendment as revised and complete the necessary steps to enable its implementation.

FINANCIAL IMPLICATIONS:

Minor expenses associated with the implementation of the DCP amendment will be funded through existing recurrent budgeting lines.

RECOMMENDATION:

- 1. THAT** Council note the submissions made to the public exhibition of the draft amendments to NSDCP 2013, forming Attachment 1 of this report.
- 2. THAT** Council adopt the draft amendment to NSDCP 2013 as amended, forming Attachment 3 to this report, in accordance with clause 14(1) of the Environmental Planning and Assessment Regulation, 2000.
- 3. THAT** public notice of the publication of the amendment to NSDCP 2013 be given on Council's website in accordance with clause 14(2) of the Environmental Planning and Assessment Regulation.
- 4. THAT** all submitters be notified of Council's decision and thanked for their submissions.

LINK TO COMMUNITY STRATEGIC PLAN

The relationship with the Community Strategic Plan is as follows:

1. Our Living Environment
 - 1.3 Clean and green places
 - 1.4 Well utilised open space and recreational facilities
2. Our Built Infrastructure
 - 2.2 Vibrant public domains and villages
3. Our Innovative City
 - 3.1 Our commercial centres are prosperous and vibrant
 - 3.3 Distinctive sense of place and design excellence
4. Our Social Vitality
 - 4.1 North Sydney is connected, inclusive, healthy and safe
 - 4.3 North Sydney's history is preserved and recognised
5. Our Civic Leadership
 - 5.1 Lead North Sydney's strategic direction

BACKGROUND

In July 2016, the Department of Planning & Environment (DPE) formally commenced a strategic planning investigation into Crows Nest, St Leonards, and the Artarmon industrial area.

On 15 October 2018, the DPE placed the draft St Leonards and Crows Nest 2036 Plan (the *2036 Plan*) and a suite of supporting documents on public exhibition.

On 29 August 2020, the *2036 Plan* was finalised. The Plan aims to deliver significant residential and employment growth in the precinct, principally as a result of the new Crows Nest metro station opening in 2024. It identifies indicative building heights (HOB), density (FSR), employment (non-residential FSR), land use, overshadowing, street wall height, and building setback provisions.

The Plan is supported by a Section 9.1 Ministerial Direction which requires "future rezonings to be consistent with the 2036 Plan".

On 9 May 2022, Council staff presented an overview of the 2036 Plan and preparation work on a draft amendment to NSDCP 2013 for St Leonards and Crows Nest Planning Area at a Councillor Briefing.

On 12 September 2022, Council resolved to adopt a draft amendment to NSDCP 2013 to provide further design guidance for medium and tall towers and improve public spaces in St Leonards and Crows Nest and place that amendment on public exhibition.

The draft amendment to NSDCP 2013 was placed on public exhibition from 4 October to 15 November 2022, and thirty-five (35) submissions were received during this time.

CONSULTATION REQUIREMENTS

Community engagement has occurred in accordance with Council's *Community Engagement Protocol*. The detail of this report provides the outcomes from the engagement in consideration of the draft amendment to the NSDCP 2013.

DETAIL

1. Purpose

The purpose of this report is to outline the submissions received in response to the exhibited draft amendments to NSDCP 2013 controls that apply to medium and tall towers in the St Leonards / Crows Nest planning area.

The draft amendment to the NSDCP 2013 seeks to implement the intent of recommendations in the *2036 Plan* that enabled significant height and density increases to sites adjacent to St Leonards Railway Station and the future Crows Nest Metro Station. It also provides amended and additional design guidance for medium to tall towers, and seeks to facilitate improvements to the public domain in comparison with no controls or guidance to manage significant development growth.

The draft amendment identifies setback and separation distances, podium height provisions, through-site link recommendations, solar access controls, and active frontage requirements to:

- limit the impact of tall towers and promote adequate scale and proportion;
- ensure towers are sufficiently separated to provide building occupants increased levels of amenity in terms of ventilation, natural light, and views;
- protect sky views and reduce overshadowing on the public domain;
- manage the transition to lower density areas and create a human scale to the street within the development framework established by the *2036 Plan*; and
- improve public spaces to ensure that they are well used and to foster a positive pedestrian experience.

2. Public Exhibition

The [draft amendment to NSDCP 2013](#) (Attachment 2) was placed on public exhibition for 42 days, from 4 October to 15 November 2022.

The following provides a summary of the methods that were used to generate widespread awareness of the proposal and the level of participation/reach:

- 7,612 letter notifications mailed to properties and business owners in and around the St Leonards and Crows Nest area
- Letter notifications to relevant industry bodies and public authorities
- Memo to Precinct Committees
- Notification in Council’s e-Newsletters, including:
 - Council eNews October and November 2022 issues – 1,390 subscribers, total 25 clicks.
 - Precincts eNews weekly x 6 issues – 161 subscribers, total 1 click.
- A dedicated exhibition web page, including all documentation, contact information and online submission forms – 745 views during the exhibition period, including:

Document/file	No. of downloads
Draft Amendment NSDCP 2013 - Part C Sections 3 & 10	297
Fact Sheet	113
Council Report of 12 September 2022	91
Glossary of terms and abbreviations	9
Community Engagement Strategy	8

- Notification on Council’s social media accounts:
 - Facebook post, 6 October 2022 (paid boost) - 4,612 impressions, 3,140 post reach, 393 post engagement, 61 reactions, 22 comments, 25 link clicks, 247 other clicks and 3 shares.
 - Instagram post, 6 October 2022 - 562 impressions, 513 reach, 4 likes, 1 comment, 1 profile visit.
 - Twitter post, 6 October 2022 - 213 impressions, 3 engagements, 1 link click, 1 profile visit.
- Notification of the exhibition on the North Sydney Council website
- Notification of the exhibition in the Councillor Bulletin – 6 October 2022
- A4 signage notification with a QR code promoting the YourSay webpage, installed on the community noticeboards at Ted Mack Civic Park, Crows Nest and North Sydney
- Digital TV notification with a QR code promoting the YourSay webpage displayed at North Sydney Council Customer Service Centre, in addition with all documentation, contact information, flyers, fact sheets and physical submission forms
- A4 signage notification with a QR code promoting the YourSay webpage displayed at Stanton Library and North Sydney Community Centre, in addition with all documentation, contact information, flyers, fact sheets and physical submission forms
- Information stall at Crows Nest Festival, including contact information, flyers, and fact sheets with QR code promoting YourSay webpage – 16 October 2022

The above statistics demonstrates stakeholder awareness of the engagement opportunity for this project.

3. Submissions Overview

A total of thirty-five (35) submissions was received in response to the public exhibition of the draft DCP 2013 amendment. This included:

- Seven (7) submissions from or on behalf of landowners in and around the St Leonards and Crows Nest area;
- Twenty-three (23) submissions from or by members of the community in the Wollstonecraft area;
- The Wollstonecraft Precinct Committee; and
- Noted resolution of support from the Willoughby Bay Precinct Committee.

A summary categorising the suburbs from which the submissions were received is shown in Figure 1.

Twenty-four (24) submissions expressed support for the objectives and/or proposed controls included in the amendment. One of these includes a submission from the Wollstonecraft Precinct Committee which expressed strong support for the draft amendment to the DCP, and commended Council for the approach and clarity of the new design guidelines. (Voting record unavailable)

Irrespective of a formal submission, it is noted that the Willoughby Bay Precinct Committee has also expressed its support via a meeting resolution for the draft amendment to the DCP. The voting comprised of 11 in favour, 1 absention, and 0 against.

Eleven (11) submissions expressed concerns that were generally beyond the scope or applicable framework of this DCP amendment; or related to proposals under assessment. These submissions addressed:

- Excessive height and/or density and its impact on amenity;
- Insufficient height and/or density and its impact on development feasibility;
- Insufficient infrastructure to support the height and density uplift;
- Review of the maximum parking provisions; or
- Consideration of draft site-specific DCPs.

A summary and response to all submissions form Attachment 1 of this report.

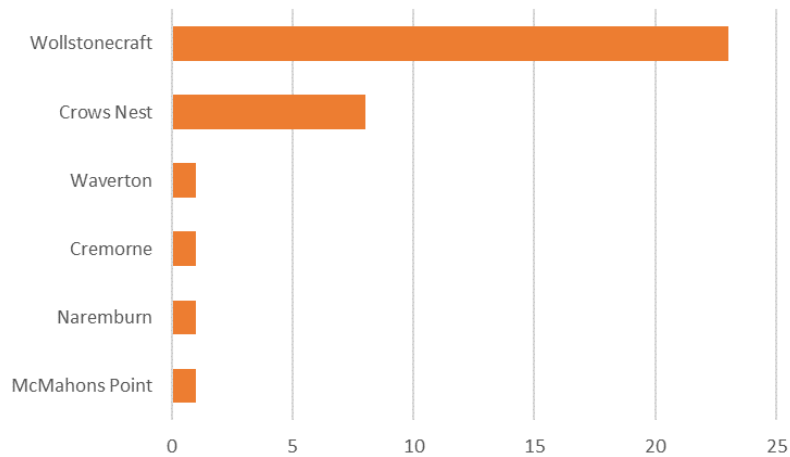


Figure 1: Suburbs of submissions received during the public exhibition of the Draft DCP amendment

4. Consideration of Submissions

This section addresses key issues raised in the submissions (see Figure 2).

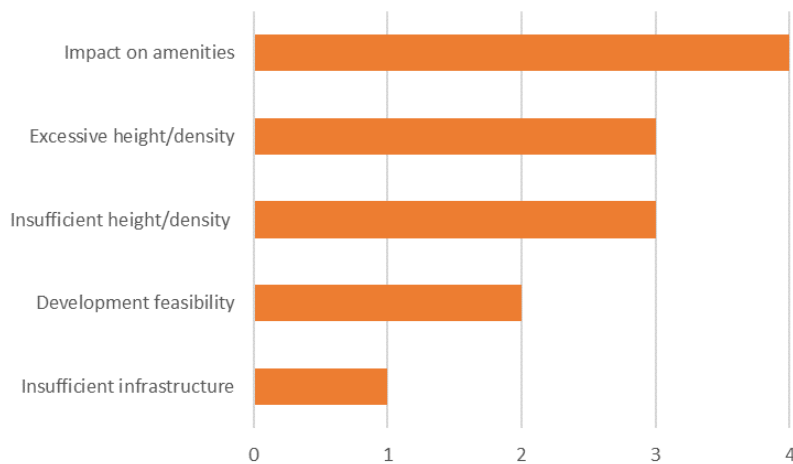


Figure 2: Key issues highlighted in the submissions received during the public exhibition of the Draft DCP amendment.

4.1 Impact on Amenity

Four (4) submissions raised concerns over the substantial level of uplift proposed and the negative impact of high-rise buildings on building occupant and public domain amenity. In particular, these relate to its undesirable outcomes on green spaces, views, privacy, solar access, and additional overshadowing.

Comment

The foreshadowed increases in height and density controls form part of the *2036 Plan*. The Plan is a State-led strategic document that is given statutory weight via a Ministerial Direction

under Section 9.1 of the *Environmental Planning and Assessment Act 1979*, requiring Council planning decisions to be consistent with the Plan.

The draft amendment to NSDCP 2013 adopts the reasonable built form recommendations from the *2036 Plan*. Notably, it also provides additional controls to manage and minimise the impact of the high-density development on the amenity of surrounding sites within the development framework established by the *2036 Plan*.

Specifically, the draft DCP proposes additional building setback and above podium setback controls, particularly on sites that directly adjoin residential zones, to encourage a more sympathetic transition to low density areas and to ensure towers are adequately separated. This creates more of a human scale to the street and affords building occupants increased amenity in terms of solar access, views, and privacy.

Further, to mitigate the potential impact of bulky tower forms, the draft DCP amendment introduces a maximum tower façade length control of 45m. This encourages slender tower elements that promote increased sky views from the public domain and reduces overshadowing on the surrounding areas.

When the *2036 Plan* was prepared, it was supported by a '*Green Plan*' that identified open space opportunities for implementation as part of the Plan, including the redevelopment of Holtermann Street carpark as a new high-quality park. It is further noted, that in the North Sydney Local Government Area, the key new open space proposals include Hume Street Park, Ernest Place, Oxley Street and Mitchell Street Linear Parks, and the closing of Willoughby Road south.

To protect the amenity of public spaces, the draft DCP amendment adopts the solar access recommendations from the *2036 Plan* for Christie Street Reserve, Hume Street Park, Ernest Place and Willoughby Road reserve. It also introduces a new solar access control to protect solar access to the proposed Holtermann Park.

4.2 Excessive Height and/or Density

Three (3) submissions expressed concerns that the proposed uplift along Pacific Highway is excessive and overdeveloped, and that the heights do not provide a sympathetic transition to lower density areas. Two (2) of these submissions requested consideration for more appropriate heights, of up to 5 to 10 storeys, in the areas between St Leonards and the North Sydney CBD.

Comment

As discussed, the increase in height and density is established by the *2036 Plan*, which is supported by a Section 9.1 Ministerial Direction as described in section 4.1 above. The uplift aims to support the Plan's objective to leverage the future Crows Nest metro station, and deliver employment and housing growth to facilitate the renewal of St Leonards and Crows Nest.

The draft DCP amendment provides refined and additional built form parameters that seek to manage the impact of the uplift foreshadowed in the *2036 Plan*. In particular, additional setback and above podium setback controls are proposed along the interfaces of distinctive height changes to provide a more meaningful transition to the fine grain scale of lower density residential areas.

4.3 Insufficient height and/or density

Three (3) submissions stated that:

- there is insufficient height and density allocated to specific sites further along Pacific Highway;
- there is an isolated concentration of tall buildings around the commercial core at St Leonards and the Crows Nest metro station; and
- heights taper down dramatically to the lower heights of neighbouring sites and do not provide an appropriate transition.

Comment

As discussed, the proposed building heights and densities are established by the *2036 Plan*. The DCP does not provide planning controls relating to building height and density. As far as Council is aware, there are no immediate plans to review the provisions of the *2036 Plan*.

4.4 Development Feasibility

Related to issues raised in section 4.3, two (2) submissions cited concerns that the lower building height and density permissible for sites on the southern side of the Pacific Highway would restrict its development capacity, making it financially unfeasible.

One (1) of these two submissions further stressed that the limited redevelopment potential will result in poor urban design outcomes, with undeveloped old buildings appearing out of context next to the new developments, such as the new metro station.

Comment

As per the comments provided in section 4.3, the changes in heights and densities are identified in the *2036 Plan*. The purpose of the draft DCP amendment is to refine and provide additional design guidance relating to the development heights and densities foreshadowed by the Plan.

Notwithstanding the significantly taller heights proposed to sites on the northern side of the Pacific Highway, it is important to note that the Plan still allows substantial building height uplifts of over double the existing maximum heights on the subject sites south along Pacific Highway, where height transition is required toward the low-density areas in Crows Nest Town Centre. Accordingly, the perceived 'limited' development capacity should be seen in

the context of the significantly increased building heights and associated additional floor space.

In reviewing the exhibited controls for developments of up to 8 storeys, staff identified an inconsistency with the State Government's *Apartment Design Guide* (ADG) relating to setback/separation requirements. The exhibited amendment sought to impose a 6m side/rear setback requirement. This is inconsistent with the minimum building separation requirement under the ADG.

Whilst the ADG inadequately deals with the complexity and impact of tall towers as discussed further below, the built form of low to medium rise development of up to 8 storeys - particularly setback requirements - should be consistent with the provisions of the ADG.

Recommendation

Reduce the minimum above podium setback to all side and rear boundaries from 6m to 4.5m for buildings of up to 8 storeys.

4.5 Various Concerns Relating to Claims of Overly Restrictive Controls

Several submissions raised issue with the extent of built form controls that are sought to be applied to future development, and the constraints they pose on development potential of sites.

Comment

As discussed above, one of the challenges with accommodating very high densities and significant levels of growth in established areas with a diversity of heights and characters, is to ensure that transition and interface issues are reasonably dealt with, and that the human scale is reinforced.

The ADG is often cited as the central instrument to deal with setbacks and separation and that Council should not step beyond these guidelines. The reality is that the ADG was principally designed to manage amenity impacts rather than act as an urban design tool to specifically deal with the impact and placement of tall towers. In Council's view, the ADG by itself is inadequate to deal with the urban design issues represented by the more significant and wholesale increases in height and density as envisaged in the *2036 Plan*.

4.6 Insufficient Infrastructure

One (1) submission highlighted concerns that, aside from the new Crows Nest metro station, the significant increase in height and density proposes an oversupply of residential capacity that is not supported by additional plans for traffic, transport, or social infrastructure. This will place significantly greater demands and pressure on the existing infrastructure.

Comment

The draft amendment to the DCP implements the intent of the *2036 Plan* and provides refined or additional built form guidelines to manage the height and density uplift foreshadowed by the Plan. Infrastructure capacity and planning is beyond the scope of the proposal of the draft amendment that is the subject of this report.

It is worth noting, however, that the *2036 Plan* is informed by technical studies that recommend new and upgraded infrastructure. These proposals include upgrades to public transport and vehicle infrastructure, proposals for more green space, investigations for a new school location, and affordable housing.

Further, a *Special Infrastructure Contribution Scheme* (SIC) has been developed alongside the Plan to assist with the funding and delivery of infrastructure for St Leonards and Crows Nest. In addition to this, Council's own Local Infrastructure Contributions Plan provides for the long term funding (or partial funding) for various infrastructure projects for this precinct.

Notwithstanding these, it is acknowledged that the significant increases in population foreshadowed by the *2036 Plan* pose very significant challenges to the timely and adequate provision of supporting infrastructure for the precinct as it develops.

5. Post Exhibition Amendments to the Draft NSDCP 2013

This section recommends several additional amendments to the draft DCP, having regard to the submissions made during public exhibition and upon further review of the DCP.

The suggested amendments are described below and are included in attachment 2 as marked up changes.

5.1 Above Podium Setback for Buildings up to 8 storeys

As mentioned in section 4.4, it is important to enable new medium rise development that is commercially viable, to support the renewal and growth envisaged in the *2036 Plan*. Reducing the proposed above podium setback control from 6m to 4.5m for buildings up to 8 storeys will promote larger floor plates, increasing the site's redevelopment capacity and maintaining the integrity of the *2036 Plan* and its associated Ministerial Direction.

Applied concurrently with the proposed maximum tower façade length provision, the reduced above podium setback requirement for such scale would still enable future development to achieve appropriate urban design outcomes. Further, a 4.5m setback to low to medium rise buildings sits in line with the provisions of the ADG, and will ensure that such development in the areas in and around St Leonards and Crows Nest are feasible, with reasonable levels of amenity.

The amendment as described above, relates to Provision 2, Part C, Sections 3.1.3.5 and 3.2.3.5.

5.2 Amendment to Crows Nest Podium Heights Map

Nicholson Place, located on the edge of the Crows Nest Town Centre planning area, aligns the western boundary of 366 to 376 Pacific Highway (Lots 1, 2, 3, 4, 5 & 6) and 360 Pacific Highway. Situated opposite these sites, on the eastern side of Nicholson Place, is a residential zone with an allowable building height of 4 storeys.

To reflect the distinctive built form character aligning the edge of the Crows Nest Town Centre, it is recommended to increase the podium height from 2 storeys to 3 storeys for the western boundaries of the abovementioned sites along Nicholson Place (366 to 376 Pacific Highway and 360 Pacific Highway) in Figure C-3.2-4, Part C, Section 3.2.3.4. This will also provide a more proportionate scale with the sites directly opposite, and will allow more consistent podium heights to strengthen the urban form of the Centre. In addition, this will enable adequate floorspace in the podium levels to meet the minimum commercial floor space requirement.

5.3 Refinement of Crows Nest Above Podium Setback Controls

During review of the DCP, it was noted that Provision 4 of Part C, Section 3.2.3.5 did not provide sufficient clarity on the above podium setback requirements for sites zoned *B3 Commercial Core* or *B4 Mixed Use* which directly adjoin residentially zoned land and are separated by a public road.

To demonstrate the above podium setback requirements more clearly for these sites, it is recommended that the Crows Nest above podium setbacks map be amended to show 9m above podium setback to the western boundaries of 366 to 376 Pacific Highway (Lots 1, 2, 3, 4, 5 & 6) and 360 Pacific Highway; and 6m to the western boundaries of 308 to 348 Pacific Highway. (Figure C-3.2-5, Part C, Section 3.2.3.5).

6. Adoption of Amendment

The post-exhibition amendments to the NSDCP 2013 incorporate additional changes that improve the workability and built form character of some sites in and around the St Leonards and Crows Nest Area. They also provide clarity on a few provisions relating to above podium setbacks. These changes are minor in nature, and therefore do not require re-exhibition. The amended draft DCP is included at Attachment 3 for Council's consideration.

Should Council resolve to adopt amendments to NSDCP 2013 following its public exhibition, it has 28 days within which it is to publish those amendments on its website in accordance with clause 14 of the EP&A Regulation. The amendments will not take effect until they are published on Council's website. All submitters will be advised of the adoption of the DCP amendments once they are published on Council's website.

7. Conclusion

The draft amendment to NSDCP 2013 as publicly exhibited sought to implement the intent of the 2036 Plan, and provide amended and additional design guidance to manage the increased height and density released in the Plan. In response to the submissions made and upon further review, it is recommended that the following changes be incorporated into the draft amendment to NSDCP 2013:

- Reduce the required minimum above podium setback to all side and rear boundaries for buildings up to 8 storeys from 6m to 4.5m in Provision 2, Part C, Sections 3.1.3.5 and 3.2.3.5.
- Amend Figure C-3.2-4, Part C, Section 3.2.3.4 to allow a 3-storey podium height to the western boundaries of 366 to 376 Pacific Highway (Lots 1, 2, 3, 4, 5 & 6) and 360 Pacific Highway along Nicholson Place.
- Amend Figure C-3.2-5, Part C, Section 3.2.3.5 in the Crows Nest Town Centre to clearly outline the above podium setback requirements for land zoned *B3 Commercial Core* or *B4 Mixed Use* that directly adjoins residentially zoned land and is separated by a public road. This includes:
 - 9m above podium setback to the western boundaries of 366 to 376 Pacific Highway (Lots 1, 2, 3, 4, 5 & 6) and 360 Pacific Highway; and
 - 6m above podium setback to the western boundaries of 308 to 348 Pacific Highway.

It is recommended that Council resolve to adopt the proposed amendment to NSDCP 2013 and give public notice in accordance with clause 14 of the EP&A Regulation.

ATTACHMENT 1

Draft amendment to NSDCP 2013 – St Leonards & Crows Nest Planning Area Summary of submissions received during public exhibition period (4 October – 15 November 2022)

The following criteria are used to analyse all submissions received, and to determine whether or not the plan would be amended:

1. The Draft amendment to NSDCP 2013 – St Leonards & Crows Nest Planning Area **would be** amended if issues raised in the submission:
 - a provided additional information of relevance.
 - b indicated or clarified a change in government legislation, Council's commitment or management policy.
 - c proposed strategies that would better achieve or assist with Council's objectives.
 - d was an alternate viewpoint received on the topic and is considered a better option than that proposed or;
 - e indicated omissions, inaccuracies or a lack of clarity.

2. The Draft amendment to NSDCP 2013 – St Leonards & Crows Nest Planning Area **would not be** amended if the issues raised in the submission:
 - a addressed issues beyond the scope of the proposal.
 - b was already in the proposal or will be considered during the development of a subordinate plan (prepared by Council).
 - c offered an open statement, or no change was sought.
 - d clearly supported the proposal.
 - e was an alternate viewpoint received on the topic but the recommendation was still considered the best option.
 - f was based on incorrect information.
 - g contributed options that are not possible (generally due to some aspect of existing legislation or government policy) or; involved details that are not appropriate or necessary for inclusion in a document aimed at providing a strategic community direction over the long term.

