



### NSLPP MEETING HELD ON 25/10/23

**Attachments:**

1. Applicant's Planning Proposal
2. Applicant's Reference Design
3. Letter of Offer (Voluntary Planning Agreement)

**ADDRESS/WARD:** 183-185 Military Road, Neutral Bay

**PROPOSAL No:** 4/23

**PROPOSAL:** To amend North Sydney Local Environmental Plan (NSLEP) 2013 as follows:

- Increase the maximum building height from 16m to 43m (12 storeys); and
- Increase the minimum non-residential FSR from 0.5:1 to 2:1

The Planning Proposal is accompanied by an offer to enter into a Voluntary Planning Agreement (VPA) with Council to provide:

- 2.5m setback along Military Road (95m<sup>2</sup>) and increased setback along the north-eastern boundary (135m<sup>2</sup>) contributing to a future public plaza
- New community facility (323m<sup>2</sup>)
- 14 public bicycle parking spaces at ground level

**OWNER:** Rozene Pty Ltd

**APPLICANT:** Equitibuild Pty Ltd

**AUTHOR:** Tom Mojsiejuk, Strategic Planner

**DATE OF REPORT:** 13 October 2023

**DATE LODGED:** 6 April 2023

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## EXECUTIVE SUMMARY

On 6 April 2023, Council received a Planning Proposal to amend North Sydney Local Environmental Plan 2013 (NSLEP 2013) as it relates to 183-185 Military Road, Neutral Bay.

The Planning Proposal seeks the following amendments to NSLEP 2013:

- Increase the maximum building height from 16m to 43m (12 storeys); and
- Increase the minimum non-residential FSR from 0.5:1 to 2:1.

The intent of the proposal is to facilitate a 12-storey mixed-use development comprising retail floorspace at the ground and basement levels; a community centre on level 1; commercial floorspace at levels 2-3; and residential floorspace from levels 4-11, with approximately 57 car spaces across 4 basement levels.

The Planning Proposal is accompanied by non-binding letter of offer to enter into a VPA with Council to deliver a 2.5m setback along Military Road (95m<sup>2</sup>) and increased setback along the eastern boundary (135m<sup>2</sup>) contributing to a future public plaza fronting Rangers Road, a new community facility (323m<sup>2</sup>) and 14 public bicycle parking spaces at ground level.

A detailed assessment of the proposal has been completed having regard to the assessment criteria in the DPE's *'LEP Making Guidelines'* (September 2022).

It is recognised that the Neutral Bay Town Centre is undergoing change, and that the previously endorsed *Military Road Corridor Planning Study Stage 1 (MRCPS)* and current work to revise the Study, provides a clear indication of the Council's and community's desire to revitalise and renew the precinct. Notwithstanding this, the Planning Proposal is not considered to demonstrate the required strategic and site-specific merit for the following reasons:

- The Planning Proposal is not underpinned by an endorsed place-based strategy for the locality and is inconsistent with the North Sydney Local Strategic Planning Statement; North District Plan and Greater Sydney Regional Plan;
- The Planning Proposal does not satisfy the objectives and intended outcomes of the rescinded MRCPS for this identified key site (known as 'site 3') and is inconsistent with the strategic objectives of Council's renewed Strategy for the Neutral Bay Town Centre as outlined in Council's 24 January 2022 resolution and endorsed scoping framework for the revised Neutral Bay Town Centre Planning Study, which sought to further engage with the community and stakeholders to prepare *'a revised recommendation that has a better balance between development height and the provision of additional public open space.'*
- The proposal does not demonstrate adjacent site integration, and the overall height, bulk and scale of the proposed built form is unacceptable in terms of providing a human scale frontage to the future Rangers Road plaza; overshadowing impacts to the public and private domain; traffic impacts and delivering a genuinely 'public' and high amenity public domain and community facility.

The proposal, if progressed, will lead to a disjointed and sub-optimal outcome of reduced public benefit, and further encourage spot rezonings throughout the precinct, creating uncertainty and leading to unpredictable and fragmented development outcomes that do not deliver the genuine, long-term community benefits envisaged by Council for the precinct.

It is recommended that Planning Proposal (PP4/23) not be supported to proceed to Gateway Determination.



## DESCRIPTION OF PROPOSAL

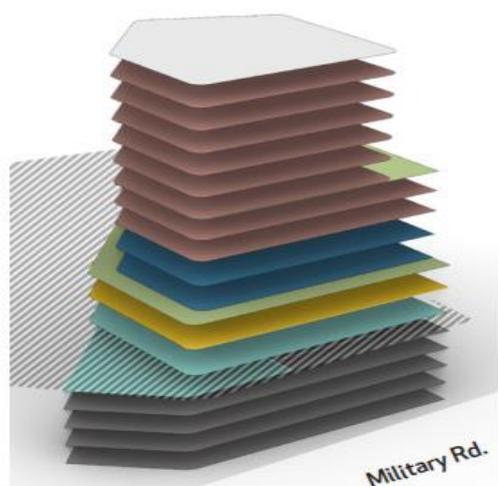
The subject Planning Proposal (PP4/23) seeks to amend NSLEP 2013 as it relates to land for 183-185 Military Road, Neutral Bay as follows:

- Increase the maximum building height from 16m to 43m (12 storeys); and
- Increase the minimum non-residential FSR from 0.5:1 to 2:1.

