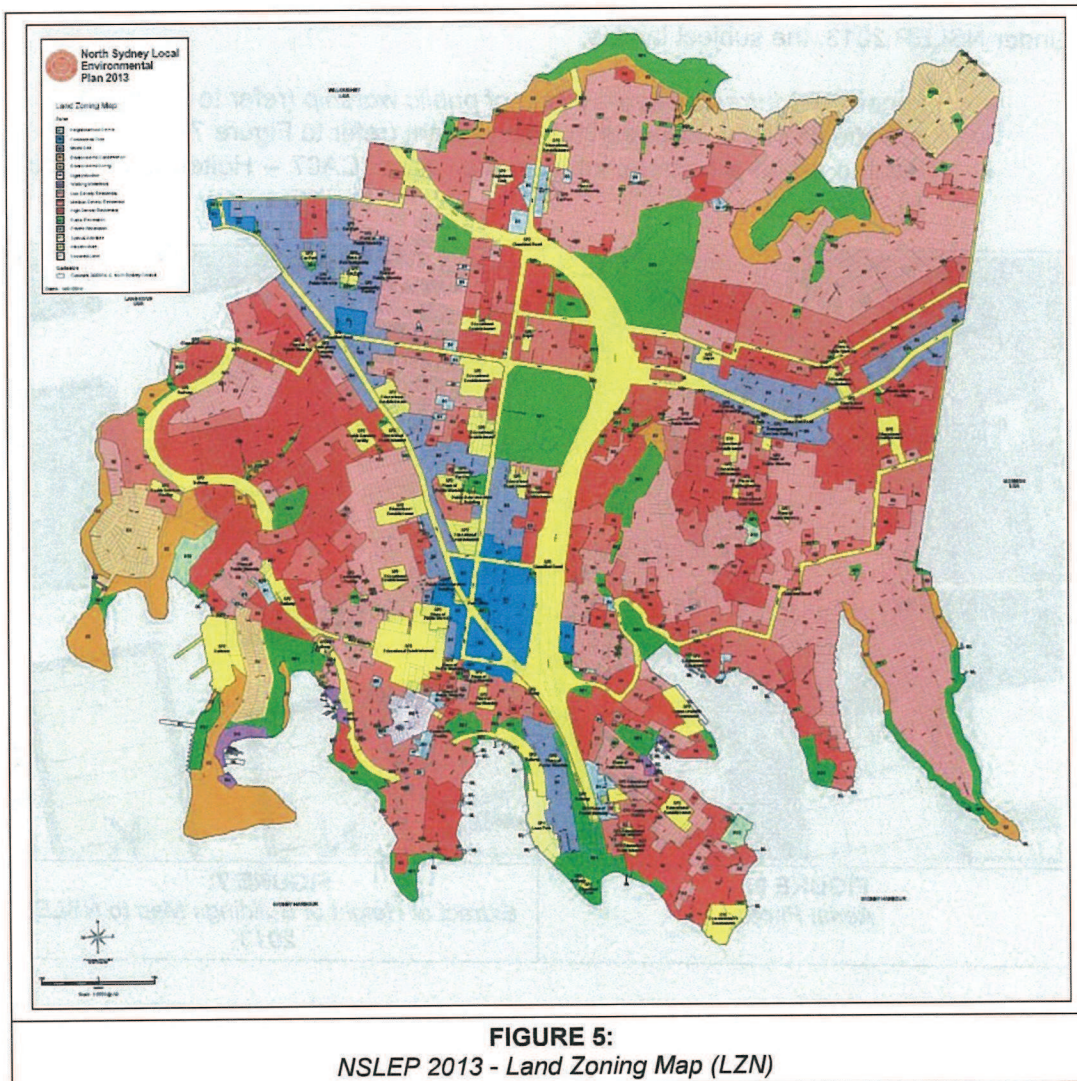


3 SITE LOCALITY

3.1 Introduction

The Planning Proposal applies all land zoned *R2 Low Density Residential*, *R3 Medium Density Residential* and *R4 High Density Residential* as identified on the Land Zoning Map to NSLEP 2013 (refer to Figure 5) and the individual sites identified within section 3.2 to this report.



3.2 Specific Sites

The Planning Proposal specifically relates to all properties identified in the following subsections.

3.2.1 124 Alexander Street, Crows Nest

This site is legally described as Lot 17 Sec 8 DP 1265 and otherwise known as 124 Alexander Street, Crows Nest. The site is located on the western side Alexander Street, between Atchison and Albany Streets (refer to Figure 6) and backs onto Willoughby Lane.