Draft amendment to NSDCP 2013 – St Leonards & Crows Nest Planning Area SUBMISSIONS SUMMARY (4 October – 15 November 2022)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
1	Katy Perjesi 140-142 Spence Road, CREMORNE	Excessive height/density	The density of the North Sydney area does not need to match that of the Sydney CBD.	The increased density was released in the State Government's ' <i>St Leonards and Crows Nest 2036 Plan</i> '. The Plan is a State-led document accompanied by a ' <i>Section 9.1 Ministerial Direction</i> ' which requires planning decisions to be made consistent with the Plan. The proposed amendments to the DCP seek to manage the impacts of the increased density and height uplift recommended in the 2036 Plan.	Nil	2c
		Impact on amenities	The appeal of the area is in its green spaces and liveability of the area.	The 2036 Plan is supported by a ' <i>Green Plan</i> ' which identifies open space opportunities for implementation and long-term projects for future investigation. This includes opportunities to redevelop Holtermann St car park as a new park and expand Hume Street Park. It also introduces landscaped street setbacks to Oxley, Mitchell and Chandos Streets. The amendments to the DCP provides new design provisions to minimise shadow impacts as well as protect solar access to green spaces.	Nil	2c
2	Madeleine Stewart 37 Market Street, NAREMBURN	Insufficient height/density	Buildings further along Pacific Highway should be increased in height with shops/restaurants across the bottom levels to allow a more appropriate transition in built form.	The proposed building heights are established by the 2036 Plan. The Plan is a State-led document accompanied by a ' <i>Section 9.1 Ministerial Direction</i> ' which requires planning decisions to be made consistent with the Plan. The DCP does not provide planning controls relating to building height and density. The proposed amendment to the DCP provides additional design guidance to building setback controls to provide a more desirable transition with the heights released in the Plan.	Nil	2g
3	Dan Keary Director – Keylan Consulting Pty Ltd 43A The Corso, MANLY	Site-specific provision	Requests the inclusion of a specific DCP provision to ensure that the proposed DCP amendments do not override the site's PP and draft site-specific DCP.	As per Part C, Section 1.1.2 of the NSDCP 2013, the amendments to the DCP are to be read in conjunction with the NSLEP 2013. Further, the provisions within Part C of the DCP prevails where there are inconsistencies with Part B. Accordingly, subject to the outcome of the <u>draft</u> site-specific DCP and PP, explicit variation to the exhibited DCP controls is not recommended.	Nil	2g

Draft amendment to NSDCP 2013 – St Leonards & Crows Nest Planning Area SUBMISSIONS SUMMARY (4 October – 15 November 2022)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
	On behalf of Silvernight Landowner (Crows Nest) Pty Ltd, owners of 270-272 Pacific Highway, CROWS NEST					
4	Amanda Harris Unit 72A Nicholson Street, WOLLSTONECRAFT	Excessive height/density	The proposed uplift along Pacific Highway between St Leonards and North Sydney is excessive and over-developed. It does not provide a sympathetic transition to neighbouring low-rise areas.	The proposed building heights and densities are established by the 2036 Plan which is a State-led document. This is accompanied by a 'Section 9.1 Ministerial Direction.'	Nil	2c
			Better consideration for a more appropriate height, of up to 5 storeys, in these zones will encourage development and still maintain the area's character.	The draft DCP amendment seeks to better manage the uplift released in the 2036 Plan. Additional design provisions relating to setback and solar access provisions are proposed to minimise the impact of tall towers on the character of low-rise areas.	Nil	2g
		Impact on amenities	High-rise buildings will negatively impact the amenity of surrounding residential areas. It will lead to issues with overshadowing, reduced outlook, limited privacy, and solar access.	The draft amendments to the DCP proposes new solar access controls to ensure new development in key areas do not produce substantial additional overshadowing from the March equinox to the September equinox. It also proposes increased building separation provisions to promote increased sky views and ensure more sufficient separation between towers to better manage privacy and outlook issues associated with the increased heights and densities released in the 2036 Plan.	Nil	2c
		Insufficient infrastructure	The increased density is not supported by additional transport, or social infrastructure or utilities. This will place greater demands on the existing infrastructure.	To support the increased density, the 2036 Plan identifies infrastructure upgrades for future investigation and delivery within the precinct. Alongside this, A 'Special Infrastructure Contributions Scheme (SIC)' has been developed to assist with funding and delivery of State and regional infrastructure to accommodate the future growth.	Nil	2a

Draft amendment to NSDCP 2013 – St Leonards & Crows Nest Planning Area SUBMISSIONS SUMMARY (4 October – 15 November 2022)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
5	Connor Kennedy Unit 1/455 Pacific Highway, CROWS NEST	Insufficient height/density	The Department of Planning has only allowed 8 storeys on the subject site in comparison to the 18 storeys on neighbouring sites.	The proposed building heights and densities are established by the 2036 Plan which is a State-led document. This is accompanied by a <i>'Section 9.1 Ministerial Direction.'</i> The DCP does not provide planning controls relating to building height and density.	Nil	2c
		Development feasibility	The site's lower permissible height restricts its development capacity.	The heights and densities are imposed by the 2036 Plan. The Plan recommends substantial increases of over double the existing permissible heights on the subject site. Upon further review of the exhibited controls, it was identified that the above podium setbacks for developments up to 8 storeys was to be amended, from 6m to 4.5m, to be consistent with the ADG. Please refer to section 4.4 of the Council report for a detailed response.	Reduce the required minimum above podium setback to all side and rear boundaries, for buildings up to 8 storeys, from 6m to 4.5m in Provision 2, Part C, Sections 3.1.3.5 and 3.2.3.5.	1a
6	Tony Gribben 29D Shirley Road, WOLLSTONECRAFT		Supports the approach and objectives of the draft DCP amendment.	Noted.	Nil	2d
7	Madeleine Stewart 4/455 Pacific Highway, CROWS NEST	Insufficient height/density	Believes that the lower heights proposed for 455 Pacific Highway does not allow an appropriate transition from the taller metro station buildings.	The proposed building heights and densities are established by the 2036 Plan which is a State-led document. This is accompanied by a <i>'Section 9.1 Ministerial Direction.'</i> The proposed amendments to the DCP provides additional design guidance to setback controls to soften the transition to lower density areas.	Nil	2c

Draft amendment to NSDCP 2013 – St Leonards & Crows Nest Planning Area SUBMISSIONS SUMMARY (4 October – 15 November 2022)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
		Development feasibility	The site's lower heights and FSR restricts its development capacity and will lead to undeveloped old buildings sitting out of context with the new station development.	The heights and densities are imposed by the 2036 Plan. The Plan recommends substantial increases of over double the existing permissible heights on the subject site. Upon further review of the exhibited controls, it was identified that the above podium setbacks for developments up to 8 storeys was to be amended, from 6m to 4.5m, to be consistent with the ADG. Please refer to section 4.4 of the Council report for a detailed response.	As per recommended action in No.5.	1a
8	David Cook 157/41 Rocklands Road, WOLLSTONECRAFT		Supports the approach and objectives of the draft DCP amendment.	Noted.	Nil	2d
9	Veronica Lauria 8 Commodore Street, MCMAHONS POINT	Impact on amenities	Objects the development of high-rise buildings and its reduction on sunlight to streets and impact on Crows Nest and St Leonard's village-like atmosphere.	The proposed building heights and densities are established by the 2036 Plan which is a State-led document. This is accompanied by a ' <i>Section 9.1 Ministerial Direction.</i> ' The draft DCP amendments provide additional design guidance to better manage the height uplift released in the 2036 Plan. Additional provisions relating to building separation, setback and solar access are proposed to minimise the impact of tall towers on the public domain and the character of low-rise areas.	Nil	2c
10	Wollstonecraft Precinct Committee		Supports the approach and objectives of the draft DCP amendment.	Noted.	Nil	2d
11	Liz Wiggins 23/20-26 Hume Street, WOLLSTONECRAFT		Supports the approach and objectives of the draft DCP amendment.	Noted.	Nil	2d

Draft amendment to NSDCP 2013 – St Leonards & Crows Nest Planning Area SUBMISSIONS SUMMARY (4 October – 15 November 2022)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
12	Marriane Blow 603/250 Pacific Highway, CROWS NEST		Supports the approach and objectives of the draft DCP amendment.	Noted.	Nil	2d
13	Richard Blow 603/250 Pacific Highway, CROWS NEST		Supports the approach and objectives of the draft DCP amendment.	Noted.	Nil	2d
14	Gerald Raftesath 27 Milner Crescent, WOLLSTONECRAFT		Supports the approach and objectives of the draft DCP amendment.	Noted.	Nil	2d
15	Elizabeth Wilson 3/4-6 Nicolson Street, WOLLSTONECRAFT		Supports the approach and objectives of the draft DCP amendment.	Noted.	Nil	2d
16	Rosie 18/20-26 Hume Street, WOLLSTONECRAFT	Excessive height/density	Raises concerns regarding excessive building heights and requests for heights to be reduced to under 10 storeys.	The proposed building heights and densities are established by the 2036 Plan which is a State-led document. This is accompanied by a <i>'Section 9.1 Ministerial Direction.'</i>	Nil	2g
		Impact on amenities	Excessive building heights will impact on the community and solar access on the subject property's balcony.	The draft DCP amendments provide additional design guidance to better manage the height uplift released in the 2036 Plan. Additional provisions relating to building separation, setback and solar access are proposed to minimise the impact of tall towers on the public domain and low density areas.	Nil	2c

Draft amendment to NSDCP 2013 – St Leonards & Crows Nest Planning Area SUBMISSIONS SUMMARY (4 October – 15 November 2022)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
17	Bruce West 6/61 Shirley Road, WOLLSTONECRAFT		Supports the approach and objectives of the draft DCP amendment.	Noted.	Nil	2d
		Parking provisions	Raises concerns against the review of the maximum parking provisions.	The proposed parking provisions do not form part of this draft amendment to the DCP.	Nil	2a
18	Roslyn Payne 7/120 Shirley Road, WOLLSTONECRAFT		Supports the approach and objectives of the draft DCP amendment.	Noted.	Nil	2d
19	Jennifer Sumsion 7/35 Gillies St, WOLLSTONECRAFT		Supports the approach and objectives of the draft DCP amendment.	Noted.	Nil	2d
20	Name and full address withheld WOLLSTONECRAFT		Supports the approach and objectives of the draft DCP amendment.	Noted.	Nil	2d
21	Sue Yelland		Supports the approach and objectives of the draft DCP amendment.	Noted.	Nil	2d
22	Margie		Supports the approach and objectives of the draft DCP amendment.	Noted.	Nil	2d
23	Bruce Donald 4 Wollcott Street, WAVERTON		Supports the approach and objectives of the draft DCP amendment.	Noted.	Nil	2d

Draft amendment to NSDCP 2013 – St Leonards & Crows Nest Planning Area SUBMISSIONS SUMMARY (4 October – 15 November 2022)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
24	Joy Heads		Supports the approach and objectives of the draft DCP amendment.	Noted.	Nil	2d
25	Ian Heads		Supports the approach and objectives of the draft DCP amendment.	Noted.	Nil	2d
26	Judith Fennell 3/50 Shirley Road, WOLLSTONECRAFT		Supports the approach and objectives of the draft DCP amendment.	Noted.	Nil	2d
27	Oriel Taylor		Supports the approach and objectives of the draft DCP amendment.	Noted.	Nil	2d
28	Barbara DeGraff		Supports the approach and objectives of the draft DCP amendment.	Noted.	Nil	2d
29	Lorna Bassett		Supports the approach and objectives of the draft DCP amendment.	Noted.	Nil	2d
30	Sue Wadley		Supports the approach and objectives of the draft DCP amendment.	Noted.	Nil	2d

Draft amendment to NSDCP 2013 – St Leonards & Crows Nest Planning Area SUBMISSIONS SUMMARY (4 October – 15 November 2022)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
31	<p>Stephen Kerr Director – Gyde Consulting Pty Ltd Suite 6.02, 120 Sussex Street, SYDNEY</p> <p>On behalf of Deicorp Projects (Crows Nest) Pty Ltd, owners of 'Five Ways' 391-423 Pacific Highway, 3-15 Falcon Street and 8 Alexander Street, CROWS NEST</p>	Character statement	<p>The 2036 Plan provides built form controls that explicitly contemplate a landmark building on the Five Ways site.</p> <p>However, the draft DCP's character statement and built form character only 'generally' focus on the scaling down of development from the railway and metro stations.</p>	<p>The draft DCP character statement explicitly identifies the Five Ways intersection as an identity/icon of the Crows Nest area. This is consistent with the 2036 Plan, which recognises the Five Ways intersection as a gateway element into the precinct.</p> <p>The significance of the site is reinforced in the focus of height and density outlined in the desired future character and built form objectives of the draft DCP – Provision 1 of Section 3.2.2.1, and Objective 1 of Section 3.2.3.2. Specifically, it identifies the concentration of density and scale not only close to the railway and metro stations, but also along the Pacific Highway. Therefore, this not only aligns with the 2036 Plan's 'two peak concept', relating to the areas around the railway and metro station, but is also inclusive of the Five Ways site, which is located along the highway.</p>	Nil	2c
		Significant elements	Agrees that the location of the Fiveways site is a significant element of the area, and that the intersection is a significant icon in the Crows Nest Town Centre.	Noted.	Nil	2d
		Through-site link	Supports the identification of a through-site link on the Fiveways site but notes that the final design of the link will be subject to design development and won't mirror that shown in Figure C-3.2-2.	Noted. The through-site link identified in the exhibited amendment is the preferred general alignment.	Nil	2d
		Street frontage	Consolidated subject site has a street frontage greater than 40m but acknowledges that the draft DCP includes performance objectives to assess the built form.	The draft DCP requires a frontage of 20-40m along Pacific Highway. Wider frontages on consolidated lots exceeding 40m are to be broken down by articulation and assessed based on design merit.	Nil	2c

Draft amendment to NSDCP 2013 – St Leonards & Crows Nest Planning Area SUBMISSIONS SUMMARY (4 October – 15 November 2022)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
		Floor to floor heights	Requests the inclusion of objectives to support increased residential floor to floor heights of minimum 3.2m.	Residential floor to floor heights of a maximum 3.2m provides sufficient allowances for servicing needs to accommodate the required minimum 2.7m ceiling heights recommended for habitable rooms in the ADG. This provides sufficient building occupant amenity. Further, the St Leonards and Crows Nest planning area and its surroundings areas have a wide range of heritage buildings, open spaces, conservation areas and low density residential areas. Increasing the minimum floor to floor heights is not recommended as this will have implications on building height and its transition to surrounding areas.	Nil	2e
		Setbacks	Highlights that the DCP's proposed setback of 0m (ground floor) is consistent with the site's Planning Proposal and the 2036 Plan. However, notes that circumstances where flexibility is applied to allow increased setbacks to accommodate through-site links and promote activation and pedestrian movement.	Noted. Subject to future development assessment.	Nil	2c
			Notes that the proposed above podium setback of 6m is consistent with the proposed setback in the site specific DCP and Planning Proposal.	Noted	Nil	2c
		Podium heights	Proposed podium heights shown for the heritage listed buildings on Fiveways intersection is inconsistent with the existing four-storey height of that building.	The proposed podium heights shown for the heritage listed buildings on the Fiveways intersection in Figure C-3.2-4 of Part C, Section 3.2.3.4 reflects the desired future built form and not its existing characteristics. However, as outlined in Provision 3 of Section 3.2.3.4, the existing podium heights may be retained for heritage items where it is required to do so.	Nil	2b

Draft amendment to NSDCP 2013 – St Leonards & Crows Nest Planning Area SUBMISSIONS SUMMARY (4 October – 15 November 2022)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
		Active frontages	Encourages an objective and merit-based approach to ensure that other measures of amenity for pedestrians will be provided when through-site links cannot be open to the sky.	Noted. Subject to future development assessment. Further, in addition to other measures of pedestrian/user amenity, any internal site link must be provided with double height spaces to convey a sense of publicness, as per Provision 4(c) of Section 3.2.2.2.	Nil	2c
31a	Greg Colbran Deicorp Projects (Crows Nest) Pty Ltd, Level 4, 161 Redfern Street, Redfern Owners of 'Five Ways' 391-423 Pacific Highway, 3-15 Falcon Street and 8 Alexander Street, CROWS NEST		Submission as per No.31 above.	Submission as per No.31 above.	As per No.31 above	As per No.31 above
32	Aoife Gannon 4/120 Shirley Road, WOLLSTONECRAFT		Supports the approach and objectives of the draft DCP amendment.	Noted.	Nil	2d
<i>Submissions below were received after the close of exhibition at 5pm, 15 November 2022.</i>						
33	Sophy Purton Associate Director – Urbis Angel Place, L8/123 Pitt Street, SYDNEY On behalf of Futuro		Supports Council's objectives to amend the DCP to give effect to the 2036 Plan and key objectives. Specifically, frontage widths; development of feasible built forms; to ensure concentration of density and scale close to the rail metro stations and long Pacific Hwy; increasing amenity for building occupants; and delivery of active frontages on new developments.	Noted.	Nil	2c

Draft amendment to NSDCP 2013 – St Leonards & Crows Nest Planning Area SUBMISSIONS SUMMARY (4 October – 15 November 2022)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
	Capital, owners of 378-390 Pacific Highway, CROWS NEST <i>Submission received after 5pm, 15 November 2022</i>	Site-specific DCP	Requests that Council adopt the setbacks on the site as documented within the Planning Proposal and site-specific DCP, which was supported by the Sydney North Planning Panel (the Panel).	It is noted that the Panel has supported the PP in principle, and that the applicant has prepared a draft site-specific DCP that includes setback controls. However, consideration of the controls documented in the PP and draft-site specific DCP is subject to the process and outcome of a public exhibition and the submissions received. This can be further considered once that exhibition period has been completed.	Nil	2g
		Inconsistent with the ADG	Does not support the minimum 12m side and rear above podium setbacks for buildings over 18 storeys. Outlines that the ADG specifies setbacks that are between 6-12m, depending on the façade typology and/or degree of openings. Requests that the draft DCP minimum setbacks be consistent with the ADG and allow for a degree of variation, as identified in the ADG.	It is acknowledged that the proposed 15m above podium setback is difficult to achieve on this site given its site constraints. Council argued that site amalgamation with the adjoining sites to the west (as advised in the 2036 Plan's 3D model) would help to achieve development feasibility, while providing sufficient height transition to the west. Unfortunately, the Sydney North Planning Panel did not support this view, however this remains a better outcome for the site, should amalgamation be achieved. The ADG is a tool for improving the design of residential apartment development. The objective of the ADG building separation recommendations is to provide adequate visual privacy, views, outlook, ventilation, and solar access. Supplementary to this, the DCP amendment aims to manage the endorsed high density and provide the appropriate urban form for the large planning area. The proposed above podium setback in the DCP therefore aims to not only provide adequate visual privacy and solar access, but also to ensure well-considered transitions in scale and skylines. It is worth noting that in the 2036 Plan, one of the actions in Built Form states <i>"In transition areas between low and high-rise developments, new development should consider the prevailing scale and existing character in the design of their interfaces."</i> Therefore, the objective of the proposed DCP above podium setback aligns with the 2036 Plan's objectives and principles.	Nil	2e

Draft amendment to NSDCP 2013 – St Leonards & Crows Nest Planning Area SUBMISSIONS SUMMARY (4 October – 15 November 2022)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
34	Darren Mack <i>Submission received 16 November 2022</i>		Supports the approach and objectives of the draft DCP amendment.	Noted.	Nil	2d

Draft Amendment to North Sydney Development Control Plan 2013

- *Implementation of the St Leonards Crows Nest 2036 Plan*

The following pages represent a “**tracked changes**” version of those pages within Sections 3 and 10 to Part C of NSDCP 2013 which are proposed to be amended. Those parts of these sections which are not proposed to be amended have been specifically excluded.

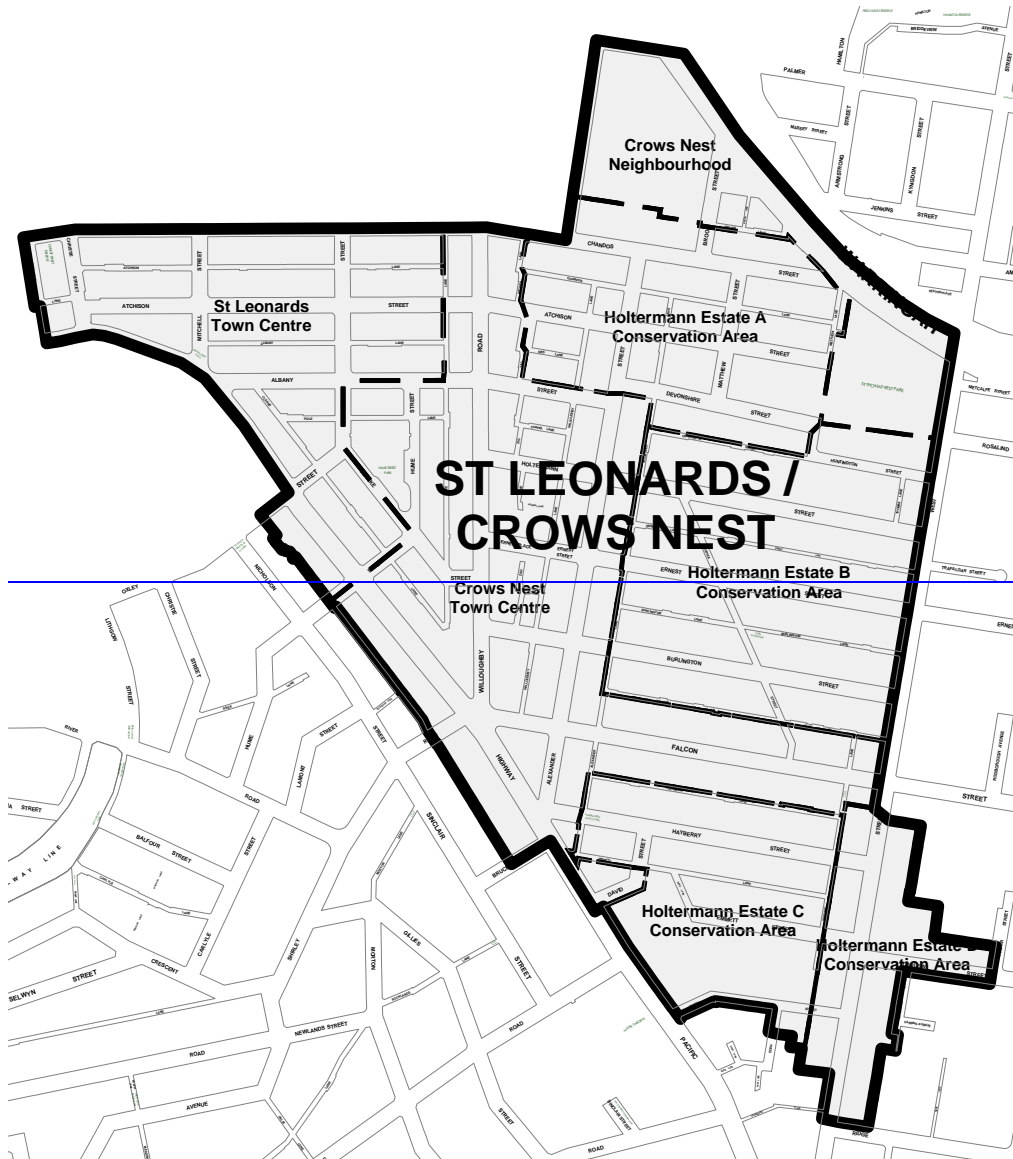


**SECTION 3 ST LEONARDS / CROWS NEST
PLANNING AREA**



DRAFT AMENDMENT FOR ADOPTION - North Sydney Development Control Plan 2013

Area Character Statements - St Leonards / Crows Nest Planning Area



C	Part
C3-2	Page

North Sydney Development Control Plan 2013 – **DRAFT AMENDMENT FOR ADOPTION**

Area Character Statements - St Leonards / Crows Nest Planning Area

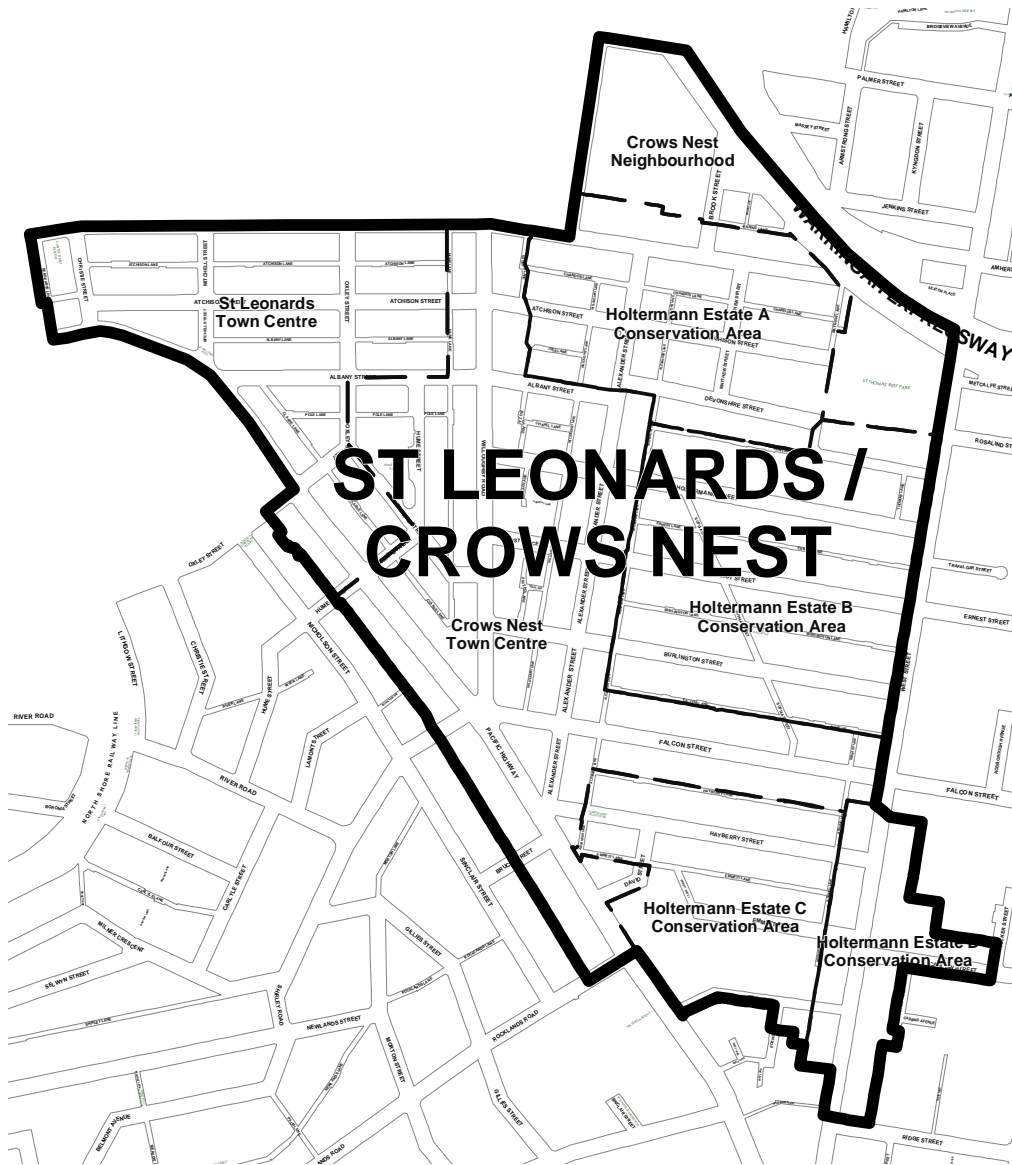


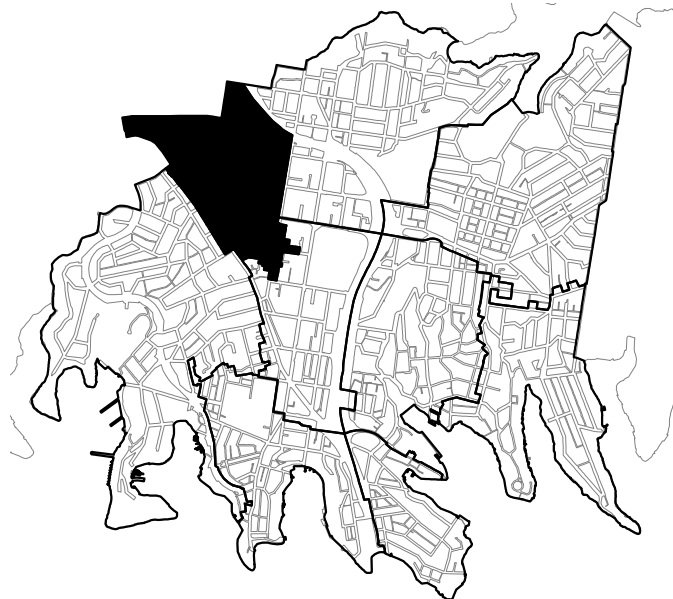
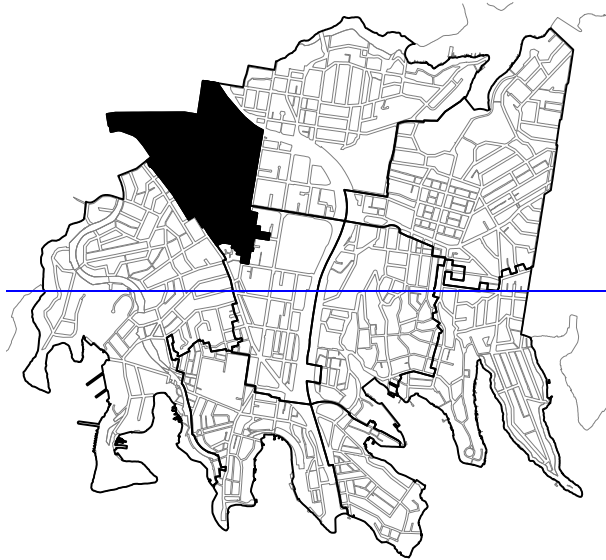
Figure C-3.0: St Leonards / Crows Nest Planning Area and associated Locality Areas



DRAFT AMENDMENT FOR ADOPTION - North Sydney Development Control Plan 2013

Area Character Statements - St Leonards / Crows Nest Planning Area

3.0 ST LEONARDS / CROWS NEST PLANNING AREA CHARACTER STATEMENT



The following statement identifies the existing character and the desired future outcome for development in the St Leonards/Crows Nest Planning Area. This statement has been informed by aims and desired outcomes of Council's Planning Studies undertaken in the Planning Area and the State Government's 2036 Plan for St Leonards Crows Nest.