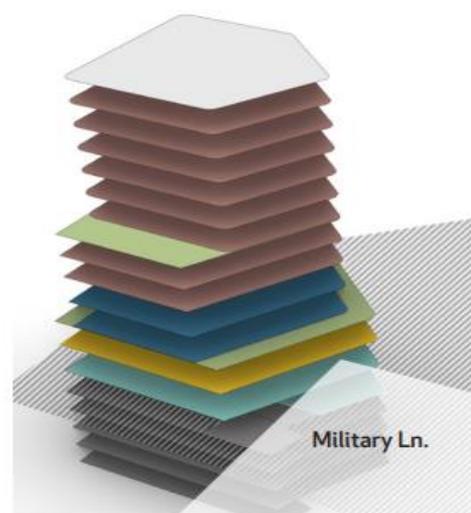
The key objectives and intended outcomes of the Planning Proposal as described by the proponent are as follows:

- *Amend the North Sydney LEP 2013 to provide for the urban renewal of the subject site at 183-185 Military Road, Neutral Bay to accommodate a mixed-use development that ranges in building height from 6 to 12 storeys and introduces a minimum 2:1 non-residential floor space ratio.*
- *Provide for urban renewal that aligns with the requirements of the now rescinded Military Road Corridor Planning Study (MRCPS) Stage 1 in terms of building height, non-residential FSR, setbacks, community facility and vision for the future plaza.*
- *Support local jobs, local shops and housing opportunities by providing:*
  - *additional non-residential floor space,*
  - *retail floor space at ground and commercial floor space above, and*
  - *increased housing opportunities close to public transport and shopping.*
- *Improve pedestrian amenity and access between Military Road and Yeo Street.*
- *Deliver a new community facility, bicycle parking and public parking.*
- *Support the village atmosphere of the Neutral Bay Town Centre.*

The accompanying indicative reference design includes a 12 storey mixed-use development comprising retail floorspace at the ground and basement levels; a community centre on level 1; commercial floorspace at levels 2-3; and residential floorspace from levels 4-12, with approximately 57 car spaces across 4 basement levels (refer to Figures 1 and 2).



**FIGURE 1: Proposed building envelope (northeast)**



**FIGURE 2: Proposed building envelope (southwest)**

The Planning Proposal is accompanied by an indicative concept design prepared by AJC Architects Pty Ltd, with Figure 3 containing an artist’s impression of the proposed design.



**FIGURE 3: Indicative Design Proposal (Urban Design Report, p. 40)**

A summary of the key elements of the reference design is provided in Table 1.

<b>TABLE 1 – Key elements of reference design</b>	
<b>Land Uses</b>	Mixed-use (residential/commercial)
<b>Indicative yield*</b>	37-44 apartments
<b>Building Height</b>	42.7m (12 storeys)
<b>Gross Floor Area (GFA)*</b>	Total: 6,577m <sup>2</sup> – Residential: 3,164m <sup>2</sup> – Retail: 1,173m <sup>2</sup> – Office/Community: 2,239m <sup>2</sup>
<b>Podium</b>	Military Road (North): 2-storeys (8m) Around plaza (East): 3-storeys (11.8m) Military Lane (South): 2-storeys (8m)
<b>Setbacks (whole of building)*</b>	Military Road (North): 2m setback Around Plaza (East): Nil setback Military Lane (South): 1.5m setback West boundary: Nil setback
<b>Setbacks (above podium)</b>	Military Road (North): 3m setback Around Plaza (East): 3m setback Military Lane (South): 3m setback Western boundary: 6m setback (above 6-storeys)

**TABLE 1 – Key elements of reference design**

<b>Public Domain*</b>	Plaza: 135m <sup>2</sup> Military Road: 95m <sup>2</sup>
<b>Car Parking*</b>	Total: 57 car spaces over 4 basement levels – Non-residential: 21 spaces – Residential: 36 spaces – Bicycle: 68 bike spaces

*\*Note: There are a number of inconsistencies throughout the applicant's submitted documentation with respect to the proposal's indicative yield, public benefits and car parking provision.*

It should be noted here that there are several inconsistencies throughout applicant's submitted documentation with respect to:

- Apartment yield - indicative yield schedule (p. 63 of Urban Design Report) indicates the provision of 37 apartments, however, floor plans indicate 44 apartments and the traffic and parking assessment indicate 43 apartments;
- Car spaces – indicative yield schedule indicates the provision of 97 car spaces, however the traffic and parking assessment indicates 57 car spaces;
- Non-residential floorspace: indicative yield schedule indicates the provision of 3,412m<sup>2</sup> of non-residential GFA (1,173m<sup>2</sup> retail and 2,239m<sup>2</sup> community/office), however the traffic and parking assessment indicates 2,424m<sup>2</sup> non-residential GFA (1,173m<sup>2</sup> retail, 1,251m<sup>2</sup> office and 323m<sup>2</sup> community facility).
- Public Domain: letter of offer to enter into a Voluntary Planning Agreement (VPA) indicates the provision of a 2.5m setback to Military Road, however the submitted plans indicate a 2m setback;
- Community Facility: the indicative yield schedule and floor plans indicate a 1,000m<sup>2</sup> community facility at Level 1, however the VPA offer, traffic and parking assessment and letter to Council (dated 26 May 2023) confirm the provision of a 323m<sup>2</sup> community facility.

It is suggested within the applicant's Planning Proposal that a draft site-specific Development Control Plan (DCP) will be prepared at a later stage in consultation with Council to provide additional clarity on the intended outcomes of the Planning Proposal as it relates to:

- site layout;
- built form;
- setbacks;
- overshadowing;
- parking, access and loading facilities; and
- provision of community facilities

No details of any draft DCP provisions have been provided at the time of drafting this report.

The Planning Proposal is also accompanied by non-binding letter of offer to enter into a Voluntary Planning Agreement (VPA) with Council to deliver the following public benefits:

- 2.5m setback along Military Road (95m<sup>2</sup>) and increased setback along the eastern boundary (135m<sup>2</sup>) contributing to a future public plaza;
- New community facility of (323m<sup>2</sup>); and
- 14 public bicycle parking at ground level.

As previously noted, the applicant's indicative plans propose a 2m setback to Military Road despite the accompanying letter of offer proposing a 2.5m setback to Military Road.

## **PANEL REFERRAL**

On 27 September 2018, the Minister for Planning issued a Section 9.1 Direction outlining the instances when a planning proposal must be referred to a Local Planning Panel for advice prior to a council determining whether that planning proposal should be forwarded to the Department of Planning and Environment (DPE) for the purposes of seeking a Gateway Determination.

All planning proposals are required to be referred to the Local Planning Panel, unless they meet any of the following exemptions:

- the correction of an obvious error in a local environmental plan;
- matters that are of a consequential, transitional, machinery or other minor nature; or
- matters that Council's General Manager considers will not have any significant adverse impact on the environment or adjacent land.

The Planning Proposal does not meet any of the exemption criteria and therefore must be referred to the Local Planning Panel for advice prior to Council making any determination on the matter.