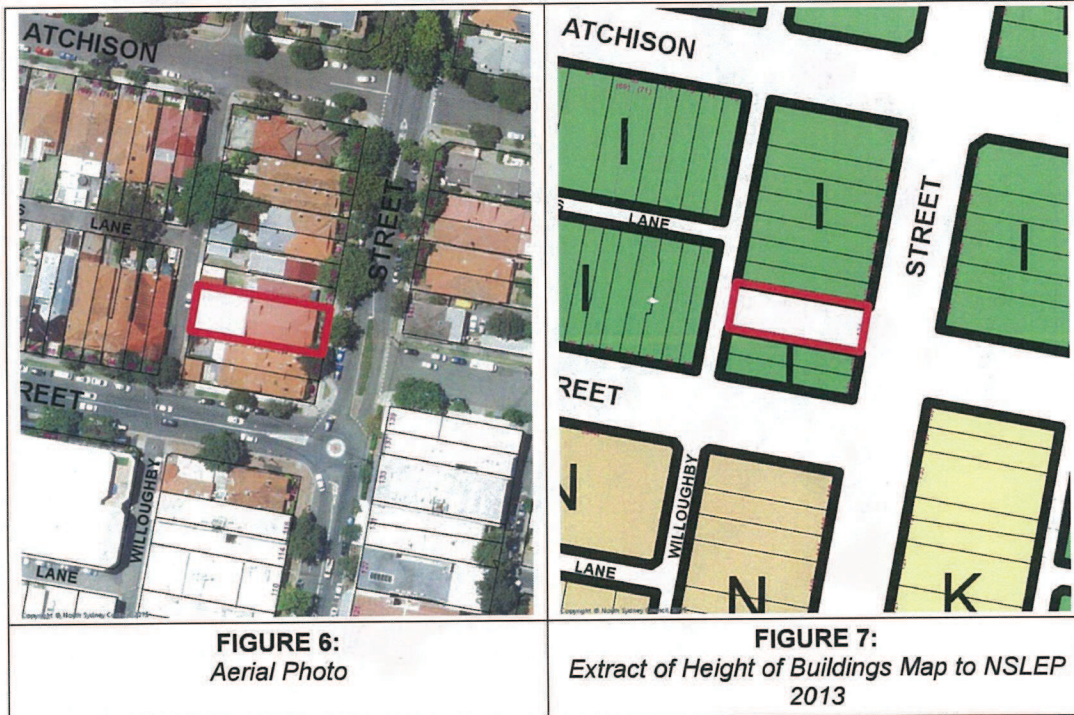
Planning Proposal – Height of Buildings

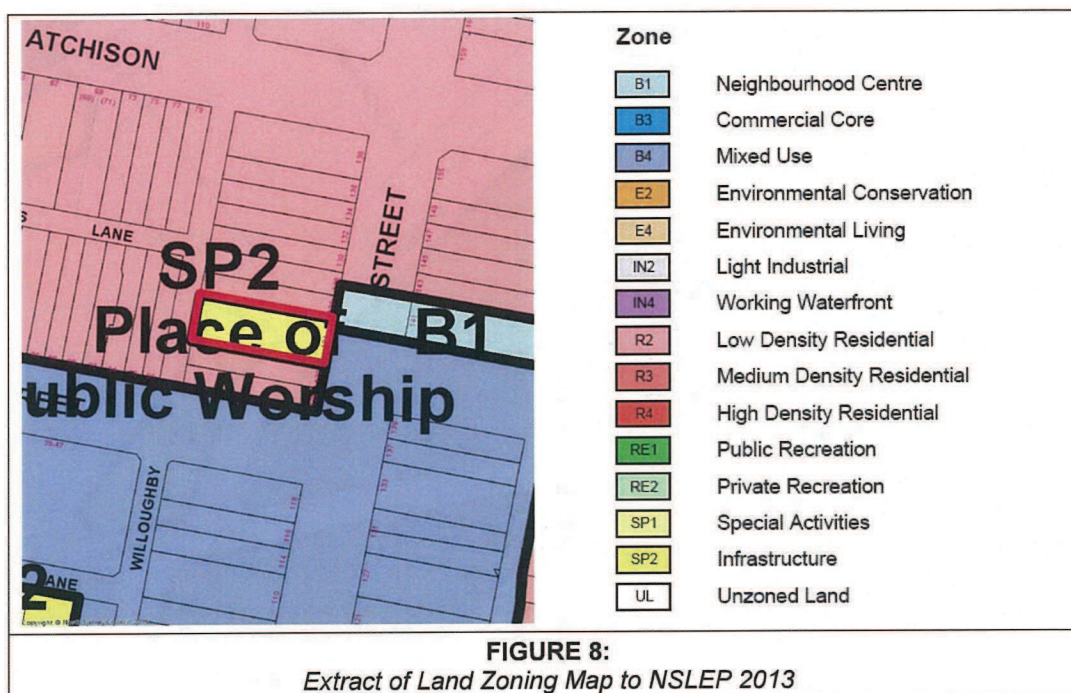
The site contains a single storey federation style building fronting Alexander Street with an attached two storey building fronting Willoughby Lane. The building is built to its side and rear boundaries. The site is currently used by the Jehovah's Witnesses as a place of worship and is known as Kingdom Halls.

The locality is predominantly characterised by single, semi detached and attached dwellings ranging from 1 to 2 storeys in height north of Albany and Devonshire Streets and two to three storey commercial buildings, built to all boundaries to the south of Albany and Devonshire Streets.

Under NSLEP 2013, the subject land is:

- zoned *SP2 Infrastructure – Place of public worship* (refer to Figure 8)
- not affected by a maximum building height (refer to Figure 7).
- located within a heritage conservation area (CA07 – Holtermann Estate A).





3.2.2 74 McDougall Street, Kirribilli

This site is legally described as Lot 1 DP 773343 and otherwise known as 74 McDougall Street, Kirribilli. The site is located on the north-eastern side McDougall Street, between Brought and Willoughby Streets (refer to Figure 9) and backs onto Milson Park.

The site contains a single storey utility building of brick and tile construction. It currently houses an operable sewerage pump.

The locality is predominantly characterised by a large public open space to the north, a mixture of single, semi detached and attached dwellings ranging from 1 to 2 storeys in height; 3-storey residential flat buildings to the west and south and 2 to 3 storey waterfront industrial buildings, used for a variety of recreational, community and waterfront activities to the south-east and north east.

Under NSLEP 2013, the subject land:

- is zoned *IN4 Working Waterfront* (refer to Figure 11)
- has no maximum building height (refer to Figure 10).
- is identified as a heritage item (10267)
- is located within a heritage conservation area (CA10 – Careening Cove).

Planning Proposal – Height of Buildings



FIGURE 9:
Aerial Photo

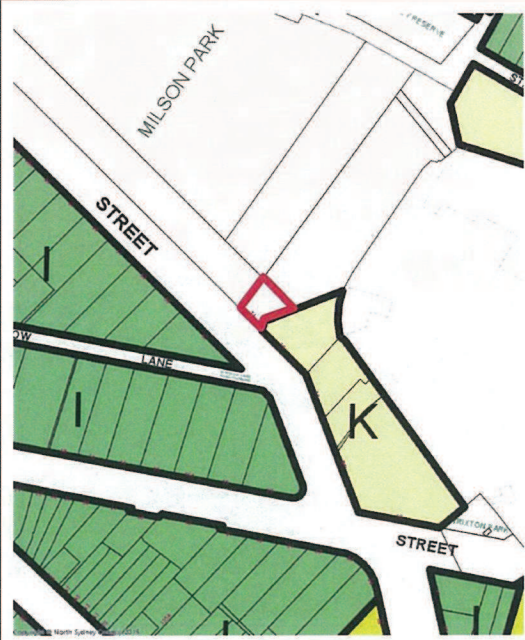
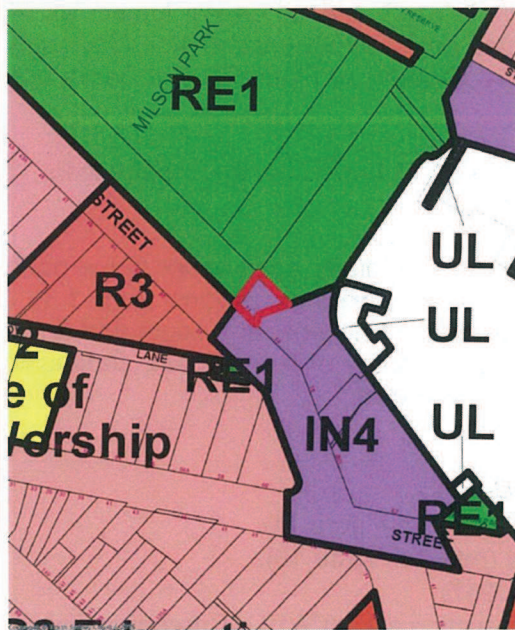


FIGURE 10:
Extract of Height of Buildings Map to NSLEP
2013

**Zone**

B1	Neighbourhood Centre
B3	Commercial Core
B4	Mixed Use
E2	Environmental Conservation
E4	Environmental Living
IN2	Light Industrial
IN4	Working Waterfront
R2	Low Density Residential
R3	Medium Density Residential
R4	High Density Residential
RE1	Public Recreation
RE2	Private Recreation
SP1	Special Activities
SP2	Infrastructure
UL	Unzoned Land

FIGURE 11:
Extract of Land Zoning Map to NSLEP 2013

3.2.3 Mater Gardens, 194 Pacific Highway, Wollstonecraft

This site is legally described as Lot 101 DP 841550 and otherwise known as 194 Pacific Highway, Crows Nest. The site is located on the south-western side of the Pacific Highway, between Rocklands and Hazelbank Roads (refer to Figure 12).

The site comprises a public park, owned and managed by Council and is used for passive open space activities.

Planning Proposal – Height of Buildings

The locality is predominantly characterised by a mixture of 1-3 storey institutional buildings, 3-8 storey residential flat buildings and 2-3 storey commercial buildings.