The Planning Area is focussed around the town centres of St Leonards and Crows Nest in the north-west of the area-Local Government Area, both of which are situated on major vehicular traffic routes. The remainder of the Planning Area comprises a number of predominantly

C Part

C3-4 Page

North Sydney Development Control Plan 2013 – DRAFT AMENDMENT FOR ADOPTION



Area Character Statements - St Leonards / Crows Nest Planning Area

low-density residential neighbourhoods, much of which is characterised by retention of the historic subdivision pattern.

The St Leonards Town Centre, which is identified as a Strategic Centre within the heart of the Eastern Economic Corridor and forms part of an identified Health and Education Precinct Specialist Centre under the Greater Sydney Region Plan Metropolitan Strategy 2036. In particular, it is a dense, significant, sustainable and busy urban centre where:

- it will accommodate sustained growth in the health and technology sectors, whilst supporting creative industries, small to medium sized businesses, startups, galleries, entertainment and speciality retail are supported to ensure it enhances the economic function of North Sydney
- a diverse range of living, employment, recreation and social opportunities are provided which serve both local and regional populations and contribute to the vibrancy of the Town Centre
- residents, workers and visitors enjoy a high level of amenity and quality of the natural and built environment
- residents, workers and visitors can easily access the Planning Area through excellent public transport links to the Sydney CBD, other suburban centres and many parts of the Sydney Region by rail and bus.

The Crows Nest Town Centre is smaller in scale in comparison to St Leonards, with 19th Century, two storey shopfront parapets along Willoughby Road and parts of the Pacific Highway. The Town Centre services the daily needs of residents and visitors, as well as having a lively dining district. Traffic is actively managed so pedestrians can move freely across Willoughby Road.

The quiet residential neighbourhoods in the east of the Planning Area are low in scale and generally quiet and characterised by wide roads with street tree plantings. Laneways facilitate movement and provide rear lane access to properties. Local shops, dispersed throughout the area, serve both local and regional needs. St Thomas Rest Park, located toward the north-eastern edge of the Planning Area, as well as Hume Street Park, provides much needed open space and complements pocket parks within the area, with access to St Leonards Park on the its eastern edge.

Higher density commercial and mixed use development as a result of the State Government's 2036 Plan for St Leonards and Crows Nest will be located around the rail and metro station and along the Pacific Highway.

and where:

Function

- ~~there is housing choice in the mix of dwelling types and in the range of affordability~~
- various grades and sizes of business spaces are provided in the St Leonards and Crows Nest Town Centres to accommodate a mix of small to and large business premises, retail premises and community services
- the lower levels of commercial and mixed use buildings in the St Leonards Town Centre are designed to provide flexible spaces to support the growth of creative industries, small to medium sized businesses, startups, galleries, entertainment and speciality retail
- active uses outside normal business hours are encouraged to be established to enhance the vitality of the Town Centres
- the village atmosphere of Crows Nest is maintained and enhanced, with Willoughby Road continuing to be an active high street.
- ~~existing uses, such as the fruit market on Atchison Street, which are important to the community, are maintained~~



DRAFT AMENDMENT FOR ADOPTION - North Sydney Development Control Plan 2013

Area Character Statements - St Leonards / Crows Nest Planning Area

- community facilities meet the needs of the ~~centre's~~ Planning Area's working and resident population, visitors, and residents of nearby neighbourhoods, in terms of wellbeing, culture and recreation, and add to the diversity and activity of the Town Centres
- there is housing choice in the mix of dwelling types and in the range of affordability
- public transport, including walking and cycling, is the main form of access to the ~~St Leonards~~ Town Centres
- ~~parking is adequate but is managed in a way that maintains pedestrian safety, the quality of public space and built form, and minimises traffic generation~~
- ~~traffic is managed so that pedestrians can move within the area freely and safely and amenity is maintained~~
- ~~pedestrians are assisted to safely cross barriers such as the Pacific Highway and the railway~~
- the grid pattern of streets and lanes imposes order and allows freedom of movement
- ~~north/south~~ mid-block pedestrian connections provide alternative routes through long street blocks at street level to assist pedestrian movement
- the area is highly permeable for pedestrians

Environmental Criteria

- the extremes of sun, wind and rain are mitigated by continuous awnings and other good building design elements
- natural light reaches buildings, public places and streets
- solar access to existing and proposed public open spaces is maximised and contributes to the enjoyment of those spaces used by the public
- mechanical and other noise is controlled to protect residential amenity
- there is opportunity for ~~all to enjoy~~ sharing of views within the area
- additional public open space is provided and existing spaces embellished to cater for increases ~~ed in residential~~ and worker populations
- increased opportunities for tree planting are provided at the ground level to minimise the urban heat island effect

Quality Built Form

- a safe, high quality urban environment is achieved through careful design of buildings and use of materials, and a well designed and maintained public domain
- the high ridge that underlies St Leonards is reflected in its built form and the skyline is an interesting and distinctive feature in the broader landscape, ~~with the station marked by the Forum development~~
- buildings are scaled down from the ~~Forum~~ railway and metro stations development towards surrounding areas, to fit in with lower scale development and reducing adverse affects on lower scale areas
- high rise development is generally focused along the Pacific Highway and the area generally contained by the Pacific Highway to the west, Oxley Street to the east and south and Chandos Street to the north
- the character in the St Leonards Town Centre is highly urbanised, but softened through urban design and landscaping

North Sydney Development Control Plan 2013 – DRAFT AMENDMENT FOR ADOPTION**Area Character Statements - St Leonards / Crows Nest Planning Area**

- the visual characteristics of the Crows Nest neighbourhood's heritage conservation ~~areas~~^{status} are reflected in new development, with low rise small scale dwellings predominating
- ~~the~~ heritage items retain their heritage significance, and contribute to area's illustrate a rich development history and provide interest in the physical fabric of the area

Quality Urban Environment

- tree planting in private and public spaces and small landscaped areas provides softening from the built form
- traffic is managed so that pedestrians can move within the area safely and freely and amenity is maintained
- parking is managed to maintain pedestrian safety, maximise public and active transport modes and minimise the quality of traffic generation
- pedestrians are assisted to safely cross barriers such as the Pacific Highway and the railway at grade
- increase the perceived extent of the public domain is increased through the incorporation of landscaped setbacks and reversed podiums
- rear lanes are used for vehicle access to properties
- ~~pedestrians are assisted in safely crossing barriers such as the Pacific Highway~~

Efficient Use of Resources

- energy efficient design and life cycle assessment of buildings enables the conservation of natural resources and minimal use of non-renewable energy resources
- stormwater runoff is minimised, and reused on-site where possible

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

- Section 3.1: St Leonards Town Centre
- Section 3.2: Crows Nest Town Centre
 - Section 3.2.4 Hume Street Park
 - Section 3.2.5 27-57 Falcon Street, Crows Nest
- Section 3.3: Crows Nest Neighbourhood
- Section 3.4: Holtermann Estate Conservation Area A
- Section 3.5: Holtermann Estate Conservation Area B
- Section 3.6: Holtermann Estate Conservation Area C
- Section 3.7: Holtermann Estate Conservation Area D



DRAFT AMENDMENT FOR ADOPTION - North Sydney Development Control Plan 2013

Area Character Statements - St Leonards / Crows Nest Planning Area

3.1 ST LEONARDS TOWN CENTRE



Figure C-3.1-1: Locality Area Map

A comprehensive master planning process may be required to be prepared in consultation with Council and neighbouring landowners for key sites identified in the St Leonards/Crows Nest Planning Study Precincts 2&3. These sites include:

- (a) Christie Street Masterplan: 655 & 657 Pacific Highway and 100 Pacific Highway
- (b) Oxley Street Masterplan: 75-89 Chandos Street, 21-35 and 58-64 Atchison Street.

3.1.1 Significant elements

Land Use

P1 Predominantly retail and mixed commercial and residential development.

P2 Commercial development.

P2P3 High density residential development.

P3P4 Community facilities.

P4P5 Passive and active recreational spaces.

Topography

P6 Slight falls to the east and north east from the Pacific Highway which generally follows the ridgeline.

P5P7 Slight fall to the west along the Pacific Highway from Albany Street.

Identity / Icons

P6P8 The Forum development and plaza.

P7P9 St Leonards Railway Station and Crows Nest Metro Station, a major transport interchange hubs.

P10 Pacific Highway, a major sub-arterial thoroughfare.

P11 Christie Street Reserve.

P8P12 Hume Street Park.

C Part

C3-8 Page

North Sydney Development Control Plan 2013 – DRAFT AMENDMENT FOR ADOPTION



Area Character Statements - St Leonards / Crows Nest Planning Area

Subdivision

~~P9~~P13 Generally rectilinear grid pattern with dual frontages

Streetscape

~~P10~~P14 Wide fully paved footpaths along Pacific Highway and adjacent to other commercial and mixed use buildings.

~~P11~~P15 Atchison Street between Christie Street and Mitchell Street is one way only, with wide paved footpaths, landscaping and other urban furniture.

~~P12~~P16 Awnings provided along the Pacific Highway and for other commercial and mixed use buildings.

~~P13~~P17 Irregular planting of street trees.

Public transport

~~P14~~P18 Development is to take advantage of high levels of access to high frequency public train, Metro and bus services.

~~P15~~P19 Public transport, cycling and walking are the main forms of transport to the Centre.

3.1.2 Desired Future Character

Diversity of activities, facilities, opportunities and services

P1 Predominantly high to medium-high rise, commercial and mixed commercial and residential development.

P2 Provision of a variety of different sized commercial office, business, retail, recreation, (indoor and outdoor) community, entertainment, food and drink and other active non-residential uses at the street level in the *B3 Commercial Core* and *B4 Mixed Use* zones.

P3 Intensify the provision of commercial office and business premises in close proximity to the railway and metro stations~~along Christie Street~~ with active uses such as food and drink premises and retail located at the ground level addressing the public domain.

P4 Maximise ground level activation along Christie, Mitchell, Oxley, Street Atchison, and Chandos and Clarke Streets by focusing food and drink premises and retail within a fine grain built form. This can be achieved through the emphasis of small to medium sized tenancies which directly address the public domain.

~~P5~~ High density residential accommodation within mixed use buildings is concentrated closest to the railway and metro stations and along the Pacific Highway.

~~P5~~P6 Retention of the medium density residential precinct in the north-eastern corner of the Locality Area.

Public spaces and facilities

~~P6~~P7 Establish Atchison Street as the civic main street by:

- (a) ensuring that the design of building exteriors at the lower levels incorporates high levels of architectural modulation (i.e. no blank walls) along with high quality materials and finishes;
- (b) maximising active uses such as retail, food and drink and outdoor dining at the ground level; and
- (c) improving the public domain in accordance with Council's Public Domain Style Manual and Design Codes.

~~P7~~P8 Outdoor dining to be concentrated along widened footpaths to Atchison, Chandos, Mitchell, and Oxley and Clarke Streets.



DRAFT AMENDMENT FOR ADOPTION - North Sydney Development Control Plan 2013

Area Character Statements - St Leonards / Crows Nest Planning Area

~~P9~~ P9 Maintain and enhance Christie Street Reserve ~~with an~~ as a sunny and inclusive landscaped space which is activated along its southern edge with ground floor retail premises to 100 Christie Street

~~P8~~ P10 Maintain and enhance Mitchell Street Public plaza ~~at is provided at the closure~~ the intersection of Mitchell Street ~~and the~~ with Pacific Highway.

~~P9~~ P11 A linear landscaped park is provided along the western side of Mitchell and Oxley Streets, between Chandos and ~~Albany Street~~ Pacific Highway.

~~P10~~ P12 A shared way is provided along Mitchell Street ~~from~~ between Atchison Street ~~and to~~ properties in Albany Lane.

~~P11~~ P13 Consideration be given to integrating a ~~Artworks, and~~ water features ~~and wind breaks~~ are integrated into the design of Mitchell Street Plaza ~~the plaza~~ artworks and other features act as windbreaks, particularly at the Pacific Highway end of Mitchell Street.

~~P12~~ P14 Plazas incorporate space for public entertainment and expression of community identity, large enough to hold an open air performance or market.

~~P13~~ P15 Roof top gardens and public facilities that allow public access to district views from higher floors.

3.1.2.1 Accessibility and permeability

Objectives

O1 Improve permeability and provide connections to main pedestrian and cycling networks, key destinations and residential areas.

O2 Ensure that the design of through site links and mid-block connections is high quality, safe, well-lit, accessible and pedestrian friendly.

O3 Encourage walking and cycling as part of the broader street network to promote community interaction, better health outcomes and reduce vehicle movements.

O4 Encourage active frontages along through site link without compromising safe pedestrian access and use.

O5 Ensure that any proposed privately owned lanes have a fully public nature equivalent to the public domain.

Provisions

~~P1~~ P14 The following through site links identified in Figure C-3.1-2 are to be provided, retained and enhanced:

~~P2~~ A north-south pedestrian link from Chandos to Atchison Street across 63-65 or 67-69 Chandos Street and 40-48 Atchison Street.

~~P3~~ A north-south pedestrian link from Atchison to Albany Street across 15-19 Atchison Street and 22, 26 or 28 Albany Street.

~~P4~~ A north-south pedestrian link from Chandos to Atchison Street across 33 or 35-37 Chandos Street and 6-16 Atchison Street.

~~P5~~ P15 Consideration should be given to expanding the existing through site link across 6-16 Atchison Street along the western side of 20 Atchison Street.

P2 P16 New through site links are to align as best as possible with existing through site links to maximise permeability.

P3 Through site links that are proposed in addition to those identified under P1 must demonstrate that it meets the objectives and provisions of this subsection.

P4 Through site links are to be provided in accordance with Section 2.4.9 to Part B of the DCP and the following criteria:

(a) The design and finish must be in accordance with the relevant Public Domain Strategy.

C Part

C3-10 Page

North Sydney Development Control Plan 2013 – DRAFT AMENDMENT FOR ADOPTION



Area Character Statements - St Leonards / Crows Nest Planning Area

- (b) Include landscaping where practical to assist guiding people along the link while maintaining long sightlines.
- (c) Be fully open to the sky. Internal through site links will only be considered where they are provided with double height spaces to convey a sense of publicness.
- (d) Provide public access 24 hours a day 7 days a week.
- (e) Be activated on both sides of the link.
- (f) Be clearly distinguished from vehicular accessways.



Figure C-3.1-2: Through Site Link Map

3.1.3 Desired Built Form

3.1.3.1 Subdivision

Objectives

O1 To enable the development of feasible built forms which also incorporate suitable side and rear setbacks at the upper levels to afford daylight and ventilation between buildings.

Provisions

- P1 Maintain a frontage of 20m - 40m, which equates approximately to the amalgamation of two or three original allotments.
- P2 Development on consolidated allotments with a frontage wider than 20m - 40m frontage is to be broken down by articulation, design and detailing, change in materials and colours.



DRAFT AMENDMENT FOR ADOPTION - North Sydney Development Control Plan 2013

Area Character Statements - St Leonards / Crows Nest Planning Area

3.1.3.2 Form, massing and scale

Objectives

- O1 To ensure that density and scale is concentrated close to the rail and metro stations and along the Pacific Highway.
- O2 To ensure a positive transition in height and scale down from tall towers to neighbouring and adjoining lower density areas.
- O3 To enable the lower levels of buildings to be converted between retail, commercial and community uses over time.
- O4 To increase amenity for the occupants of buildings by providing direct access to sunlight, daylight and natural ventilation.
- O5 To maximise year round solar access to existing and new public spaces to be created within the Planning Area.

Provisions

- P1 Buildings should generally ~~step-transition down~~ in height from St Leonards Railway Station, and Crows Nest Metro Station and Pacific Highway ~~the tallest buildings, being the Forum (201-207 Pacific Highway)~~ down to the surrounding areas and the lower scale development on Chandos Street, Willoughby Road, Crows Nest Town Centre, the Upper Slopes Neighbourhood and Crows Nest Neighbourhood.
- P2 Roof design presents a varied, composed and interesting skyline when viewed from a regional context.
- P3 Architectural detailing and ornamentation provides a rich visual texture and a symbolic reference to the history of the place, the building's use or occupant.
- P4 Developments on land greater than 1,000sqm should consider the incorporation of internal courtyards adjacent to laneways and through site links to broaden the range and form of open space in the locality.
- P5 Development is to be designed to maximise year round solar access to existing and the new public spaces to be created within the Planning Area.
- P6 Tower elements located above the podium level should not exceed 45m in width, unless it can be adequately demonstrated that sufficient physical vertical articulation can be provided to break the tower elevation into ~~two~~ distinct elements.
- P7 Minimum floor to floor heights on land zoned B3 Commercial Core or B4 Mixed Use must be provided:
- (a) Ground floor level: 4.0 – 4.5m
- (b) First floor level: 3.6m
- (c) Levels above: 3.0m (residential uses) or 3.6m (non-residential uses)
- P8 Residential floor to floor heights should generally not exceed 3.2m, except on the first floor level in accordance with P7 above.
- ~~P4~~P9 Rooftop plant and structures should be designed and positioned to comprise a minor element of the roovescape and minimise any increases to the building's overall overshadowing impacts.

3.1.3.3 Setbacks

Objectives

- O1 Reinforce the spatial definition of streets and public spaces.
- O2 Emphasise the street as a distinct spatial entity and design the street wall frontage with an appropriate human scale and sense of enclosure for the street.
- O3 Ensure consistent street frontages along the street alignment.

C Part

C3-12 Page

North Sydney Development Control Plan 2013 – DRAFT AMENDMENT FOR ADOPTION**Area Character Statements - St Leonards / Crows Nest Planning Area**

O4 Recognise the variation in street frontage heights throughout the centre and allow flexibility to respond to context.

O5 Ensure adequate transition in scale between employment zones and residential zones.

O6 Enable deep soil planting along the Pacific Highway and identified linear parks.

Provisions

Note. Additional setbacks may be required for any part of the building located above the podium level. Refer to Section 3.1.3.5.

P1 Buildings are to be setback from ~~Zero setback to~~ all street frontages, ~~with the exception of the setbacks on~~ in accordance with the Building Setbacks Map (refer to Figure C-3.1-3).

P2 A nil setback is permitted to all side and rear boundaries without a street frontage on land zoned B3 Commercial Core or B4 Mixed Use.

P3 Despite P2, a minimum 6m setback is required where land zoned B3 Commercial Core or B4 Mixed Use directly adjoins land which is residentially zoned along the zone interface. This requirement does not apply if the land is separated by a public road.

P4 A minimum 4.5m setback is required to all side and rear boundaries without a street frontage on land zoned R4 High Density Residential.

P5 Despite P1 and P2, setbacks may be varied to be consistent with the built form envelope approved as part of the approval for the Crows Nest Metro Station and Over Station Development (OSD).

P6 Despite P1-P4, where a site contains a heritage item and that item is to be retained, the heritage item may maintain its existing setback.

P7 Despite P1-P4, increased setbacks may be required for podium levels that contain residential uses to achieve adequate building separation in accordance with SEPP 65.

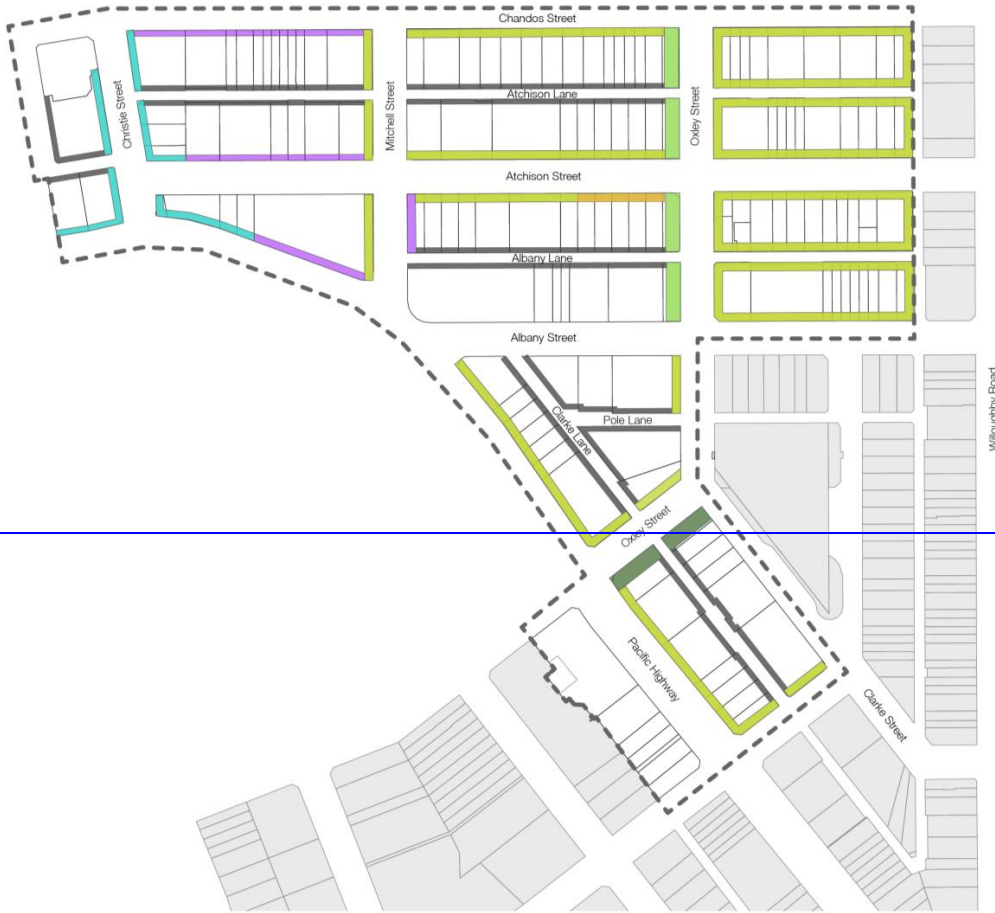
P8 Building alignments and setbacks should also respond to important elements of the nearby context including public spaces and heritage buildings, monuments and landscape elements, in order to complement the streetscape. In some places, this may require greater building setbacks than those specified in Figure C-3.1-3).

~~P5~~P9 Where a whole of building setback is required to the Pacific Highway, Chandos Street, Oxley Street or Mitchell Street, any basement is also required to be setback the same distance, unless it can be adequately demonstrated that sufficient soil depth can be provided to enable the planting of canopy trees capable of growing to at least the height of any adjacent podium.



DRAFT AMENDMENT FOR ADOPTION - North Sydney Development Control Plan 2013

Area Character Statements - St Leonards / Crows Nest Planning Area



- | | | | |
|---|-------------------------------------|---|-------------------------------------|
|  | 3m ground level setback - 2 storeys |  | 3m whole of building setback |
|  | 3m ground level setback - 1 storey |  | 6m whole of building setback |
|  | 1.5m whole of building setback |  | 5m whole of building setback |
| | |  | 6m ground level setback - 2 storeys |

North Sydney Development Control Plan 2013 – **DRAFT AMENDMENT FOR ADOPTION**

Area Character Statements - St Leonards / Crows Nest Planning Area



Figure C-3.1-3: Building Setbacks Map

3.1.3.3.1.3.4 Podiums Heights**Objectives**

- O1** To strengthen the urban form of the Centre with consistent street wall heights.
- O2** To achieve comfortable street environments for pedestrians in terms of daylight, scale, sense of enclosure and wind mitigation as well as a healthy environment for street trees.
- O3** To enhance the distinctive character of streets within the Centre.
- O4** To ensure the context of heritage items are not adversely eroded.

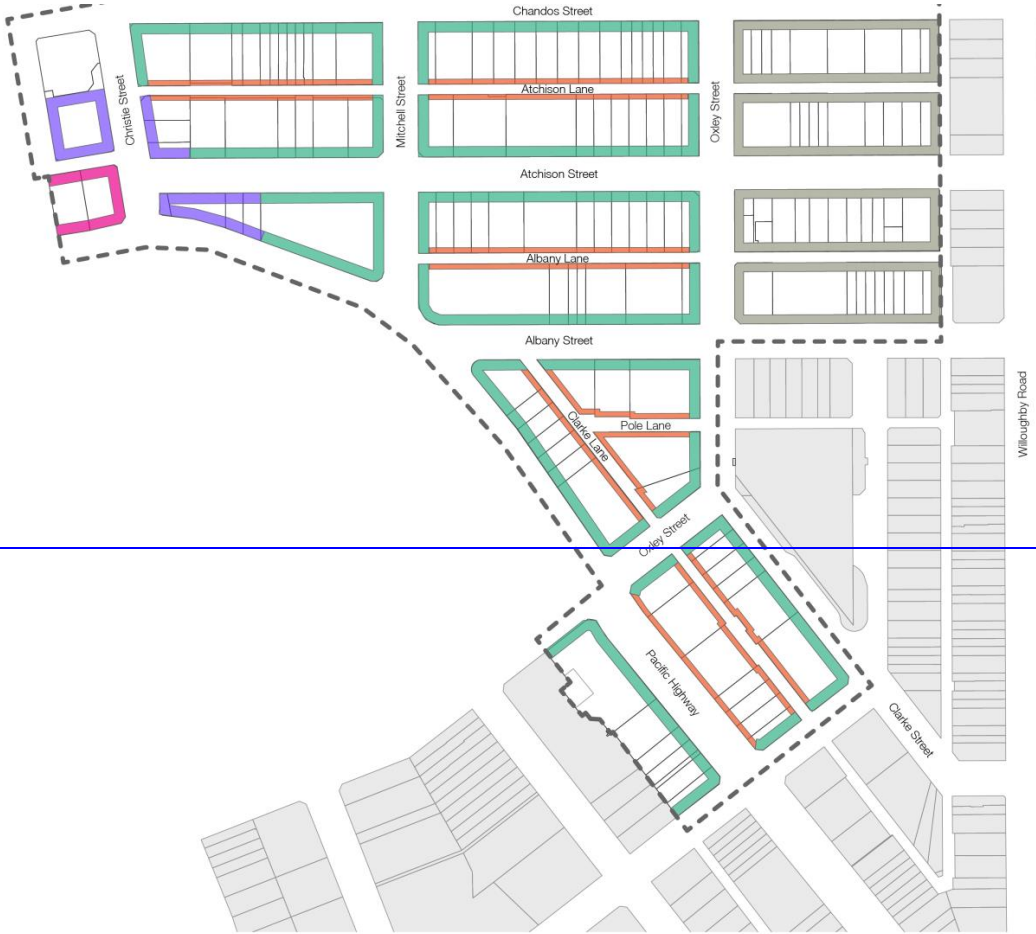
Provisions

- P1** Podiums are to be provided in accordance with the **Building Podium Heights** Map (refer to Figure C-3.1-4).
- P2** Despite **P8**, corner sites are to maintain a consistent podium height to all street frontages to achieve consistent built form.
- P3** Despite **P1**, sites containing a heritage item and where that heritage item is to be retained the existing podium height may be retained.
- P4** Despite **P1** podium heights may be varied to be consistent with the built form envelope approved as part of the approval for the Crows Nest Metro Station and Over Station Development (OSD). However, distinct architectural elements are to be incorporated to reflect the desired podium heights.
- P5** If required, podiums are to step down with the topography.