## **BACKGROUND**

### ***Military Road Corridor Planning Study (Rescinded)***

In 2018, Council resolved to commence the preparation of a planning study for the Military Road Corridor to guide and manage change and growth in the Neutral Bay Town Centre.

On 22 February 2021, Council resolved to adopt the *Neutral Bay Town Centre – Future Directions Report also known as the Military Road Corridor Planning Study (MRCPS)*.

On 24 January 2022, Council resolved to rescind the MRCPS amidst concerns raised by the community with respect to the height and scale of development proposed by the Study. Council resolved to further engage with the community and stakeholders to prepare '*a revised recommendation that has a better balance between development height and the provision of additional public open space.*'

On 23 May 2022, Council endorsed a scoping framework as the basis for the revised planning study for the Neutral Bay Town Centre. The same objectives will be retained in the renewed study as they remain relevant, however, a new objective is to be included relating to '*targeted modest increases in height and density while maintaining and enhancing the village atmosphere of the centre.*'

It is anticipated that the new draft Neutral Bay Town Centre Planning Study will be reported to Council for exhibition in late 2023 and finalised in mid-2024.

### ***DA Approval - 183-185 Military Road***

On 2 October 2018, The North Sydney Local Planning Panel (NSLPP) approved DA 307/18 for the demolition of existing structures and construction of a 5-storey shop top housing development with a communal rooftop terrace and basement car parking.

The approval permitted a maximum building height of 21.08m through a (Clause 4.6 variation), 26 dwellings, a non-residential FSR of 1.2:1 (1,611.8m<sup>2</sup>) for retail and commercial uses and 49 car parking spaces within 2 levels of basement parking. The development consent lapses in October 2024.

### ***Pre-lodgement meeting***

On 6 October 2022 a pre-lodgement meeting was held between Council staff and the applicant. The applicant was advised that Council is currently working on a revised planning study for the locality and that in the absence of an endorsed study, a Planning Proposal would not be supported in the current policy context.

The applicant expressed concerns with the Planning Proposal lodged by Woolworths for the adjacent site to the east (1-7 Rangers Road) and its impact on the future potential redevelopment of their site. Whilst the applicant indicated that a commercial agreement with Woolworths is unlikely to be reached, they expressed interest in opening a dialogue with Woolworths to achieve a coordinated planning outcome for 'Site 3'. Council staff reinforced the intent of Council's rescinded and renewed Study for the precinct is to deliver public benefits and for a successful scheme to progress on 'Site 3' the rescinded MRCPS had required both landowners to cooperate and collaborate.

It was recommended that the applicant re-commence negotiations with the adjoining landowner (Woolworths) to achieve a coordinated design outcome with respect to the delivery of the proposed public benefits, including new public domain. Site-specific feedback was also provided in relation to setbacks and ADG compliance, overshadowing, parking and access requirements.

The applicant was advised that a key driver of Council's renewed Study for the precinct is to achieve a better balance between height and public benefits, as per Council's January 2022 rescission resolution. Community engagement is planned as part of the renewed planning study project of which the applicant is a key stakeholder.

### ***Planning Proposal***

On 6 April 2023, the subject Planning Proposal (PP4/23) was lodged by the applicant (Equitibuild Pty Ltd) for the 183-185 Military Road, Neutral Bay.

On 18 April 2023, a letter was sent to the applicant noting the proposals inconsistency with Council's LSPS and strategic vision for the precinct. It was requested that a number of issues be addressed prior to Council proceeding with a more comprehensive assessment, this included a reduction to the proposed 12-storey height, reconsideration of the nil setback to the adjoining site to the south-east, evidence of collaboration with the adjoining landowner (1-7 Rangers Road) in relation to the provision of the plaza, further clarification on the proposed community facility and VPA offer, and to address a number of inconsistencies throughout the submitted documentation.

On 3 May 2023, a written response was received from the applicant which included an amended Urban Design Report. With the exception of providing some additional detail to assist Council undertake a comprehensive assessment of the proposal (i.e. the inclusion of elevation plans, concept landscape plan and schedule of floor areas) and some minor adjustments to the setbacks along Military Road and above podium setbacks to Military Lane, no material changes were made to the proposal to address the issues raised by Council.

## CONSULTATION REQUIREMENTS

Should Council 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.

## DETAIL

### 1. Applicant

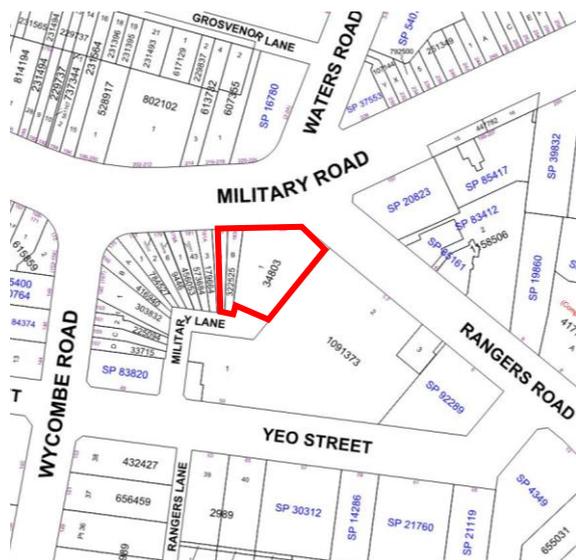
The Planning Proposal (PP4/23) was lodged by Equitibuild Pty Ltd on 6 April 2023. Owner's consent has been obtained from all landowners.

### 2. Site Description

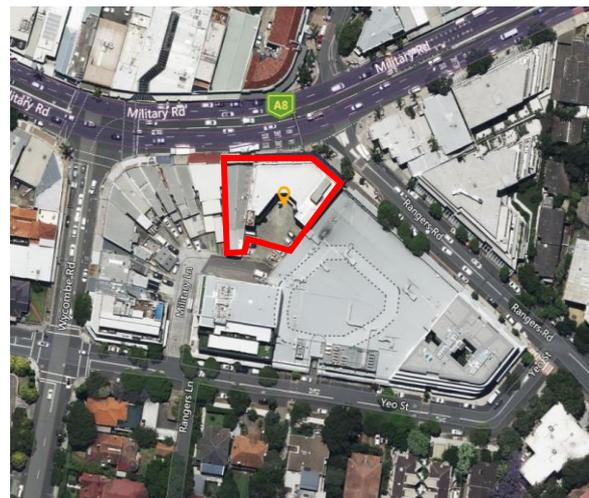
The site comprises three (3) parcels of land. The legal property description and existing development is outlined in Table 2.