Under NSLEP 2013, the subject land:

- is zoned *RE1 Public Recreation* (refer to Figure 14)
- has a maximum building height of 12m (refer to Figure 13)



FIGURE 12:
Aerial Photo

FIGURE 13:
Extract of Height of Buildings Map to NSLEP 2013

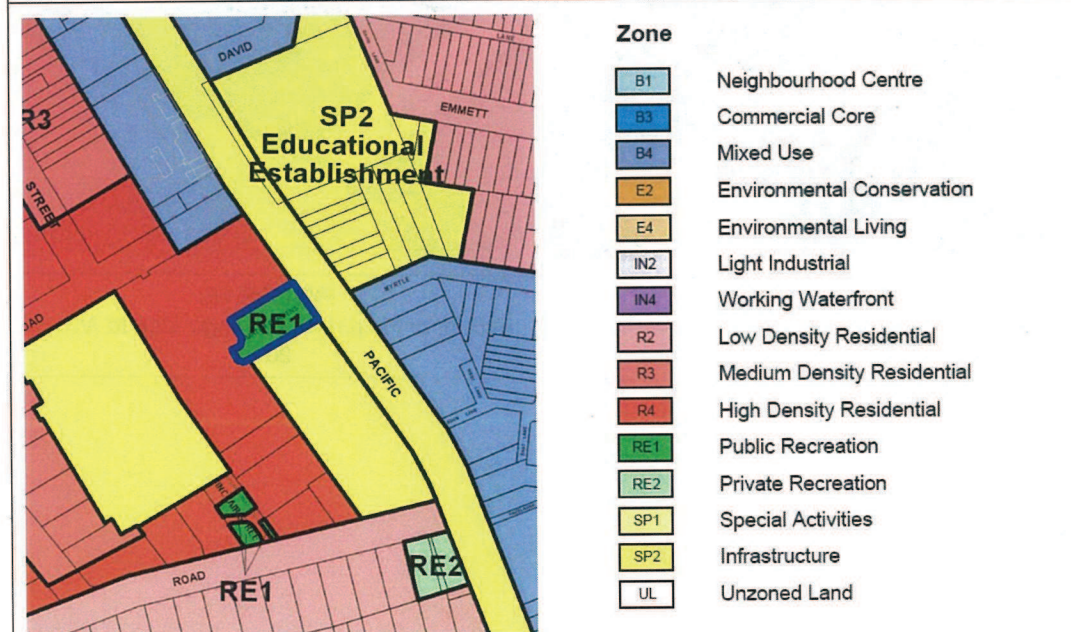


FIGURE 14:
Extract of Land Zoning Map to NSLEP 2013

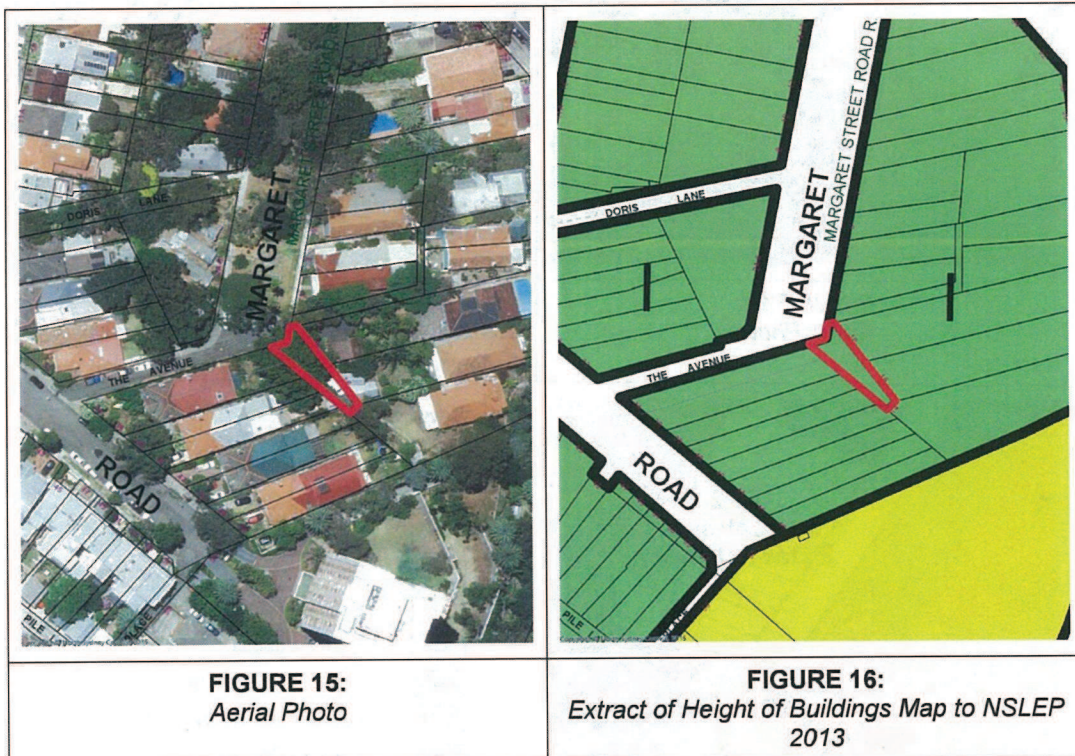
3.2.4 The Avenue, North Sydney

This site is legally described as Part Lot 11 DP 56124 and forms a remnant of a substantial parcel of land which had been significantly subdivided in the early 1900s. The site forms part of the road reserve comprising The Avenue located off the southern side of Margret Street, located between Whaling and Clarke Roads (refer to Figure 15).

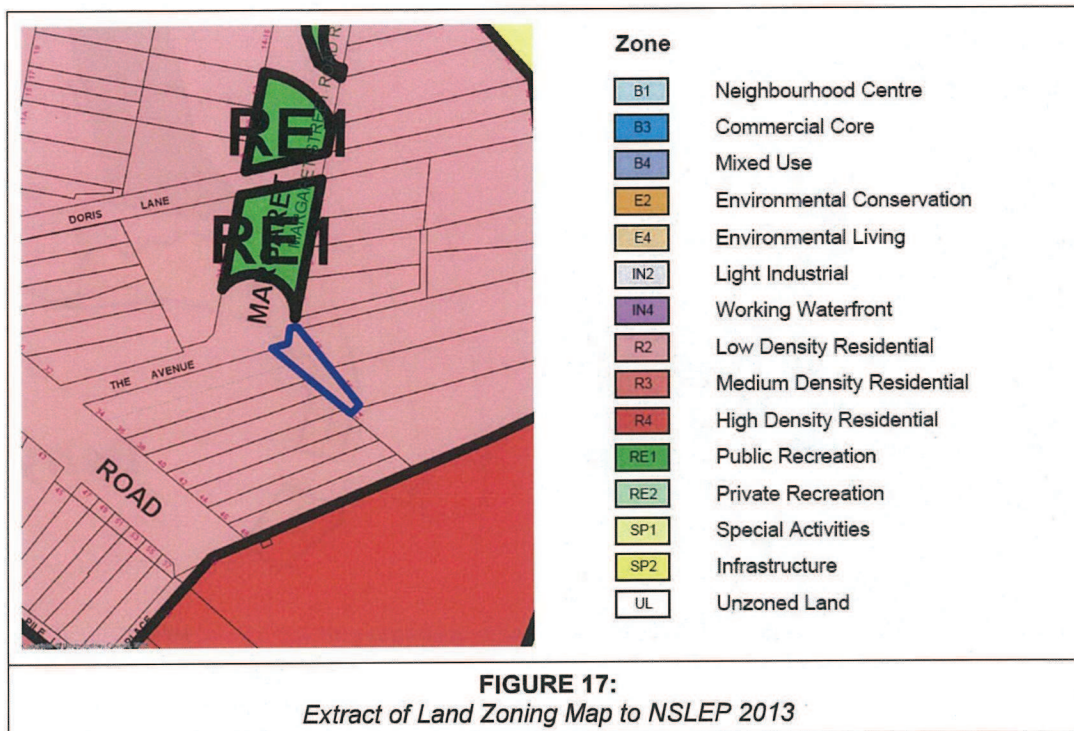
The road reserve is approximately 25m long and 8.5m in width at its northern end, narrowing to 3m at its southern end. The site is completely paved with bitumen and provides vehicular access to No.s 14, 16 and 18 The Avenue. The locality is predominantly characterised by 1-2 storey dwelling, semi detached and attached dwellings with a number of large residential flat buildings up to 22 storeys in height located to south.

Under NSLEP 2013, the subject land:

- is zoned *R2 Low Density Residential* (refer to Figure 17)
- has a maximum building height of 8.5m (refer to Figure 16)
- is located within a heritage conservation area (CA 21 – Whaling Road).