DRAFT AMENDMENT FOR ADOPTION - North Sydney Development Control Plan 2013

Area Character Statements - St Leonards / Crows Nest Planning Area



- 3 Storey podium
- 4 Storey podium
- 6 Storey podium
- As per adjacent building
- No podium

North Sydney Development Control Plan 2013 – **DRAFT AMENDMENT FOR ADOPTION**

Area Character Statements - St Leonards / Crows Nest Planning Area



Figure C-3.1-43: Building Podium Heights Map

3.1.3.4 3.1.3.5 Above Podium Setbacks**Objectives**

- O1 To protect daylight access to the street level to enable the successful growing of street trees.
- O2 To permit sky views from the street and neighbouring residential areas.
- O3 To ensure that built form achieves comfortable public domain conditions for pedestrians, with adequate daylight, appropriate scale, and mitigation of urban heat and wind effects of tower buildings.
- O4 To reinforce important elements of the local context including public spaces, heritage buildings, monuments and landscape elements.
- O5 To provide adequate privacy, access to light, air and outlook for the occupants of buildings, neighbouring properties and future buildings.
- O6 To ensure towers are sufficiently separated to be seen in the round and reduce the cumulative overshadowing impact of towers on neighbouring residential areas.
- O7 To ensure development does not prejudice the re-development of adjoining sites in the future.
- O8 To avoid awkward ziggurat style built forms

Provisions

- P1 All buildings are to be designed to provide setbacks above the podium in accordance with the Above Podium Setbacks Map (refer to Figure C-3.1-54). Setbacks above the podium are to be measured from the outer wall of the podium.



DRAFT AMENDMENT FOR ADOPTION - North Sydney Development Control Plan 2013

Area Character Statements - St Leonards / Crows Nest Planning Area

P2 A minimum above podium setback to all side and rear boundaries is required as follows:

- (a) 4.5m for buildings up to 8 storeys in height; or
- (b) 6m for buildings from 9 storeys up to 18 storeys in height; or
- (c) 12m for buildings over 18 storeys in height.

P3 Despite P1 and P2, above podium setbacks may be varied to be consistent with the built form envelope approved as part of the approval for the Crows Nest Metro Station and Over Station Development (OSD).

P4 Despite P2, a minimum 15m above podium setback, measured from the property boundary, is required where land zoned B3 Commercial Core or B4 Mixed Use directly adjoins land which is residentially zoned along the zone interface. This requirement does not apply if the land is separated by a public road.

P5 Despite P1-P4, increased setbacks above the podium may be required to achieve adequate building separation in accordance with SEPP 65.

P6 Only one step in the built form between the podium walls and tower is permissible.

P7 An existing adjacent building, even if heritage listed, cannot be used to justify a reduced setback that would compromise the development potential of the adjacent site in the future.

Note. Setbacks are measured to the outer face of any part of the building including balconies, architectural detailing and the like.

C Part

C3-18 Page

North Sydney Development Control Plan 2013 – DRAFT AMENDMENT FOR ADOPTION



Area Character Statements - St Leonards / Crows Nest Planning Area





DRAFT AMENDMENT FOR ADOPTION - North Sydney Development Control Plan 2013

Area Character Statements - St Leonards / Crows Nest Planning Area



Figure C-3.1-54: Above Podium Setbacks Map

3.1.3.6 Active Frontages

Objectives

- O1 To provide for the amenity, interest and liveliness of the street environment and public open spaces.
- O2 To ensure a positive experience for pedestrians with the necessary fine grain environment of the street.
- O3 To enable sensory engagement with the street and public spaces.
- O4 To provide an active ground floor frontage that is accessible and integrated with the design of the public domain.
- O5 To maximise the extent of active frontages in the public domain.
- O6 To promote activity, connectivity and variety in the public domain.
- O7 To increase passive surveillance of the street and other public spaces and enhance safety.

Provisions

- P1 Buildings must contain active frontages to all street frontages with the exceptions of public laneways.
- P2 Despite P1, an active frontage is to be provided to Sergeants Lane along the southern boundary to 100 Christie Street.
- P3 Active frontages to public laneways are encouraged where practical.

C Part

C3-20 Page

North Sydney Development Control Plan 2013 – DRAFT AMENDMENT FOR ADOPTION



Area Character Statements - St Leonards / Crows Nest Planning Area

P4 Where a site has a direct frontage to an existing or proposed open space, an active frontage is to be provided to that interface. In particular, active frontages are to be provided to:

- (a) Christie Street Reserve;
- (b) Mitchell Street, between Chandos Street and Pacific Highway;
- (c) Oxley Street, between Chandos Street and Pacific Highway; and
- (d) Clarke Street, between Oxley Street and Hume Street.

P5 Active frontages are to be provided along both sides of the through site links.

P6 Where a site has multiple street frontages, all service and vehicular access points must not be provided off the primary street frontage.

P7 Fire escapes and service doors must be seamlessly incorporated into the facade with quality materials.

P8 Avoid the use of colonnades along all street frontages.

3.1.3.7 Awnings

Objectives

O1 To maximise pedestrian comfort and continuous protection.

Provisions

P1 Awnings are to be provided along all street frontages in the B3 Commercial Core and B4 Mixed Use zones.

3.1.3.8 Solar access

Objectives

O1 To ensure existing and future parks and public spaces in and around the Centre are afforded a high level of amenity through the maintaining and maximising of solar access during periods in the day when they are most used throughout the year.

O2 To promote active and passive recreation to public spaces to service existing and planned population of the Centre and surrounds.

O3 To ensure the successful growth and survival of trees and vegetation within the parks and public spaces.

Provisions

~~P1 Development to the north of Atchison Street and east of Mitchell Street is restricted in height and massing to maintain and improve existing solar access on June 21 between 12pm and 3pm to the open space area at the south end of Mitchell Street.~~

P1 Development should not increase overshadowing of the existing or proposed public open space area at Hume Street Park bounded by Pole Lane, Oxley Street, Clarke Street and Hume Street between the hours of 9am – 3pm. Development is to be designed to maximise year round solar access to existing and proposed new public spaces to be created within the Planning Area.

P2 Development must not result in a net increase in overshadowing to the following existing and proposed public spaces between 10am and 3pm from the March Equinox to the September Equinox (inclusive):

- (a) Christie Street Reserve, comprising all land within Lots 2 and 3, DP 733528 and zoned RE1 Public Recreation; and
- (b) Hume Street Park, comprising all land located between Pole Lane, Willoughby Road, Clarke Street and Oxley Street and zoned RE1 Public Recreation; and
- (c) Ernest Place, comprising all land within the Ernest Street road reserve located between Willoughby Road and Willoughby Lane and zoned RE1 Public Recreation; and

Part

C

Page

C3-21



DRAFT AMENDMENT FOR ADOPTION - North Sydney Development Control Plan 2013

Area Character Statements - St Leonards / Crows Nest Planning Area

(d) Holtermann Reserve (proposed), comprising that part of Lot 1, DP 785343 and zoned SP2 Infrastructure – Car Park.

P3 Development must not result in a net increase in overshadowing to the following existing and proposed public spaces between 10am and 3pm from the March Equinox to the September Equinox (inclusive):

(a) Willoughby Road road reserve, between Chandos Street and Falcon Street; and

(b) Mitchell Street road reserve and the whole of building setback requirement to the western side of Mitchel Street as required under s.3.1.3.3, between Chandos Street and the Pacific Highway; and

(c) Oxley Street road reserve, and the whole of building setback requirement to the western side of Oxley Street as required under s.3.1.3.3, between Chandos Street and Clarke Street

~~P4~~P4 Despite P2 and P3, development on land located directly adjacent to the identified public spaces may result in a net increase in overshadowing of that space, but only if that development strictly complies with key built form envelope controls that apply to that land under both NSLEP 2013 and this DCP.

3.1.3.9 Noise

Objectives

O1 Ensure adequate amenity to occupants of future development adjacent primary vehicular routes.

Provisions

~~P1~~

P1 Elevations of buildings fronting ~~the~~ Pacific Highway and Chandos Street 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).

Views

~~P2 Slot views to the sky and between higher buildings are to be provided.~~

3.1.3.5 3.1.3.10 R4 – High Density Residential Zone

Note: These provisions only apply to land within the R4 High Density Residential zone. Provisions ~~to s.3.1.3.10~~P17-P28 prevail over the provisions ~~P1-P16~~ under s.3.1.13-s.3.1.3.9 to Part C of the DCP to the extent of any inconsistency that arises.

Objectives

O1 Ensure that development compliments the physical form of development in the adjoining mixed use areas.

O2 Promotion of communal open space areas.

O3 Promotion of casual visual surveillance over the public domain.

Provisions

P1 ~~Generally~~Generally 5 storeys in height, with flat roofs and the topmost storey setback from the levels below.

~~P2 Development compliments the physical form of development in the adjoining mixed use areas.~~

~~P3~~P2 Height of development responds to adjacent building height and form.

~~P4~~P3 Landscaped areas should be accessible to all residents and not fenced off into separate courtyards.

~~P5~~P4 Rear open spaces must be accessible from the street.

~~P6~~P5 Laneway fences generally between 900 and 1200mm high.

C Part

C3-22 Page

North Sydney Development Control Plan 2013 – **DRAFT AMENDMENT FOR ADOPTION****Area Character Statements - St Leonards / Crows Nest Planning Area****3.1.3.11 Car accommodation****Objectives**

O4 To minimise the impact on pedestrian safety.

O5 Ensure that traffic generation is minimised.

O6 To minimise the visual impact of vehicles.

O7 Ensure high levels of accessibility.

Provisions

~~P1~~

P1 Where a property has a frontage to a laneway, vehicular access must be provided from the laneway.

P2 All off-street car parking must be provided underground.

P3 Pick up and drop off points for public transport and taxi ranks should be located close to public spaces and activities, and main building entries.

P4 Short stay (ten minute) parking spaces should be located close to meeting places.

P5 The level of parking provided on sites in close proximity to the railway and metro stations should be minimised as far as practical.

~~P5 The amount of long stay commuter parking is minimised.~~

~~P6 Non-residential parking is minimised.~~



DRAFT AMENDMENT FOR ADOPTION - North Sydney Development Control Plan 2013

Area Character Statements - St Leonards / Crows Nest Planning Area

3.2 CROWS NEST TOWN CENTRE

C Part

C3-24 Page

North Sydney Development Control Plan 2013 – **DRAFT AMENDMENT FOR ADOPTION**

Area Character Statements - St Leonards / Crows Nest Planning Area



Figure C-3.2-1: Locality Area Map



DRAFT AMENDMENT FOR ADOPTION - North Sydney Development Control Plan 2013

Area Character Statements - St Leonards / Crows Nest Planning Area

3.2.1 Significant elements

Land Use

P1 Predominantly retail and mixed commercial and residential development.

~~P1~~P2 Commercial development

~~P2~~P3 Public parking facilities.

~~P3~~P4 Community facilities.

~~P4~~P5 Medium and high density residential accommodation.

~~P5~~P6 Passive and active recreational spaces.

Topography

P7 Slight falls to the east and north east from the Pacific Highway which generally follows the ridgeline.

~~P6~~P8 Substantial fall down from Alexander Street to Alexander Lane south of Falcon Street.

Natural Features

~~P7~~P9 Ridge line following the alignment of Pacific Highway.

Views

~~P8~~P10The following views and vistas are to be preserved and where possible enhanced:

- (a) Vista north along Willoughby Road and Pacific Highway.
- (b) District views from the upper levels of taller buildings.

Identity / Icons

~~P9~~P11Crows Nest Five-ways intersection.

~~P10~~P12 Formalised outdoor dining on Willoughby Road, Burlington, Ernest and Holtermann Streets.

~~P11~~P13 Pacific Highway and Falcon Streets, major sub-arterial thoroughfares.

P14 Crows Nest Metro Station.

P15 Hume Street Park.

~~P12~~P16 Ernest Place, ~~and~~ Crows Nest Community Centre and the proposed Holtermann Street Park.

Subdivision

~~P13~~P17 Regular grid pattern interrupted by diagonal streets.

~~P14~~P18 Generally long narrow allotments with dual street frontages.

Streetscape

~~P15~~P19 In mixed use areas, buildings are generally built to the street and aligned with the street frontage.

~~P16~~P20 Continuous awnings provided for shops, cafes and other commercial uses.

~~P17~~P21 Wide footpaths with designated outdoor dining areas on Willoughby Road, Burlington, Ernest, ~~and~~ Holtermann and Clarke Streets.

~~P18~~P22 Landscaping provided along Willoughby Road to improve amenity for pedestrians and outdoor diners.

~~P19~~P23 Traffic calming and pedestrian crossings provided near shops and cafes on and around Willoughby Road.

C **Part**

C3-26 **Page**

North Sydney Development Control Plan 2013 – DRAFT AMENDMENT FOR ADOPTION**Area Character Statements - St Leonards / Crows Nest Planning Area**

~~P20~~P24 Irregular planting of street trees and shrubs.

Public transport

~~P21~~P25 Development is to take advantage of the Area's high levels of accessibility to public metro, train and bus services.

3.2.2 Desired Future Character**3.2.2.1 Diversity of activities, facilities, opportunities and services**

~~P1~~ Intensify commercial and mixed use development in close proximity to the Metro station and along the Pacific Highway with active uses at the ground floor levels, commercial within the ~~first floor~~ podium levels and residential above.

~~P22~~P2 Maintaining a low scale built form to Willoughby Road, between Falcon Street and Albany Street, ~~and Pacific Highway, between Shirley Road and Hume Street,~~ with two storey parapet shopfronts with shops at ground level, non-residential or residential above, with additional height set back above a 2 storey parapet.

~~P23~~P3 Predominantly ~~Remainder of the Centre~~ medium ~~to low rise~~ rise, mixed use development, built boundary to boundary, with setbacks ~~at~~ to laneways, ~~public spaces~~ and above the podium, with shops at ground level, non-residential/residential on first floor, and residential above.

~~P24~~P4 Medium density residential development along Falcon Street, consistent with its residential zoning.

~~P5~~ Expansion of Hume Street Park ~~K~~ to provide ~~Provision of~~ a large connected piece of open space connecting Willoughby Road to Oxley Street.

~~P25~~P6 Provision of a new public open space off Holtermann Street and backing onto the Crows Nest Community Centre.

3.2.2.2 Accessibility and permeability**Objectives**

O1 Improve permeability and provide connections to main pedestrian and cycling networks, key destinations and residential areas.

O2 Ensure that the design of through site links and mid-block connections is high quality, safe, well-lit, accessible and pedestrian friendly.

O3 Encourage walking and cycling as part of the broader street network to promote community interaction, better health outcomes and reduce vehicle movements.

O4 Encourage active frontages along through site link without compromising safe pedestrian access and use.

O5 Ensure that any proposed privately owned lanes have a fully public nature equivalent to the public domain.

Provisions

P1 Provide, retain and enhance through site links for pedestrians identified on the Through Site Link Map (refer to Figure 3.2-2). ~~Pedestrian access from Willoughby Road to through to Alexander and Hume Streets, improves access to the Council car parks.~~

P2 New through site links are to align as best as possible with existing through site links to maximise permeability.

P3 Through site links that are proposed in addition to those identified under P1 must demonstrate that it meets the objectives and provisions of this subsection.

P4 Through site links are to be provided in accordance with Section 2.4.9 to Part B of the DCP and the following criteria:

(a) The design and finish must be in accordance with the relevant Public Domain Strategy.



DRAFT AMENDMENT FOR ADOPTION - North Sydney Development Control Plan 2013

Area Character Statements - St Leonards / Crows Nest Planning Area

- (b) Include landscaping where practical to assist guiding people along the link while maintaining long sightlines.
- (c) Be fully open to the sky. Internal through site links will only be considered where they are provided with double height spaces to convey a sense of publicness.
- (d) Provide public access 24 hours a day 7 days a week.
- (e) Be activated on both sides of the link.
- (f) Be clearly distinguished from vehicular accessways.

C

Part

C3-28

Page

North Sydney Development Control Plan 2013 – DRAFT AMENDMENT FOR ADOPTION

Area Character Statements - St Leonards / Crows Nest Planning Area



Figure C-3.2-2: Through Site Link Map



DRAFT AMENDMENT FOR ADOPTION - North Sydney Development Control Plan 2013

Area Character Statements - St Leonards / Crows Nest Planning Area

3.2.2.3 Public spaces and facilities

Objectives

- O1 To increase the quantum of public open space in the locality.
O2 To ensure public spaces are enhanced to maximise their amenity.

Provisions

- P1 Maintain Willoughby Road as the civic main street of the Town Centre by:
- (a) ensuring that the design of building exteriors at the lower levels incorporate high levels of architectural modulation (i.e. no blank walls) along with high quality materials and finishes;
 - (b) maximising active uses such as retail, food and drink and outdoor dining at the ground level;
 - (c) seamlessly integrating with adjoining and neighbouring public open spaces; and
 - (d) improving the public domain in accordance with Council's Public Domain Style Manual and Design Codes.
- P2 Hume Street Park is expanded to provide the principle public open space area within the St Leonards / Crows Nest locality, generally located on land bound by Pole Lane, Oxley Street, Clarke Street and Hume Streets, with an integrated connection through to Willoughby Road.
- ~~P2~~P3 Ernest Place provides is a localised strong community focus for the Town Centre.
- ~~P3~~A significant urban park (Hume Street Park) is provided on land bound by Pole Lane, Oxley Street, Clarke Street and Hume Street.
- ~~P4~~A public plaza with a pedestrian link to Willoughby Road is provided between Hume Street and Hume Lane adjacent to Hume Street Park. Creation of a new park off Holtermann Street adjacent to the Crows Nest Community Centre will provide additional public open space with excellent year-round sunlight.
- ~~P4~~P5 Ensure that community facilities are integrated with public open spaces to maximise their use.

3.2.3 Desired Built Form

3.2.3.1 Subdivision

Objectives

- O1 To enable the development of feasible built forms which also incorporate suitable side and rear setbacks at the upper levels to afford daylight and ventilation between buildings.

Provisions

- P1 Maintain a frontage of 20m - 40m along the Pacific Highway, which generally equates approximately to the amalgamation of two or three original allotments.
- ~~P5~~P2 Maintain a 10m - 15m frontage in the remainder of the Locality Area (except residentially zoned land) (consistent with two storey parapet shopfront scale), especially along Willoughby Road and Alexander Street.
- P3 Development on consolidated allotments with a frontage wider than that identified in P1 or P2 is to be broken down by articulation, design and detailing, change in materials and colours. Frontages of sites larger than this have their apparent width broken down with detailing and design features.

C Part

C3-30 Page

North Sydney Development Control Plan 2013 – DRAFT AMENDMENT FOR ADOPTION**Area Character Statements - St Leonards / Crows Nest Planning Area****3.2.3.2 Form, massing and scale****Objectives**

- O1 To ensure that density and scale is concentrated close to the metro station and along the Pacific Highway.
- O2 To ensure a positive transition in height and scale down from tall towers to neighbouring and adjoining lower density areas.
- O3 To enable the lower levels of buildings to be converted between retail, commercial and community uses over time.
- O4 To increase amenity for the occupants of buildings by providing direct access to sunlight, daylight and natural ventilation.
- O5 To maximise year round solar access to existing and new public spaces to be created within the Planning Area.

Provisions

- P1 Buildings should generally transition in height from the Crows Nest Metro Station and Pacific Highway down to the surrounding areas and the lower scale development within the Crows Nest Town Centre, the Upper Slopes Neighbourhood and Crows Nest Neighbourhood.
- P2 Roof design presents a varied, composed and interesting skyline when viewed from a regional context.
- P3 Architectural detailing and ornamentation provides a rich visual texture and a symbolic reference to the history of the place, the building's use or occupant.
- P4 Consistent parapet facade heights are provided along Willoughby Road and the Pacific Highway.
- P5 Developments on land greater than 1,000sqm should consider the incorporation of internal courtyards adjacent to laneways and through site links to broaden the range and form of open space in the locality.
- P6 Development is to be designed to maximise year round solar access to existing and the new public spaces to be created within the Planning Area.
- P7 Tower elements located above the podium level should not exceed 45m in width, unless it can be adequately demonstrated that sufficient physical vertical articulation can be provided to break the tower elevation into two distinct elements.
- P8 Minimum floor to floor heights on land zoned B3 Commercial Core or B4 Mixed Use must be provided:
- (a) Ground floor level: 4.0 – 4.5m
- (b) First floor level: 3.6m
- (c) Levels above: 3.0m (residential uses) or 3.6m (non-residential uses)
- P9 Residential floor to floor heights should generally not exceed 3.2m, except on the first floor level in accordance with P7 above.
- P6P10 Rooftop plant and structures should be designed and positioned to comprise a minor element of the roofscape and minimise any increases to the building's overall overshadowing impacts.

3.2.3.3 Setbacks**Objectives**

- O1 Reinforce the spatial definition of streets and public spaces.
- O2 Emphasise the street as a distinct spatial entity and design the street wall frontage with an appropriate human scale and sense of enclosure for the street.
- O3 Ensure consistent street frontages along the street alignment.

Part**C****Page****C3-31**



DRAFT AMENDMENT FOR ADOPTION - North Sydney Development Control Plan 2013

Area Character Statements - St Leonards / Crows Nest Planning Area

O4 Recognise the variation in street frontage heights throughout the centre and allow flexibility to respond to context.

O5 Ensure adequate transition in scale between employment zones and residential zones.

Provisions

Note. Additional setbacks may be required for any part of the building located above the podium level. Refer to Section 3.2.3.5.

P1—Zero setback to all street frontages

P1 ~~A 1.5m setback to all laneways.~~ Buildings are to be setback from all street frontages in accordance with the Building Setbacks Map (refer to Figure C-3.2-3). Where a street setback is not indicated on the Buildings Setback Map, setbacks are to be in accordance with:

(a) Section 1.4.67 to Part B of the DCP for land zoned R3 Medium Density Residential; or

(b) Section 3.2.5 to Part C of the DCP for land zoned R4 High Density Residential.

P2 A nil setback is permitted to all side and rear boundaries without a street frontage on land zoned B3 Commercial Core or B4 Mixed Use.

P3 Despite P2, a minimum 6m setback is required where land zoned B3 Commercial Core or B4 Mixed Use directly adjoins land which is residentially zoned along the zone interface. This requirement does not apply if the land is separated by a public road.

P4 Side and rear setbacks on residentially zoned land are required to be setback in accordance with Section 1.4.6 to Part B of the DCP.

P5 Despite P1 and P2, setbacks may be varied to be consistent with the built form envelope approved as part of the approval for the Crows Nest Metro Station and Over Station Development (OSD).

P6 Despite P1-P4, where a site contains a heritage item and that item is to be retained, the heritage item may maintain its existing setback.

P7 Despite P1-P4, increased setbacks may be required for the podium levels contain residential uses to achieve adequate building separation in accordance with SEPP 65.

P8 Building alignments and setbacks should also respond to important elements of the nearby context including public spaces and heritage buildings, monuments and landscape elements, in order to complement the streetscape. In some places, this may require greater building setbacks than those specified in Figure C-3.2-3).

C Part

C3-32 Page

North Sydney Development Control Plan 2013 – **DRAFT AMENDMENT FOR ADOPTION**

Area Character Statements - St Leonards / Crows Nest Planning Area



Figure C-3.2-3: Building Setbacks Map



DRAFT AMENDMENT FOR ADOPTION - North Sydney Development Control Plan 2013

Area Character Statements - St Leonards / Crows Nest Planning Area

3.2.3.4 Podiums Heights

Objectives

- O1 To strengthen the urban form of the Centre with consistent street wall heights.
- O2 To achieve comfortable street environments for pedestrians in terms of daylight, scale, sense of enclosure and wind mitigation as well as a healthy environment for street trees.
- O3 To enhance the distinctive character of streets within the Centre.
- O4 To ensure the context of heritage items are not adversely eroded.

Provisions

- P1 Podiums are to be provided to in accordance with the Building Podium Heights Map (refer to Figure C-3.2-4). A podium of 13m (4 storey) to all streets with a setback of 3m above the podium level, with the following exceptions:
- (a) A podium of 13m (4 storey) with a weighted average setback of 4m above the podium level to:
- P1 the northern, eastern and southern frontages of the street blocks bounded by Falcon Street, Alexander Street, Holtermann Street and Willoughby Lane, and
- (i) the triangular street block bounded by Falcon Street, Alexander Street and the Pacific Highway.
- (a) A podium of 8.5m (2 storey) with a setback of 3m above the podium to:
- P2 Willoughby Road, between Falcon Street and Albany Street, and
- (ii) Pacific Highway, between Shirley Road and Hume Street
- (a) A podium of 10m (3 storeys) to all laneways, with a setback of 3m above the podium.
- P2 Despite P1, corner sites are to maintain a consistent podium height to all street frontages to achieve consistent built form.
- P3 Despite P1, sites containing a heritage item and where that heritage item is to be retained the existing podium height may be retained.
- P4 Despite P1 podium heights may be varied to be consistent with the built form envelope approved as part of the approval for the Crows Nest Metro Station and Over Station Development (OSD). However, distinct architectural elements are to be incorporated to reflect the desired podium heights.
- P5 If required, podiums are to step down with the topography.

C Part

C3-34 Page

North Sydney Development Control Plan 2013 – DRAFT AMENDMENT FOR ADOPTION

Area Character Statements - St Leonards / Crows Nest Planning Area





DRAFT AMENDMENT FOR ADOPTION - North Sydney Development Control Plan 2013

Area Character Statements - St Leonards / Crows Nest Planning Area



Figure C-3.2-4: Podium Heights Map

North Sydney Development Control Plan 2013 – DRAFT AMENDMENT FOR ADOPTION**Area Character Statements - St Leonards / Crows Nest Planning Area****3.2.3.5 Above Podium Setbacks****Objectives**

- O1 To protect daylight access at street level and permit views of sky from the street by providing setbacks above the podium that promote separation between buildings and assist in mitigating urban heat.
- O2 To ensure that built form achieves comfortable public domain conditions for pedestrians, with adequate daylight, appropriate scale, and mitigation of urban heat and wind effects of tower buildings.
- O3 To reinforce important elements of the local context including public spaces, heritage buildings, monuments and landscape elements.
- O4 To provide adequate privacy, access to light, air and outlook for the occupants of buildings, neighbouring properties and future buildings.
- O5 To ensure towers are sufficiently separated to be seen in the round and reduce the cumulative overshadowing impact of towers on neighbouring residential areas.
- O6 To ensure development does not prejudice the re-development of adjoining sites in the future.
- O7 To avoid awkward ziggurat style built form outcomes.

Provisions

- P1 All buildings are to be designed to provide setbacks above the podium in accordance with the Above Podium Setbacks Map (refer to Figure C-3.2-5). Setbacks above the podium are to be measured from the outer wall of the podium.
- P2 A minimum above podium setback to all side and rear boundaries is required as follows:
- (a) 4.5m for buildings up to 8 storeys in height; or
- (b) 6m for buildings from 9 storeys up to 18 storeys in height; or
- (c) 12m for buildings over 18 storeys in height.
- P3 Despite P1 and P2, above podium setbacks may be varied to be consistent with the built form envelope approved as part of the approval for the Crows Nest Metro Station and Over Station Development (OSD).
- P4 Despite P2, the following minimum above podium setbacks, measured from the property boundary, is required where land zoned B3 Commercial Core or B4 Mixed Use directly adjoins land which is residentially zoned along the zone interface.
- (a) 12m for buildings up to 8 storeys in height; or
- (b) 15m for buildings over 8 storeys in height.
- This requirement does not apply if the land is separated by a public road.
- P5 Despite P1, P2 and P3, increased setbacks above the podium may be required to achieve adequate building separation in accordance with SEPP 65.
- P6 Only one step in the built form between the podium walls and tower is permissible.
- P7 An existing adjacent building, even if heritage listed, cannot be used to justify a reduced setback that would compromise the development potential of the adjacent site in the future.