<b>TABLE 2: Property Description</b>		
<b>Property Description</b>	<b>Legal Description</b>	<b>Existing Development</b>
183	Lot A, DP 322525	2 storey commercial building (Figure 4 below)
183A	Lot B, DP 322525	2 storey commercial building (Figure 4 below)
185 Military Road	Lot 1, DP 34803	3 storey commercial building (Figure 4 below)

The subject site is bound by Rangers Road to the north-east, Military Lane to the south and Military Road to the north. The site is irregular in shape with a 35m frontage to Rangers Road and 20m frontage to Military Lane, which functions as a service lane. The total site area is approximately 1,300m<sup>2</sup>. There is a gradual fall of approximately 0.5m across the site from north to south.



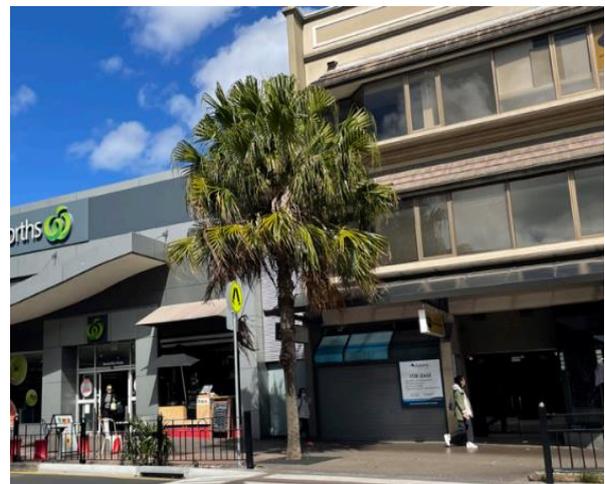
**FIGURE 4: Subject site**



**FIGURE 5: Aerial view of site**



**FIGURE 6: The subject site viewed from Military Road**



**FIGURE 7: The subject site viewed from Rangers Road**



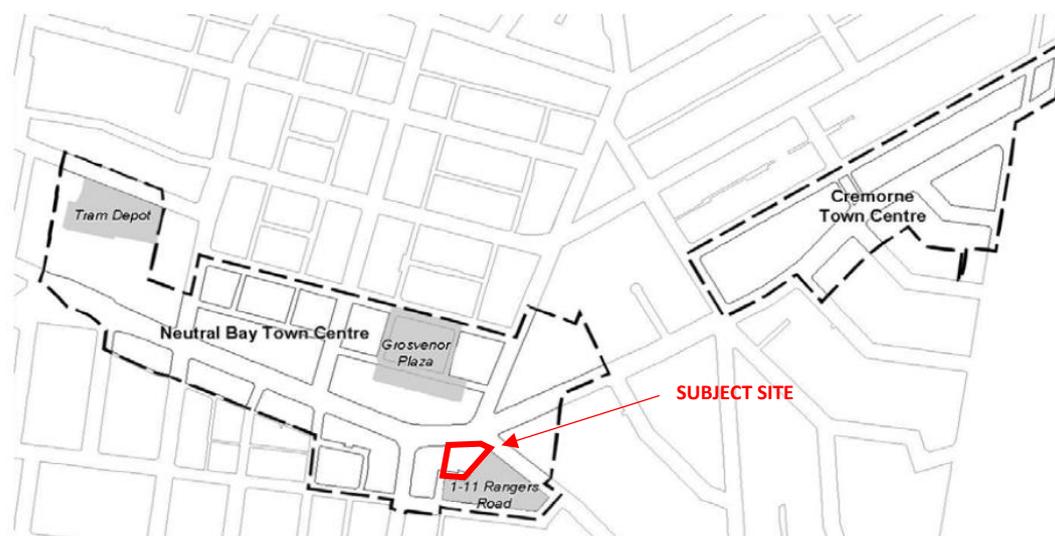
**FIGURE 8: Existing urban context along Military Road**



**FIGURE 9: The rear of the subject site viewed from Military Lane**

### 3. Local Context

The site is located in the Neutral Bay Town Centre. Neutral Bay is identified a 'local centre' under the North District Plan and North Sydney Local Strategic Planning Statement (LSPS).



**FIGURE 10: 'Neutral Bay Town Centre' Locality Area (NSDCP 2013)**

The site directly adjoins Military Road to the north, which provides regular bus services to North Sydney CBD and Sydney CBD to the south, and to Mosman, Chatswood, St Leonards and Manly to the north.

The subject site is adjoined by the following:

- **To the north**, on the opposite side of Military Road, are predominantly two-storey buildings constructed between the 1960s-1980s with small-scale retail tenancies at the ground level and commercial uses above (Figure 11).
- **To the south**, is Military Lane which provides rear access for a number of buildings fronting Military Road, Wycombe Road and Rangers Road including the Woolworths supermarket. Immediately to the south of the site, on the opposite side of Military Lane, is a 6-storey commercial building and to the south-west a 5-storey recently constructed mixed-use building (Figure 12). On the southern side of Yeo Street are a series of two-three storey residential flat buildings and dwelling houses with north-facing windows and balconies (Figure 13).
- **To the west**, on the adjacent lots along Military Road, are predominantly two-storey buildings constructed between the 1960s-1980s with small-scale retail tenancies at the ground level and commercial uses above (Figure 14).
- **To the east**, on the adjacent lot at 1-7 Rangers Road, is a single-storey retail development consisting of a Woolworths supermarket. Further to the east on the corner of Rangers Road and Yeo Street, is a (recently constructed) 5-6 storey mixed-use development (Figures 15 and 16).