Planning Proposal – Height of Buildings



3.2.5 Balls Head Road, Waverton

The subject site has no legal description and is otherwise known as Balls Head Road, Waverton. This site comprises the southern most portion of the road reserve to Balls Head Road, which is located to the south of its intersection with Balls Head Drive (refer to Figure 18).

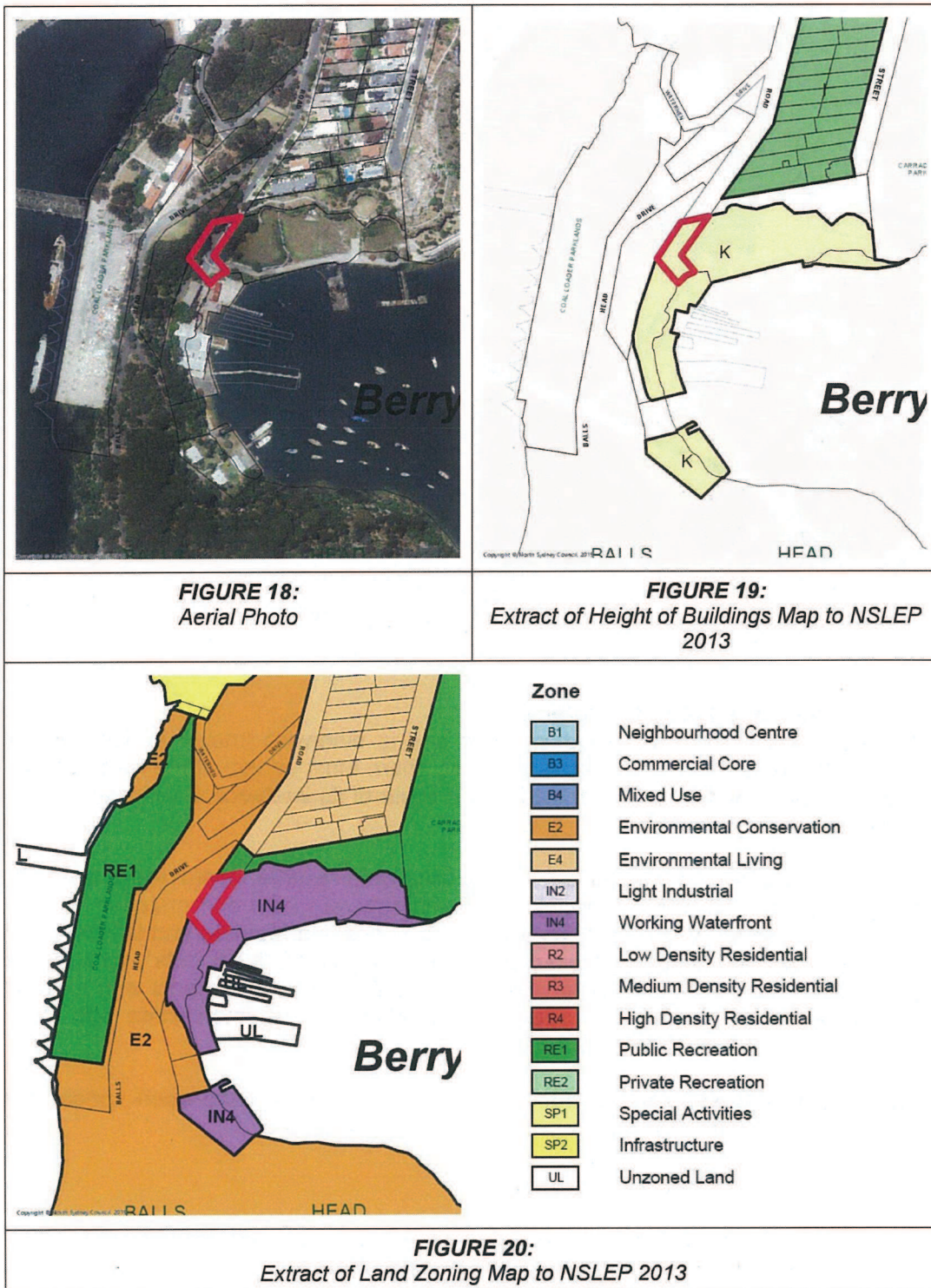
The site comprises an approximately 20m wide road reserve, containing a two lane bitumen paved publically accessible road with concrete kerb and guttering to both sides. The eastern verge contains a concrete pedestrian footpath and landscaping, whilst the western verge is landscaped only. A pair of “build outs”, to improve pedestrian safety and amenity to cross Balls Head Road and connect with existing pedestrian routes, are located approximately 45m from its intersection with Balls Head Drive.

The locality is predominantly characterised by vegetated public open space, 1-2 storey dwelling houses and interspersed waterfront industries.

Under NSLEP 2013, the subject land:

- is zoned *IN4 Working Waterfront* (refer to Figure 20)
- has a maximum building height of 10m (refer to Figure 19).

Planning Proposal – Height of Buildings

**3.2.6 Gas Lane, North Sydney**

This site is legally described as Lot 7 DP 814848 and otherwise known as Gas Lane North Sydney. The site is located on the eastern side Miller Street, between Blue Street and the Pacific Highway (refer to Figure 21).

The Lane is 6m metres in width and has a length of 75m. The Lane turns at 90 degrees approximately halfway along its length.

Planning Proposal – Height of Buildings

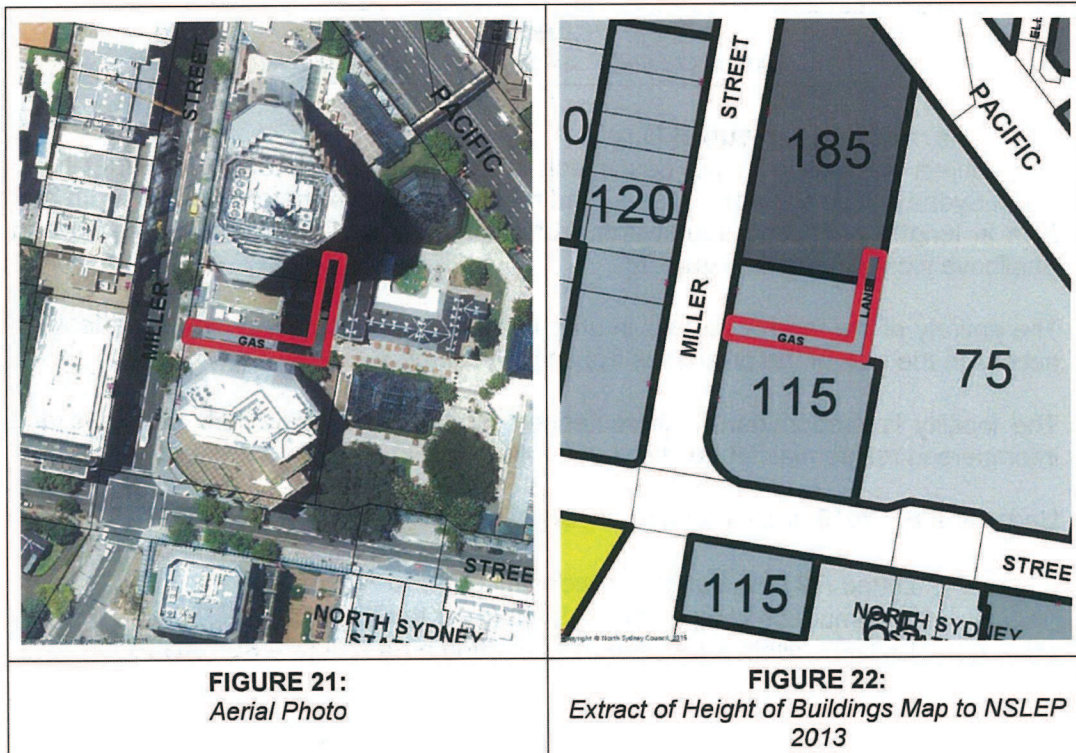
The site contains a bitumen paved publically accessible road with concrete kerb and guttering to both sides. Marked parking spaces are located along the northern side of the east-west aligned portion of the lane. Paved pedestrian footpaths are provided along the southern side of the east-west aligned portion of the lane.