Note. Above podium setbacks are measured to the outer face of any part of the building including balconies, architectural detailing and the like.



DRAFT AMENDMENT FOR ADOPTION - North Sydney Development Control Plan 2013

Area Character Statements - St Leonards / Crows Nest Planning Area



North Sydney Development Control Plan 2013 – **DRAFT AMENDMENT FOR ADOPTION**

Area Character Statements - St Leonards / Crows Nest Planning Area



Figure C-3.2-5: Above Podium Setbacks Map



DRAFT AMENDMENT FOR ADOPTION - North Sydney Development Control Plan 2013

Area Character Statements - St Leonards / Crows Nest Planning Area

3.2.3.6 Active Frontages

Objectives

- O1 To provide for the amenity, interest and liveliness of the street environment and public open spaces.
- O2 To ensure a positive experience for pedestrians with the necessary fine grain environment of the street.
- O3 To enable sensory engagement with the street and public spaces.
- O4 To provide an active ground floor frontage that is accessible and integrated with the design of the public domain.
- O5 To maximise the extent of active frontages in the public domain.
- O6 To promote activity, connectivity and variety in the public domain.
- O7 To increase passive surveillance of the street and other public spaces and enhance safety.

Provisions

- P1 Buildings must contain active frontages to all street frontages, with the exceptions of public laneways.
- P2 Where a site has a direct frontage to an existing or proposed open space, an active frontage is to be provided to that interface. In particular, active frontages are to be provided to:
- (a) Hume Street Park, including the link between Willoughby Road and Hume Street;
- (b) Ernest Place, between Willoughby Road and Willoughby Lane; and
- (c) Holtermann Reserve (proposed).
- P3 Active frontages are to be provided along both sides of through site links.
- P4 Active frontages to public laneways are encouraged where practical but not where they do not have an interface with residentially zoned land.
- P5 Where a site has multiple street frontages, all service and vehicular access points must not be provided off the primary street frontage.
- P6 Fire escapes and service doors must be seamlessly incorporated into the facade with quality materials.
- P7 Avoid the use of colonnades along all street frontages.

3.2.3.7 Solar access

Objectives

- O1 To ensure existing and future parks and public spaces in and around the Centre are afforded a high level of amenity through the maintaining and maximising of solar access during periods in the day when they are most used throughout the year.
- O2 To promote active and passive recreation to public spaces to service existing and planned population of the Centre and surrounds.
- O3 To ensure the successful growth and survival of trees and vegetation within the parks and public spaces.

Provisions

- P1 Development is to be designed to maximise year round solar access to existing and proposed new public spaces to be created within the Planning Area.
- P2 Development must not result in a net increase in overshadowing to the following existing and proposed public spaces between 10am and 3pm from the March Equinox to the September Equinox (inclusive):

C Part

C3-40 Page

North Sydney Development Control Plan 2013 – DRAFT AMENDMENT FOR ADOPTION



Area Character Statements - St Leonards / Crows Nest Planning Area

- (a) Hume Street Park, comprising all land located between Pole Lane, Willoughby Road, Clarke Street and Oxley Street and zoned RE1 Public Recreation; and
- (b) Ernest Place, comprising all land within the Ernest Street road reserve located between Willoughby Road and Willoughby Lane and zoned RE1 Public Recreation; and
- (c) Holtermann Reserve (proposed), comprising that part of Lot 1, DP 785343 and zoned SP2 Infrastructure – Car Park.

P3 Development must not result in a net increase in overshadowing to the Willoughby Road road reserve, between Chandos Street and Falcon Street between 10am and 3pm from the March Equinox to the September Equinox (inclusive).

P4 Despite P2 and P3, development on land located directly adjacent to the identified public spaces may result in a net increase in overshadowing of that space, but only if that development strictly complies with relevant built form envelope controls that apply to that land under both NSLEP 2013 and this DCP.

Building design

~~P3 Consistent parapet facade heights are provided along Willoughby Road and the Pacific Highway.~~

~~P4 Off-street car parking must be provided underground except when owned and operated by Council as a public car park.~~

Noise

~~P5 Elevations of buildings fronting Falcon Street and Pacific Highway 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).~~

3.2.3.8 Awnings

Objectives

O1 To maximise pedestrian comfort and continuous protection.

Provisions

P1 Awnings must be provided to all street frontages on land zoned B3 Commercial Core and B4 Mixed Use, except laneways.

3.2.3.9 Car accommodation

Objectives

O1 To minimise the impact on pedestrian safety.

O2 Ensure that traffic generation is minimised.

O3 To minimise the visual impact of vehicles.

O4 Ensure high levels of accessibility.

Provisions

P1 Where a property has a frontage to a laneway, vehicular access must be made from the laneway.

P2 No vehicular access is permitted to:

(a) Willoughby Road, ~~between Falcon Street and Albany Street, and~~

~~(b) Pacific Highway, between Shirley Road and Hume Street, or~~

~~(b)(c) Falcon Street.~~

P3 Shared vehicular access to Shirley Road must be maintained to all properties between 286 and 306 Pacific Highway.

Part

C

Page

C3-41



DRAFT AMENDMENT FOR ADOPTION - North Sydney Development Control Plan 2013

Area Character Statements - St Leonards / Crows Nest Planning Area

P4 All off-street car parking must be provided underground, except when owned and operated by Council as a public car park.

P3P5 The level of parking provided on sites in close proximity to the metro station should be minimised as far as practical.

3.2.4 Hume Street Park

Plan of Management

- P1 Development is not permitted on the Hume Street Park site:
- (a) until a Plan of Management has been prepared for the site; and
 - (b) the development is consistent with the Plan of Management.

Diversity

- P2 The principal purpose is to provide a large recreational area and urban plaza with a variety of community, recreational and business purposes provided below ground level.

Form, massing and scale

- P3 Development is predominately located below ground, to ensure that the land is highly accessible for pedestrians and can be actively used as a recreational space and urban plaza.
- P4 Any development located above ground shall not exceed 1 storey in height.

3.2.5 27-57 Falcon Street

3.2.5.1 Desired Future Character, Design Objectives and Key Principles

- P1 Development is to respond to the scale and character of the existing development and desired future character of the surrounding area.
- P2 Built form, scale and massing is to transition in scale across the site from a mixed use, higher density typology in the western portion reflective of the Crows Nest Town Centre to a lower to medium density residential typology on the eastern portion.
- P3 Development should balance the provision of new residential flat buildings within a Town Centre, while maintaining a reasonable level of amenity, privacy and solar access for low density neighbouring residents on Alexander Lane, Falcon Street and in the Hayberry Conservation Area.
- P4 A mixed-use typology with medium rise residential flat buildings built to the boundary with commercial on ground level at the corner of Falcon Street and Alexander Lane. A residential typology to the eastern part of the site along Falcon Street setback from the street, with multi dwelling housing fronting Hayberry Lane to respond to the existing scale of the Hayberry Conservation Area.
- P5 Built form to transition to the existing lower scale development in the Hayberry Conservation Area.
- P6 Road widening along Alexander Lane with pedestrian amenity and road widening with a landscaped response and pedestrian amenity to Hayberry Lane.
- P7 Vehicular access from Alexander Lane with two-way access from / to Falcon Street.
- P8 A secure pedestrian through site link between Falcon Street and Hayberry Lane.

3.2.5.2 Desired Built Form

Objectives

- O1 To provide for increased opportunity for height and density in the growing Crows Nest Town Centre, close to public transport and services.

C **Part**

C3-42 **Page**

North Sydney Development Control Plan 2013 – DRAFT AMENDMENT FOR ADOPTION**Area Character Statements - St Leonards / Crows Nest Planning Area**

- O2 Building envelopes are to respond to the site's surrounding context which transitions in character from the Crows Nest Town Centre to the lower scale Heritage Conservation Area on Hayberry Street.
- O3 To achieve appropriate separation distances between existing and proposed buildings and ensure reasonable privacy and solar access is maintained to surrounding dwellings, mindful of the need for renewal at the site.
- O4 To ensure appropriate building lengths, a variety of building facades and a 'fine-grain' response to the public domain.

Provisions**Building Height**

- P1 Buildings must not exceed the maximum height in storeys as shown on the Site Layout Plan at Figure C-3.5 and the following provisions:
- (a) Building A - a maximum height of 6 storeys and stepping down in height to a maximum of 3 storeys at the Hayberry Lane frontage.
 - (b) Building B - a maximum height of 6 storeys and stepping down in height to a maximum of 2-3 storeys at the Hayberry Lane frontage.
 - (c) Building C - a maximum height of 4 storeys.
 - (d) Building D - a maximum height of 3 storeys with a maximum 2 storey presentation to Hayberry Lane, with the third storey generally accommodated within the roof form.
- P2 NSLEP 2013 may allow minor exceedances of the maximum heights stipulated on the Height of Buildings Map where it relates to plant and lift overruns only.

Street and Side Setbacks

- P3 Building setbacks must, at a minimum, comply with the setbacks shown on the Site Layout Plan at Figure C-3.5 and the following provisions:
- (a) The following minimum setbacks are required to Falcon Street:
 - (i) Building A - 0m.
 - (ii) Building B - 0m.
 - (iii) Building C - 2m.
 - (b) The following minimum setbacks are required to Hayberry Lane:
 - (i) Building A - 3m
 - (ii) Building B - 3m.
 - (iii) Building D - 1.5m.
 - (c) The following minimum side setbacks are required to 56-63 Falcon Street:
 - (i) Building C - 4.5m.
 - (ii) Building D - 1.5m.
 - (d) Building A is to be setback a minimum of 6m from the existing centreline of Alexander Lane.

3.2.5.3 Residential Apartment Building Design**Objectives**

- ~~O1—Ensure that the residential apartment buildings consider and are consistent with the nine design quality principles within SEPP 65—Design Quality of Residential Apartment Development.~~

Part**C****Page****C3-43**



DRAFT AMENDMENT FOR ADOPTION - North Sydney Development Control Plan 2013

Area Character Statements - St Leonards / Crows Nest Planning Area

Provisions

~~P1—The residential apartment building design is subject to the requirements of *SEPP 65—Design Quality of Residential Apartment Development* including the *Design Quality Principles* and the *Apartment Design Guide*.~~

~~3.2.5.4~~**3.2.5.3** **Site Coverage**

Objectives

- O1 To ensure that development is balanced and in keeping with the optimum capacity of the site acknowledging its unique size and location within the Crows Nest Town Centre at the interface between business and residential zones that accommodates a mix of building typologies.
- O2 To achieve appropriate building envelopes that ensure the development responds to its surrounding context and provides appropriate open space and landscaped area for residents and visitors.

Provisions

- P1 The maximum site coverage for this site is 65%.
- P2 For the purposes of P1, site coverage is to be determined in accordance with P2 to S.1.5.5 to Part B of the DCP.

~~3.2.5.5~~**3.2.5.4** **Communal Open Space**

Objectives

- O1 To provide high quality communal open space at ground level and on buildings with a reasonable level of outdoor amenity without reducing privacy to neighbouring dwellings.
- O2 To provide a level of communal open space commensurate with *Apartment Design Guidelines* that is mindful of the site's unique location and building typologies.
- O3 To ensure communal open space is useable.

Provisions

- P1 Communal open space is provided in the locations shown on the Site Layout Plan at Figure C-3.5.
- P2 Communal open space can be provided on the Building B rooftop only if the space is designed such that there is no potential for overlooking into private open space and its location will not create any noise issues for surrounding dwellings.

~~3.2.5.6~~**3.2.5.5** **Landscaped Area**

Objectives

- O4 To ensure that landscaping is used to provide appropriate amenity for development and soften the appearance of buildings and their interface with the neighbouring dwellings and the public domain.
- O5 To provide a level of landscaped area commensurate with *Apartment Design Guidelines* that is mindful of the site's unique location and building typologies.

Provisions

- P1 The minimum landscaped area for the site is 20%.
- P2 For the purposes of P1, landscaped area is to be determined in accordance with P2 to S.1.5.6 to Part B of the DCP.

~~3.2.5.7~~**3.2.5.6** **Traffic, Access and Parking**

Objectives

- O1 To regulate traffic movements and reduce congestion on Falcon Street.
- O2 To ensure that vehicular access is safe for motorists and pedestrians.

C Part

C3-44 Page

North Sydney Development Control Plan 2013 – DRAFT AMENDMENT FOR ADOPTION**Area Character Statements - St Leonards / Crows Nest Planning Area**

- O3 To facilitate road widening along Alexander Lane.
- O4 To facilitate road widening and the provision of a shared way along Hayberry Street.
- O5 To create a safe, accessible and shared laneway network.
- O6 To provide appropriate amount of basement parking spaces for residents, visitors and staff.

Provisions

- P1 Vehicular access to the site must be from Alexander Lane and be located as far as practicable from Falcon Street.
- P2 To facilitate vehicular access from Hayberry Lane, Alexander Lane is to be widened to allow for the provision of two-way traffic between Falcon Street and Hayberry Lane.
- P3 Provide on-site parking, including visitor parking at the maximum rates stated Table C-3.1.

TABLE C-3.1: Parking Rates		
Development type		Maximum Parking Rate
Residential accommodation	Studio / 1 bedroom	0.5 space / dwelling
	2 or more bedrooms	1.0 space/dwg 0
	Visitor	0.25 space/dwg
Non-residential development		1/60sqm of non-residential GFA

- P4 On-site car parking provision significantly below maximum rates specified in Table C-3.1 will only be considered if the proposed development has good access to public transport due to the impact that unmet on-site parking demand may have on surrounding residential streets, if viable alternative transport modes are not available.



DRAFT AMENDMENT FOR ADOPTION - North Sydney Development Control Plan 2013

Area Character Statements - St Leonards / Crows Nest Planning Area



Figure C-3.5: Site Layout Plan

C	Part
C3-46	Page

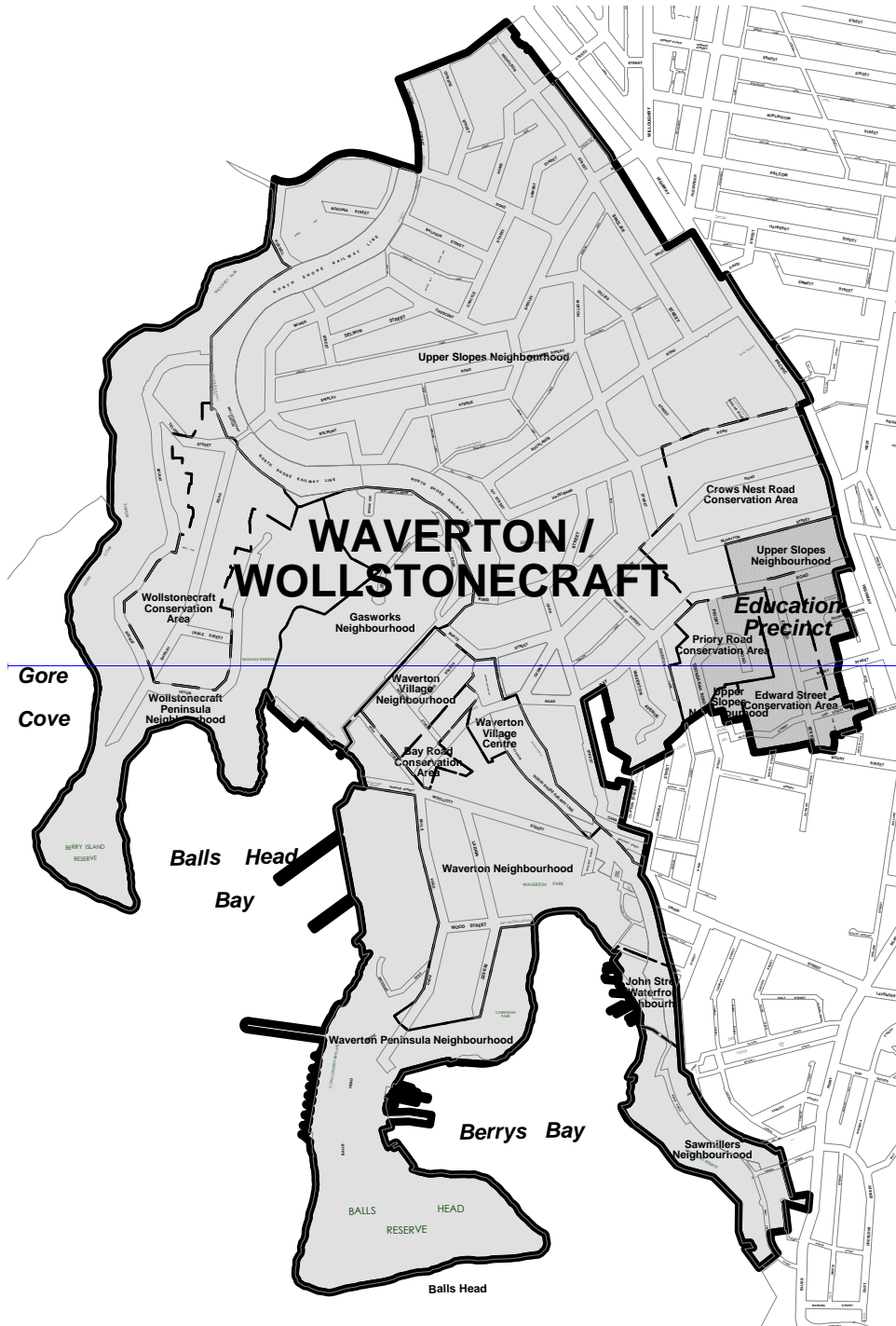


**SECTION 10 WAVERTON / WOLLSTONECRAFT
 PLANNING AREA**



DRAFT AMENDMENT FOR ADOPTION - North Sydney Development Control Plan 2013

Area Character Statements - Waverton / Wollstonecraft Planning Area



C	Part
C10-2	Page

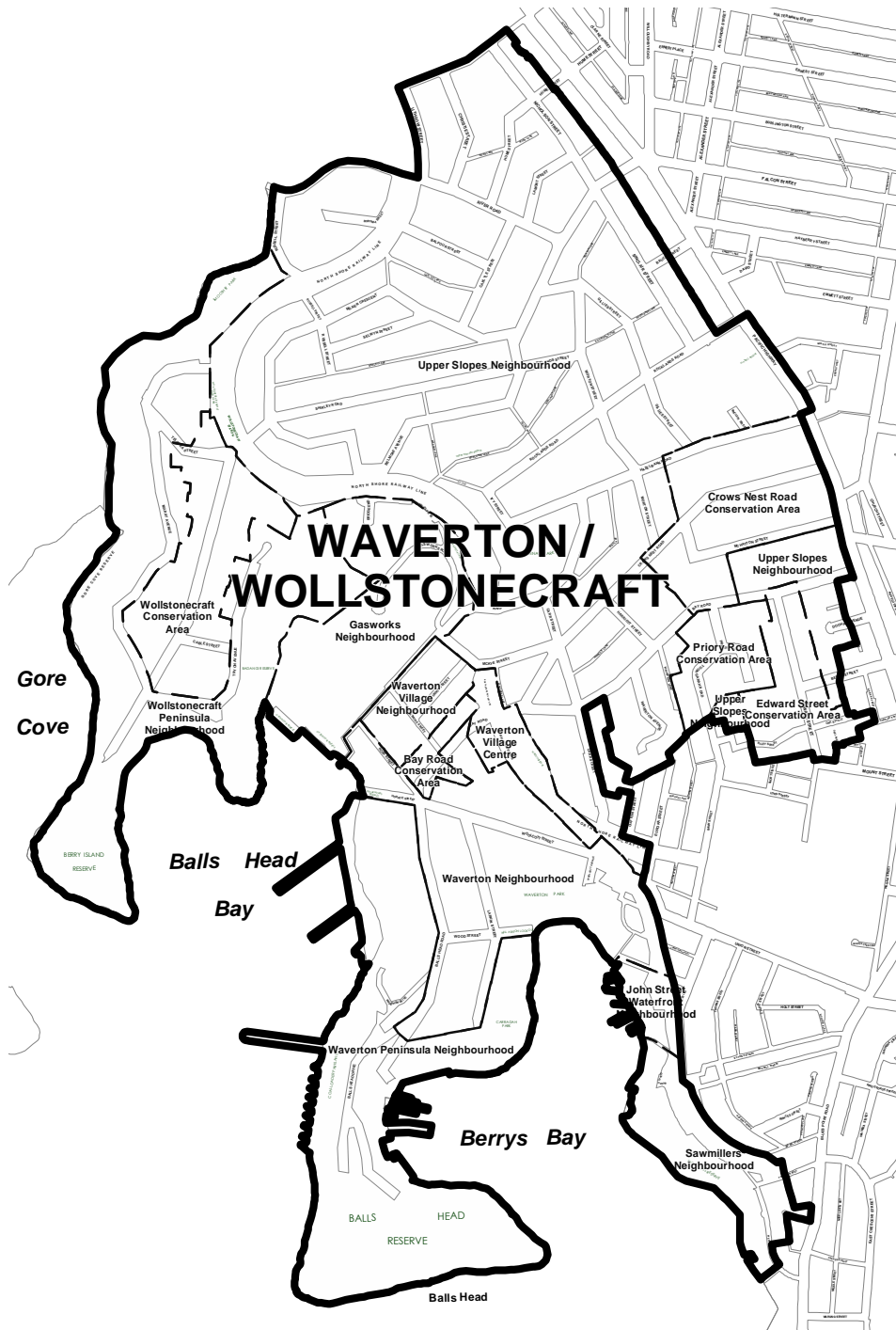


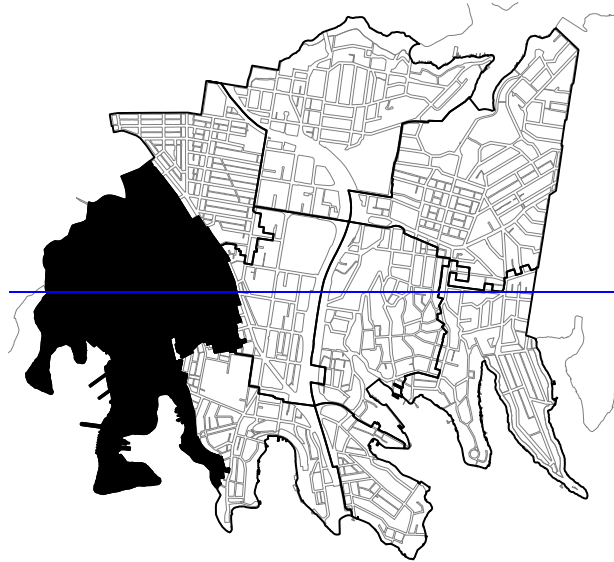
Figure C-10.1: Waverton / Wollstonecraft Planning Area and associated Locality Areas



DRAFT AMENDMENT FOR ADOPTION - North Sydney Development Control Plan 2013

Area Character Statements - Waverton / Wollstonecraft Planning Area

10.0 WAVERTON / WOLLSTONECRAFT PLANNING AREA CHARACTER STATEMENT



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

The Planning Area generally comprises a diverse residential neighbourhood ranging from low density residential development adjacent to the foreshore areas of Sydney Harbour to high density residential development generally on the upper slopes and in close proximity to railway stations. The suburbs of Waverton and Wollstonecraft essentially align with the two

North Sydney Development Control Plan 2013 - DRAFT AMENDMENT FOR ADOPTION**Area Character Statements - Waverton / Wollstonecraft Planning Area**

ridges/peninsulas that project out into Sydney Harbour. The Area is also physically divided by the North Shore Railway line. Both neighbourhoods are in a pleasant setting, as a result of buildings being setback from boundaries, onsite landscaping, street trees and strong links to Sydney Harbour.

A large portion of the Education Precinct is located in the Planning Area, which consists of landmark educational establishments such as the Australian Catholic University (ACU), the Sydney Church of England Grammar School (Shore) and North Sydney Demonstration School and supports a growing student population and workforce of teaching and support staff.

The foreshores of the Planning Area are generally protected from development by recreational and bushland buffers, with the minor exception of maritime industrial activities which are reliant on a land-water interface.

Development within the Planning Area, should result in:

- residential growth being provided in accordance with Council's Residential Development Strategy, predominantly comprising attached dwellings, multi dwelling housing and residential flat buildings in the appropriate zones
- redevelopment of sites respects the existing built form and maintains the character of the area. This includes any alterations and additions to existing buildings
- a wide range of residential types being distributed in a number of distinctive built forms and landscape areas, including purpose built student accommodation to support the functioning of the Education Precinct.
- local shops cater to the local community and are balanced between basic needs of food and grocery, and social needs- such as cafes and galleries
- a vibrant and engaging Education Precinct with safe pedestrian networks, high quality built form and a range of formal and informal public spaces for students to study, socialise and engage with the local community.
- future maritime uses having a minimal impact on residential amenity
- features contributing to local identity are promoted and conserved

and where,

Function

- a community centre being provided in an accessible location in the Waverton Neighbourhood, provides a meeting place for the local community and is part of North Sydney's network of community and cultural centres
- a limited number of non-residential uses such as maritime industrial, defence, hospital and educational establishments coexist peacefully with the residential character without adverse effect
- large areas of open space are used by local residents and the wider regional population for a variety of social and recreational needs
- comfortable and safe pedestrian routes are maintained and extended to achieve a continuous route from Smoothey Park to Waverton Park and on to McMahons Point
- public transport, cycling and walking are the preferred means of transport
- through traffic is discouraged from using the already overloaded road network and commuter parking managed through parking schemes

Environmental Criteria

- the remaining natural foreshores and water courses are conserved and protected, and pedestrian access to these is extended and improved



DRAFT AMENDMENT FOR ADOPTION - North Sydney Development Control Plan 2013

Area Character Statements - Waverton / Wollstonecraft Planning Area

- bushland is protected from the adverse effects of development – such as stormwater runoff, spread of introduced plants and weeds, and visual impact of structures
- use of local flora extends habitats for native birds and other fauna
- mechanical noise and other industrial noise is controlled, to protect the ambience of natural features

Quality Built Form

- any development reflects and reinforces the existing distinctive built form/landscape areas and distribution of accommodation types
- cohesiveness is achieved in the area and through landscaping and street tree planting
- development in foreshore areas is carefully designed to consider the existing topography and not disrupt views from neighbouring properties
- significant views from lookouts and other vantage points are not obscured by structures or landscaping
- man-made features such as the railway cutting at Waverton Station and the tank cuttings on the BP site are maintained as local landmarks important to the community
- educational establishments are oriented to the public domain to provide increased surveillance and activation

Quality Urban Environment

- backyards are used for a variety of activities particularly for families with children and for the practical and recreation needs of residents in apartments

Efficient Use of Resources

- existing buildings are maintained to prevent unnecessary waste of building materials
- stormwater is retained for reuse on-site

Public Domain

- streetscape improvements within the Education Precinct occur in accordance with the *North Sydney Centre Public Domain Strategy* and the *Education Precinct Public Domain Masterplan*

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

- Section 10.1: Waverton Village Centre
- Section 10.2: Upper Slopes Neighbourhood
 - Section 10.2.4 Newlands Lane Open Space Area
- Section 10.3: Wollstonecraft Peninsula Neighbourhood
 - Section 10.3.4 12 Shirley Road
- Section 10.4: Gasworks Neighbourhood
- Section 10.5: Waverton Village Neighbourhood
- Section 10.6: Waverton Neighbourhood
- Section 10.7: Waverton Peninsula Neighbourhood
 - Section 10.7.4 HMAS Waterhen – Upper Terrace
 - Section 10.7.5 Former Quarantine Depot
 - Section 10.7.6 Former Woodleys Boatyard

C Part

C10-6 Page

North Sydney Development Control Plan 2013 - DRAFT AMENDMENT FOR ADOPTION



Area Character Statements - Waverton / Wollstonecraft Planning Area

- Section 10.8: John Street Waterfront Neighbourhood
- Section 10.9: Sawmillers Neighbourhood
- Section 10.10: Wollstonecraft Conservation Area
- Section 10.11: Crows Nest Road Conservation Area
- Section 10.12: Edward Street Conservation Area
- Section 10.13: Priory Road Conservation Area
- Section 10.14: Bay Road Conservation Area

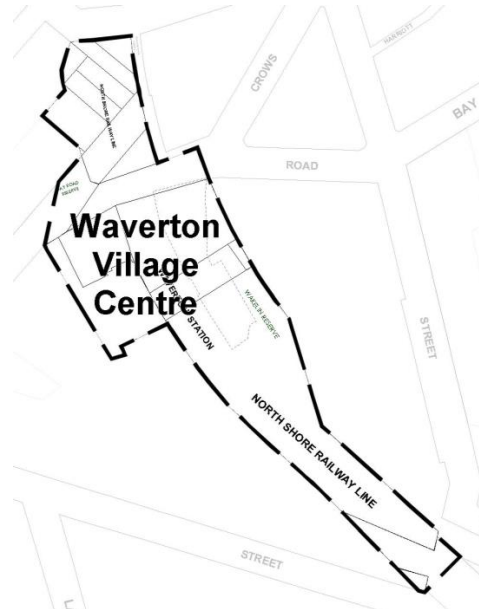
Part	C
Page	C10-7



DRAFT AMENDMENT FOR ADOPTION - North Sydney Development Control Plan 2013

Area Character Statements - Waverton / Wollstonecraft Planning Area

10.1 WAVERTON VILLAGE CENTRE



10.1.1 Significant Elements

Land Use

P1 Predominantly mixed commercial and residential development.

