

**DECISION OF 3735<sup>th</sup> COUNCIL MEETING  
HELD ON MONDAY 24 AUGUST 2020**

**8.8. Draft Development Control Plan - PP6/19 - 27-57 Falcon Street  
Crows Nest**

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

To report back to Council a draft site-specific Development Control Plan (DCP) associated with Planning Proposal No. 6/19 - 27-57 Falcon Street, Crows Nest that enables additional parking on the site.

Council considered a report at its meeting on 27 July 2020 regarding a Planning Proposal for the site at 27-57 Falcon Street, Crows Nest. The Planning Proposal seeks to rezone, increase the height and amend the floor space ratio controls applying to the site under the North Sydney Local Environmental Plan 2013 (NSLEP 2013).

The indicative concept scheme accompanying the Planning Proposal seeks to provide a high density residential development comprising three (3) residential flat buildings between three and six storeys in height, two- three storey townhouses, retail premises, landscaped communal open space and basement parking. A total of approximately eighty-five (85) dwellings are proposed. The Planning Proposal is also supported by a draft DCP to help guide future detailed design and assessment at DA stage.

Council considered a report on this proposal and resolved to support the progression of the proposal and doing so also sought an amendment to the site specific DCP to allow additional car parking on this site, specifically resolving:

*5. THAT a site-specific draft DCP be re-presented to Council for endorsement prior to public exhibition including controls for additional parking on the site.*

A draft site specific DCP is attached to this report allowing a maximum of 96 car spaces. The report provides options for both limited on-site parking and more generous on-site parking.

Should a Gateway Determination be issued, the Planning Proposal, draft DCP and draft VPA will be exhibited concurrently, to allow the community a full appreciation of what is being proposed.

The Planning Proposal is accompanied by an offer to enter into a draft Voluntary Planning Agreement (VPA) that proposes to provide monetary and in-kind contributions to Council. These include:

- A monetary contribution of \$800,000 towards increased open space opportunities (e.g. Stage 1 Hume Street Park upgrade), payable to Council.
- Land Dedication including Embellishments to the value of \$330,000.

**RECOMMENDATION:**

**1. THAT** given its resolution to provide more parking on site, Council endorse the attached draft DCP proposing parking rates to facilitate a maximum total of 96 on-site parking spaces.

The Recommendation was moved by Councillor Gibson and seconded by Councillor Barbour.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 7 / 3

**For:** Councillor Gibson, Councillor Keen, Councillor Brodie, Councillor Barbour, Councillor Drummond, Councillor Gunning, Councillor Mutton

**Against:** Councillor Beregi, Councillor Carr, Councillor Baker

**Absent:** nil

**110. RESOLVED:**

**1. THAT** given its resolution to provide more parking on site, Council endorse the attached draft DCP proposing parking rates to facilitate a maximum total of 96 on-site parking spaces.

## **8.8. Draft Development Control Plan - PP6/19 - 27-57 Falcon Street Crows Nest**

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

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

### **ATTACHMENTS:**

1. Draft Site Specific DCP - PP 6/19 - 27-57 Falcon Street Crows Nest [8.8.1 - 5 pages]

### **PURPOSE:**

To report back to Council a draft site-specific Development Control Plan (DCP) associated with Planning Proposal No. 6/19 - 27-57 Falcon Street, Crows Nest that enables additional parking on the site.

### **EXECUTIVE SUMMARY:**

Council considered a report at its meeting on 27 July 2020 regarding a Planning Proposal for the site at 27-57 Falcon Street, Crows Nest. The Planning Proposal seeks to rezone, increase the height and amend the floor space ratio controls applying to the site under the North Sydney Local Environmental Plan 2013 (NSLEP 2013).

The indicative concept scheme accompanying the Planning Proposal seeks to provide a high density residential development comprising three (3) residential flat buildings between three and six storeys in height, two- three storey townhouses, retail premises, landscaped communal open space and basement parking. A total of approximately eighty-five (85) dwellings are proposed. The Planning Proposal is also supported by a draft DCP to help guide future detailed design and assessment at DA stage.