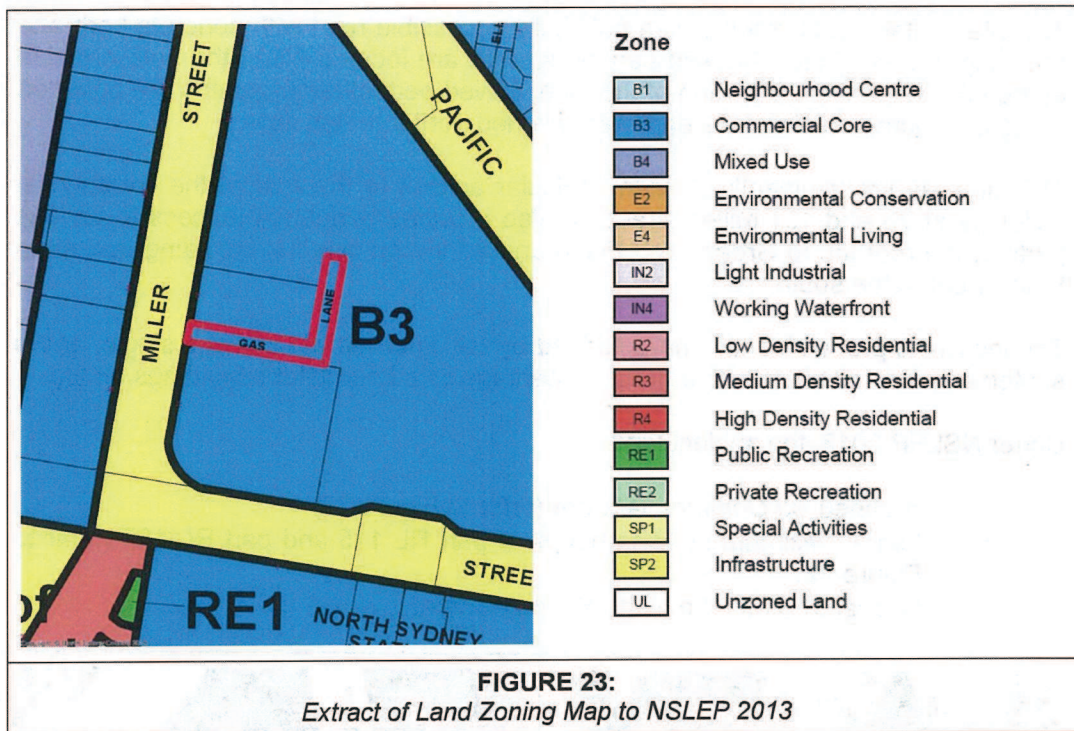
The laneway predominantly provide vehicular access to the rear of the commercial buildings at 75 and 101 Miller Street. It also provides pedestrian access to various parts of the roof top to Greenwood Plaza and a through site link providing access to Blue Street to the south.

The locality is predominantly characterised by tall commercial buildings single, and a subterranean retail plaza with a group of heritage listed sandstone buildings on top.

Under NSLEP 2013, the subject land:

- is zoned *B3 Commercial Core* (refer to Figure 23)
- has a maximum building height of part RL 115 and part RL 185 (refer to Figure 22)
- is located within the North Sydney Centre





3.2.7 Harriett Lane, Neutral Bay

The subject site has no legal description and is otherwise known as Harriett Lane North Sydney. The site comprises a road reserve of approximately 3.5m in width and 81m in length, projecting southwards from Harriett Street, between Wycombe and Shellcove Roads (refer to Figure 24).

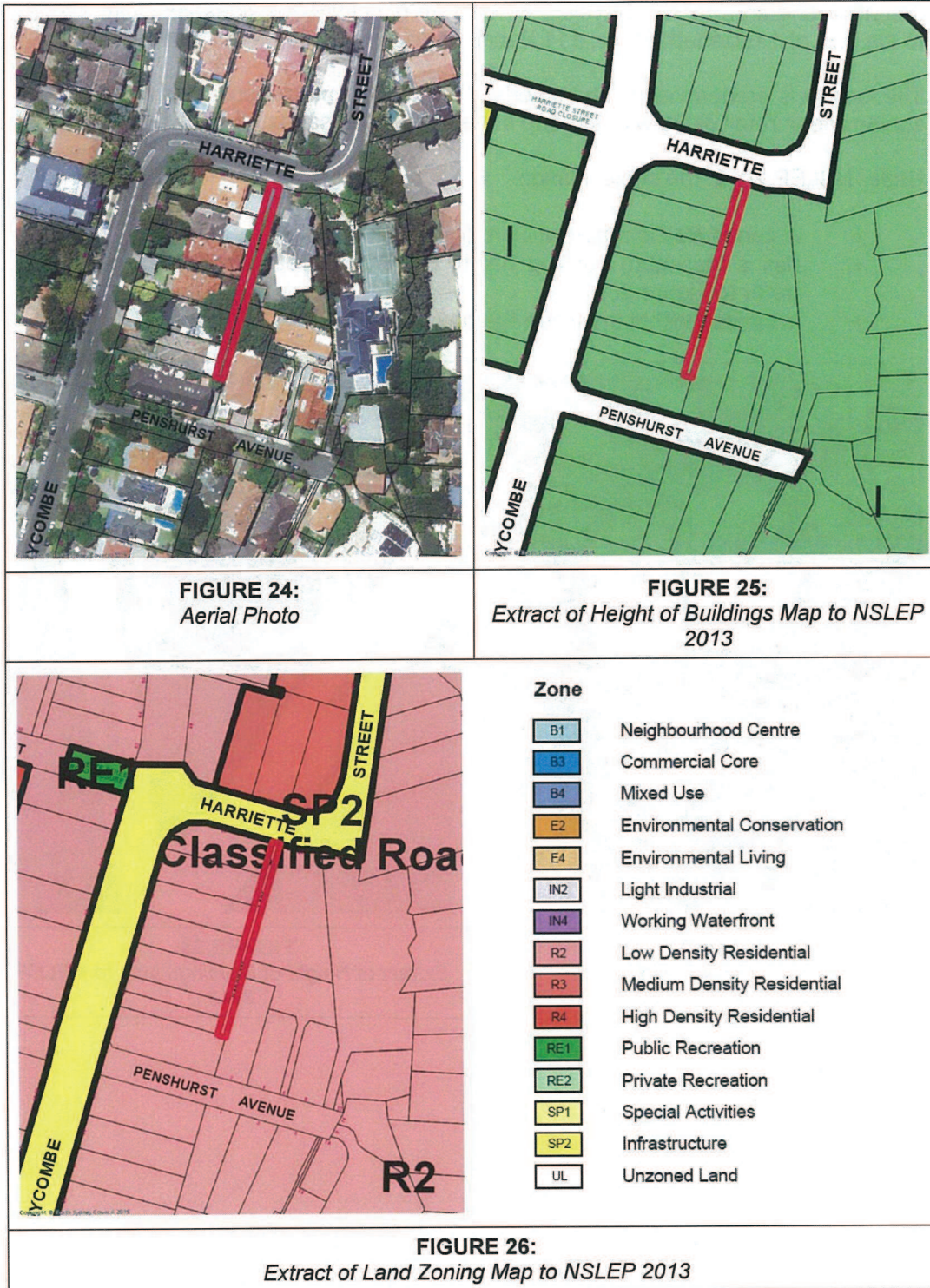
The entirety of the road reserve is bitumen paved and principally provides pedestrian access to the rear of the properties fronting Wycombe Road.