Topography

P2 Moderate falls to the south.

P3 Large vertical cutting through sandstone to accommodate railway line.

Natural Features

P4 Wakelin Reserve maintained as public park.

P5 Creekline into Wakelin Reserve is conserved.

Views

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

- (a) Unobstructed views, from the Bay Road Bridge, of the railway cutting, tunnel and cliff face.
- (b) Vistas towards Balls Head and water views along Balls Head Road.
- (c) Views toward Railway Station building from Bay Road and Crows Nest Road.
- (d) Views from Wakelin Reserve towards Sydney Harbour.

Identity / Icons

P7 North Shore railway line.

P8 Waverton Railway Station

Subdivision

P9 Irregular subdivision pattern.

C Part

C10-8 Page

North Sydney Development Control Plan 2013 - DRAFT AMENDMENT FOR ADOPTION**Area Character Statements - Waverton / Wollstonecraft Planning Area****Streetscape**

- P10 Paved street verges.
- P11 Buildings built to the boundary.
- P12 Continuous awnings to the southern side of Bay Road.

Public transport

- P13 Development is to take advantage of the high levels of accessibility to public train and bus services.

10.1.2 Desired Future Character**Diversity**

- P1 Predominantly mixed-use development with retail and commercial premises on ground floor (fronting Bay Road), non-residential or residential accommodation on the first floor, and residential above.
- P2 A community centre is established over the SRA land to the south of the Bay Road.
- P3 Development to the north of Bay Road is to comprise a small commercial building set back from Bay Road in a large landscaped open area and used for a plant nursery, café, or childcare.

Access

- P4 Pedestrian access is provided from Bay Road through to Carr Street.

10.1.3 Desired Built Form**Subdivision**

- P1 No further subdivision of land north of Bay Road.

Form, massing and scale

- P2 One storey to the north of Bay Road.
- P3 To the south of Bay Road:
- (a) One to two storeys at the Bay Road frontage.
 - (b) Any additional storeys are set back at least 6m from the Bay Road frontage above the second storey with little impact on views, overshadowing and privacy.
- P4 Building bulk and facades are articulated providing gaps for natural light and direct sunlight to penetrate onto Waverton Station platforms.
- P5 Where possible, the building to the north of Bay Road should be retained in its current form.

Siting

- P6 Building sited to maintain access to North Shore Railway.
- P7 Views from Wakelin Reserve, surrounding residential properties, and solar access (particularly to Waverton Station platforms), considered when siting building.
- P8 Development to the north of Bay Road is to be located towards the street frontage of the block, with large side and rear yards.

Setback

- P9 To the north of Bay Road:
- (a) Front: 5m.
 - (b) Side: 3m.
 - (c) Rear: 20m.



DRAFT AMENDMENT FOR ADOPTION - North Sydney Development Control Plan 2013

Area Character Statements - Waverton / Wollstonecraft Planning Area

P10 To the south of Bay Road:

- (a) Front: 0m.
- (b) To Wakelin Reserve: 3m minimum.
- (c) Setbacks from boundaries that adjoin or are near residential properties and areas of open space land, are maintained to protect the amenity of that land.

Solar Access

P11 Dwellings and ground level retail plaza of Waverton Station north east side of 100 Bay Road have good solar access.

Fences

P12 Buildings and front gardens to the north of Bay Road are seen through and over front fences.

Car accommodation

P13 Emergency vehicle access is provided to the North Shore railway line.

P14 Parking is located underground

P15 Only one access point is provided from Bay Road adjacent to Wakelin Reserve to the SRA Land south of Bay Road.

C Part

C10-10 Page



10.2 THE UPPER SLOPES



DRAFT AMENDMENT FOR ADOPTION - North Sydney Development Control Plan 2013

Area Character Statements - Waverton / Wollstonecraft Planning Area



C	Part
C10-12	Page

North Sydney Development Control Plan 2013 - DRAFT AMENDMENT FOR ADOPTION

Area Character Statements - Waverton / Wollstonecraft Planning Area



10.2.1 Significant Elements

Land Use

- P1 Diverse range of low, medium and high density residential accommodation.
- P2 Passive and active recreational spaces.
- P3 Educational establishments.
- P4 Health services facilities.

Topography

- P5 Generally falls from the ridge following the Pacific Highway down to the south-west.

Natural Features

- P6 Remnant bushland in Smoothey Park.

Views

- P7 The following views and vistas are to be preserved and where possible enhanced:
 - (a) Vistas to Sydney Harbour along Crows Nest Road are maintained.
 - (b) Remaining views from Brennan Park are maintained.

Part	C
Page	C10-13

Draft Amendment to North Sydney Development Control Plan 2013

- *Implementation of the St Leonards Crows Nest 2036 Plan*

The following pages represent an “**accepted changes**” version of those pages within Sections 3 and 10 to Part C of NSDCP 2013 which are proposed to be amended. Those parts of these sections which are not proposed to be amended have been specifically excluded.



SECTION 3 ST LEONARDS / CROWS NEST PLANNING AREA

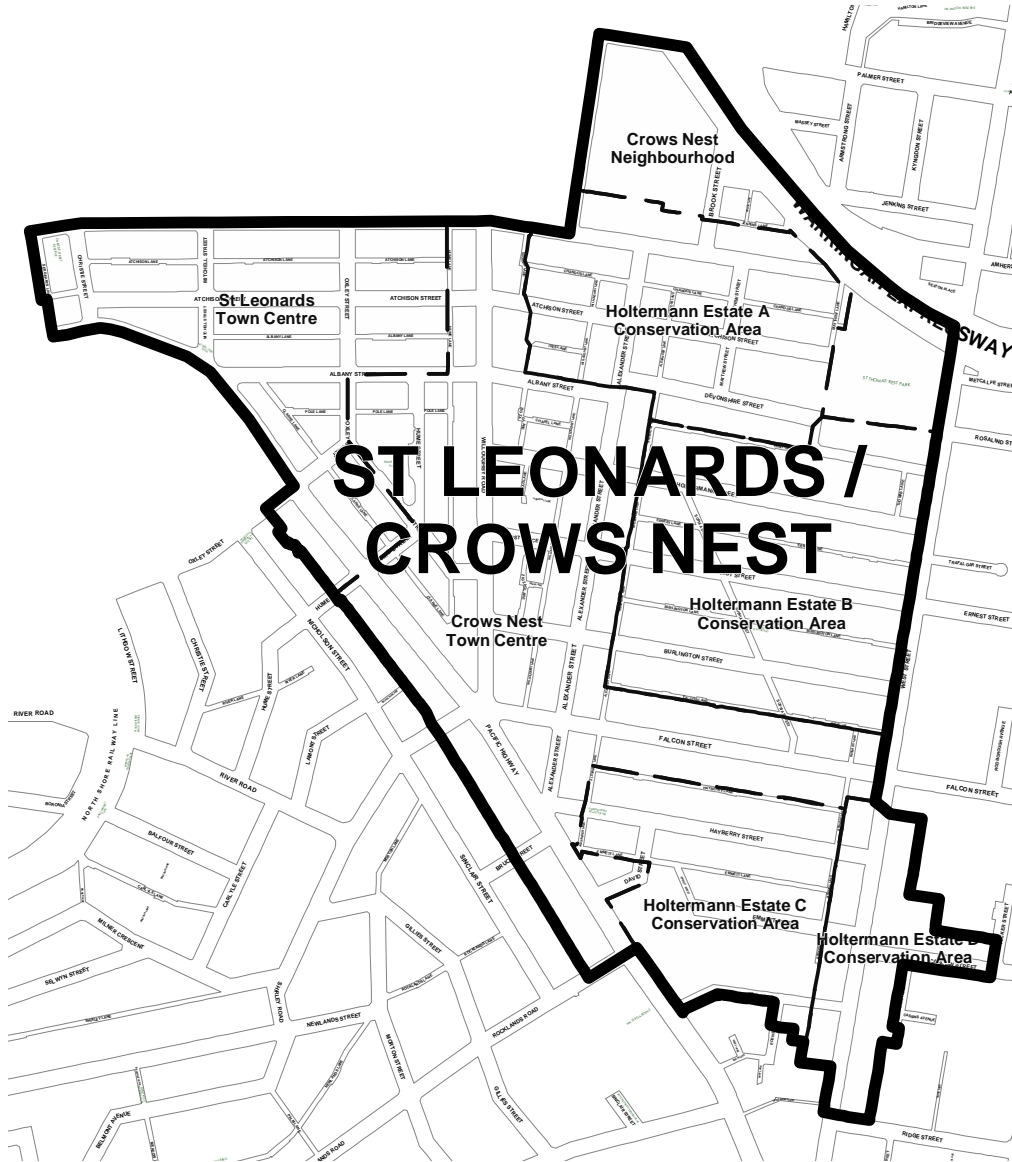


Figure C-3.0: St Leonards / Crows Nest Planning Area and associated Locality Areas

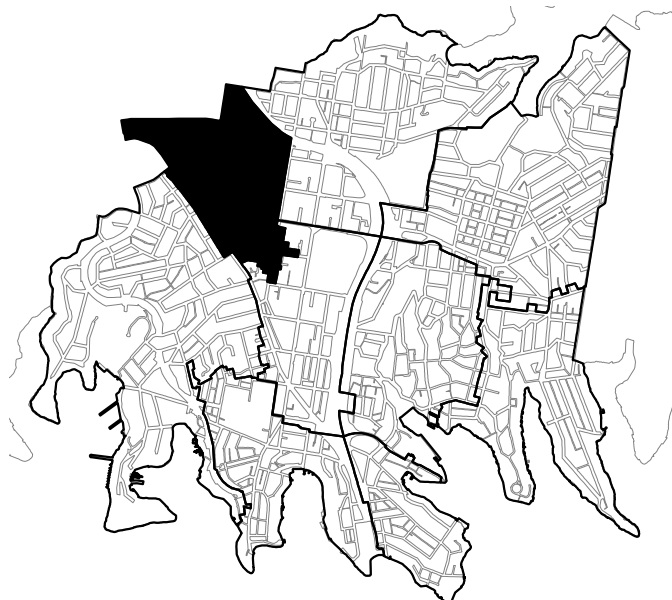
Part	C
Page	C3-1



DRAFT AMENDMENT FOR ADOPTION - North Sydney Development Control Plan 2013

Area Character Statements - St Leonards / Crows Nest Planning Area

3.0 ST LEONARDS / CROWS NEST PLANNING AREA CHARACTER STATEMENT



The following statement identifies the existing character and the desired future outcome for development in the St Leonards/Crows Nest Planning Area. This statement has been informed by aims and desired outcomes of Council's Planning Studies undertaken in the Planning Area and the State Government's *2036 Plan for St Leonards Crows Nest*.

The Planning Area is focussed around the town centres of St Leonards and Crows Nest in the north-west of the Local Government Area, both of which are situated on major vehicular traffic routes. The remainder of the Planning Area comprises a number of predominantly low-density residential neighbourhoods, much of which is characterised by retention of the historic subdivision pattern.

The St Leonards Town Centre is identified as a Strategic Centre within the heart of the Eastern Economic Corridor and forms part of an identified Health and Education Precinct under the Greater Sydney Region Plan. In particular, it is a dense, significant, sustainable and busy urban centre where:

- it will accommodate sustained growth in the health and technology sectors, whilst supporting creative industries, small to medium sized businesses, startups, galleries, entertainment and speciality retail to ensure it enhances the economic function of North Sydney
- a diverse range of living, employment, recreation and social opportunities are provided which serve both local and regional populations and contribute to the vibrancy of the Town Centre
- residents, workers and visitors enjoy a high level of amenity and quality of the natural and built environment
- residents, workers and visitors can easily access the Planning Area through excellent public transport links to the Sydney CBD, other suburban centres and many parts of the Sydney Region by rail and bus.

C Part

C3-2 Page

North Sydney Development Control Plan 2013 – DRAFT AMENDMENT FOR ADOPTION**Area Character Statements - St Leonards / Crows Nest Planning Area**

The Crows Nest Town Centre is smaller in scale in comparison to St Leonards, with 19th Century, two storey shopfront parapets along Willoughby Road and parts of the Pacific Highway. The Town Centre services the daily needs of residents and visitors, as well as having a lively dining district. Traffic is actively managed so pedestrians can move freely across Willoughby Road.

The quiet residential neighbourhoods in the east of the Planning Area are low in scale and characterised by wide roads with street tree plantings. Laneways facilitate movement and provide rear lane access to properties. Local shops, dispersed throughout the area, serve both local and regional needs. St Thomas Rest Park, located toward the north-eastern edge of the Planning Area, as well as Hume Street Park, provides much needed open space and complements pocket parks within the area, with access to St Leonards Park on its eastern edge.

Higher density commercial and mixed use development as a result of the State Government's 2036 Plan for St Leonards and Crows Nest will be located around the rail and metro station and along the Pacific Highway.

and where:

Function

- various grades and sizes of business spaces are provided in the St Leonards and Crows Nest Town Centres to accommodate a mix of small to large business premises, retail premises and community services
- the lower levels of commercial and mixed use buildings in the St Leonards Town Centre are designed to provide flexible spaces to support the growth of creative industries, small to medium sized businesses, startups, galleries, entertainment and speciality retail
- active uses outside normal business hours are encouraged to be established to enhance the vitality of the Town Centres
- the village atmosphere of Crows Nest is maintained and enhanced, with Willoughby Road continuing to be an active high street.
- community facilities meet the needs of the Planning Area's working and resident population, visitors, and residents of nearby neighbourhoods, in terms of wellbeing, culture and recreation, and add to the diversity and activity of the Town Centres
- there is housing choice in the mix of dwelling types and in the range of affordability
- public transport, including walking and cycling, is the main form of access to the Town Centres
- the grid pattern of streets and lanes imposes order and allows freedom of movement
- mid-block pedestrian connections provide alternative routes through long street blocks at street level to assist pedestrian movement
- the area is highly permeable for pedestrians

Environmental Criteria

- the extremes of sun, wind and rain are mitigated by continuous awnings and other good building design elements
- natural light reaches buildings, public places and streets
- solar access to existing and proposed public open spaces is maximised and contributes to the enjoyment of those spaces used by the public
- mechanical and other noise is controlled to protect residential amenity
- there is opportunity for sharing of views within the area

Part	C
Page	C3-3



DRAFT AMENDMENT FOR ADOPTION - North Sydney Development Control Plan 2013

Area Character Statements - St Leonards / Crows Nest Planning Area

- additional public open space is provided and existing spaces embellished to cater for increases in resident and worker populations
- increased opportunities for tree planting are provided at the ground level to minimise the urban heat island effect

Quality Built Form

- a safe, high quality urban environment is achieved through careful design of buildings and use of materials, and a well designed and maintained public domain
- the high ridge that underlies St Leonards is reflected in its built form and the skyline is an interesting and distinctive feature in the broader landscape
- buildings are scaled down from the railway and metro stations towards surrounding areas, to fit in with lower scale development and reducing adverse affects on lower scale areas
- high rise development is generally focused along the Pacific Highway and the area generally contained by the Pacific Highway to the west, Oxley Street to the east and south and Chandos Street to the north
- the character in the St Leonards Town Centre is highly urbanised, but softened through urban design and landscaping
- the visual characteristics of the Crows Nest neighbourhood's heritage conservation areas are reflected in new development, with low rise small scale dwellings predominating
- heritage items retain their heritage significance, and contribute to area's rich development history and provide interest in the physical fabric of the area

Quality Urban Environment

- tree planting in private and public spaces and small landscaped areas provides softening from the built form
- traffic is managed so that pedestrians can move within the area safely and freely and amenity is maintained
- parking is managed to maintain pedestrian safety, maximise public and active transport modes and minimise traffic generation
- pedestrians are assisted to safely cross barriers such as the Pacific Highway and the railway at grade
- the perceived extent of the public domain is increased through the incorporation of landscaped setbacks and reversed podiums
- rear lanes are used for vehicle access to properties

Efficient Use of Resources

- energy efficient design and life cycle assessment of buildings enables the conservation of natural resources and minimal use of non-renewable energy resources
- stormwater runoff is minimised, and reused on-site where possible

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

Section 3.1: St Leonards Town Centre

Section 3.2: Crows Nest Town Centre

Section 3.2.4 Hume Street Park

Section 3.2.5 27-57 Falcon Street, Crows Nest

C

Part

C3-4

Page

North Sydney Development Control Plan 2013 – DRAFT AMENDMENT FOR ADOPTION



Area Character Statements - St Leonards / Crows Nest Planning Area

- Section 3.3: Crows Nest Neighbourhood
- Section 3.4: Holtermann Estate Conservation Area A
- Section 3.5: Holtermann Estate Conservation Area B
- Section 3.6: Holtermann Estate Conservation Area C
- Section 3.7: Holtermann Estate Conservation Area D

Part	C
Page	C3-5



DRAFT AMENDMENT FOR ADOPTION - North Sydney Development Control Plan 2013

Area Character Statements - St Leonards / Crows Nest Planning Area

3.1 ST LEONARDS TOWN CENTRE



Figure C-3.1-1: Locality Area Map

3.1.1 Significant elements

Land Use

- P1 Predominantly retail and mixed commercial and residential development.
- P2 Commercial development.
- P3 High density residential development.
- P4 Community facilities.
- P5 Passive and active recreational spaces.

Topography

- P6 Slight falls to the east and north east from the Pacific Highway which generally follows the ridgeline.
- P7 Slight fall to the west along the Pacific Highway from Albany Street.

Identity / Icons

- P8 The Forum development and plaza.
- P9 St Leonards Railway Station and Crows Nest Metro Station, major transport interchange hubs.
- P10 Pacific Highway, a major sub-arterial thoroughfare.
- P11 Christie Street Reserve.
- P12 Hume Street Park.

Subdivision

- P13 Generally rectilinear grid pattern with dual frontages

Streetscape

- P14 Wide fully paved footpaths along Pacific Highway and adjacent to other commercial and mixed use buildings.

C Part

C3-6 Page

North Sydney Development Control Plan 2013 – DRAFT AMENDMENT FOR ADOPTION**Area Character Statements - St Leonards / Crows Nest Planning Area**

- P15 Atchison Street between Christie Street and Mitchell Street is one way only, with wide paved footpaths, landscaping and other urban furniture.
- P16 Awnings provided along the Pacific Highway and for other commercial and mixed use buildings.
- P17 Irregular planting of street trees.

Public transport

- P18 Development is to take advantage of high levels of access to high frequency public train, Metro and bus services.
- P19 Public transport, cycling and walking are the main forms of transport to the Centre.

3.1.2 Desired Future Character**Diversity of activities, facilities, opportunities and services**

- P1 Predominantly high to medium-high rise, commercial and mixed commercial and residential development.
- P2 Provision of a variety of different sized commercial office, business, retail, recreation, (indoor and outdoor) community, entertainment, food and drink and other active non-residential uses at the street level in the *B3 Commercial Core* and *B4 Mixed Use* zones.
- P3 Intensify the provision of commercial office and business premises in close proximity to the railway and metro stations with active uses such as food and drink premises and retail located at the ground level addressing the public domain.
- P4 Maximise ground level activation along Christie, Mitchell, Oxley, Atchison, Chandos and Clarke Streets by focusing food and drink premises and retail within a fine grain built form. This can be achieved through the emphasis of small to medium sized tenancies which directly address the public domain.
- P5 High density residential accommodation within mixed use buildings is concentrated closes to the railway and metro stations and along the Pacific Highway.
- P6 Retention of the medium density residential precinct in the north-eastern corner of the Locality Area.

Public spaces and facilities

- P7 Establish Atchison Street as the civic main street by:
- ensuring that the design of building exteriors at the lower levels incorporates high levels of architectural modulation (i.e. no blank walls) along with high quality materials and finishes;
 - maximising active uses such as retail, food and drink and outdoor dining at the ground level; and
 - improving the public domain in accordance with Council's Public Domain Style Manual and Design Codes.
- P8 Outdoor dining to be concentrated along widened footpaths to Atchison, Chandos, Mitchell, Oxley and Clarke Streets.
- P9 Maintain and enhance Christie Street Reserve as a sunny and inclusive landscaped space which is activated along its southern edge with ground floor retail premises to 100 Christie Street
- P10 Maintain and enhance Mitchell Street Plaza at the intersection of Mitchell Street and the Pacific Highway.
- P11 A linear landscaped park is provided along the western side of Mitchell and Oxley Streets, between Chandos and Pacific Highway.
- P12 A shared way is provided along Mitchell Street between Atchison Street and Albany Lane.



DRAFT AMENDMENT FOR ADOPTION - North Sydney Development Control Plan 2013

Area Character Statements - St Leonards / Crows Nest Planning Area

- P13 Consideration be given to integrating artworks, water features and wind breaks into the design of Mitchell Street Plaza.
- P14 Plazas incorporate space for public entertainment and expression of community identity, large enough to hold an open air performance or market.
- P15 Roof top gardens and public facilities that allow public access to district views from higher floors.

3.1.2.1 Accessibility and permeability

Objectives

- O1 Improve permeability and provide connections to main pedestrian and cycling networks, key destinations and residential areas.
- O2 Ensure that the design of through site links and mid-block connections is high quality, safe, well-lit, accessible and pedestrian friendly.
- O3 Encourage walking and cycling as part of the broader street network to promote community interaction, better health outcomes and reduce vehicle movements.
- O4 Encourage active frontages along through site link without compromising safe pedestrian access and use.
- O5 Ensure that any proposed privately owned lanes have a fully public nature equivalent to the public domain.

Provisions

- P1 The through site links identified in Figure C-3.1-2 are to be provided, retained and enhanced.
- P2 New through site links are to align as best as possible with existing through site links to maximise permeability.
- P3 Through site links that are proposed in addition to those identified under P1 must demonstrate that it meets the objectives and provisions of this subsection.
- P4 Through site links are to be provided in accordance with Section 2.4.9 to Part B of the DCP and the following criteria:
- (a) The design and finish must be in accordance with the relevant Public Domain Strategy.
 - (b) Include landscaping where practical to assist guiding people along the link while maintaining long sightlines.
 - (c) Be fully open to the sky. Internal through site links will only be considered where they are provided with double height spaces to convey a sense of publicness.
 - (d) Provide public access 24 hours a day 7 days a week.
 - (e) Be activated on both sides of the link.
 - (f) Be clearly distinguished from vehicular accessways.

C **Part**

C3-8 **Page**

North Sydney Development Control Plan 2013 – DRAFT AMENDMENT FOR ADOPTION



Area Character Statements - St Leonards / Crows Nest Planning Area



Figure C-3.1-2: Through Site Link Map

3.1.3 Desired Built Form

3.1.3.1 Subdivision

Objectives

- O1 To enable the development of feasible built forms which also incorporate suitable side and rear setbacks at the upper levels to afford daylight and ventilation between buildings.

Provisions

- P1 Maintain a frontage of 20m - 40m, which equates approximately to the amalgamation of two or three original allotments.
- P2 Development on consolidated allotments with a frontage wider than 20m - 40m frontage is to be broken down by articulation, design and detailing, change in materials and colours.

3.1.3.2 Form, massing and scale

Objectives

- O1 To ensure that density and scale is concentrated close to the rail and metro stations and along the Pacific Highway.
- O2 To ensure a positive transition in height and scale down from tall towers to neighbouring and adjoining lower density areas.
- O3 To enable the lower levels of buildings to be converted between retail, commercial and community uses over time.



DRAFT AMENDMENT FOR ADOPTION - North Sydney Development Control Plan 2013

Area Character Statements - St Leonards / Crows Nest Planning Area

- O4 To increase amenity for the occupants of buildings by providing direct access to sunlight, daylight and natural ventilation.
- O5 To maximise year round solar access to existing and new public spaces to be created within the Planning Area.

Provisions

- P1 Buildings should generally transition in height from St Leonards Railway Station, Crows Nest Metro Station and Pacific Highway down to the surrounding areas and the lower scale development on Chandos Street, Willoughby Road, Crows Nest Town Centre, the Upper Slopes Neighbourhood and Crows Nest Neighbourhood.
- P2 Roof design presents a varied, composed and interesting skyline when viewed from a regional context.
- P3 Architectural detailing and ornamentation provides a rich visual texture and a symbolic reference to the history of the place, the building's use or occupant.
- P4 Developments on land greater than 1,000sqm should consider the incorporation of internal courtyards adjacent to laneways and through site links to broaden the range and form of open space in the locality.
- P5 Development is to be designed to maximise year round solar access to existing and the new public spaces to be created within the Planning Area.
- P6 Tower elements located above the podium level should not exceed 45m in width, unless it can be adequately demonstrated that sufficient physical vertical articulation can be provided to break the tower elevation into distinct elements.
- P7 Minimum floor to floor heights on land zoned *B3 Commercial Core* or *B4 Mixed Use* must be provided:
- (a) Ground floor level: 4.0 – 4.5m
 - (b) First floor level: 3.6m
 - (c) Levels above: 3.0m (residential uses) or 3.6m (non-residential uses)
- P8 Residential floor to floor heights should generally not exceed 3.2m, except on the first floor level in accordance with P7 above.
- P9 Rooftop plant and structures should be designed and positioned to comprise a minor element of the roofscape and minimise any increases to the building's overall overshadowing impacts.