Council considered a report on this proposal and resolved to support the progression of the proposal and doing so also sought an amendment to the site specific DCP to allow additional car parking on this site, specifically resolving:

*5. THAT a site-specific draft DCP be re-presented to Council for endorsement prior to public exhibition including controls for additional parking on the site.*

A draft site specific DCP is attached to this report allowing a maximum of 96 car spaces. The report provides options for both limited on-site parking and more generous on-site parking.

Should a Gateway Determination be issued, the Planning Proposal, draft DCP and draft VPA will be exhibited concurrently, to allow the community a full appreciation of what

is being proposed.

#### **FINANCIAL IMPLICATIONS:**

The Planning Proposal is accompanied by an offer to enter into a draft Voluntary Planning Agreement (VPA) that proposes to provide monetary and in-kind contributions to Council. These include:

- A monetary contribution of \$800,000 towards increased open space opportunities (e.g. Stage 1 Hume Street Park upgrade), payable to Council.
- Land Dedication including Embellishments to the value of \$330,000.

#### **RECOMMENDATION:**

**1. THAT** given its resolution to provide more parking on site, Council endorse the attached draft DCP proposing parking rates to facilitate a maximum total of 96 on-site parking spaces.

## LINK TO COMMUNITY STRATEGIC PLAN

The relationship with the Community Strategic Plan is as follows:

1. Our Living Environment
  - 1.1 Protected and enhanced natural environment and biodiversity
  - 1.4 Public open space and recreation facilities and services meet community needs
2. Our Built Infrastructure
  - 2.1 Infrastructure and assets meet community needs
  - 2.2 Vibrant centres, public domain, villages and streetscapes
  - 2.3 Sustainable transport is encouraged
3. Our Future Planning
  - 3.1 Prosperous and vibrant economy
  - 3.4 North Sydney is distinctive with a sense of place and quality design
4. Our Social Vitality
  - 4.1 North Sydney is connected, inclusive, healthy and safe
5. Our Civic Leadership
  - 5.1 Council leads the strategic direction of North Sydney
  - 5.3 Community is informed and consulted

## BACKGROUND

### Site Specific Background

The site the subject of this planning proposal is known as 27-57 Falcon Street, Crows Nest (Refer Figure 1 below). The site is 4,325m<sup>2</sup> in area and is located on the southern side of Falcon Street on the corner of Alexander Lane and has a rear boundary to Hayberry Lane.



*Figure 1 – Subject site location map.*

A detailed history of the proposal and revisions is provided in Council Report 8.18 on 27 July 2020. Refer Item 8.18 at;

[https://www.northsydney.nsw.gov.au/Council\\_Meetings/Meetings/Council\\_Meetings/Council\\_Reports\\_27\\_Jul\\_2020](https://www.northsydney.nsw.gov.au/Council_Meetings/Meetings/Council_Meetings/Council_Reports_27_Jul_2020)

At this meeting Council resolved as follows:

- 1. THAT the Planning Proposal be amended to Council's satisfaction addressing the recommendations outlined in this report.*
- 2. THAT the General Manager be authorised to negotiate the terms and detailed provisions of a Voluntary Planning Agreement consistent with the applicant's offer (Attachment 2) and as outlined in this report.*
- 3. THAT upon satisfactory negotiation of the contents and detailed terms of the draft VPA and completion of Recommendation 1, the Planning Proposal be forwarded in accordance with Section 3.34 of the Environmental Planning and Assessment Act 1979 seeking a Gateway Determination.*
- 4. THAT upon receipt of a Gateway Determination, the associated draft Voluntary Planning Agreement be exhibited concurrently with the Planning Proposal and draft DCP.*
- 5. THAT a site-specific draft DCP be re-presented to Council for endorsement prior to public exhibition including controls for additional parking on the site.*

This report has been prepared in response to part 5 of Council's resolution.

