

## **8.8. 270-272 Pacific Highway - PPA, VPA and DCP**

**AUTHOR:** Marcelo Occhiuzzi, Manager Strategic Planning

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

### **ATTACHMENTS:**

1. Attachment 1 - Panel decision - Rezoning Review - 270-272 Pacific Highway, Crows Nest [**8.8.1** - 3 pages]
2. Attachment 2 - R R-2021-95 - Letter to Council advising of Panel decision [**8.8.2** - 1 page]
3. Attachment 3 - VPA Letter of offer - 270-272 Pacific Highway, Crows Nest - 16 September 2021 [**8.8.3** - 4 pages]
4. Attachment 4 - Site-specific DCP (track changes) - Council Report- 270-272 Pacific Highway [**8.8.4** - 13 pages]

### **PURPOSE:**

This report considers:

- The offer of taking on the “Planning Proposal Authority” (PPA) role for the Planning Proposal at 270-272 Pacific Highway, Crows Nest, and
- endorsement of a Voluntary Planning Agreement (VPA) offer and draft amendment to North Sydney Development Control Plan (NSDCP) 2013 associated with the planning proposal, for the purpose of public exhibition.

### **EXECUTIVE SUMMARY:**

On 19 March 2021, Council received a Planning Proposal to amend North Sydney Local Environmental Plan 2013 (NSLEP 2013) as it relates to land at 270-272 Pacific Highway, Crows Nest.

The Planning Proposal seeks to make the following amendments to the NSLEP 2013:

- Increase the maximum Height of Buildings Map from 16m to 59m (13 storeys);
- Impose a maximum Floor Space Ratio Map of 5.6:1;
- Increase the minimum Non-residential Floor Space Ratio Map from 0.5:1 to 5.6:1;
- Insert a Site-specific clause allowing a maximum FSR of 6.02:1, provided any additional floor space above 5.6:1 is located below ground level and comprises non-residential uses.

The Planning Proposal is accompanied by a:

- draft Voluntary Planning Agreement (VPA as included at Attachment 3) offer providing a monetary contribution of \$3.0 million for local infrastructure and facilities, and
- draft amendment to NSDCP 2013, which was prepared in conjunction with Council Officers and the applicant during the assessment of the proposal.

Council considered an assessment report in relation to the Planning Proposal including the advice from the North Sydney Local Planning Panel on 21 February 2022, and it resolved not to support the progression of the Planning Proposal to Gateway Determination.

On 2 March 2022, a Rezoning Review request was formally considered by the Sydney North Planning Panel (SNPP). On 8 March 2022, the SNPP recommended that the Planning Proposal should progress to Gateway Determination.

The SNPP also sought Council's advice with respect to accepting the role of Planning Proposal Authority (PPA). The PPA is responsible for progressing Planning Proposals through the plan making process, including ensuring the Planning Proposal is consistent with the Gateway Determination, hosting the public exhibition process, consideration of submissions and the making of an amendment to Council's Local Environmental Plan.

It is recommended that Council accept the PPA role, to ensure a high degree of clarity and accuracy in any future public exhibition process and to retain a role in this process.

Additionally, this report considers the proposed VPA offer and draft amendment to NSDCP 2013. Site-specific development controls may help mitigate some of the impacts of any future built form arising on the site as a result of the Planning Proposal. Whilst Council has previously objected to the proposal, the provision of a VPA will assist in funding the provision of local infrastructure in the area. It is therefore recommended that the attached VPA offer and draft amendments to the DCP be adopted by Council and placed on public exhibition concurrently with the Planning Proposal.

#### **FINANCIAL IMPLICATIONS:**

The Planning Proposal is accompanied by a VPA offer that proposes to provide a monetary contribution of \$3.0 million towards the provision of community infrastructure.

Expenditure arising with respect to the public exhibition of any VPA and DCP amendment and its implementation is funded through existing operational budget lines.

#### **RECOMMENDATION:**

- 1. THAT** Council accept the role of the Planning Proposal Authority for Planning Proposal 1/21 – 270-272 Pacific Highway, Crows Nest.
- 2. THAT** in accepting the Planning Proposal Authority role, Council advise the Sydney North Planning Panel and Department of Planning and Environment and request that any recommendations of the Sydney North Planning Panel form conditions to any Gateway Determination issued;
- 3. THAT** Council endorse the draft Development Control Plan provisions contained at attachment 4 for the purposes of public exhibition;
- 4. THAT** Council accept, in principle, the contents of the VPA offer with the intention that it be placed on public exhibition upon the satisfactory negotiation of the detailed VPA terms.
- 5. THAT** once a Gateway Determination is issued, the Planning Proposal, any VPA and site specific DCP controls, be placed on public exhibition concurrently.
- 6. THAT** the outcomes of the public exhibition be reported back to Council.

## LINK TO COMMUNITY STRATEGIC PLAN

The relationship with the Community Strategic Plan is as follows:

### 2. Our Built Infrastructure

#### 2.1 Infrastructure and assets meet community needs

### 3. Our Future Planning

#### 3.1 Prosperous and vibrant economy

#### 3.4 North Sydney is distinctive with a sense of place and quality design

### 5. Our Civic Leadership

#### 5.1 Council leads the strategic direction of North Sydney

## BACKGROUND

### 1. Planning Proposal

On 19 March 2021, Council received a Planning Proposal to amend North Sydney Local Environmental Plan 2013 (NSLEP 2013) as it relates to land at 270-272 Pacific Highway, Crows Nest.

The Planning Proposal seeks to make the following amendments to the NSLEP 2013:

- Increase the maximum Height of Buildings Map from 16m to 59m (13 storeys);
- Impose a maximum Floor Space Ratio Map of 5.6:1;
- Increase the minimum Non-residential Floor Space Ratio Map from 0.5:1 to 5.6:1;
- Insert a Site-specific clause allowing a maximum FSR of 6.02:1, provided any additional floor space above 5.6:1 is located below ground level and comprises non-residential uses.

The Planning Proposal is accompanied by a draft Voluntary Planning Agreement (VPA as included at Attachment 3) offer which proposes to provide a monetary contribution of \$3.0 million for local infrastructure and facilities.

On 29 September 2021, the North Sydney Local Planning Panel (NSLPP) considered a report on this Planning Proposal. The panel supported its progression, noting a recommended reduction in height from 59m to 54m and agreed with the recommendation that a site-specific DCP be prepared in relation to the proposal.