The locality is predominantly characterised by 1-2 storey detached dwellings and interspersed residential flat buildings up to 4 storeys in height.

Under NSLEP 2013, the land on which the site is located is:

- zoned *R2 Low Density Residential* (refer to Figure 26)
- Maximum building height of 8.5m (refer to Figure 25)
- Located within a heritage conservation area (CA16 – Kurraba Point).

Planning Proposal – Height of Buildings



3.2.8 Hill Street, North Sydney

This site comprises the eastern portion of Part Lot 104 DP 837892 and otherwise known as Hill Street, North Sydney. Hill Street is located between Walker Street and the intersection of the Pacific Highway and Elizabeth Plaza (refer to Figure 27).

The street is approximately 9m wide and 70m long. The street is bitumen paved with concrete kerb and guttering on all sides. Two narrow pedestrian footpaths are provided along each side. The western most portion of the street contains an at-

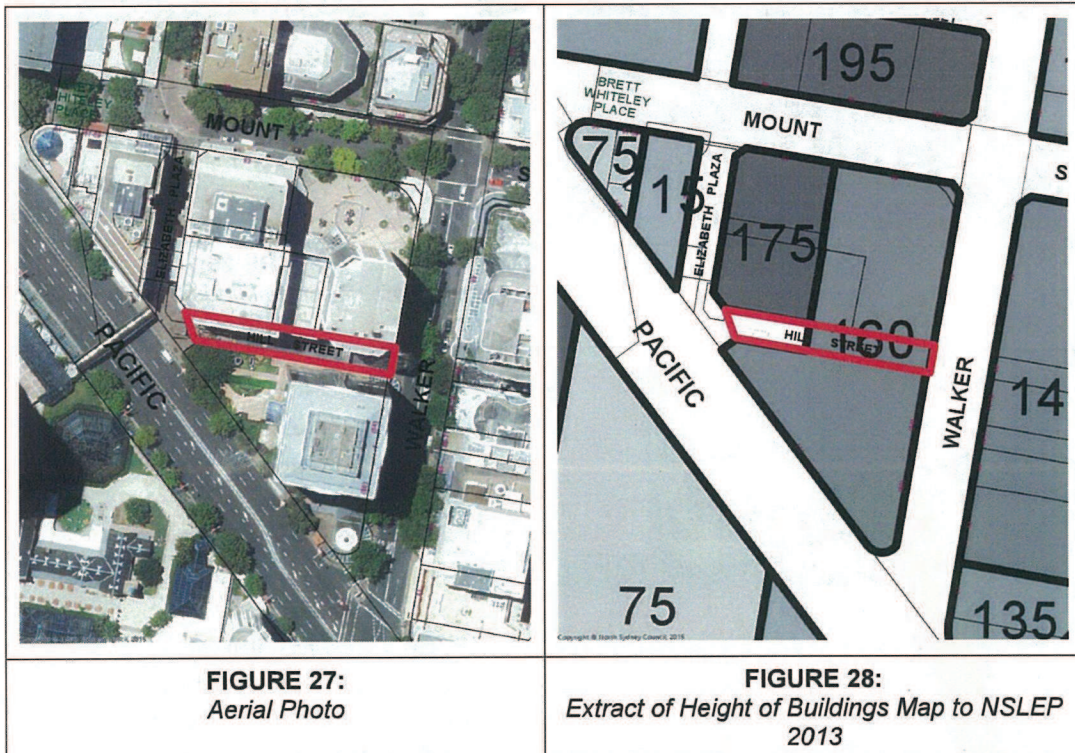
Planning Proposal – Height of Buildings

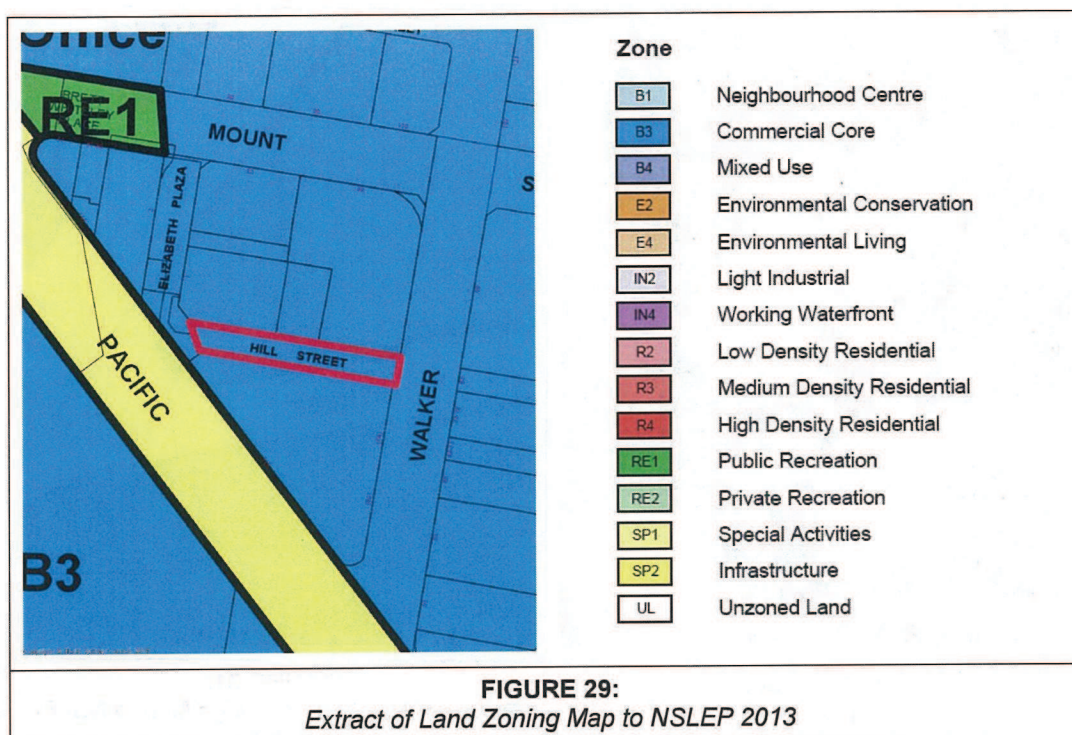
grade parking area for motorcycles. The street principally provides vehicular access to the rear of 1 Elizabeth Plaza, 111 Pacific Highway and 99 Mount Street.

The locality is predominantly characterised by tall commercial buildings single, and a subterranean retail plaza with a group of heritage listed sandstone buildings on top.

Under NSLEP 2013, the subject land:

- is zoned *B3 Commercial Core* (refer to Figure 29)
- has a maximum building height of part RL 160 and part no maximum (refer to Figure 28).
- is located within the North Sydney Centre





3.2.9 McDonald Lane, North Sydney

This site is legally described as Lot 8 DP 814848 and otherwise known as McDonald Lane, North Sydney. The site comprises a road reserve located off the northern side Blue Street, located between Pacific Highway and Miller Street (refer to Figure 30).

The site is approximately 4.5m wide and 19m in length. The Lane principally provides vehicular access to the south-eastern corner of Greenwood Plaza and the rear of 80 Pacific Highway. The locality is predominantly characterised by tall commercial buildings.