The revised proposal the subject of Council's resolution of 27 July 2020, seeks to make the following amendments to the North Sydney LEP:

- Rezone the site from B4 – Mixed Use to R4 – High Density Residential;
- Increase the maximum building height from 10m to part 21m and part 14.5m;
- Apply a maximum floor space ratio control of 1.85:1;
- Remove the current non-residential floor space requirement applying to the site; and
- Retain 'retail premises' as a permitted land use on the site.
- Include a site-specific provision under Part 6 Division 2 of the LEP to allow minor exceedances to the Height of Building control.

## **CONSULTATION REQUIREMENTS**

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

Following Council's decision on 27 July 2020, should the Department of Planning, Industry and Environment (DPIE) determine that the Planning Proposal can proceed, community engagement will be undertaken in accordance with Council's Community Engagement Protocol and the requirements of any Gateway Determination issued. It is

noted that in response to Council's resolution of 25 November 2019, the applicant team held their own community consultation sessions on 12 January 2020 and 12 February 2020.

## **DETAIL**

### **Role of Site-Specific Development Control Plan**

Through the process of assessment of the planning proposal and accompanying reference design, it was determined that the development of a site specific DCP would assist in guiding the eventual assessment of a future development application for the site. The DCP is considered to be adequate in that it is prescriptive enough so as to guide future detailed assessment largely reflective of the supplied reference design, however, provides an appropriate degree of flexibility to allow further refinements so as to facilitate an optimal design and amenity outcome.

The draft site-specific DCP addresses matters relating to design, character and future controls on site. Having regard to the character statement for the Crows Nest Town Centre under Section 3.2 of Part C of the NSDCP 2013, the proposal is considered to be generally consistent with the statement in that it will result in a medium scale residential accommodation along Falcon Street with the potential for a portion of commercial area closest to the existing Crows Nest centre.

The proposed draft DCP includes provisions relating to building design considerations including setbacks, height transition, landscaping and coverage, parking and general design principles which act to create a suitable building envelope and associated development.

### **Parking and Transport Implications**

The recommendation of the report presented to the Council meeting of 27 July 2020 in respect to provision of on-site parking (totalling 62 spaces), was arrived at through the application of the rates in Council's DCP that apply to the St Leonards/Crows Nest area. These figures were developed during the preparation of the St Leonards/Crows Nest precinct 2/3 study. These figures are calculated (based on the indicative unit number and mix in the current reference design) as follows;

12 x studio @0.25 spaces/dwg = 3  
15 x 1 bed @0.25 spaces/dwg = 3.75  
37 x 2 bed @0.5 spaces/dwg = 18.5  
21 x 3 bed @0.5 spaces/dwg = 10.5  
Visitor – 1 space per 4/dwg = 21.25  
Retail – 1 space per 60 sqm = approximately 5 spaces  
**Total = 62 spaces**

These rates aim to manage traffic generation by reducing the number of traffic movements due to the close proximity to current and future rapid transit (St Leonards Station and future Crows Nest Metro) and public transport (numerous local and regional bus services).

The site at 27-57 Falcon Street, Crows Nest is outside of the St Leonards/Crows Nest precinct 2/3 Study Area.

The draft DCP seeks to provide for up to 96 car spaces being provided on site. This figure is based, in part, on the application of the current general B4 (Mixed Use rates) contained in Council's Development Control Plan. These figures are calculated (based on the indicative unit number and mix in the current reference design) as follows;

Studio/1 bed – 0.5 spaces/dwg  
2 or more bedrooms – 1 space/dwg  
Visitor spaces – 0.25space/dwg  
Non-residential – 1 space/60sqm

Depending on the final unit and land use mix this could result in approximately 96 spaces being provided on site.