Council at its meeting on 25 October 2021 Council considered the advice of the NSLPP and the independent planning consultant and resolved:

1. ***THAT*** the matter be deferred for consideration by the new Council.

On 21 February 2022, Council considered the deferred matter and resolved:

**1. THAT** Council resolves not to support Planning Proposal 1/2021 in respect of 270-272 Pacific Highway, Crows Nest proceeding to Gateway Determination for the following reasons:

*(a) The proposed height of 59m (and the proposed reduction to 54m) is inconsistent with Council's resolved position to oppose the significant increases to the exhibited maximum heights along the western side of the Pacific Highway including the subject site, under the 2036 Plan as resolved at the meeting held on 24 January 2022*

*(b) The excessive height, bulk and scale of the proposed building envelope will result in significant adverse amenity impacts on the neighbouring properties in Sinclair Street including loss of solar access and traffic impacts due to the constrained nature of the shared access and right of way off Bruce Street.*

*(c) The proposal fails to provide a reasonable transition to the Sinclair Street properties.*

*(d) The lack of a site specific Development Control Plan at this stage of the strategic planning process.*

*(e) The amended proposed height of 54m is inconsistent with Council's desired future character for this part of the Pacific Highway and will set an unacceptable precedent for future development in this locality.*

## **2. Rezoning Review**

Due to Council not having made a determination within 90 days of lodgement of the Planning Proposal, on 11 November 2021 the applicant lodged a rezoning review with the Department of Planning and Environment (DPE).

The SNRPP considered the request for the Rezoning Review on 2 March 2022 and handed down its recommendation on 8 March 2022. It recommended that the Planning Proposal proceed to Gateway Determination on both strategic and site-specific merit grounds and gave the following reasons for its decision:

*The Panel believes the planning proposal reflects the benefit of extensive negotiation with Council including the reduction in height from 59 to 54 metres.*

*The proposal is also largely compliant with the 2036 Plan with the minor variation that FSR in total is 6.02:1, but above-ground the FSR is compliant at 5.6:1.*

*The Panel considers it prudent to also add a proviso that prior to submission the planning proposal is updated to remove retail premises in the basement component of the scheme, but allow neighbourhood shops.*

*In relation to the impact of bulk and scale, the proponent has actively worked with Council to prepare a site-specific DCP to ensure future development reduces any impact on surrounding properties.*

*Given the above the Panel believes the planning proposal should proceed to Gateway determination.*

A copy of the SNPP's letter and recommendations are attached to this report.

In addition, the SNRPP has requested that Council indicate whether it would like to assume the role of Planning Proposal Authority (PPA) for the ongoing processing of the Planning

Proposal (i.e. to undertake the public exhibition and prepare the post exhibition report) within 42 days of its letter (i.e., by 19 April 2022).

If Council accepts the PPA role, it will then have a further 42 days from the date of its acceptance within which to forward the Planning Proposal to the DPE to obtain a Gateway Determination.

This report seeks Council's decision on whether it should accept or decline the role of PPA for the Planning Proposal.

## **CONSULTATION REQUIREMENTS**

Community engagement will be undertaken in accordance with Council's Community Engagement Protocol.

## **DETAIL**

### **1. Determination of the PPA Role**

Following the issue of a Gateway Determination, the PPA is responsible for progressing a Planning Proposal through the next stages of the plan making process. This includes finalisation of planning proposals, consulting with the community and relevant agencies, considering submissions, finalising assessment of the proposal and, should the plan progress to the final stage, request the making of the plan (being amendments to NSLEP 2013). The Gateway Determination enables a Planning Proposal to progress to public exhibition.

### **2. Accepting the Role of PPA**

Council accepting the role of PPA provides Council the opportunity of playing a greater role in the exhibition and finalisation process of the Planning Proposal. Council should be aware, however, that the planning proposal, as endorsed by the Regional Planning Panel, is consistent with the *St Leonards Crows Nest 2036 Plan* and the Ministerial Order that accompanies it. As such, and notwithstanding Council's resolution of 21 February 2022, it is highly likely that given this level of consistency, the Planning Proposal is very likely to be supported at the Departmental and Ministerial level through to gazettal.

Notwithstanding the likelihood of the Planning Proposal being ultimately successful, this report recognises the advantages of accepting the PPA role as follows:

- Council would have administrative control of the plan making process, including public exhibition, post exhibition report and finalisation of the amendment to the relevant LEP.
- greater control over the content, quality and clarity of information provided in the Planning Proposal prior to it being placed on public exhibition.

- Council has a broader understanding of its community’s concerns and is able to better articulate those concerns with respect to the potential impacts.
- At a time that the Department is considering changes to the rezoning process which potentially provide proponents more involvement and control over the public consultation process, it’s important that Council exercise its community engagement role in these statutory processes.

Council should, of course, note that in the context of the 2036 Plan, staff have previously recommended the planning proposal’s progression to Gateway Determination given its consistency with the 2036 Plan.

### **3. Voluntary Planning Agreement (VPA)**

The amended Planning Proposal was initially accompanied by a draft Voluntary Planning Agreement (VPA) offer proposing to provide a monetary contribution of \$1.5 million. In consideration of Planning Proposals seeking uplifts to existing development controls, Council typically undertakes an evaluation of the value of the development extent available under the current planning controls and those being sought. The vast majority of these secured to date by Council have related to predominantly residential developments (currently also experiencing highly favourable market conditions).

In this instance, consideration has been given to valuation advice received by Council and alternate methodologies, assumptions and considerations by the applicant. As a result, on 16 September 2022 an amended VPA letter of offer was provided offering to provide a monetary contribution of \$3.0 million towards future local community facilities.

The re-development of the site for commercial purposes is supported by 2036 Plan which aims to facilitate job creation in the area. It is noted that there has been a relative contraction of employment floor space over time within the precinct, with there being a very limited number of sites identified within the 2036 for purely commercial purposes.

In light of the acknowledged challenges facing successful delivery of commercial floorspace (compared to residential development), the monetary contribution proposed under the VPA is considered to constitute a reasonable offer. This is considering the uplift experienced on the site and taking into account the subsequent demand such uplift will have on surrounding local infrastructure. The future site re-development will also be subject to payment of local contributions pursuant to Council’s Local Infrastructure Contributions Plan.