Under NSLEP 2013, the subject land:

- is zoned *B3 Commercial Core* (refer to Figure 32)
- has a maximum building height RL 110 (refer to Figure 31)
- is located within the North Sydney Centre

Planning Proposal – Height of Buildings



FIGURE 30:
Aerial Photo

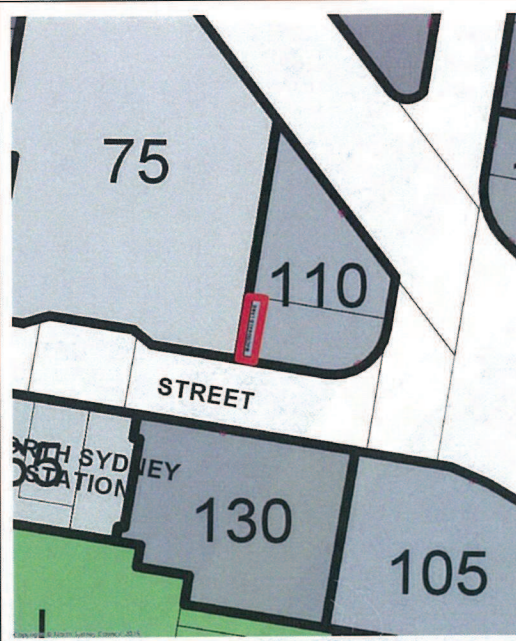


FIGURE 31:
Extract of Height of Buildings Map to NSLEP
2013

**Zone**

B1	Neighbourhood Centre
B3	Commercial Core
B4	Mixed Use
E2	Environmental Conservation
E4	Environmental Living
IN2	Light Industrial
IN4	Working Waterfront
R2	Low Density Residential
R3	Medium Density Residential
R4	High Density Residential
RE1	Public Recreation
RE2	Private Recreation
SP1	Special Activities
SP2	Infrastructure
UL	Unzoned Land

FIGURE 32:
Extract of Land Zoning Map to NSLEP 2013

3.2.10 Tucker Lane, North Sydney

This site is legally described as Lot 12 DP 1018493 and otherwise known as Tucker Lane, North Sydney. The site comprises a road reserve projecting off the western side of Tucker Street, and backs onto a number of properties fronting Carlow Street (refer to Figure 33).

Planning Proposal – Height of Buildings

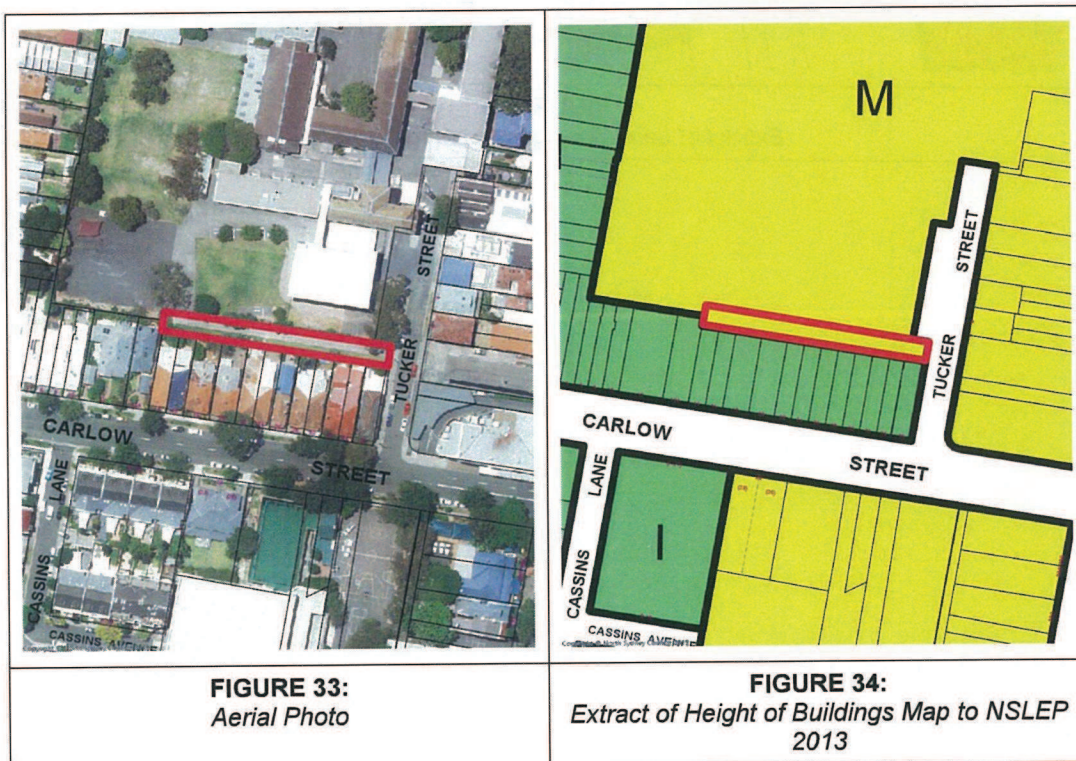
The site is approximately 7m wide and 80.5m in length. The Laneway contains an approximately 3m wide concrete pathway running along the entire length adjacent to its northern boundary. The remainder of the site is grassed.

The laneway is principally used as a pedestrian pathway and temporary vehicular service lane. A removable bollard is located at the laneway's eastern end, blocking access for cars and other large vehicles. Some of the properties fronting Carlow Street have rear access to the laneway.

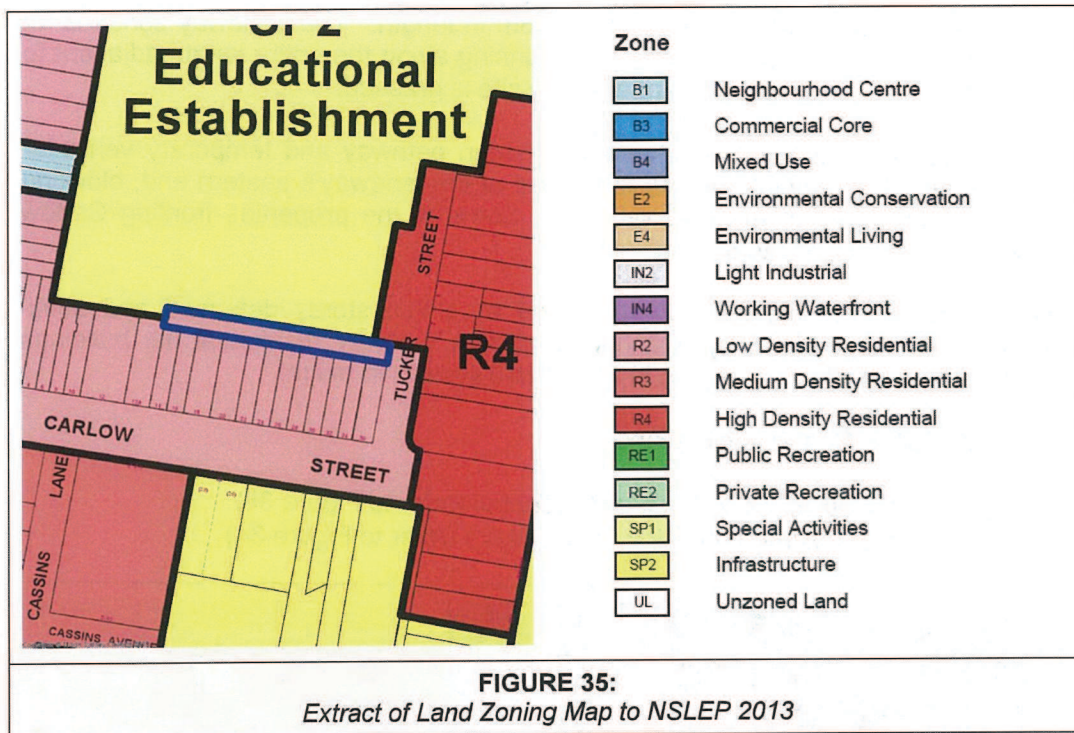
The locality is predominantly characterised by single storey detached and semi-detached dwellings, 2-storey attached dwellings, 4-storey residential flat buildings and institutional buildings ranging in from 1 to 3 storeys in height.