Key to the strategic justification for amendment to the planning controls to facilitate additional dwellings on this site, is its close proximity to services and transport (current and future). Vehicular access to servicing, visitor and resident parking is proposed from Alexander Lane, however, the potential oversupply of parking and ensuing increase in traffic will lead to increased localised congestion and be contrary to principles of environmentally sustainable and transit-oriented development.

There is a need to balance the demand for parking spaces resulting from the development (both internally and within the wider surrounding area) with Council's adopted policy position with respect to increased development within the St Leonards/Crows Nest Area as well Council's Transport Strategy.

The applicant has indicated a preference for provision of approximately 90 spaces on site.

The cost of construction of basement parking can (depending on site conditions) range between \$40-\$80,000 per space. The provision of units with and without parking spaces offers future occupants a choice in terms of both housing affordability and future lifestyle in terms of journey mode choice. Future occupants for units without a parking space would not be eligible for resident parking permits. The majority of residential streets in the vicinity are time limited. In areas well serviced by transport options and services, where street parking is limited, there is empirical evidence that car ownership rates are significantly lower which influences lower levels of congestion and traffic generation.



In the context of a site seeking to achieve a significant level of uplift in development potential through amendment to planning controls and given the extremely high accessibility to excellent levels of public transport and other services, this site lends itself to the provision of a lower rates of on-site carparking.

## **Access**

Concern has been raised by some residents with respect to the proposed access arrangement from Alexander Lane. Notwithstanding TfNSW preliminary support for two way movement through the lane, concerns are noted that the proposal will lead to increased levels of traffic along Hayberry Lane. A balance is sought to be struck in providing reasonable access and a level of pedestrian amenity along this laneway. There is a direct correlation between the level of parking spaces provided on site and localised (and wider) traffic generation rates and congestion.

## **North Sydney CBD Masterplan**

As part of the modelling work undertaken to support the CBD Masterplan including the delivery of Miller Place, it was identified that the facilitation of regional traffic access to the Warringah Freeway Corridor via Falcon Street would be advantageous to continuing S-E along Pacific Highway through the North Sydney CBD. Whilst the difference in parking numbers (c30 spaces) may present as relatively minor, an additional 50-60 vehicle movements would cumulatively, impact on the wider network efficiency in this regard. The suppression of parking growth in and around the North Sydney CBD is serving Council very well in its deliberations with TfNSW regarding the preparation of the Integrated Transport Program for the North Sydney CBD. In an unconstrained parking environment, the measures advocated by Council like the creation of Miller Place and a bi-directional Berry Street, would simply not be contemplated in the context of the Western Harbour Tunnel because there would be far too much congestion in the network associated with traffic generation directly associated with parking growth. This is a critically important traffic and congestion management tool in a fast growing and changing city like Sydney.

## **Relationship to Voluntary Planning Agreement**

The applicant has stated that the basis for provision of the accompanying VPA offer is predicated on achievement of a quantum of off-street parking on the site. Notwithstanding this contention, it is not considered appropriate to peg or tie the VPA deliverables to an aspect of the DCP as this would be inconsistent with Council's established practice in regard to provision of public benefits associated with amendments to LEP planning controls. Moreover, the application of DCP controls is more contestable than LEP controls, the latter of which are the basis for development yields and which inform Council's VPA negotiations.

## **Conclusion**

In relation to parking rates, it is acknowledged that there is a need to balance the demand for parking spaces resulting from the development with Council's adopted policy position with respect to increased development within the St Leonards Crows Nest Area, as well Council's Transport Strategy.

This report responds directly to Council's resolution to provide more on-site parking (96 spaces) and provides some discussion of related issues.