Further resolution on the detailed terms of the offer (such as provision of security, timing of payment and other matters) will be required to be negotiated prior to exhibition. Were Council to support the progression of the VPA, it is recommended that it be exhibited concurrently with the Planning Proposal. It is envisaged that the exhibition process for the VPA be held concurrently with the Planning Proposal.

## **4. Development Control Plan (DCP)**

### **4.1 Role of the Development Control Plan**

Provisions contained in a Development Control Plan (DCP) are intended to support and facilitate the development envisaged under the higher-order planning controls of the Local Environmental Plan (LEP).

A DCP generally contains more detailed design parameters to help assist in the development application process. Under the Environmental Planning and Assessment Act (EP&A Act) 1979, a DCP cannot contain provisions that unreasonably restrict or seek to undermine the development provisions of an LEP such as zoning, building height, floor space ratio etc.

### **4.2 Draft DCP amendments**

Part C of the NSDCP 2013 implements a 'place management' planning approach. It contains a suite of Area Character Statements to achieve a desired character that is unique to each place.

The DCP's Area Character Statements are divided into 9 Planning Areas, which generally reflect the extent of each official suburb in the LGA. Each Planning Area is further subdivided into 61 Locality Areas, which generally reflect:

- a heritage conservation area;
- an area with common land uses under the Local Environmental Plan (LEP); or
- an area exhibiting a generally consistent character.

The area the subject of this development sits within the 'Crows Nest Town Centre' as outlined in Diagram 1 below.

## CROWS NEST TOWN CENTRE



*Diagram 1 - Amended extract from the North Sydney DCP 2013 – Crows Nest Town Centre*

It is proposed to identify the development site (labelled 270-272 Pacific Highway, Crows Nest) and provide numeric building setbacks from relevant property boundaries (front, side and rear), upper-level setbacks as they relate to building heights, basement floor area, landscaping and traffic, access and parking.

Other relevant provisions within the broader DCP will still need to be satisfied. These include detailed provisions with respect to solar access, privacy, cross ventilation, design, materials, building separation and the like.

It is acknowledged that the potential adoption of DCP provisions will not address Council's previously expressed concerns. However, in light of the support for the proposal formally issued by the SNRPP, the inclusion of these provisions may help guide a better built form outcome than may otherwise occur in their absence.

The draft DCP amendments in Attachment 4 are shown as tracked changes. It is recommended that the draft amendments be placed on public exhibition in accordance with the Environmental Planning and Assessment (EP&A) Act and Regulations.




**REZONING REVIEW  
RECORD OF DECISION  
SYDNEY NORTH PLANNING PANEL**

<b>DATE OF DECISION</b>	2 March 2022
<b>PANEL MEMBERS</b>	Peter Debnam (Chair), Sue Francis and Kevin Alker
<b>APOLOGIES</b>	Stuart McDonald, Brian Kirk and Julie Savet Ward
<b>DECLARATIONS OF INTEREST</b>	Ken Robinson declared that this matter was considered by the North Sydney LPP on 29 September 2021. He was a member of that panel which endorsed the Council officers report in favour of the proposal proceeding to gateway determination.

**REZONING REVIEW**

Request for a rezoning review - RR-2021-95 – North Sydney - 270-272 Pacific Highway, Crows Nest. The rezoning review request seeks to amend the North Sydney Local Environmental Plan 2013 on land at 270-272 Pacific Highway, Crows Nest by amending the maximum building height and FSR controls to facilitate redevelopment of the site as a 13 storey commercial office building and basement level car parking (AS DESCRIBED IN SCHEDULE 1)

Reason for Review:

- The Council has notified the proponent that the request to prepare a planning proposal has not been supported
- The Council has failed to indicate its support 90 days after the proponent submitted a request to prepare a planning proposal or took too long to submit the proposal after indicating its support

**PANEL CONSIDERATION AND DECISION**

The Panel considered: the material listed at item 4 and the matters raised and/or observed at meetings and site inspections listed at item 5 in Schedule 1.

Based on this review, the Panel determined that the proposed instrument:

- should** be submitted for a Gateway determination because the proposal has demonstrated strategic and site specific merit
- should not** be submitted for a Gateway determination because the proposal has
- not demonstrated strategic merit
  - has demonstrated strategic merit but not site specific merit

The decision was unanimous.

**REASONS FOR THE DECISION**



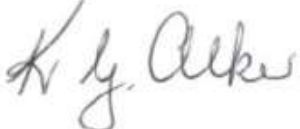
The Panel believes the planning proposal reflects the benefit of extensive negotiation with Council including the reduction in height from 59 to 54 metres.

The proposal is also largely compliant with the 2036 Plan with the minor variation that FSR in total is 6.02:1, but above-ground the FSR is compliant at 5.6:1.

The Panel considers it prudent to also add a proviso that prior to submission the planning proposal is updated to remove retail premises in the basement component of the scheme, but allow neighbourhood shops.

In relation to the impact of bulk and scale, the proponent has actively worked with Council to prepare a site-specific DCP to ensure future development reduces any impact on surrounding properties.

Given the above the Panel believes the planning proposal should proceed to Gateway determination.