Under NSLEP 2013, the subject land:

- is zoned *R2 Low Density Residential* (refer to Figure 35)
- has a maximum building height of 8m (refer to Figure 34)



Planning Proposal – Height of Buildings



4 STATUTORY CONTEXT

The relevant provisions of NSLEP 2013 that relate to the Planning Proposal are discussed in the following subsections.

4.1 Aims of Plan

Clause 1.2 of NSLEP 2013 outlines the aims of the LEP. In particular, it states:

- (1) *This Plan aims to make local environmental planning provisions for land in North Sydney in accordance with the relevant standard environmental planning instrument under section 33A of the Act.*
- (2) *The particular aims of this Plan are as follows:*
 - (a) *to promote development that is appropriate to its context and enhances the amenity of the North Sydney community and environment,*
 - (b) *in relation to the character of North Sydney's neighbourhoods:*
 - (i) *to ensure that new development is compatible with the desired future character of an area in terms of bulk, scale and appearance, and*
 - (ii) *..., and*
 - (iii) *to ensure that new development on foreshore land does not adversely affect the visual qualities of that foreshore land when viewed from Sydney Harbour and its tributaries,*
 - (c) *...*
 - (e) *in relation to environmental quality:*
 - (i) *to maintain and protect natural landscapes, topographic features and existing ground levels, and*
 - (ii) *...,*

4.2 Land Use Table

The Planning Proposal applies to land in the following zones:

- *R2 Low Density Residential;*
- *R3 Medium Density Residential;*
- *R4 High Density Residential;*
- *B3 Commercial Core;*
- *IN4 Working Waterfront;*
- *SP2 Infrastructure; and*
- *RE1 Public Recreation.*

The relevant objectives and provisions of these zones state:

Zone R2 Low Density Residential

1 Objectives of zone

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To encourage development of sites for low density housing, including dual occupancies, if such development does not compromise the amenity of the surrounding area or the natural or cultural heritage of the area.*

 Planning Proposal – Height of Buildings

- To ensure that a high level of residential amenity is achieved and maintained.
- 2 Permitted without consent**
Environmental protection works; Home occupations
- 3 Permitted with consent**
Boarding houses; Child care centres; Dual occupancies (attached); Dwelling houses; Group homes; Health consulting rooms; Home-based child care; Information and education facilities; Medical centres; Places of public worship; Recreation areas; Respite day care centres; Roads; Semi-detached dwellings
- 4 Prohibited**
Any development not specified in item 2 or 3

Zone R3 Medium Density Residential

- 1 Objectives of zone**
 - To provide for the housing needs of the community within a medium density residential environment.
 - To provide a variety of housing types within a medium density residential environment.
 - To enable other land uses that provide facilities or services to meet the day to day needs of residents.
 - To encourage the development of sites for medium density housing if such development does not compromise the amenity of the surrounding area or the natural or cultural heritage of the area.
 - To provide for a suitable visual transition between high density residential areas and lower density residential areas.
 - To ensure that a high level of residential amenity is achieved and maintained.
- 2 Permitted without consent**
Environmental protection works
- 3 Permitted with consent**
Attached dwellings; Boarding houses; Child care centres; Community facilities; Dual occupancies (attached); Dwelling houses; Group homes; Home-based child care; Hostels; Information and education facilities; Multi dwelling housing; Neighbourhood shops; Places of public worship; Recreation areas; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing
- 4 Prohibited**
Any development not specified in item 2 or 3

Zone R4 High Density Residential

- 1 Objectives of zone**
 - To provide for the housing needs of the community within a high density residential environment.
 - To provide a variety of housing types within a high density residential environment.
 - To enable other land uses that provide facilities or services to meet the day to day needs of residents.
 - To encourage the development of sites for high density housing if such development does not compromise the amenity of the surrounding area or the natural or cultural heritage of the area.
 - To ensure that a reasonably high level of residential amenity is achieved and maintained.
- 2 Permitted without consent**
Environmental protection works
- 3 Permitted with consent**
Attached dwellings; Boarding houses; Child care centres; Community facilities; Dual occupancies (attached); Dwelling houses; Entertainment facilities; Home-based child care; Hostels; Information and education facilities; Multi dwelling housing; Neighbourhood shops; Places of public worship; Recreation areas;

Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; Shop top housing

4 Prohibited

Any development not specified in item 2 or 3

Zone B3 Commercial Core

1 Objectives of zone

- *To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.*
- *To encourage appropriate employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To prohibit further residential development in the core of the North Sydney Centre.*
- *To minimise the adverse effects of development on residents and occupiers of existing and new development.*

2 Permitted without consent

Nil

3 Permitted with consent

Amusement centres; Backpackers' accommodation; Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Medical centres; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Serviced apartments; Sex services premises; Signage; Vehicle repair stations; Veterinary hospitals

4 Prohibited

Any development not specified in item 2 or 3

Zone IN4 Working Waterfront

1 Objectives of zone

- *To retain and encourage waterfront industrial and maritime activities.*
- *To identify sites for maritime purposes and for activities that require direct waterfront access.*
- *To ensure that development does not have an adverse impact on the environmental and visual qualities of the foreshore.*
- *To encourage employment opportunities.*
- *To minimise any adverse effect of development on land uses in other zones.*

2 Permitted without consent

Environmental protection works

3 Permitted with consent

Boat building and repair facilities; Boat launching ramps; Charter and tourism boating facilities; Jetties; Kiosks; Light industries; Marinas; Roads; Signage

4 Prohibited

Any development not specified in item 2 or 3

Zone SP2 Infrastructure

1 Objectives of zone

- *To provide for infrastructure and related uses.*
- *To prevent development that is not compatible with or that may detract from the provision of infrastructure.*

2 Permitted without consent

Environmental protection works

- 3 **Permitted with consent**
Roads; The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose
- 4 **Prohibited**
Any development not specified in item 2 or 3

Zone RE1 Public Recreation

- 1 **Objectives of zone**
 - *To enable land to be used for public open space or recreational purposes.*
 - *To provide a range of recreational settings and activities and compatible land uses.*
 - *To protect and enhance the natural environment for recreational purposes.*
 - *To ensure sufficient public recreation areas are available for the benefit and use of residents of, and visitors to, North Sydney.*
- 2 **Permitted without consent**
Environmental protection works
- 3 **Permitted with consent**
Building identification signs; Business identification signs; Community facilities; Environmental facilities; Information and education facilities; Kiosks; Recreation areas; Recreation facilities (outdoor); Roads; Water recreation structures
- 4 **Prohibited**
Any development not specified in item 2 or 3

4.3 Definitions

Clause 1.4 of NSLEP 2013 makes reference to the Dictionary which provides definitions of terms used within the LEP. In particular, the relevant terms to the Planning Proposal are defined as follows:

building height (or height of building) means:

- (a) *in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or*
- (b) *in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building,*
including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

ground level (existing) means the existing level of a site at any point.

ground level (finished) means, for any point on a site, the ground surface after completion of any earthworks (excluding any excavation for a basement, footings or the like) for which consent has been granted or that is exempt development.

ground level (mean) means, for any site on which a building is situated or proposed, one half of the sum of the highest and lowest levels at ground level (finished) of the outer surface of the external walls of the building.

4.4 Building Height

Clause 4.3 of NSLEP 2013 sets maximum building heights for all land identified on the Land Application Map. In particular, it states:

- (1) *The objectives of this clause are as follows:*
 - (a) *to promote development that conforms to and reflects natural landforms, by stepping development on sloping land to follow the natural gradient,*
 - (b) *to promote the retention and, if appropriate, sharing of existing views,*
 - (c) *to maintain solar access to existing dwellings, public reserves and streets, and to promote solar access for future development,*