3.1.3.3 Setbacks

Objectives

- O1 Reinforce the spatial definition of streets and public spaces.
- O2 Emphasise the street as a distinct spatial entity and design the street wall frontage with an appropriate human scale and sense of enclosure for the street.
- O3 Ensure consistent street frontages along the street alignment.
- O4 Recognise the variation in street frontage heights throughout the centre and allow flexibility to respond to context.
- O5 Ensure adequate transition in scale between employment zones and residential zones.
- O6 Enable deep soil planting along the Pacific Highway and identified linear parks.

Provisions

Note. *Additional setbacks may be required for any part of the building located above the podium level. Refer to Section 3.1.3.5.*

- P1 Buildings are to be setback from all street frontages in accordance with the Building Setbacks Map (refer to Figure C-3.1-3).

C Part

C3-10 Page

North Sydney Development Control Plan 2013 – DRAFT AMENDMENT FOR ADOPTION



Area Character Statements - St Leonards / Crows Nest Planning Area

- P2 A nil setback is permitted to all side and rear boundaries without a street frontage on land zoned *B3 Commercial Core* or *B4 Mixed Use*.
- P3 Despite P2, a minimum 6m setback is required where land zoned *B3 Commercial Core* or *B4 Mixed Use* directly adjoins land which is residentially zoned along the zone interface. This requirement does not apply if the land is separated by a public road.
- P4 A minimum 4.5m setback is required to all side and rear boundaries without a street frontage on land zoned *R4 High Density Residential*.
- P5 Despite P1 and P2, setbacks may be varied to be consistent with the built form envelope approved as part of the approval for the Crows Nest Metro Station and Over Station Development (OSD).
- P6 Despite P1-P4, where a site contains a heritage item and that item is to be retained, the heritage item may maintain its existing setback.
- P7 Despite P1-P4, increased setbacks may be required for podium levels that contain residential uses to achieve adequate building separation in accordance with SEPP 65.
- P8 Building alignments and setbacks should also respond to important elements of the nearby context including public spaces and heritage buildings, monuments and landscape elements, in order to complement the streetscape. In some places, this may require greater building setbacks than those specified in Figure C-3.1-3).
- P9 Where a whole of building setback is required to the Pacific Highway, Chandos Street, Oxley Street or Mitchell Street, any basement is also required to be setback the same distance, unless it can be adequately demonstrated that sufficient soil depth can be provided to enable the planting of canopy trees capable of growing to at least the height of any adjacent podium.



Figure C-3.1-3: Building Setbacks Map



DRAFT AMENDMENT FOR ADOPTION - North Sydney Development Control Plan 2013

Area Character Statements - St Leonards / Crows Nest Planning Area

3.1.3.4 Podium Heights

Objectives

- O1 To strengthen the urban form of the Centre with consistent street wall heights.
- O2 To achieve comfortable street environments for pedestrians in terms of daylight, scale, sense of enclosure and wind mitigation as well as a healthy environment for street trees.
- O3 To enhance the distinctive character of streets within the Centre.
- O4 To ensure the context of heritage items are not adversely eroded.

Provisions

- P1 Podiums are to be provided in accordance with the Podium Heights Map (refer to Figure C-3.1-4).
- P2 Despite P1, corner sites are to maintain a consistent podium height to all street frontages to achieve consistent built form.
- P3 Despite P1, sites containing a heritage item and where that heritage item is to be retained the existing podium height may be retained.
- P4 Despite P1 podium heights may be varied to be consistent with the built form envelope approved as part of the approval for the Crows Nest Metro Station and Over Station Development (OSD). However, distinct architectural elements are to be incorporated to reflect the desired podium heights.
- P5 If required, podiums are to step down with the topography.



Figure C-3.1-4: Podium Heights Map

C Part

C3-12 Page

North Sydney Development Control Plan 2013 – **DRAFT AMENDMENT FOR ADOPTION****Area Character Statements - St Leonards / Crows Nest Planning Area****3.1.3.5 Above Podium Setbacks****Objectives**

- O1 To protect daylight access to the street level to enable the successful growing of street trees.
- O2 To permit sky views from the street and neighbouring residential areas.
- O3 To ensure that built form achieves comfortable public domain conditions for pedestrians, with adequate daylight, appropriate scale, and mitigation of urban heat and wind effects of tower buildings.
- O4 To reinforce important elements of the local context including public spaces, heritage buildings, monuments and landscape elements.
- O5 To provide adequate privacy, access to light, air and outlook for the occupants of buildings, neighbouring properties and future buildings.
- O6 To ensure towers are sufficiently separated to be seen in the round and reduce the cumulative overshadowing impact of towers on neighbouring residential areas.
- O7 To ensure development does not prejudice the re-development of adjoining sites in the future.
- O8 To avoid awkward ziggurat style built forms

Provisions

- P1 All buildings are to be designed to provide setbacks above the podium in accordance with the Above Podium Setbacks Map (refer to Figure C-3.1-5). Setbacks above the podium are to be measured from the outer wall of the podium.
- P2 A minimum above podium setback to all side and rear boundaries is required as follows:
 - (a) 4.5m for buildings up to 8 storeys in height; or
 - (b) 6m for buildings from 9 storeys up to 18 storeys in height; or
 - (c) 12m for buildings over 18 storeys in height.
- P3 Despite P1 and P2, above podium setbacks may be varied to be consistent with the built form envelope approved as part of the approval for the Crows Nest Metro Station and Over Station Development (OSD).
- P4 Despite P2, a minimum 15m above podium setback, measured from the property boundary, is required where land zoned *B3 Commercial Core* or *B4 Mixed Use* directly adjoins land which is residentially zoned along the zone interface. This requirement does not apply if the land is separated by a public road.
- P5 Despite P1-P4, increased setbacks above the podium may be required to achieve adequate building separation in accordance with SEPP 65.
- P6 Only one step in the built form between the podium walls and tower is permissible.
- P7 An existing adjacent building, even if heritage listed, cannot be used to justify a reduced setback that would compromise the development potential of the adjacent site in the future.

Note. *Setbacks are measured to the outer face of any part of the building including balconies, architectural detailing and the like.*

Part**C****Page****C3-13**



DRAFT AMENDMENT FOR ADOPTION - North Sydney Development Control Plan 2013

Area Character Statements - St Leonards / Crows Nest Planning Area



Figure C-3.1-5: Above Podium Setbacks Map

3.1.3.6 Active Frontages

Objectives

- O1 To provide for the amenity, interest and liveliness of the street environment and public open spaces.
- O2 To ensure a positive experience for pedestrians with the necessary fine grain environment of the street.
- O3 To enable sensory engagement with the street and public spaces.
- O4 To provide an active ground floor frontage that is accessible and integrated with the design of the public domain.
- O5 To maximise the extent of active frontages in the public domain.
- O6 To promote activity, connectivity and variety in the public domain.
- O7 To increase passive surveillance of the street and other public spaces and enhance safety.

Provisions

- P1 Buildings must contain active frontages to all street frontages with the exceptions of public laneways.
- P2 Despite P1, an active frontage is to be provided to Sergeants Lane along the southern boundary to 100 Christie Street.
- P3 Active frontages to public laneways are encouraged where practical.

C Part

C3-14 Page

North Sydney Development Control Plan 2013 – DRAFT AMENDMENT FOR ADOPTION**Area Character Statements - St Leonards / Crows Nest Planning Area**

- P4 Where a site has a direct frontage to an existing or proposed open space, an active frontage is to be provided to that interface. In particular, active frontages are to be provided to:
- (a) Christie Street Reserve;
 - (b) Mitchell Street, between Chandos Street and Pacific Highway;
 - (c) Oxley Street, between Chandos Street and Pacific Highway; and
 - (d) Clarke Street, between Oxley Street and Hume Street.
- P5 Active frontages are to be provided along both sides of the through site links.
- P6 Where a site has multiple street frontages, all service and vehicular access points must not be provided off the primary street frontage.
- P7 Fire escapes and service doors must be seamlessly incorporated into the facade with quality materials.
- P8 Avoid the use of colonnades along all street frontages.

3.1.3.7 Awnings**Objectives**

- O1 To maximise pedestrian comfort and continuous protection.

Provisions

- P1 Awnings are to be provided along all street frontages in the *B3 Commercial Core* and *B4 Mixed Use* zones.

3.1.3.8 Solar access**Objectives**

- O1 To ensure existing and future parks and public spaces in and around the Centre are afforded a high level of amenity through the maintaining and maximising of solar access during periods in the day when they are most used throughout the year.
- O2 To promote active and passive recreation to public spaces to service existing and planned population of the Centre and surrounds.
- O3 To ensure the successful growth and survival of trees and vegetation within the parks and public spaces.

Provisions

- P1 Development is to be designed to maximise year round solar access to existing and proposed new public spaces to be created within the Planning Area.
- P2 Development must not result in a net increase in overshadowing to the following existing and proposed public spaces between 10am and 3pm from the March Equinox to the September Equinox (inclusive):
- (a) Christie Street Reserve, comprising all land within Lots 2 and 3, DP 733528 and zoned *RE1 Public Recreation*; and
 - (b) Hume Street Park, comprising all land located between Pole Lane, Willoughby Road, Clarke Street and Oxley Street and zoned *RE1 Public Recreation*; and
 - (c) Ernest Place, comprising all land within the Ernest Street road reserve located between Willoughby Road and Willoughby Lane and zoned *RE1 Public Recreation*; and
 - (d) Holtermann Reserve (proposed), comprising that part of Lot 1, DP 785343 and zoned *SP2 Infrastructure – Car Park*.
- P3 Development must not result in a net increase in overshadowing to the following existing and proposed public spaces between 10am and 3pm from the March Equinox to the September Equinox (inclusive):

Part**C****Page****C3-15**



DRAFT AMENDMENT FOR ADOPTION - North Sydney Development Control Plan 2013

Area Character Statements - St Leonards / Crows Nest Planning Area

- (a) Willoughby Road road reserve, between Chandos Street and Falcon Street; and
- (b) Mitchell Street road reserve and the whole of building setback requirement to the western side of Mitchell Street as required under s.3.1.3.3, between Chandos Street and the Pacific Highway; and
- (c) Oxley Street road reserve, and the whole of building setback requirement to the western side of Oxley Street as required under s.3.1.3.3, between Chandos Street and Clarke Street

P4 Despite P2 and P3, development on land located directly adjacent to the identified public spaces may result in a net increase in overshadowing of that space, but only if that development strictly complies with key built form envelope controls that apply to that land under both NSLEP 2013 and this DCP.

3.1.3.9 Noise

Objectives

O1 Ensure adequate amenity to occupants of future development adjacent primary vehicular routes.

Provisions

P1 Elevations of buildings fronting the Pacific Highway and Chandos Street 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).

3.1.3.10 R4 – High Density Residential Zone

Note: These provisions only apply to land within the R4 High Density Residential zone. Provisions to s.3.1.3.10 prevail over the provisions under s.3.1.1-s.3.1.3.9 to Part C of the DCP to the extent of any inconsistency that arises.

Objectives

- O1 Ensure that development compliments the physical form of development in the adjoining mixed use areas.
- O2 Promotion of communal open space areas.
- O3 Promotion of casual visual surveillance over the public domain.

Provisions

- P1 Generally 5 storeys in height, with flat roofs and the topmost storey setback from the levels below.
- P2 Height of development responds to adjacent building height and form.
- P3 Landscaped areas should be accessible to all residents and not fenced off into separate courtyards.
- P4 Rear open spaces must be accessible from the street.
- P5 Laneway fences generally between 900 and 1200mm high.

3.1.3.11 Car accommodation

Objectives

- O4 To minimise the impact on pedestrian safety.
- O5 Ensure that traffic generation is minimised.
- O6 To minimise the visual impact of vehicles.
- O7 Ensure high levels of accessibility.

Provisions

P1 Where a property has a frontage to a laneway, vehicular access must be provided from the laneway.

C Part

C3-16 Page

North Sydney Development Control Plan 2013 – DRAFT AMENDMENT FOR ADOPTION



Area Character Statements - St Leonards / Crows Nest Planning Area

- P2 All off-street car parking must be provided underground.
- P3 Pick up and drop off points for public transport and taxi ranks should be located close to public spaces and activities, and main building entries.
- P4 Short stay (ten minute) parking spaces should be located close to meeting places.
- P5 The level of parking provided on sites in close proximity to the railway and metro stations should be minimised as far as practical.

Part	C
Page	C3-17



DRAFT AMENDMENT FOR ADOPTION - North Sydney Development Control Plan 2013

Area Character Statements - St Leonards / Crows Nest Planning Area

3.2 CROWS NEST TOWN CENTRE



Figure C-3.2-1: Locality Area Map

3.2.1 Significant elements

Land Use

- P1 Predominantly retail and mixed commercial and residential development.
- P2 Commercial development
- P3 Public parking facilities.
- P4 Community facilities.
- P5 Medium and high density residential accommodation.
- P6 Passive and active recreational spaces.

Topography

- P7 Slight falls to the east and north east from the Pacific Highway which generally follows the ridgeline.
- P8 Substantial fall down from Alexander Street to Alexander Lane south of Falcon Street.

Natural Features

- P9 Ridge line following the alignment of Pacific Highway.

C Part

C3-18 Page

North Sydney Development Control Plan 2013 – DRAFT AMENDMENT FOR ADOPTION**Area Character Statements - St Leonards / Crows Nest Planning Area****Views**

P10 The following views and vistas are to be preserved and where possible enhanced:

- (a) Vista north along Willoughby Road and Pacific Highway.
- (b) District views from the upper levels of taller buildings.

Identity / Icons

- P11 Crows Nest Fiveways intersection.
- P12 Formalised outdoor dining on Willoughby Road, Burlington, Ernest and Holtermann Streets.
- P13 Pacific Highway and Falcon Streets, major sub-arterial thoroughfares.
- P14 Crows Nest Metro Station.
- P15 Hume Street Park.
- P16 Ernest Place, Crows Nest Community Centre and the proposed Holtermann Street Park.

Subdivision

- P17 Regular grid pattern interrupted by diagonal streets.
- P18 Generally long narrow allotments with dual street frontages.

Streetscape

- P19 In mixed use areas, buildings are generally built to the street and aligned with the street frontage.
- P20 Continuous awnings provided for shops, cafes and other commercial uses.
- P21 Wide footpaths with designated outdoor dining areas on Willoughby Road, Burlington, Ernest, Holtermann and Clarke Streets.
- P22 Landscaping provided along Willoughby Road to improve amenity for pedestrians and outdoor diners.
- P23 Traffic calming and pedestrian crossings provided near shops and cafes on and around Willoughby Road.
- P24 Irregular planting of street trees and shrubs.

Public transport

- P25 Development is to take advantage of the Area's high levels of accessibility to public metro, train and bus services.

3.2.2 Desired Future Character**3.2.2.1 Diversity of activities, facilities, opportunities and services**

- P1 Intensify commercial and mixed use development in close proximity to the Metro station and along the Pacific Highway with active uses at the ground floor levels, commercial within the podium levels and residential above.
- P2 Maintaining a low scale built form to Willoughby Road, between Falcon Street and Albany Street, with two storey parapet shopfronts with shops at ground level, non-residential or residential above, with additional height set back above a 2 storey parapet.
- P3 Predominantly medium rise mixed use development, built boundary to boundary, with setbacks to laneways, and above the podium, with shops at ground level, non-residential/residential on first floor and residential above.
- P4 Medium density residential development along Falcon Street, consistent with its residential zoning.

Part**C****Page****C3-19**



DRAFT AMENDMENT FOR ADOPTION - North Sydney Development Control Plan 2013

Area Character Statements - St Leonards / Crows Nest Planning Area

P5 Expansion of Hume Street Park to provide a large connected piece of open space connecting Willoughby Road to Oxley Street.

P6 Provision of a new public open space off Holtermann Street and backing onto the Crows Nest Community Centre.

3.2.2.2 Accessibility and permeability

Objectives

- O1 Improve permeability and provide connections to main pedestrian and cycling networks, key destinations and residential areas.
- O2 Ensure that the design of through site links and mid-block connections is high quality, safe, well-lit, accessible and pedestrian friendly.
- O3 Encourage walking and cycling as part of the broader street network to promote community interaction, better health outcomes and reduce vehicle movements.
- O4 Encourage active frontages along through site link without compromising safe pedestrian access and use.
- O5 Ensure that any proposed privately owned lanes have a fully public nature equivalent to the public domain.

Provisions

- P1 Provide, retain and enhance through site links for pedestrians identified on the Through Site Link Map (refer to Figure 3.2-2).
- P2 New through site links are to align as best as possible with existing through site links to maximise permeability.
- P3 Through site links that are proposed in addition to those identified under P1 must demonstrate that it meets the objectives and provisions of this subsection.
- P4 Through site links are to be provided in accordance with Section 2.4.9 to Part B of the DCP and the following criteria:
 - (a) The design and finish must be in accordance with the relevant Public Domain Strategy.
 - (b) Include landscaping where practical to assist guiding people along the link while maintaining long sightlines.
 - (c) Be fully open to the sky. Internal through site links will only be considered where they are provided with double height spaces to convey a sense of publicness.
 - (d) Provide public access 24 hours a day 7 days a week.
 - (e) Be activated on both sides of the link.
 - (f) Be clearly distinguished from vehicular accessways.

C Part

C3-20 Page

North Sydney Development Control Plan 2013 – DRAFT AMENDMENT FOR ADOPTION

Area Character Statements - St Leonards / Crows Nest Planning Area



Figure C-3.2-2: Through Site Link Map



DRAFT AMENDMENT FOR ADOPTION - North Sydney Development Control Plan 2013

Area Character Statements - St Leonards / Crows Nest Planning Area

3.2.2.3 Public spaces and facilities

Objectives

- O1 To increase the quantum of public open space in the locality.
O2 To ensure public spaces are enhanced to maximise their amenity.

Provisions

- P1 Maintain Willoughby Road as the civic main street of the Town Centre by:
- (a) ensuring that the design of building exteriors at the lower levels incorporate high levels of architectural modulation (i.e. no blank walls) along with high quality materials and finishes;
 - (b) maximising active uses such as retail, food and drink and outdoor dining at the ground level;
 - (c) seamlessly integrating with adjoining and neighbouring public open spaces; and
 - (d) improving the public domain in accordance with Council's Public Domain Style Manual and Design Codes.
- P2 Hume Street Park is expanded to provide the principle public open space area within the St Leonards / Crows Nest locality, generally located on land bound by Pole Lane, Oxley Street, Clarke Street and Hume Streets, with an integrated connection through to Willoughby Road.
- P3 Ernest Place provides a strong community focus for the Town Centre.
- P4 A new park off Holtermann Street adjacent to the Crows Nest Community Centre will provide additional public open space with excellent year-round sunlight.
- P5 Ensure that community facilities are integrated with public open spaces to maximise their use.

3.2.3 Desired Built Form

3.2.3.1 Subdivision

Objectives

- O1 To enable the development of feasible built forms which also incorporate suitable side and rear setbacks at the upper levels to afford daylight and ventilation between buildings.

Provisions

- P1 Maintain a frontage of 20m - 40m along the Pacific Highway, which generally equates approximately to the amalgamation of two or three original allotments.
- P2 Maintain a 10m - 15m frontage in the remainder of the Locality Area (except residentially zoned land) consistent with two storey parapet shopfront scale, especially along Willoughby Road and Alexander Street.
- P3 Development on consolidated allotments with a frontage wider than that identified in P1 or P2 is to be broken down by articulation, design and detailing, change in materials and colours.

3.2.3.2 Form, massing and scale

Objectives

- O1 To ensure that density and scale is concentrated close to the metro station and along the Pacific Highway.
- O2 To ensure a positive transition in height and scale down from tall towers to neighbouring and adjoining lower density areas.

C Part

C3-22 Page

North Sydney Development Control Plan 2013 – DRAFT AMENDMENT FOR ADOPTION**Area Character Statements - St Leonards / Crows Nest Planning Area**

- O3 To enable the lower levels of buildings to be converted between retail, commercial and community uses over time.
- O4 To increase amenity for the occupants of buildings by providing direct access to sunlight, daylight and natural ventilation.
- O5 To maximise year round solar access to existing and new public spaces to be created within the Planning Area.

Provisions

- P1 Buildings should generally transition in height from the Crows Nest Metro Station and Pacific Highway down to the surrounding areas and the lower scale development within the Crows Nest Town Centre, the Upper Slopes Neighbourhood and Crows Nest Neighbourhood.
- P2 Roof design presents a varied, composed and interesting skyline when viewed from a regional context.
- P3 Architectural detailing and ornamentation provides a rich visual texture and a symbolic reference to the history of the place, the building's use or occupant.
- P4 Consistent parapet facade heights are provided along Willoughby Road and the Pacific Highway.
- P5 Developments on land greater than 1,000sqm should consider the incorporation of internal courtyards adjacent to laneways and through site links to broaden the range and form of open space in the locality.
- P6 Development is to be designed to maximise year round solar access to existing and the new public spaces to be created within the Planning Area.
- P7 Tower elements located above the podium level should not exceed 45m in width, unless it can be adequately demonstrated that sufficient physical vertical articulation can be provided to break the tower elevation into two distinct elements.
- P8 Minimum floor to floor heights on land zoned *B3 Commercial Core* or *B4 Mixed Use* must be provided:
- (a) Ground floor level: 4.0 – 4.5m
 - (b) First floor level: 3.6m
 - (c) Levels above: 3.0m (residential uses) or 3.6m (non-residential uses)
- P9 Residential floor to floor heights should generally not exceed 3.2m, except on the first floor level in accordance with P7 above.
- P10 Rooftop plant and structures should be designed and positioned to comprise a minor element of the roofscape and minimise any increases to the building's overall overshadowing impacts.

3.2.3.3 Setbacks**Objectives**

- O1 Reinforce the spatial definition of streets and public spaces.
- O2 Emphasise the street as a distinct spatial entity and design the street wall frontage with an appropriate human scale and sense of enclosure for the street.
- O3 Ensure consistent street frontages along the street alignment.
- O4 Recognise the variation in street frontage heights throughout the centre and allow flexibility to respond to context.
- O5 Ensure adequate transition in scale between employment zones and residential zones.

Provisions

Note. Additional setbacks may be required for any part of the building located above the podium level. Refer to Section 3.2.3.5.

Part**C****Page****C3-23**



DRAFT AMENDMENT FOR ADOPTION - North Sydney Development Control Plan 2013

Area Character Statements - St Leonards / Crows Nest Planning Area

- P1 Buildings are to be setback from all street frontages in accordance with the Building Setbacks Map (refer to Figure C-3.2-3). Where a street setback is not indicated on the Buildings Setback Map, setbacks are to be in accordance with:
- (a) Section 1.4.6 to Part B of the DCP for land zoned *R3 Medium Density Residential*; or
 - (b) Section 3.2.5 to Part C of the DCP for land zoned *R4 High Density Residential*.
- P2 A nil setback is permitted to all side and rear boundaries without a street frontage on land zoned *B3 Commercial Core* or *B4 Mixed Use*.
- P3 Despite P2, a minimum 6m setback is required where land zoned *B3 Commercial Core* or *B4 Mixed Use* directly adjoins land which is residentially zoned along the zone interface. This requirement does not apply if the land is separated by a public road.
- P4 Side and rear setbacks on residentially zoned land are required to be setback in accordance with Section 1.4.6 to Part B of the DCP.
- P5 Despite P1 and P2, setbacks may be varied to be consistent with the built form envelope approved as part of the approval for the Crows Nest Metro Station and Over Station Development (OSD).
- P6 Despite P1-P4, where a site contains a heritage item and that item is to be retained, the heritage item may maintain its existing setback.
- P7 Despite P1-P4, increased setbacks may be required for the podium levels contain residential uses to achieve adequate building separation in accordance with SEPP 65.
- P8 Building alignments and setbacks should also respond to important elements of the nearby context including public spaces and heritage buildings, monuments and landscape elements, in order to complement the streetscape. In some places, this may require greater building setbacks than those specified in Figure C-3.2-3).

C **Part**

C3-24 **Page**

North Sydney Development Control Plan 2013 – **DRAFT AMENDMENT FOR ADOPTION**

Area Character Statements - St Leonards / Crows Nest Planning Area



Figure C-3.2-3: Building Setbacks Map



DRAFT AMENDMENT FOR ADOPTION - North Sydney Development Control Plan 2013

Area Character Statements - St Leonards / Crows Nest Planning Area

3.2.3.4 Podium Heights

Objectives

- O1 To strengthen the urban form of the Centre with consistent street wall heights.
- O2 To achieve comfortable street environments for pedestrians in terms of daylight, scale, sense of enclosure and wind mitigation as well as a healthy environment for street trees.
- O3 To enhance the distinctive character of streets within the Centre.
- O4 To ensure the context of heritage items are not adversely eroded.

Provisions

- P1 Podiums are to be provided to in accordance with the Podium Heights Map (refer to Figure C-3.2-4).
- P2 Despite P1, corner sites are to maintain a consistent podium height to all street frontages to achieve consistent built form.
- P3 Despite P1, sites containing a heritage item and where that heritage item is to be retained the existing podium height may be retained.
- P4 Despite P1 podium heights may be varied to be consistent with the built form envelope approved as part of the approval for the Crows Nest Metro Station and Over Station Development (OSD). However, distinct architectural elements are to be incorporated to reflect the desired podium heights.
- P5 If required, podiums are to step down with the topography.

C Part

C3-26 Page

North Sydney Development Control Plan 2013 – **DRAFT AMENDMENT FOR ADOPTION**

Area Character Statements - St Leonards / Crows Nest Planning Area



Figure C-3.2-4: Podium Heights Map



DRAFT AMENDMENT FOR ADOPTION - North Sydney Development Control Plan 2013

Area Character Statements - St Leonards / Crows Nest Planning Area

3.2.3.5 Above Podium Setbacks

Objectives

- O1 To protect daylight access at street level and permit views of sky from the street by providing setbacks above the podium that promote separation between buildings and assist in mitigating urban heat.
- O2 To ensure that built form achieves comfortable public domain conditions for pedestrians, with adequate daylight, appropriate scale, and mitigation of urban heat and wind effects of tower buildings.
- O3 To reinforce important elements of the local context including public spaces, heritage buildings, monuments and landscape elements.
- O4 To provide adequate privacy, access to light, air and outlook for the occupants of buildings, neighbouring properties and future buildings.
- O5 To ensure towers are sufficiently separated to be seen in the round and reduce the cumulative overshadowing impact of towers on neighbouring residential areas.
- O6 To ensure development does not prejudice the re-development of adjoining sites in the future.
- O7 To avoid awkward ziggurat style built form outcomes.

Provisions

- P1 All buildings are to be designed to provide setbacks above the podium in accordance with the Above Podium Setbacks Map (refer to Figure C-3.2-5). Setbacks above the podium are to be measured from the outer wall of the podium.
- P2 A minimum above podium setback to all side and rear boundaries is required as follows:
 - (a) 4.5m for buildings up to 8 storeys in height; or
 - (b) 6m for buildings from 9 storeys up to 18 storeys in height; or
 - (c) 12m for buildings over 18 storeys in height.
- P3 Despite P1 and P2, above podium setbacks may be varied to be consistent with the built form envelope approved as part of the approval for the Crows Nest Metro Station and Over Station Development (OSD).
- P4 Despite P2, the following minimum above podium setbacks, measured from the property boundary, is required where land zoned *B3 Commercial Core* or *B4 Mixed Use* directly adjoins land which is residentially zoned along the zone interface.
 - (a) 12m for buildings up to 8 storeys in height; or
 - (b) 15m for buildings over 8 storeys in height.