PANEL MEMBERS	
 Peter Debnam (Chair)	 Sue Francis
 Kevin Alker	

SCHEDULE 1		
1	<b>PANEL REF – LGA – DEPARTMENT REF - ADDRESS</b>	RR-2021-95 – North Sydney - 270-272 Pacific Highway, Crows Nest
2	<b>LEP TO BE AMENDED</b>	North Sydney Local Environmental Plan 2013
3	<b>PROPOSED INSTRUMENT</b>	The rezoning review request seeks to amend the North Sydney Local Environmental Plan 2013 on land at 270-272 Pacific Highway, Crows Nest by amending the maximum building height and FSR controls to facilitate redevelopment of the site as a 13 storey commercial office building and basement level car parking
4	<b>MATERIAL CONSIDERED BY THE PANEL</b>	<ul style="list-style-type: none"> <li>Rezoning review request documentation</li> <li>Briefing report from Department of Planning, Industry and Environment</li> </ul>
5	<b>BRIEFINGS AND SITE INSPECTIONS BY THE PANEL/PAPERS CIRCULATED ELECTRONICALLY</b>	<p><b>Site inspection</b> has been curtailed due to COVID-19. Panel members to undertake site inspection individually.</p> <ul style="list-style-type: none"> <li><b>Briefing with Department of Planning, Industry and Environment (DPIE): 2 March 2022</b> <ul style="list-style-type: none"> <li>Panel members in attendance: Peter Debnam (Chair), Sue Francis, and Kevin Alker</li> <li>DPIE staff in attendance: Charlene Nelson, Geoff Kwok and Brendan Metcalfe</li> </ul> </li> <li><b>Briefing with Council: 2 March 2022</b> <ul style="list-style-type: none"> <li>Panel members in attendance: Peter Debnam (Chair), Sue Francis and Kevin Alker</li> <li>DPIE staff in attendance: Charlene Nelson, Geoff Kwok and Brendan Metcalfe</li> <li>Council representatives in attendance: Neal McCarry, Jayden Perry and Marcelo Occhiuzzi.</li> </ul> </li> <li><b>Briefing with Proponent: 2 March 2022</b> <ul style="list-style-type: none"> <li>Panel members in attendance: Peter Debnam (Chair), Sue Francis, Stuart McDonald, Kevin Alker and Stephen Barbour</li> <li>DPIE staff in attendance: Charlene Nelson, Geoff Kwok and Brendan Metcalfe</li> <li>Council representatives in attendance: Neal McCarry, Jayden Perry and Marcelo Occhiuzzi.</li> </ul> </li> </ul>

		<ul style="list-style-type: none"><li>○ Proponent representatives in attendance: Steven Papadopoulos, Paul Reidy (Fitzpatrick + Partners), Dan Keary (Keylan Consulting), Cameron Thomson (Keylan Consulting)</li><li>• Papers were circulated electronically on 23 February 2022.</li></ul>
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Mr Kenneth Gouldthorp  
General Manager/Chief Executive Officer  
North Sydney Council  
council@northsydney.nsw.gov.au  
Po Box 12  
North Sydney NSW 2060

Attn: Marcelo Occhiuzzi (Manager, Strategic Planning)

8 March 2022

Dear Kenneth

**Request for a Rezoning Review - RR-2021-95 – North Sydney.**

I refer to your request for a Rezoning Review for a proposal at 270-272 Pacific Highway, Crows Nest to amend the North Sydney Local Environmental Plan 2013 to amend the maximum building height and FSR controls to facilitate redevelopment of the site as a 13 storey commercial office building and basement level car parking.

The Sydney North Planning Panel has determined that the proposal should be submitted for a Gateway determination. In making this decision, the Planning Panel considered the request and advice provided by the council. A copy of the panel's decision is attached.

Consequently, Council is invited to be the Planning Proposal Authority (PPA) for this proposal and to advise the Planning Panels Secretariat within 42 days of the date of this letter whether it will undertake the role of PPA for this proposal. Should Council agree to be the PPA, it will need to prepare a planning proposal under section 3.33 (formerly section 55) of the *Environmental Planning and Assessment Act 1979* and submit it for a Gateway determination within 42 days after accepting this role.

If Council does not wish to progress this matter, the panel will be appointed to prepare the planning proposal.

If you have any queries on this matter, please contact Stuart Withington, Manager, Planning Panels Secretariat on (02) 8217 2061 or via email to [stuart.withington@planning.nsw.gov.au](mailto:stuart.withington@planning.nsw.gov.au)

Yours sincerely

A handwritten signature in black ink, appearing to read 'Peter Debnam'.

**Peter Debnam**  
Chair, Sydney North Planning Panel

encl. Rezoning Review Record of Decision

**Planning Panels Secretariat**

4PSQ 12 Darcy Street, Parramatta NSW 2150 | Locked Bag 5022, Parramatta NSW 2124 | T 02 8217 2060 |  
[www.planningportal.nsw.gov.au/planningpanels](http://www.planningportal.nsw.gov.au/planningpanels)



16 September 2021

**Confidential**

Mr Kenneth Gouldthorp  
General Manager  
North Sydney Council  
PO Box 12  
NORTH SYDNEY NSW 2059

**By email:** council@northsydney.nsw.gov.au  
marcelo.occhiuzzi@northsydney.nsw.gov.au

**Attention:** Mr Marcelo Occhiuzzi

Dear Mr Gouldthorp

**Letter of offer: Proposed planning agreement in relation to 270-272 Pacific Highway Crows Nest, SP49574**

We act for Silvernight (Landowner) Crows Nest Pty Ltd and The Owners – Strata Plan No 49574 (**our clients**).

Our clients are (respectively) the owners of all of the lots within SP49574 and the common property of that scheme. This accounts for the totality of the land within the parcel known as 270-272 Pacific Highway Crows Nest (**the site**).

This is an offer to enter into a planning agreement.

The offer relates to a planning proposal seeking a change to planning controls for the site.

#### **Detail**

#### **1. Mandatory matters — section 7.4(3) of the EP&A Act**

- 1.1 The *Planning agreements: Practice Note — February 2021*, published by the Department of Planning, Industry and Environment (**the practice note**), requires (in section 4.2) that this offer:

Outline in sufficient detail the matters required to be included in a planning agreement as specified in s7.4(3) of the ... [*Environmental Planning and Assessment Act 1979 (the EP&A Act)*] to allow proper consideration of the offer by the planning authority.

#### ***A description of the land to which the agreement would apply — section 7.4(3)(a)***

- 1.2 The site (that is, all of the land held within SP49574).

#### ***A description of the change to the environmental planning instrument to which the agreement would apply— section 7.4(3)(b)***

- 1.3 Any change to an environmental planning instrument (insofar as it applies to the site) such that:
- (a) the maximum height of buildings for the site is 59 metres (and, in any event, sufficient to permit 13 commercial storeys, including plant) — up from the current 16 metres;

- (b) the maximum floor space ratio for the site is 6.02:1, but only if the floor space ratio of the part of the building that is above the ground level of the building at the Pacific Highway frontage:
  - (i) does not exceed 5.6:1; and
  - (ii) any additional gross floor area above 5.6:1 is used for non-residential purposes,  
(there is no current maximum floor space ratio);
- (c) the minimum non-residential floor space ratio for the site is 5.6:1 (currently 0.5:1)
- (d) no change to the current 'B4 Mixed Use' zoning; and
- (e) there are no other new or amended provisions of the local environmental plan (when compared with what was in place on the date of this letter) that would have the practical effect of preventing the realisation of a commercial premises (within the meaning of the *North Sydney Local Environmental Plan 2013 (the LEP)*) of the height, bulk and scale anticipated by the above numerical constraints on the site.