### 3.2.5 – 27-57 Falcon Street, Crows Nest

#### 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 Strategic Centre to a lower to medium density residential typology on the eastern portion.
- P3. Development should balance the provision of new residential apartment buildings within a Strategic 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 apartment 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 townhouses 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**

- To provide for increased opportunity for height and density in the growing Crows Nest Local Centre, close to public transport and services.
- Building envelopes are to respond to the site's surrounding context which transitions in character from the Crows Nest Strategic Centre to the lower scale Heritage Conservation Area on Hayberry Street.
- 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.
- To ensure appropriate building lengths, a variety of building facades and a 'fine-grain' response to the public domain.

**Building Height Provisions**

- P1. The maximum height in storeys of any building must comply with the heights in storeys shown on the Site Layout Plan at Figure 1.
- P2. Building A is to be a maximum height of 6 storeys and step down in height to a maximum of 3 storeys at the Hayberry Lane frontage.
- P3. Building B is to be a maximum of 6 storeys and step down in height to a maximum of 2-3 storeys at the Hayberry Lane frontage.
- P4. A site-specific LEP clause will allow minor exceedances of the LEP Height of Building control for plant and lift overruns only.
- P5. Building C is to be a maximum of 4 storeys.
- P6. Building D is to be a maximum of 3 storeys with a 2 storey street frontage height to Hayberry Lane. The third storey is to be generally accommodated within the roof form.

**Street and Side Setbacks Provisions**

- P1. Building setbacks must comply with the setbacks shown on the Site Layout Plan at Figure 1.
- P2. The following minimum setbacks are required to Falcon Street:
  - a. Building A is to be setback zero metres.
  - b. Building B is to be setback zero metres.
  - c. Building C is to be setback 2 metres.
- P3. The following minimum setbacks are required from Hayberry Lane:
  - a. Buildings A and B are to be setback from Hayberry Lane by 3 metres.
  - b. Building D is to be setback by 1.5 metres.
- P4. The following minimum side setbacks are required to 56-63 Falcon Street:
  - a. Building C is to be setback 4.5 metres.
  - b. Building D is to be setback 1.5 metres.
- P5. Building A is to be setback a minimum of 6 metres from the existing centreline of Alexander Lane.

**3.2.5.3 Residential Apartment Building Design****Objectives**

- Ensure that the residential apartment buildings consider and are consistent with the nine design quality principles within *State Environmental Planning Policy 65 – Design Quality of Residential Flat Development*.

**Provisions**

- P1. The residential apartment building design is subject to the requirements of State Environmental Planning Policy 65 – Design Quality of Residential Flat Development including the Design Quality Principles and the Apartment Design Guide.

### 3.2.5.4 Site Coverage

#### **Objectives**

- 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 Strategic Centre at the interface between business and residential zones that accommodates a mix of building typologies.
- 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.

#### **Site Coverage Provisions**

- P1. The maximum site coverage for this site is 65%.

### 3.2.5.5 Communal Open Space

#### **Objectives**

- 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.
- 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.
- To ensure communal open space is useable.

#### **Communal Open Space Provisions**

- P1. Communal open space is provided in the locations shown on the Site Layout Plan at Figure 1.
- 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 Landscaped Area

#### **Objectives**

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

#### **Landscaped Area Provisions**

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

### 3.2.5.7 Traffic, Access and Parking

#### **Objectives**

- To regulate traffic movements and reduce congestion on Falcon Street.
- To ensure that vehicular access is safe for motorists and pedestrians.
- To facilitate road widening along Alexander Lane.
- To facilitate road widening and the provision of a shared way along Hayberry Street.
- To create a safe, accessible and shared laneway network.
- To provide appropriate amount of basement parking spaces for residents, visitors and staff.

**Traffic, Access and Parking Provisions**

- P1. Vehicular access to the site must be from Alexander Lane.
- 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 in the table below;

Development Type	Maximum Parking Rate
Studio/1 bedroom	0.5 space/dwg
2 or more bedroom	1.0 space/dwg
Visitor	0.25 space/dwg
Non – Residential use	1 space/60sqm non-residential GFA

- P4. On-site car parking provision significantly below maximum rates specified in the table above 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.