**FIGURE 11: Adjacent development on the northern side of Military Road**



**FIGURE 12: Mixed-use development to the south (corner Military Lane and Yeo Street)**



**FIGURE 13: Residential development along the southern side of Yeo Street**



**FIGURE 14: Commercial development along Military Road to the east**



**FIGURE 15: Commercial development along Rangers Road**



**FIGURE 16: Mixed-use development to the south-west (corner Rangers Road and Yeo Street)**

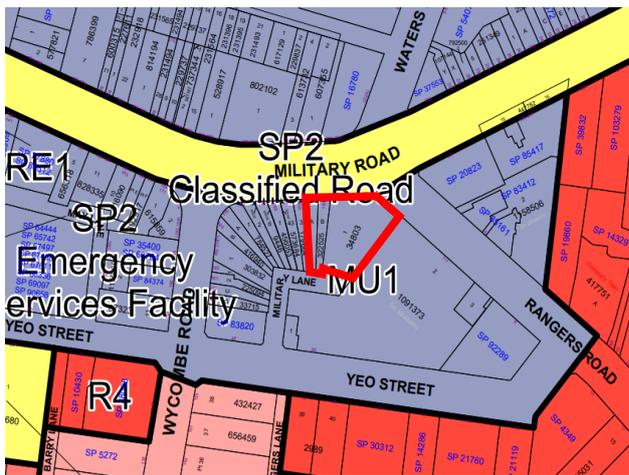
#### 4. Current Planning Provisions

The following subsections identify the relevant planning instruments that apply to the subject site.

##### 4.1 NSLEP 2013

NSLEP 2013 was made on 2 August 2013 through its publication on the NSW legislation website and came into force on the 13 September 2013. The principal planning provisions relating to the subject site are as follows:

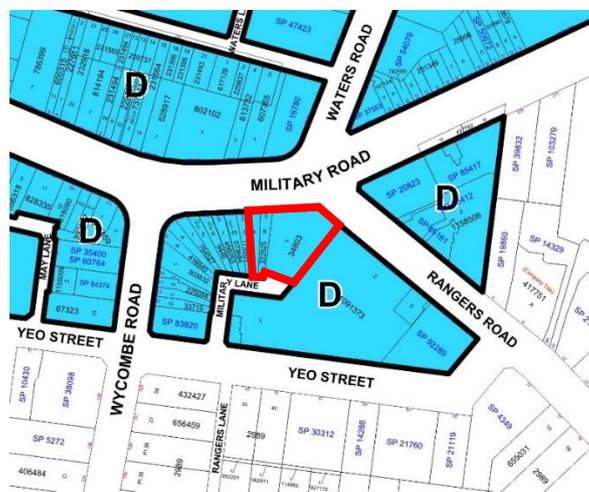
- Zoned *MU1 - Mixed Use* (Figure 17);
- A maximum building height of 16m (Figure 18); and
- A minimum Non-residential Floor Area of 0.5:1 (Figure 19).



**FIGURE 17: NSLEP 2013 Zoning Map extract**  
The subject site is zoned *MU1 Mixed Use*



**FIGURE 18: NSLEP 2013 Height of Buildings Map Extract.** The subject site has a maximum height of 16m.



**FIGURE 19: NSLEP 2013 Non-residential Floor Space Ratio Map extract.** The subject site has a minimum Non-residential Floor Space Ratio of 0.5:1.

## 5. Proposed Planning Provisions

### 5.1 Amendment to NSLEP 2013

The Planning Proposal seeks to achieve its objectives and intended outcomes by amending NSLEP 2013 as follows:

- Increase the maximum building height from 16m to 43m (12 storeys); and
- Increase the minimum non-residential FSR from 0.5:1 to 2:1.

The Planning Proposal anticipates that the maps to NSLEP 2013 would be amended similar to those depicted in Figures 20 and 21.



**FIGURE 20:**  
*Extract of applicant's proposed amendment to Height of Buildings map to NSLEP 2013*

 Land subject to a change in maximum building height



**FIGURE 21:**  
*Extract of applicant's proposed amendment to Non-Residential Floor Space Ratio Map to NSLEP 2013*

 Land subject to a change in minimum non-residential floor space area.

## 5.2 Amendment to NSDCP 2013

Section 5 to Part C of NSDCP 2013 contains a number of site-specific development controls relating to desired built form, massing and scale, podiums, setbacks and vehicular access.

It is suggested within the applicant's Planning Proposal that a draft site-specific Development Control Plan (DCP) will be prepared at a later stage in consultation with Council to provide additional clarity on the intended outcomes of the Planning Proposal as it relates to:

- site layout;
- built form;
- setbacks;
- overshadowing;
- parking, access and loading facilities; and
- provision of community facilities

No details of any draft DCP provisions have been provided at the time of drafting this report.

## 6. Voluntary Planning Agreement (VPA)

The Planning Proposal is accompanied by a non-binding letter of offer to enter into a VPA with Council to deliver the following public benefits:

- Public domain improvements and outdoor plaza      Provision of a 2.5m setback along Military Road frontage measuring 95m<sup>2</sup> for public domain improvements and an increased setback along the eastern boundary measuring 135m<sup>2</sup> towards a future public plaza.
- New community facility      Community facility with fit-out measuring 323m<sup>2</sup>.
- Public bicycle parking      Provision of 14 public bicycle parking spaces at ground level.

The total estimated value of the proposed public benefits is \$6,425,000. This value has been assigned by the applicant and has not been independently evaluated by Council. The offer is in addition to any applicable section 7.11 local infrastructure contributions to be levied with any future Development Application (DA) approval for the site.

## 7. STRATEGIC POLICY CONTEXT

### 7.1 Greater Sydney Regional Plan

In March 2018, the NSW Government released *A Metropolis of Three Cities – Greater Sydney Region Plan* (Regional Plan). It provides a long-term vision and plan to accommodate Sydney's anticipated population growth of 1.7 million people and deliver 725,000 new dwellings and 817,000 new jobs by 2036.

It sets out the framework for five districts within Greater Sydney, of which the North Sydney LGA is part of the North District. The District Plans, consistent with the Regional Plan, were released at the same time as the Regional Plan.

The 'Liveability' objectives of the Regional Plan, specifically *Objective 12 – Great places that bring people together*, states that a place-based planning approach should be applied to local centres and larger scale urban renewal.

## 7.2 North District Plan

In March 2018, the NSW Government released the North District Plan, which covers the LGAs of North Sydney, Hornsby, Ku-ring-gai, Ryde, Hunter Hill, Lane Cove, Willoughby, Mosman and Northern Beaches.