***A description of the development to which the agreement applies — section 7.4(3)(b)***

- 1.4 The development of commercial premises (within the meaning of the LEP) of the height, bulk and scale anticipated by the above numerical constraints on the site.

***The nature and extent of the provision to be made by the developer under the agreement, the time or times by which the provision is to be made and the manner by which the provision is to be made — section 7.4(3)(c)***

- 1.5 The development contribution would be monetary contribution of \$3 million (approximately \$1,900 per square metre of gross floor area actually realised). The contribution would be payable prior to the issue of an occupation certificate.
- 1.6 The key preconditions **before** there is any requirement to provide the contribution would be **all** of the following:
- (a) The making and commencement of the change to an environmental planning instrument referred to in paragraph 1.3 above.
  - (b) The grant of development consent for the development referred to in paragraph 1.4.
  - (c) The issue of a construction certificate under that development consent.

***Whether the agreement would exclude (wholly or in part) or would not exclude the application of section 7.11, 7.12 or 7.24 of the PE&A Act to the development — section 7.4(3)(d)***

- 1.7 The agreement would not exclude:
- (a) local infrastructure contributions that are set under a contributions plan (section 7.11);
  - (b) fixed infrastructure contributions that are set outside of a contributions plan (section 7.12); and
  - (c) special infrastructure contributions (section 7.24).

***Whether benefits under the agreement would or would not to be taken into consideration in determining a development contribution under section 7.11 of the EP&A Act— section 7.4(3)(e)***

- 1.8 The benefits under the agreement are not to be taken into consideration in determining a development contribution under section 7.11 of the EP&A Act.

***A mechanism for the resolution of disputes under the agreement— section 7.4(3)(f)***

- 1.9 Disputes would not affect or be the subject of a mediation process, before the commencement of any Court proceedings. This would not affect the right of our clients to commence a merit ('class 1') appeal in the Land and Environment Court.

***The enforcement of the agreement by a suitable means— section 7.4(3)(g)***

- 1.10 The agreement will provide for the enforcement of the agreement by a suitable means as follows:
- (a) the agreement would be registered on the title of the site; and
  - (b) no occupation certificate could be issued prior to the making of a development contribution.
- 1.11 The practice note (which is a mandatory consideration for the Council) says that tying the performance of the developer's obligations to the issuing of construction, subdivision or occupation certificates may provide a suitable means of enforcing the planning agreement (page 14).
- 1.12 The practice note does not anticipate that security will need to be provided unless (in cases such as this one) the developer seeks the release of the occupation certificate before the payment of the contribution. Accordingly, there is no need in this instance for the provision of any other security (and none is offered).

**2. Council's planning agreements policy**

- 2.1 The practice note also requires that this offer:
- Address in sufficient detail any relevant matters required to be included in an offer as specified in any applicable planning agreements policy published by the planning authority .... to allow proper consideration by the planning authority.
- 2.2 There are no such matters, beyond those outlined above.

**3. Other key terms and conditions**

- 3.1 A party would be able to terminate the agreement by giving 42 days written notice to the other party if either:
- (a) the change to an environmental planning instrument referred to in paragraph 1.3 has not been commenced within 12 months of the date of the agreement; or
  - (b) after the change to an environmental planning instrument, it is (or becomes) unlawful for a development consent to be granted for the development set out in paragraph 1.4.
- 3.2 The agreement would have other terms of a not unusual nature that are intended to provide reasonable protection for the legitimate interests of all parties.

**4. Acceptance of an offer**

- 4.1 This offer may only be accepted:
- (a) after the full text of a planning agreement and explanatory note have been negotiated and agreed;

- (b) after 28 days following the giving of public notice under section 7.5(1) of the EP&A Act; and
- (c) by means of the formal execution of the formal agreement by all parties.

4.2 No legal or equitable rights or obligations arise (for either party) in connection with this offer or the proposed agreement prior to such acceptance being completed.

If you or any Council staff (other than your legal staff) wish to discuss this offer, please contact Padraig Scollard (padraig@keylan.com.au) on 8459 7508 or Dan Keary (dan@keylan.com.au) on 8459 7511.

If your legal representatives have any queries regarding this offer they may contact either Kalinda Doyle on (02) 8035 7918 or me on (02) 8035 7858.

Yours sincerely



**Aaron Gadiel**  
**Partner**

Accredited Specialist—Planning and Environment Law



## North Sydney Development Control Plan 2013

## Area Character Statements - St Leonards / Crows Nest Planning Area



## CROWS NEST TOWN CENTRE



## 3.0.1 Significant elements

**Land Use**

- P1 Predominantly mixed commercial and residential development.
- P2 Public parking facilities.
- P3 Community facilities.
- P4 Medium density residential accommodation.
- 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.

**Natural Features**

- P7 Ridge line following the alignment of Pacific Highway.

**Views**

- P8 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**

- P9 Crows Nest five ways intersection.



## North Sydney Development Control Plan 2013

### Area Character Statements - St Leonards / Crows Nest Planning Area

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

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

P12 Hume Street Park.

#### **Subdivision**

P13 Regular grid pattern interrupted by diagonal streets.

P14 Generally long narrow allotments with dual street frontages.

#### **Streetscape**

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

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

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

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

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

P20 Irregular planting of street trees and shrubs.

#### **Public transport**

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

### **3.0.2 Desired Future Character**

#### **Diversity of activities, facilities, opportunities and services**

P1 Willoughby Road, between Falcon Street and Albany Street, and Pacific Highway, between Shirley Road and Hume Street, two storey parapet shopfront with shops at ground level, non-residential or residential above, with additional height set back above 2 storey parapet.

P2 Remainder of the Centre medium rise, mixed use development, boundary to boundary, with setbacks at laneway, public spaces and above podium - shops at ground level, non-residential/residential on first floor, residential above.

P3 Medium density residential development along Falcon Street.

P4 Provision of a large connected piece of open space connecting Willoughby Road to Oxley Street.

#### **Accessibility and permeability**

P5 Pedestrian access from Willoughby Road to through to Alexander and Hume Streets, improves access to the Council car parks.

#### **Public spaces and facilities**

P6 Ernest Place is a focus for the Town Centre.

P7 A significant urban park (Hume Street Park) is provided on land bound by Pole Lane, Oxley Street, Clarke Street and Hume Street.