This requirement does not apply if the land is separated by a public road.
- P5 Despite P1, P2 and P3, increased setbacks above the podium may be required to achieve adequate building separation in accordance with SEPP 65.
- P6 Only one step in the built form between the podium walls and tower is permissible.
- P7 An existing adjacent building, even if heritage listed, cannot be used to justify a reduced setback that would compromise the development potential of the adjacent site in the future.

Note. Above podium setbacks are measured to the outer face of any part of the building including balconies, architectural detailing and the like.

C Part

C3-28 Page

North Sydney Development Control Plan 2013 – **DRAFT AMENDMENT FOR ADOPTION**

Area Character Statements - St Leonards / Crows Nest Planning Area



Figure C-3.2-5: Above Podium Setbacks Map



DRAFT AMENDMENT FOR ADOPTION - North Sydney Development Control Plan 2013

Area Character Statements - St Leonards / Crows Nest Planning Area

3.2.3.6 Active Frontages

Objectives

- O1 To provide for the amenity, interest and liveliness of the street environment and public open spaces.
- O2 To ensure a positive experience for pedestrians with the necessary fine grain environment of the street.
- O3 To enable sensory engagement with the street and public spaces.
- O4 To provide an active ground floor frontage that is accessible and integrated with the design of the public domain.
- O5 To maximise the extent of active frontages in the public domain.
- O6 To promote activity, connectivity and variety in the public domain.
- O7 To increase passive surveillance of the street and other public spaces and enhance safety.

Provisions

- P1 Buildings must contain active frontages to all street frontages, with the exceptions of public laneways.
- P2 Where a site has a direct frontage to an existing or proposed open space, an active frontage is to be provided to that interface. In particular, active frontages are to be provided to:
 - (a) Hume Street Park, including the link between Willoughby Road and Hume Street;
 - (b) Ernest Place, between Willoughby Road and Willoughby Lane; and
 - (c) Holtermann Reserve (proposed).
- P3 Active frontages are to be provided along both sides of through site links.
- P4 Active frontages to public laneways are encouraged where practical but not where they do not have an interface with residentially zoned land.
- P5 Where a site has multiple street frontages, all service and vehicular access points must not be provided off the primary street frontage.
- P6 Fire escapes and service doors must be seamlessly incorporated into the facade with quality materials.
- P7 Avoid the use of colonnades along all street frontages.

3.2.3.7 Solar access

Objectives

- O1 To ensure existing and future parks and public spaces in and around the Centre are afforded a high level of amenity through the maintaining and maximising of solar access during periods in the day when they are most used throughout the year.
- O2 To promote active and passive recreation to public spaces to service existing and planned population of the Centre and surrounds.
- O3 To ensure the successful growth and survival of trees and vegetation within the parks and public spaces.

Provisions

- P1 Development is to be designed to maximise year round solar access to existing and proposed new public spaces to be created within the Planning Area.
- P2 Development must not result in a net increase in overshadowing to the following existing and proposed public spaces between 10am and 3pm from the March Equinox to the September Equinox (inclusive):

C Part

C3-30 Page

North Sydney Development Control Plan 2013 – DRAFT AMENDMENT FOR ADOPTION**Area Character Statements - St Leonards / Crows Nest Planning Area**

- (a) Hume Street Park, comprising all land located between Pole Lane, Willoughby Road, Clarke Street and Oxley Street and zoned *RE1 Public Recreation*; and
 - (b) Ernest Place, comprising all land within the Ernest Street road reserve located between Willoughby Road and Willoughby Lane and zoned *RE1 Public Recreation*; and
 - (c) Holtermann Reserve (proposed), comprising that part of Lot 1, DP 785343 and zoned *SP2 Infrastructure – Car Park*.
- P3 Development must not result in a net increase in overshadowing to the Willoughby Road road reserve, between Chandos Street and Falcon Street between 10am and 3pm from the March Equinox to the September Equinox (inclusive).
- P4 Despite P2 and P3, development on land located directly adjacent to the identified public spaces may result in a net increase in overshadowing of that space, but only if that development strictly complies with relevant built form envelope controls that apply to that land under both NSLEP 2013 and this DCP.

3.2.3.8 Awnings**Objectives**

- O1 To maximise pedestrian comfort and continuous protection.

Provisions

- P1 Awnings must be provided to all street frontages on land zoned *B3 Commercial Core* and *B4 Mixed Use*, except laneways.

3.2.3.9 Car accommodation**Objectives**

- O1 To minimise the impact on pedestrian safety.
- O2 Ensure that traffic generation is minimised.
- O3 To minimise the visual impact of vehicles.
- O4 Ensure high levels of accessibility.

Provisions

- P1 Where a property has a frontage to a laneway, vehicular access must be made from the laneway.
- P2 No vehicular access is permitted to:
 - (a) Willoughby Road,
 - (b) Pacific Highway, or
 - (c) Falcon Street
- P3 Shared vehicular access to Shirley Road must be maintained to all properties between 286 and 306 Pacific Highway.
- P4 All off-street car parking must be provided underground, except when owned and operated by Council as a public car park.
- P5 The level of parking provided on sites in close proximity to the metro station should be minimised as far as practical.

3.2.4 Hume Street Park**Plan of Management**

- P1 Development is not permitted on the Hume Street Park site:
 - (a) until a Plan of Management has been prepared for the site; and
 - (b) the development is consistent with the Plan of Management.

Part**C****Page****C3-31**



DRAFT AMENDMENT FOR ADOPTION - North Sydney Development Control Plan 2013

Area Character Statements - St Leonards / Crows Nest Planning Area

Diversity

P2 The principal purpose is to provide a large recreational area and urban plaza with a variety of community, recreational and business purposes provided below ground level.

Form, massing and scale

P3 Development is predominately located below ground, to ensure that the land is highly accessible for pedestrians and can be actively used as a recreational space and urban plaza.

P4 Any development located above ground shall not exceed 1 storey in height.

3.2.5 27-57 Falcon Street

3.2.5.1 Desired Future Character, Design Objectives and Key Principles

P1 Development is to respond to the scale and character of the existing development and desired future character of the surrounding area.

P2 Built form, scale and massing is to transition in scale across the site from a mixed use, higher density typology in the western portion reflective of the Crows Nest Town Centre to a lower to medium density residential typology on the eastern portion.

P3 Development should balance the provision of new residential flat buildings within a Town Centre, while maintaining a reasonable level of amenity, privacy and solar access for low density neighbouring residents on Alexander Lane, Falcon Street and in the Hayberry Conservation Area.

P4 A mixed-use typology with medium rise residential flat buildings built to the boundary with commercial on ground level at the corner of Falcon Street and Alexander Lane. A residential typology to the eastern part of the site along Falcon Street setback from the street, with multi dwelling housing fronting Hayberry Lane to respond to the existing scale of the Hayberry Conservation Area.

P5 Built form to transition to the existing lower scale development in the Hayberry Conservation Area.

P6 Road widening along Alexander Lane with pedestrian amenity and road widening with a landscaped response and pedestrian amenity to Hayberry Lane.

P7 Vehicular access from Alexander Lane with two-way access from / to Falcon Street.

P8 A secure pedestrian through site link between Falcon Street and Hayberry Lane.

3.2.5.2 Desired Built Form

Objectives

O1 To provide for increased opportunity for height and density in the growing Crows Nest Town Centre, close to public transport and services.

O2 Building envelopes are to respond to the site's surrounding context which transitions in character from the Crows Nest Town Centre to the lower scale Heritage Conservation Area on Hayberry Street.

O3 To achieve appropriate separation distances between existing and proposed buildings and ensure reasonable privacy and solar access is maintained to surrounding dwellings, mindful of the need for renewal at the site.

O4 To ensure appropriate building lengths, a variety of building facades and a 'fine-grain' response to the public domain.

Provisions

Building Height

P1 Buildings must not exceed the maximum height in storeys as shown on the Site Layout Plan at Figure C-3.5 and the following provisions:

C Part

C3-32 Page

North Sydney Development Control Plan 2013 – DRAFT AMENDMENT FOR ADOPTION**Area Character Statements - St Leonards / Crows Nest Planning Area**

- (a) Building A - a maximum height of 6 storeys and stepping down in height to a maximum of 3 storeys at the Hayberry Lane frontage.
- (b) Building B - a maximum height of 6 storeys and stepping down in height to a maximum of 2-3 storeys at the Hayberry Lane frontage.
- (c) Building C - a maximum height of 4 storeys.
- (d) Building D - a maximum height of 3 storeys with a maximum 2 storey presentation to Hayberry Lane, with the third storey generally accommodated within the roof form.

P2 NSLEP 2013 may allow minor exceedances of the maximum heights stipulated on the Height of Buildings Map where it relates to plant and lift overruns only.

Street and Side Setbacks

P3 Building setbacks must, at a minimum, comply with the setbacks shown on the Site Layout Plan at Figure C-3.5 and the following provisions:

- (a) The following minimum setbacks are required to Falcon Street:
 - (i) Building A - 0m.
 - (ii) Building B - 0m.
 - (iii) Building C - 2m.
- (b) The following minimum setbacks are required to Hayberry Lane:
 - (i) Building A - 3m
 - (ii) Building B - 3m.
 - (iii) Building D - 1.5m.
- (c) The following minimum side setbacks are required to 56-63 Falcon Street:
 - (i) Building C - 4.5m.
 - (ii) Building D - 1.5m.
- (d) Building A is to be setback a minimum of 6m from the existing centreline of Alexander Lane.

3.2.5.3 Site Coverage**Objectives**

- O1 To ensure that development is balanced and in keeping with the optimum capacity of the site acknowledging its unique size and location within the Crows Nest Town Centre at the interface between business and residential zones that accommodates a mix of building typologies.
- O2 To achieve appropriate building envelopes that ensure the development responds to its surrounding context and provides appropriate open space and landscaped area for residents and visitors.

Provisions

- P1 The maximum site coverage for this site is 65%.
- P2 For the purposes of P1, site coverage is to be determined in accordance with P2 to S.1.5.5 to Part B of the DCP.

3.2.5.4 Communal Open Space**Objectives**

- O1 To provide high quality communal open space at ground level and on buildings with a reasonable level of outdoor amenity without reducing privacy to neighbouring dwellings.



DRAFT AMENDMENT FOR ADOPTION - North Sydney Development Control Plan 2013

Area Character Statements - St Leonards / Crows Nest Planning Area

O2 To provide a level of communal open space commensurate with *Apartment Design Guidelines* that is mindful of the site's unique location and building typologies.

O3 To ensure communal open space is useable.

Provisions

P1 Communal open space is provided in the locations shown on the Site Layout Plan at Figure C-3.5.

P2 Communal open space can be provided on the Building B rooftop only if the space is designed such that there is no potential for overlooking into private open space and its location will not create any noise issues for surrounding dwellings.

3.2.5.5 Landscaped Area

Objectives

O4 To ensure that landscaping is used to provide appropriate amenity for development and soften the appearance of buildings and their interface with the neighbouring dwellings and the public domain.

O5 To provide a level of landscaped area commensurate with *Apartment Design Guidelines* that is mindful of the site's unique location and building typologies.

Provisions

P1 The minimum landscaped area for the site is 20%.

P2 For the purposes of P1, landscaped area is to be determined in accordance with P2 to S.1.5.6 to Part B of the DCP.

3.2.5.6 Traffic, Access and Parking

Objectives

O1 To regulate traffic movements and reduce congestion on Falcon Street.

O2 To ensure that vehicular access is safe for motorists and pedestrians.

O3 To facilitate road widening along Alexander Lane.

O4 To facilitate road widening and the provision of a shared way along Hayberry Street.

O5 To create a safe, accessible and shared laneway network.

O6 To provide appropriate amount of basement parking spaces for residents, visitors and staff.

Provisions

P1 Vehicular access to the site must be from Alexander Lane and be located as far as practicable from Falcon Street.

P2 To facilitate vehicular access from Hayberry Lane, Alexander Lane is to be widened to allow for the provision of two-way traffic between Falcon Street and Hayberry Lane.

P3 Provide on-site parking, including visitor parking at the maximum rates stated Table C-3.1.

TABLE C-3.1: Parking Rates		
Development type		Maximum Parking Rate
Residential accommodation	Studio / 1 bedroom	0.5 space / dwelling
	2 or more bedrooms	1.0 space/dwg 0
	Visitor	0.25 space/dwg

C Part

C3-34 Page

North Sydney Development Control Plan 2013 – DRAFT AMENDMENT FOR ADOPTION



Area Character Statements - St Leonards / Crows Nest Planning Area

Non-residential development	1/60sqm of non-residential GFA
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P4 On-site car parking provision significantly below maximum rates specified in Table C-3.1 will only be considered if the proposed development has good access to public transport due to the impact that unmet on-site parking demand may have on surrounding residential streets, if viable alternative transport modes are not available.



DRAFT AMENDMENT FOR ADOPTION - North Sydney Development Control Plan 2013

Area Character Statements - St Leonards / Crows Nest Planning Area

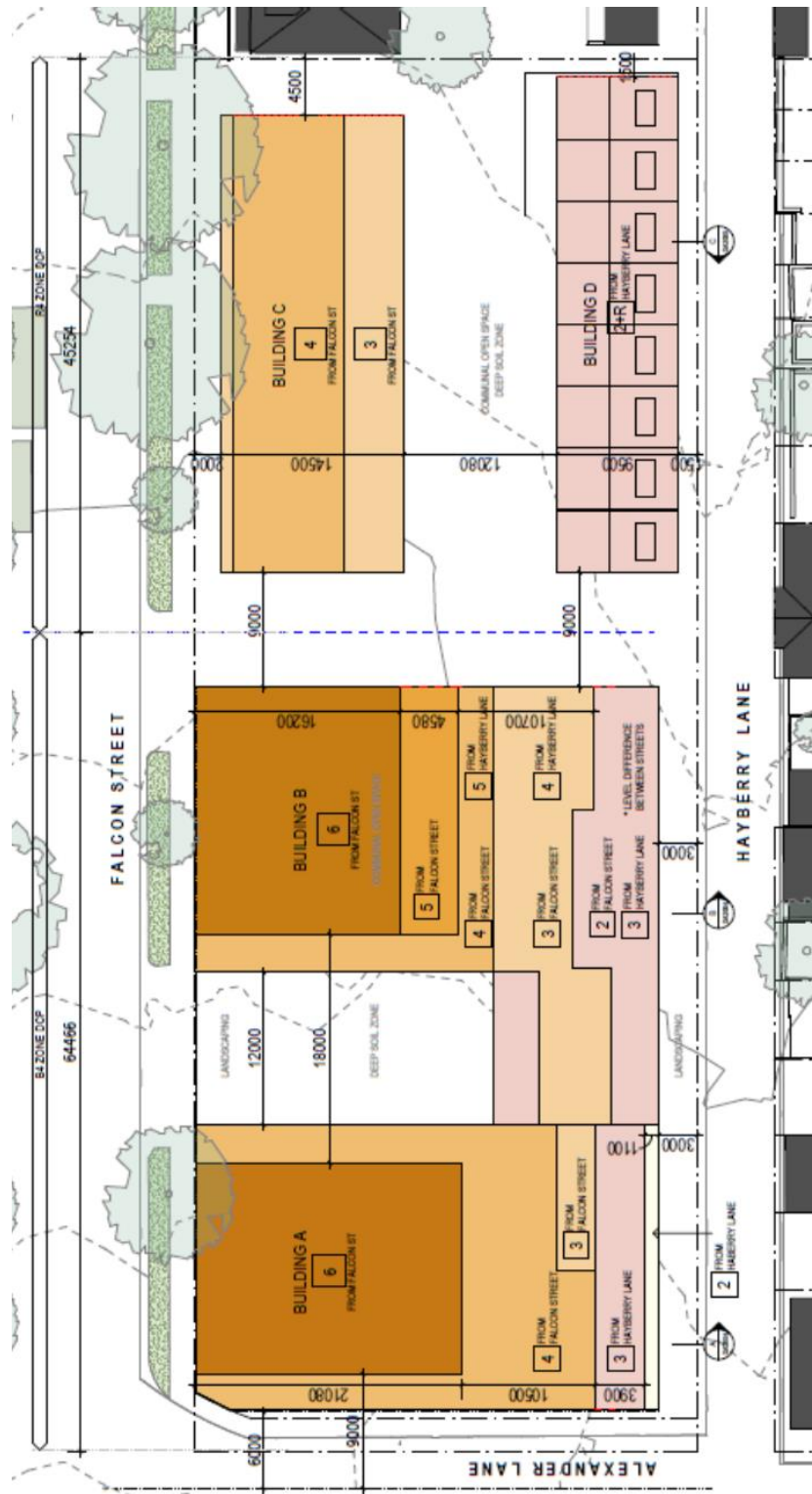


Figure C-3.5: Site Layout Plan

C	Part
C3-36	Page



DRAFT AMENDMENT FOR ADOPTION - North Sydney Development Control Plan 2013

Area Character Statements - Waverton / Wollstonecraft Planning Area

10.0 WAVERTON / WOLLSTONECRAFT PLANNING AREA CHARACTER STATEMENT



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

The Planning Area generally comprises a diverse residential neighbourhood ranging from low density residential development adjacent to the foreshore areas of Sydney Harbour to high density residential development generally on the upper slopes and in close proximity to railway stations. The suburbs of Waverton and Wollstonecraft essentially align with the two ridges/peninsulas that project out into Sydney Harbour. The Area is also physically divided by the North Shore Railway line. Both neighbourhoods are in a pleasant setting, as a result of buildings being setback from boundaries, onsite landscaping, street trees and strong links to Sydney Harbour.

A large portion of the Education Precinct is located in the Planning Area, which consists of landmark educational establishments such as the Australian Catholic University (ACU), the Sydney Church of England Grammar School (Shore) and North Sydney Demonstration School and supports a growing student population and workforce of teaching and support staff.

The foreshores of the Planning Area are generally protected from development by recreational and bushland buffers, with the minor exception of maritime industrial activities which are reliant on a land-water interface.

Development within the Planning Area, should result in:

- residential growth being provided in accordance with Council's Residential Development Strategy, predominantly comprising attached dwellings, multi dwelling housing and residential flat buildings in the appropriate zones
- redevelopment of sites respects the existing built form and maintains the character of the area. This includes any alterations and additions to existing buildings

C Part

C10-2 Page

North Sydney Development Control Plan 2013 - DRAFT AMENDMENT FOR ADOPTION**Area Character Statements - Waverton / Wollstonecraft Planning Area**

- a wide range of residential types being distributed in a number of distinctive built forms and landscape areas, including purpose built student accommodation to support the functioning of the Education Precinct.
- local shops cater to the local community and are balanced between basic needs of food and grocery, and social needs- such as cafes and galleries
- a vibrant and engaging Education Precinct with safe pedestrian networks, high quality built form and a range of formal and informal public spaces for students to study, socialise and engage with the local community.
- future maritime uses having a minimal impact on residential amenity
- features contributing to local identity are promoted and conserved

and where,

Function

- a community centre being provided in an accessible location in the Waverton Neighbourhood, provides a meeting place for the local community and is part of North Sydney's network of community and cultural centres
- a limited number of non-residential uses such as maritime industrial, defence, hospital and educational establishments coexist peacefully with the residential character without adverse effect
- large areas of open space are used by local residents and the wider regional population for a variety of social and recreational needs
- comfortable and safe pedestrian routes are maintained and extended to achieve a continuous route from Smoothery Park to Waverton Park and on to McMahons Point
- public transport, cycling and walking are the preferred means of transport
- through traffic is discouraged from using the already overloaded road network and commuter parking managed through parking schemes

Environmental Criteria

- the remaining natural foreshores and water courses are conserved and protected, and pedestrian access to these is extended and improved
- bushland is protected from the adverse effects of development – such as stormwater runoff, spread of introduced plants and weeds, and visual impact of structures
- use of local flora extends habitats for native birds and other fauna
- mechanical noise and other industrial noise is controlled, to protect the ambience of natural features

Quality Built Form

- any development reflects and reinforces the existing distinctive built form/landscape areas and distribution of accommodation types
- cohesiveness is achieved in the area and through landscaping and street tree planting
- development in foreshore areas is carefully designed to consider the existing topography and not disrupt views from neighbouring properties
- significant views from lookouts and other vantage points are not obscured by structures or landscaping
- man-made features such as the railway cutting at Waverton Station and the tank cuttings on the BP site are maintained as local landmarks important to the community

Part

C

Page

C10-3



DRAFT AMENDMENT FOR ADOPTION - North Sydney Development Control Plan 2013

Area Character Statements - Waverton / Wollstonecraft Planning Area

- educational establishments are oriented to the public domain to provide increased surveillance and activation

Quality Urban Environment

- backyards are used for a variety of activities particularly for families with children and for the practical and recreation needs of residents in apartments

Efficient Use of Resources

- existing buildings are maintained to prevent unnecessary waste of building materials
- stormwater is retained for reuse on-site

Public Domain

- streetscape improvements within the Education Precinct occur in accordance with the *North Sydney Centre Public Domain Strategy* and the *Education Precinct Public Domain Masterplan*

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

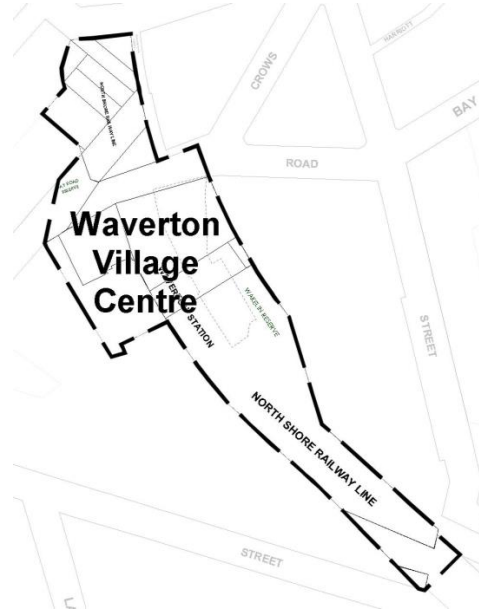
- Section 10.1: Waverton Village Centre
- Section 10.2: Upper Slopes Neighbourhood
 - Section 10.2.4 Newlands Lane Open Space Area
- Section 10.3: Wollstonecraft Peninsula Neighbourhood
 - Section 10.3.4 12 Shirley Road
- Section 10.4: Gasworks Neighbourhood
- Section 10.5: Waverton Village Neighbourhood
- Section 10.6: Waverton Neighbourhood
- Section 10.7: Waverton Peninsula Neighbourhood
 - Section 10.7.4 HMAS Waterhen – Upper Terrace
 - Section 10.7.5 Former Quarantine Depot
 - Section 10.7.6 Former Woodleys Boatyard
- Section 10.8: John Street Waterfront Neighbourhood
- Section 10.9: Sawmillers Neighbourhood
- Section 10.10: Wollstonecraft Conservation Area
- Section 10.11: Crows Nest Road Conservation Area
- Section 10.12: Edward Street Conservation Area
- Section 10.13: Priory Road Conservation Area
- Section 10.14: Bay Road Conservation Area

C **Part**

C10-4 **Page**



10.1 WAVERTON VILLAGE CENTRE



10.1.1 Significant Elements

Land Use

P1 Predominantly mixed commercial and residential development.

Topography

P2 Moderate falls to the south.

P3 Large vertical cutting through sandstone to accommodate railway line.

Natural Features

P4 Wakelin Reserve maintained as public park.

P5 Creekline into Wakelin Reserve is conserved.

Views

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

- (a) Unobstructed views, from the Bay Road Bridge, of the railway cutting, tunnel and cliff face.
- (b) Vistas towards Balls Head and water views along Balls Head Road.
- (c) Views toward Railway Station building from Bay Road and Crows Nest Road.
- (d) Views from Wakelin Reserve towards Sydney Harbour.

Identity / Icons

P7 North Shore railway line.

P8 Waverton Railway Station

Subdivision

P9 Irregular subdivision pattern.



DRAFT AMENDMENT FOR ADOPTION - North Sydney Development Control Plan 2013

Area Character Statements - Waverton / Wollstonecraft Planning Area

Streetscape

- P10 Paved street verges.
- P11 Buildings built to the boundary.
- P12 Continuous awnings to the southern side of Bay Road.

Public transport

- P13 Development is to take advantage of the high levels of accessibility to public train and bus services.

10.1.2 Desired Future Character

Diversity

- P1 Predominantly mixed-use development with retail and commercial premises on ground floor (fronting Bay Road), non-residential or residential accommodation on the first floor, and residential above.
- P2 A community centre is established over the SRA land to the south of the Bay Road.
- P3 Development to the north of Bay Road is to comprise a small commercial building set back from Bay Road in a large landscaped open area and used for a plant nursery, café, or childcare.

Access

- P4 Pedestrian access is provided from Bay Road through to Carr Street.

10.1.3 Desired Built Form

Subdivision

- P1 No further subdivision of land north of Bay Road.

Form, massing and scale

- P2 One storey to the north of Bay Road.
- P3 To the south of Bay Road:
 - (a) One to two storeys at the Bay Road frontage.
 - (b) Any additional storeys are set back at least 6m from the Bay Road frontage above the second storey with little impact on views, overshadowing and privacy.
- P4 Building bulk and facades are articulated providing gaps for natural light and direct sunlight to penetrate onto Waverton Station platforms.
- P5 Where possible, the building to the north of Bay Road should be retained in its current form.

Siting

- P6 Building sited to maintain access to North Shore Railway.
- P7 Views from Wakelin Reserve, surrounding residential properties, and solar access (particularly to Waverton Station platforms), considered when siting building.
- P8 Development to the north of Bay Road is to be located towards the street frontage of the block, with large side and rear yards.

Setback

- P9 To the north of Bay Road:
 - (a) Front: 5m.
 - (b) Side: 3m.
 - (c) Rear: 20m.

C Part

C10-6 Page

North Sydney Development Control Plan 2013 - DRAFT AMENDMENT FOR ADOPTION**Area Character Statements - Waverton / Wollstonecraft Planning Area**

P10 To the south of Bay Road:

- (a) Front: 0m.
- (b) To Wakelin Reserve: 3m minimum.
- (c) Setbacks from boundaries that adjoin or are near residential properties and areas of open space land, are maintained to protect the amenity of that land.

Solar Access

P11 Dwellings and ground level retail plaza of Waverton Station north east side of 100 Bay Road have good solar access.

Fences

P12 Buildings and front gardens to the north of Bay Road are seen through and over front fences.

Car accommodation

P13 Emergency vehicle access is provided to the North Shore railway line.

P14 Parking is located underground

P15 Only one access point is provided from Bay Road adjacent to Wakelin Reserve to the SRA Land south of Bay Road.

Part	C
Page	C10-7



DRAFT AMENDMENT FOR ADOPTION - North Sydney Development Control Plan 2013

Area Character Statements - Waverton / Wollstonecraft Planning Area

10.2 THE UPPER SLOPES



10.2.1 Significant Elements

Land Use

- P1 Diverse range of low, medium and high density residential accommodation.
- P2 Passive and active recreational spaces.
- P3 Educational establishments.
- P4 Health services facilities.

Topography

- P5 Generally falls from the ridge following the Pacific Highway down to the south-west.

Natural Features

- P6 Remnant bushland in Smoothey Park.

Views

- P7 The following views and vistas are to be preserved and where possible enhanced:
 - (a) Vistas to Sydney Harbour along Crows Nest Road are maintained.
 - (b) Remaining views from Brennan Park are maintained.