The North District Plan sets high-level housing and jobs targets for the District. It also identifies Neutral Bay as a 'local centre' and establishes principles for the planning of local centres. Specifically, *Planning Priority N6 – Creating and renewing great places and local centres, and respecting the District's heritage*, requires a place-based planning for centres to address the following principles:

- *provide a public realm and open space focus;*
- *deliver transit-oriented development and co-locate facilities and social infrastructure;*
- *provide, increase or improve local infrastructure and open space;*
- *improve walking, cycling and public transport connections;*
- *protect or expand retail and/or commercial floor space; and*
- *Increase residential development in, or within a walkable distance of, the centre. However, housing should not compromise a centre's primary role to provide goods and services, and the opportunity for the centre's employment function to grow and change over time (p.49).*

Further to this, Action 19 in the North District Plan states:

*'Using a place-based and collaborative approach throughout planning, design, development and management, deliver great places by:*

- a. Prioritising a people-friendly public realm and open spaces as a central organising design principle*
- b. Recognising and balancing the dual function of streets as places for people and movement*
- c. Providing fine grain urban form, diverse land use mix, high amenity and walkability, in and within a 10-minute walk of centres*
- d. Integrating social infrastructure to support social connections and provide a community hub*
- e. Recognising and celebrating the character of a place and its people.'*

The North District Plan envisaged the preparation of place-based planning studies for local centres to be led predominantly by local councils, specifically *'the resolution of which local centres are important to each council will need to be assessed as part of the preparation of local strategic planning statements'* (p. 49).

Following the directions of the Greater Sydney Commission (GSC), North Sydney Council has put in place its Local Housing Strategy (LHS) and Local Strategic Planning Statement (LSPS), which forms part of the hierarchy of plans and provides alignment with the North District Plan.

### **7.3 Local Strategic Planning Statement (LSPS)**

The North Sydney LSPS was adopted by Council on 25 November 2019, and subsequently 'assured' by the GSC on 20 March 2020. The LSPS is required to be consistent with the Regional Plan and North District Plan and provide a clear line-of-sight between the key strategic priorities identified at the regional and district level and the local and neighbourhood level.

The preparation of a planning study for the Military Road Corridor, which includes the Neutral Bay and Cremorne local centres, is integrated into the North Sydney LSPS.

Key actions in the North Sydney LSPS include:

*Action L3.2 – Continue to prepare and implement place-based planning studies to ensure the delivery of growth and development is balanced and well-managed and has a strong focus on placemaking and community benefit. This includes: undertake/implement the Military Road Corridor Planning Study – Stages 1 and 2.*

*Action L1.5 – Council will only support Planning Proposal that are consistent with Council's endorsed planning studies, that have identified growth being delivered in locations that support the role of centres and have critical infrastructure and services in place to support the North Sydney community.*

North Sydney Council has a strong and consistent history of preparing comprehensive place-based planning studies that are the subject of strong community consultation and technical analysis. These actions were put in place to ensure growth is delivered in a structured and co-ordinated manner, meets the needs and expectations of the community, is supported by adequate infrastructure and respects the future desired character and amenity of the surrounding area.

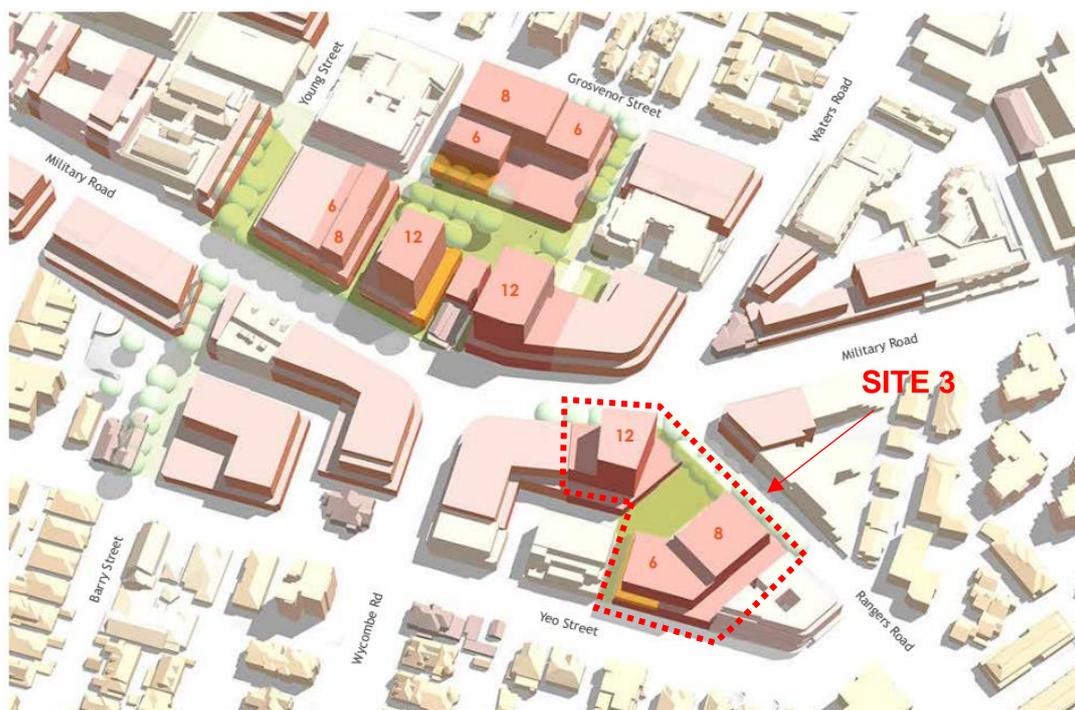
### **7.4 Military Road Corridor Planning Study – Stage 1 (Rescinded)**

On 22 February 2021, Council resolved to adopt a finalised *Neutral Bay Town Centre – Future Directions Report (also known as the Military Road Corridor Planning Study – Stage 1)*.

Consistent with the principles for local centres set out in the North District Plan, the key objectives of the rescinded MRCPS were to:

- address the ongoing decline in employment floor space being facilitated by Council's existing planning controls;
- facilitate carefully planned development while maintaining the village atmosphere of the centre; and
- leverage a range of community benefits and public domain improvements from planned and limited growth.