P8 A public plaza with a pedestrian link to Willoughby Road is provided between Hume Street and Hume Lane adjacent to Hume Street Park.

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**North Sydney Development Control Plan 2013****Area Character Statements - St Leonards / Crows Nest Planning Area****3.0.3 Desired Built Form****Subdivision**

- P1 Maintain a 10m - 15m frontage (consistent with two storey parapet shopfront scale), especially along Willoughby Road and Alexander Street.
- P2 Frontages of sites larger than this have their apparent width broken down with detailing and design features.

**Setbacks**

- P3 Zero setback to all street frontages
- P4 A 1.5m setback to all laneways.

**Podiums**

- P5 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:
    - (i) 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.
  - (b) A podium of 8.5m (2 storey) with a setback of 3m above the podium to:
    - (i) Willoughby Road, between Falcon Street and Albany Street, and
    - (ii) Pacific Highway, between Shirley Road and Hume Street
  - (c) A podium of 10m (3 storeys) to all laneways, with a setback of 3m above the podium.

**Building design**

- P6 Consistent parapet facade heights are provided along Willoughby Road and the Pacific Highway.
- P7 Off-street car parking must be provided underground except when owned and operated by Council as a public car park.

**Noise**

- P8 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).

**Awnings**

- P9 Awnings must be provided to all street frontages, except laneways.

**Car accommodation**

- P10 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.
- P11 Shared vehicular access to Shirley Road must be maintained to all properties between 286 and 306 Pacific Highway.

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## North Sydney Development Control Plan 2013

### Area Character Statements - St Leonards / Crows Nest Planning Area

#### 3.0.4 Hume Street Park

##### Plan of Management

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

#### 3.0.5 27-57 Falcon Street

##### 3.0.5.1 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.

##### 3.0.5.2 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.

**North Sydney Development Control Plan 2013****Area Character Statements - St Leonards / Crows Nest Planning Area**

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

**Provisions****Building Height**

- P1 The maximum height in storeys of any building must comply with the heights in storeys 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 A site-specific LEP clause will allow minor exceedances of the LEP Height of Building control for 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.
- P4 The following minimum setbacks are required to Falcon Street:
- (a) Building A - 0m.
  - (b) Building B - 0m.
  - (c) Building C - 2m.
- P5 The following minimum setbacks are required to Hayberry Lane:
- (a) Building A - 3m
  - (b) Building B - 3m.
  - (c) Building D - 1.5m.
- P6 The following minimum side setbacks are required to 56-63 Falcon Street:
- (a) Building C - 4.5m.
  - (b) Building D - 1.5m.
- P7 Building A is to be setback a minimum of 6m from the existing centreline of Alexander Lane.

**3.0.5.3 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](#).

**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*.



## North Sydney Development Control Plan 2013

### Area Character Statements - St Leonards / Crows Nest Planning Area

#### 3.0.5.4 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, the following items are considered to constitute site coverage:

- (a) buildings as defined by the [EP&A Act 1979](#);
- (b) garages and carports;
- (c) sheds;
- (d) enclosed / covered balconies, decks, pergolas and the like;
- (e) swimming pools, spa pools and the like;
- (f) other structures including:
  - (i) permanent BBQ structures;
  - (ii) cabanas;
  - (iii) external staircases;
  - (iv) gazebos;
  - (v) greenhouse/glasshouse;
  - (vi) plant rooms;
  - (vii) rainwater tanks;
  - (viii) ramps;
  - (ix) garbage storage facilities.

However, site coverage excludes:

- (g) any basement;
  - (h) any part of an awning that is outside the subject site;
  - (i) any eaves;
  - (j) unenclosed balconies<sup>1</sup>, decks, pergolas and the like;
  - (k) paving and patios (porous and non-porous);
  - (l) driveways and car stand areas (porous and non-porous);
  - (m) water features; or
  - (n) anything else defined as landscaped area.
- P3 For the purposes of P1, the area of any access handle, access way or right of carriageway is to be excluded from the calculation of site area and site coverage.

<sup>1</sup> Balconies which are open on more than 1 side and are not located under the roof line of the building or a balcony directly above.

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## 3.0.5.5 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.

## 3.0.5.6 Landscaped Area

**Objectives**

- O1 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.
- O2 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:
- (a) Landscaped area is considered to comprise all parts of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area<sup>2</sup>;
  - (b) The area of any access handle, access way or right of carriageway is to be excluded from the calculation of site area, landscaped area and un-built upon area; and
  - (c) the following items are considered to constitute un-built upon area:
    - (i) any part of a basement which does not comprise site coverage;
    - (ii) unenclosed balconies<sup>3</sup>, decks, pergolas and the like;
    - (iii) paving and patios (porous and non-porous);
    - (iv) driveways and car stand areas (porous and non-porous); or
    - (v) water features.

However, un-built upon area excludes:

    - (vi) anything else defined as site coverage; or
    - (vii) anything else comprising landscaped area.

<sup>2</sup> Landscaping located above a basement or on the roof of a building does not constitute "landscaped area".

<sup>3</sup> Balconies which are open on more than 1 side and are not located under the roof line of the building or a balcony directly above.



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### Area Character Statements - St Leonards / Crows Nest Planning Area

#### 3.0.5.7 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
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.