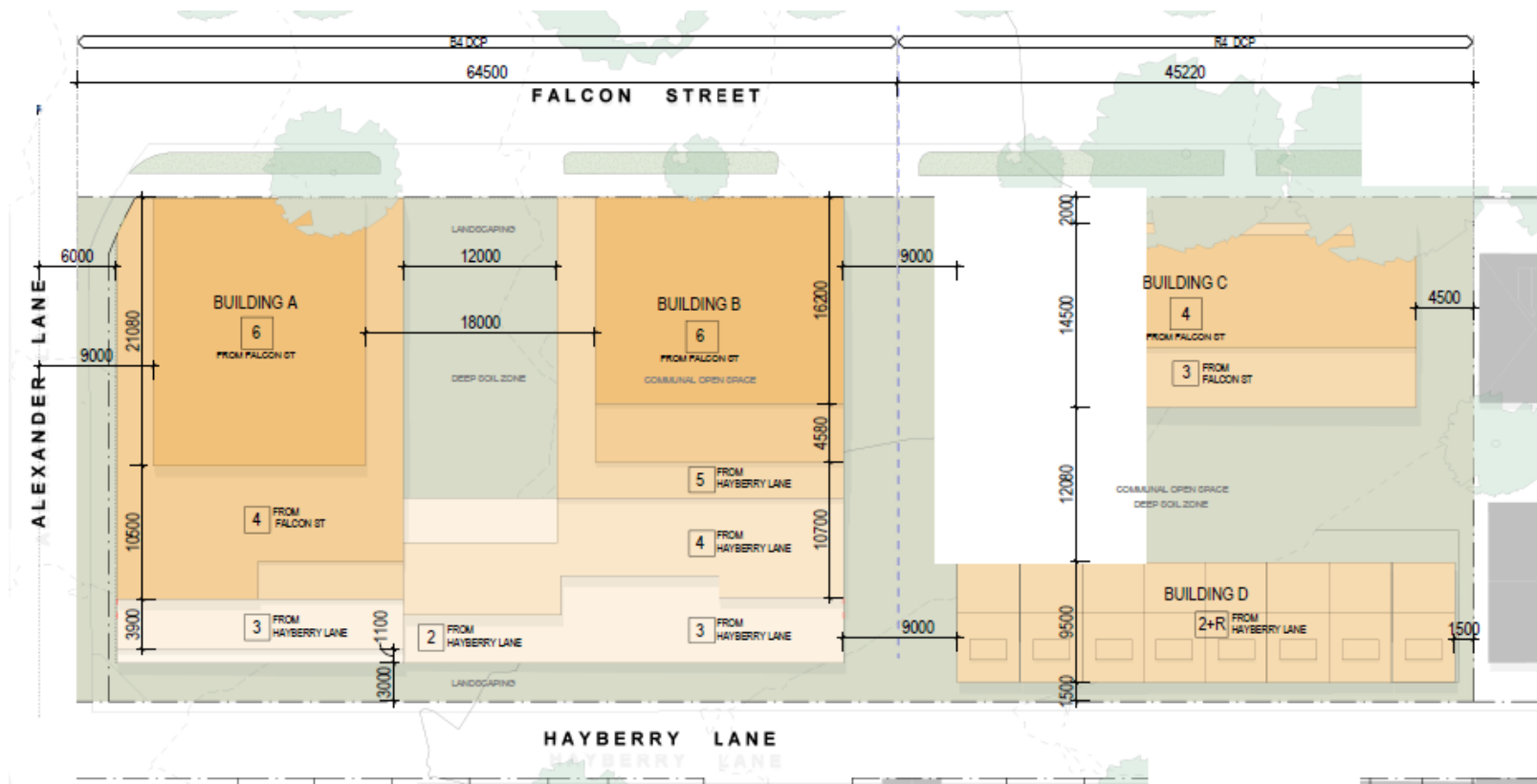


Figure 1 Site Layout Plan