The Study envisaged height increases on three (3) amalgamated sites within the precinct where community facilities and public domain projects could be delivered. The subject site (183-185 Military Road and adjacent site to the south-east (1-7 Rangers Road) was identified a key opportunity site, referred to as 'site 3' in the Study.



**FIGURE 22: Recommended Building Envelope For 'Site 3'  
(Council's rescinded MRCPS, p. 52)**

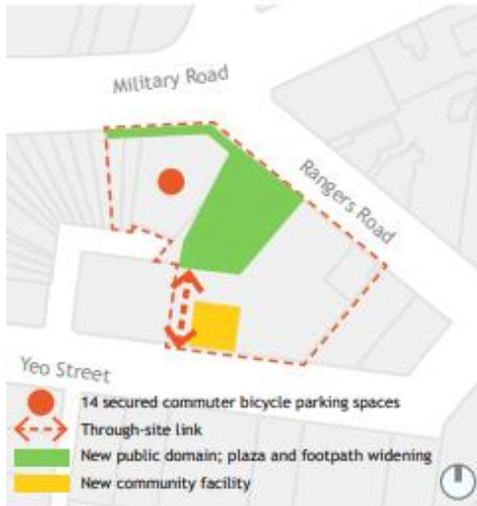
The MRCPS outlined a suite of objectives and requirements for 'site 3,' these included:

- maximum building heights of 6, 8 and 12 storeys
- a minimum non-residential floor space ratio of 2:1
- 1,250m<sup>2</sup> new public domain including:
  - a 1,000m<sup>2</sup> new public plaza
  - a through-site link to Yeo Street that is open-to-sky
  - a 2.5m whole of building setback along Military Road and corner of Rangers Road to widen footpath and provide better amenity
- a new community facility (1,000m<sup>2</sup>)
- a 14-space public commuter bicycle parking facility

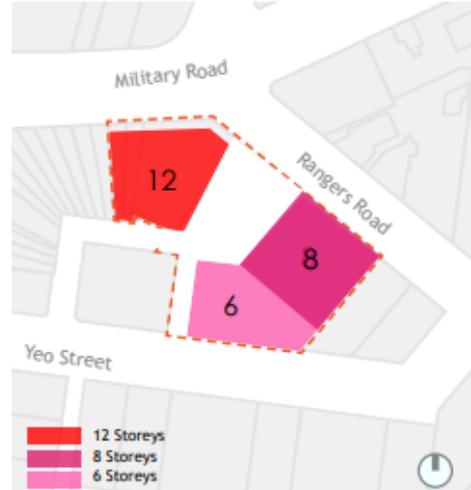
The MRCPS also outlined detailed design considerations for 'Site 3' including podium heights, setbacks (whole of building and above podium), solar access and underground parking requirements (Figure 23).

Council resolved to rescind the MRCPS in January 2022 and engage with the community and stakeholders to prepare a renewed Study for the locality that retains the same objectives of the MRCPS but achieves an improved balance between height and the provision of public benefits.

**Public benefits**



**Maximum building height**



**Solar access**



**Underground parking**



**Whole of building setbacks**



**Above podium setbacks**



**FIGURE 23: Detailed design considerations for 'Site 3'  
 (Council's rescinded MRCPS, p. 65)**

## **8. ASSESSMENT**

### **8.1 Planning Proposal Structure**

The Planning Proposal has been prepared generally in accordance with the requirements of Section 3.33 of the Environmental Planning and Assessment (EP&A) Act 1979 and *Local Environmental Plan Making Guidelines* (DPE 2021). In particular, the Planning Proposal adequately sets out the following:

- A statement of the objectives or intended outcomes of the proposed local environmental plan;
- An explanation of the provisions that are to be included in the proposed local environmental plan;
- Justification of the proposal's strategic and site specific merit;
- Identification of associated mapping amendments;
- Details of the community consultation that is to be undertaken in relation to the Planning Proposal;
- A project timeline identifying how the planning proposal is to be implemented, should it progress.

### **8.2 Need for Planning Proposal**

The primary objective of the Planning Proposal as described by the applicant is to implement the planning framework identified in the rescinded MRCPS and *'provide for urban renewal that aligns with the requirements of the now rescinded Military Road Corridor Planning Study (MRCPS) Stage 1.'*

The rescinded MRCPS anticipated changes to the site's existing statutory planning controls via a Planning Proposal to facilitate development in accordance with the Study. It also anticipated the delivery of public benefits, negotiated via a Voluntary Planning Agreement, in connection with Planning Proposals.

Whilst the applicant acknowledges that the MRCPS has been rescinded by Council and is no longer the adopted strategic framework for the precinct, the applicant contends that the MRCPS is a strategic planning study that deserves consideration in the assessment of any current planning proposal for land within the Neutral Bay Town Centre. In particular, the applicant states that the Planning Proposal would allow for the MRCPS's vision for 'Site 3' to be achieved and provide for an increased supply of jobs, housing and community benefits, as opposed to the alternate options of pursuing the existing DA approval for a 5-storey mixed-use development on the site which lapses in October 2024, or the uncertainty of a 'do-nothing' approach and waiting for a future study and its outcomes to be adopted.

The current planning controls under NSLEP 2013 do not enable the site to be redeveloped to the requested height, and the intent of the applicant's proposal cannot be achieved under *clause 4.6 – Exceptions to development standards* due to the degree of variation in height sought.

### **8.3 Assessment Criteria**

Section 2 of the Department of Planning and Environment's '*LEP Making Guideline*' (September 2022) outlines the criteria for assessing Planning Proposals. For a Planning Proposal to be supported to proceed to a Gateway Determination it must demonstrate both 'strategic' and 'site-specific' merit and that identified potential impacts can be readily addressed during the subsequent LEP making stages.

A planning proposal is deemed to have strategic merit where it gives effect to the strategic planning framework, that is the relevant Regional and District Plan, Local Strategic Planning Statement (LSPS), section 9.1 Ministerial Directions and State Environmental Planning Policies (SEPPs) or responds to a change in circumstances that has not been recognised by the existing planning framework, such as key infrastructure investment, key Government priorities and changes to population and demographic trends.