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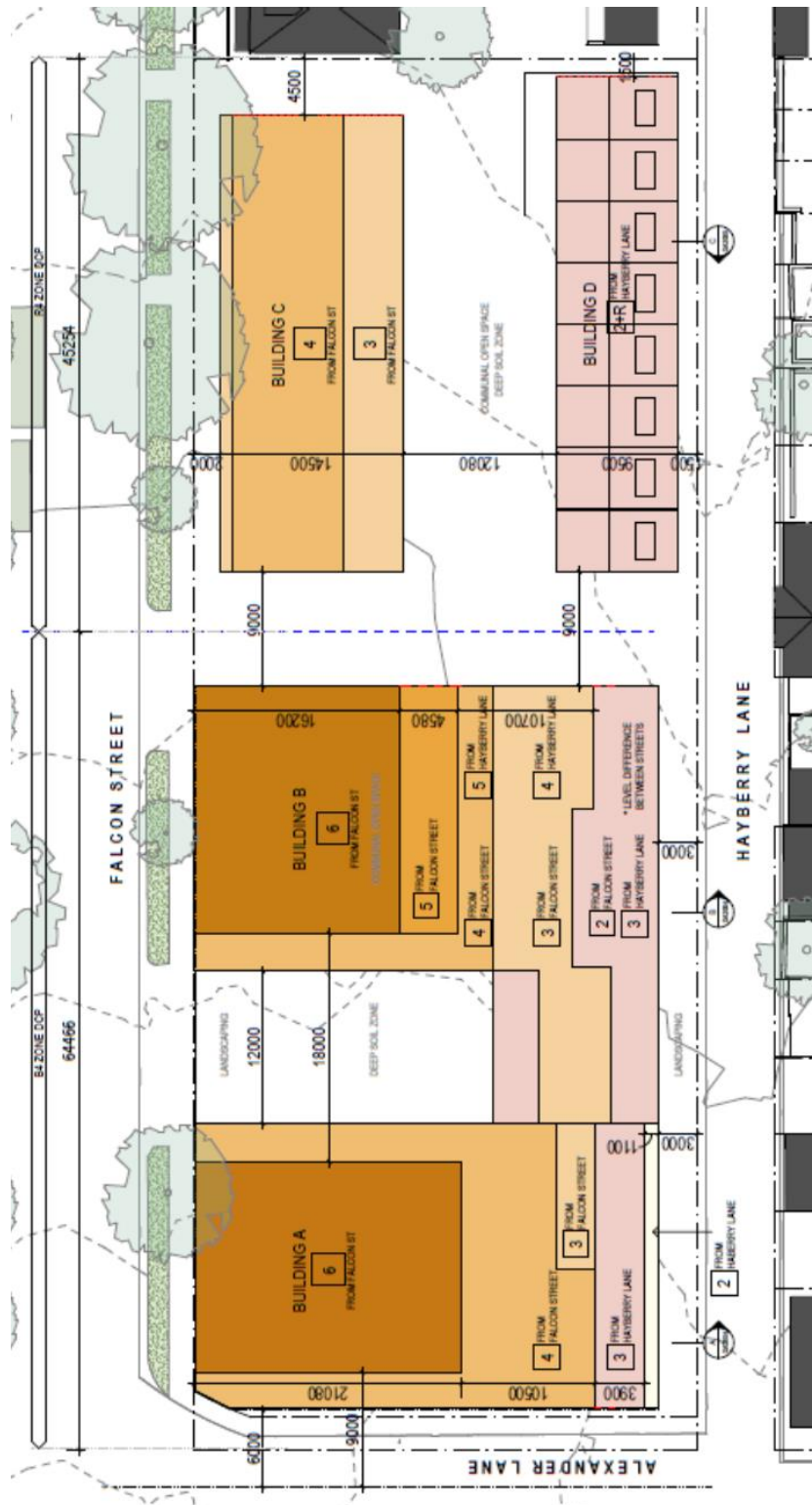


Figure C-3.5: Site Layout Plan

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## North Sydney Development Control Plan 2013

### Area Character Statements - St Leonards / Crows Nest Planning Area

#### **3.0.6 270-272 Pacific Highway, Crows Nest**

##### **3.0.6.1 Desired Future Character, Design Objectives and Key Principles**

- P1 Development is to respond to the desired future character of the surrounding area and the site as established by the *St Leonards and Crows Nest 2036 Plan*.
- P2 Development should include appropriate design measures to mitigate visual and solar impacts to residential properties to the southwest.
- P3 The built form and massing are to transition in height and scale towards the existing lower scale residential development to the west of the site.
- P4 Landscaped podiums and terraces are to be incorporated within the design and used to provide high amenity to future occupiers and employees as well as mitigating and softening impacts, particularly to the south-west.
- P5 Vehicular access is to be provided from Bruce Street.
- P6 Avoid a "wall effect" along Pacific Highway by providing appropriate design measures including setbacks and articulation along the eastern facade.

##### **3.0.6.2 Desired Built Form**

###### **Objectives**

- O1 To provide sufficient commercial floorspace to support increased job density and economic activity within the St Leonards and Crows Nest precinct.
- O2 To implement the built form controls envisioned for the site under the *St Leonards and Crows Nest 2036 Plan*.
- O3 To provide a building with massing and articulation that responds to the site's surrounding context and retains solar access to adjoining residential properties in accordance with the *St Leonards and Crows Nest 2036 Plan*.
- O4 To ensure appropriate building articulation and treatment to the public domain.
- O5 To facilitate a degree of below ground level floor space that does not impact on the height, bulk or scale of the future building.

###### **Provisions**

###### **Building Height**

- P1 The maximum number of storeys -for the site is 13 storeys above the ground level and 54 metres.
- P2 The building shall incorporate a 3 storey podium which relates to the adjoining heritage item (Former North Shore Gas Co office (I0150)) at 286-288 Pacific Highway, Crows Nest.
- P3 The building height should step away from the west and southwest boundary to ensure solar access is retained to the residential properties at 51-77 Sinclair Street, Wollstonecraft (for a minimum of 2 hours between 9am and 3pm) as well as provide a degree of physical separation to reduce the level of visual impact.
- P4 Any variation to the height limit as foreshadowed by clause 5.6 of the North Sydney LEP is to represent no additional visual or solar impacts to surrounding and nearby land and its occupants.

Note: Clause 5.6 of the LEP allows for exceedances of the LEP Height of Building control for architectural roof features which can include plant, lift overruns and the like.

###### **Street and Side Setbacks**

- P5 The minimum building setbacks are as shown below.
- P6 The following minimum setbacks are required for all parts of the building above the basement at the podium level:
- (a) Frontage to Pacific Highway - 0m.

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(b) Western boundary (rear) – 6m

(c) Northern boundary – 0m

(d) Southern boundary – 0m.

#### **Upper-Level Setbacks**

P7 The following minimum above podium level setbacks are required:

(a) Northern and southern boundaries – 3m above 3 storeys

(b) Western (rear) boundary – 8m-10m above 3 storeys.

Note: The above minimum building setbacks are illustrated in the Site Layout Plan at Figure C-3.6.

#### **3.0.6.3 Basement Floor Area**

##### **Objectives**

O1 To ensure additional gross floor area provided below ground level permitted under the site-specific LEP provision retains an appropriate level of amenity.

##### **Provisions**

P8 An atrium is to be provided on the ground floor to allow sunlight through to lower ground floor areas.

#### **3.0.6.4 Open Space**

##### **Objectives**

O1 To provide high quality open space for occupiers of the development.

O2 To ensure open space is useable.

##### **Provisions**

P1 Podium/terrace areas are to be designed as open space for use by occupiers of the building as employee break out areas. Such space may be assigned for the exclusive use of the occupier(s) of particular parts of the premises.

P2 Key areas of open space should be oriented away from the busy environment of the Pacific Highway.

P3 Open space is to be useable noting the primary user of these areas is likely to be employees on their breaks.

P4 Privacy impacts arising from the location and design of open spaces to the adjoining and nearby residential properties are to be appropriately mitigated and managed.

#### **3.0.6.5 Landscaping**

##### **Objectives**

O1 To ensure that landscaping is used to provide appropriate amenity for tenants of the development.

O2 To ensure that landscaping is used to soften the appearance of buildings and their interface with the neighbouring dwellings and the public domain.

##### **Provisions**

P1 There is no minimum landscaped area or deep soil area requirements for the site, due to the functionality of the vehicular laneway and nil side and front setbacks prescribed under the St Leonards and Crows Nest 2036 Plan.

P2 Podium/terrace areas are to include landscaped elements including planter boxes with appropriate dimensions to facilitate mature vegetation.

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P3 Existing street tree planting along the Pacific Highway is to be retained and enhanced. A schedule of plant species is to be submitted with any development application on the site for Council's approval.

P4 Landscaping should be integrated adjacent to the private laneway to soften the appearance of the proposed building from adjoining residential properties.

#### 3.0.6.6 Traffic, Access and Parking

##### Objectives

O1 To ensure that vehicular access is safe for motorists and pedestrians.

O2 To ensure the existing private laneway (under right of carriageway X129789) is retained for shared use by both the future building on the site and the benefited residential properties.

O3 To provide an appropriate amount of basement parking spaces noting that the area is highly accessible via public transport and is within 400m of the Crows Nest Metro Station.

##### Provisions

P1 Vehicular access to the site must be from the private laneway which connects to Bruce Street.

P2 Vehicular access to the rear of the benefiting residential properties to the west on Sinclair Street, Wollstonecraft via the private laneway is to be retained.

P3 Bicycle parking and facilities is to be provided in accordance with Part B Section 10 of this DCP.

P4 Notwithstanding Part B, Section 10 of this DCP, a maximum provision of car parking of 1 space per 113m<sup>2</sup> is applicable. Given the site's proximity to the location of the Crows Nest Metro station, and it being a purely commercial use, a lower provision of car parking is strongly encouraged.

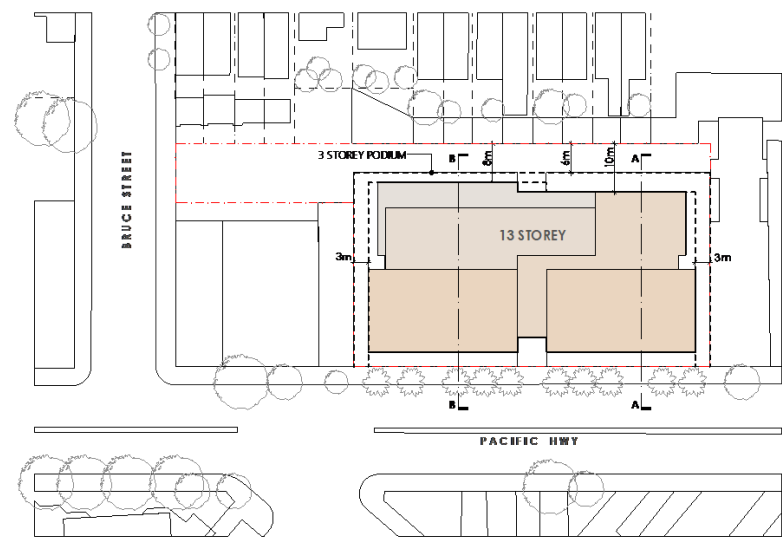


Figure C-3.6: Site Layout Plan

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Area Character Statements - St Leonards / Crows Nest Planning Area

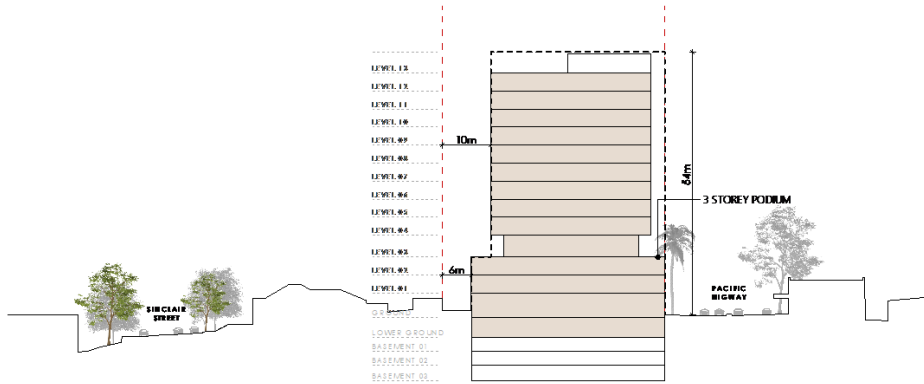


Figure C-3.7: Section A

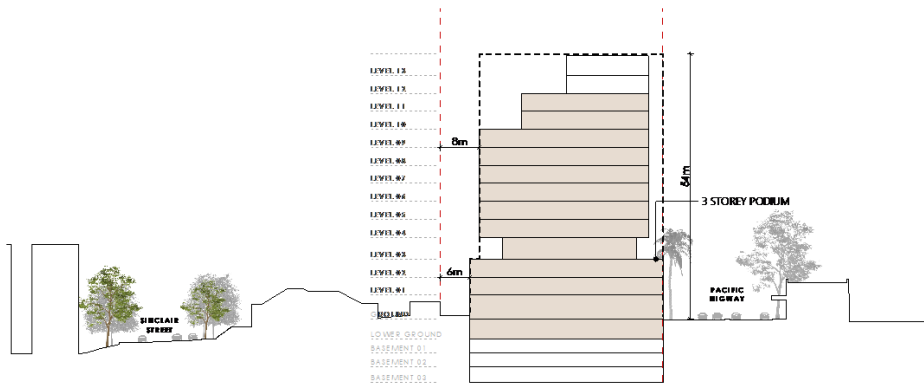


Figure C-3.8: Section B