To demonstrate that the proposal is suitable for the site and that the site is suitable for the resultant development, it must identify the potential environmental, social and economic impacts through appropriate technical studies, outline proposed mitigation measures and justification. The proposal must give regard and assess impacts on the natural environment on the site; existing and likely future uses in the vicinity; and services and infrastructure that will be available to meet the demands arising from the proposal.

### **8.4 Proposed Building Height**

The Planning Proposal seeks to increase the building height limit from 16m under NSLEP 2013 to part 43m to accommodate a part 6 storey and part 12 storey mixed-use building across the site. The applicant's justification for the proposed height is that it aligns with the height and massing recommended for the site under Council's previously endorsed MRCPS, and that there is currently no indication of what the preferred building height is for the subject site because Council's revised strategic vision for the precinct is yet to be formulated and endorsed.

The rejection of the previously adopted MRCPS was largely due to concerns relating to the heights identified in the Study, specifically the heights of up to 12-storeys on select sites including the subject site, and the compatibility of such heights with the Study's solar access and local character objectives. As discussed earlier in this report, the sensitivity to increased height in the precinct is a key driver of the renewed planning study being formulated for the precinct and heights of 12-storeys are no longer being contemplated in Council's renewed strategy.

In the context of Council's rescission of the MRCPS and resolution to prepare '*a revised recommendation that has a better balance between development height and the provision of additional public open space*' and the current preparation of a revised Study that seeks '*targeted modest increases in height and density while maintaining and enhancing the village atmosphere of the centre*,' the proposed height of 12-storeys on the site is clearly inconsistent with Council's strategic vision for the precinct.

Notwithstanding, it is noted that the applicant's indicative concept scheme reflects an overall building height of 42.7m excluding lift overrun (refer to Figure 24). The floor-to-floor height assumptions for the retail/commercial levels appear reasonable when compared to standard ADG requirements (4.2m for ground level retail and 3.8m for commercial uses). However, the floor-to-floor height assumptions for the residential levels appears excessive at 3.95m (standard is 3.1m) and could be reduced. It is considered that a maximum building height of 43m should be inclusive of rooftop structures.



**FIGURE 24: Proposed building height – North elevation (Military Road)**  
 (Applicant’s Urban Design Report, p.54)

TABLE 3: Analysis of floor-to-floor heights			
Level	Use	ADG (Standard)	Planning Proposal
Ground Floor	Retail	4.4m	4.2m
Level 1	Community	3.7m	3.8m
Level 2	Commercial	3.7m	3.8m
Level 3	Commercial	3.7m	3.8m
Level 4	Residential	3.1m	3.95m
Level 5	Residential	3.1m	3.95m
Level 6	Residential	3.1m	3.95m
Level 7	Residential	3.1m	3.95m
Level 8	Residential	3.1m	3.95m
Level 9	Residential	3.1m	3.95m
Level 10	Residential	3.1m	3.95m
Level 11	Residential	3.1m	3.95m
Rooftop	Lift overrun	-	-
Required height for 12 storeys		40.3m (+2.5m lift overrun)	
Proposed height for 12 storeys			42.7m (excluding lift overrun)

## **8.5 Proposed Non-Residential Floor Space Ratio (FSR)**

The Planning Proposal seeks to increase the minimum non-residential FSR control from 0.5:1 under NSLEP 2013 to 2:1, which is consistent with the minimum non-residential FSR controls previously recommended for 'Site 3' in the rescinded MRCPS. This would require a minimum 2,600m<sup>2</sup> of non-residential floor space to be provided across the site.

It should be noted, however, that the applicant's submitted documentation contains conflicting information with respect to the quantum of retail/office floorspace and the size of the community centre proposed. The Indicative Yield Schedule (p.63) within the applicant's Urban Design Report details a total of 3,412m<sup>2</sup> of non-residential GFA, comprising 1,173m<sup>2</sup> retail and 2,239m<sup>2</sup> community/office floorspace. Whilst the applicant's Transport Impact Assessment details a total 2,747m<sup>2</sup> non-residential GFA, comprising 1,173m<sup>2</sup> retail, 1,251m<sup>2</sup> office and a 323m<sup>2</sup> community facility.

As previously outlined, Council staff sought further clarification on the quantum of commercial floorspace and the size of the community facility. The response received from the applicant (dated 26 May 2023), stated that *'a yield schedule has been provided in the amended Urban Design Report'* and to *'refer to the yield schedule in urban design report rather than the transport assessment in reviewing the appropriateness of the FSR against the envelopes drawn.'* This would suggest the provision of a 1,000m<sup>2</sup> community facility. However, the applicant in their response also clarified that whilst *'the indicative design included in the Planning Proposal provides an envelope that could facilitate a 1000m<sup>2</sup> community facility in accordance with the MRCPS. The precise size of that facility will be established through the VPA process.'* The applicant's letter (dated 26 May 2023) clarifies that their VPA offer includes the provision of 323m<sup>2</sup> community facility and not 1,000m<sup>2</sup> as the *'the proposed public benefits are directly related to the increased height proposed on that part of site 3 identified as 183-185 Military Road.'*

Whilst the requested minimum non-residential FSR control of 2:1 is consistent with the previous recommendations of the rescinded MRCPS, the applicant's indicative concept scheme does not accurately represent the quantum of non-residential floorspace proposed.

## **8.6 Bulk and Scale**

In considering the appropriateness of the planning controls being sought, careful consideration has been given to the likely built form that may result and impacts arising. Council has consistently held (at Planning Proposal stage) that the indicative built form should be able to be comfortably accommodated within an envelope established by the Apartment Design Guidelines (ADG) and other pertinent DCP and site-specific considerations.

### **8.6.1 Podium**

To ensure the bulk and scale of buildings reinforces the existing and desired future local character of Neutral Bay and maintains an appropriate human scale, Council's rescinded MRCPS identified a 2-storey podium to Military Road and the future plaza and a 3-storey podium to Military Lane.

As shown in Figure 25, the applicant's elevation plans indicate a 3-storey (11.8m) podium to the future plaza, which is inconsistent with the built form requirements of the rescinded MRCPS. As shown in Figure 26, the applicant's elevation plans indicate a 2-storey (8m) podium fronting Military Road and Military Lane, which does not align with the rescinded MRCPS.



**FIGURE 25: Elevation Plan – North (Military Road)**



**FIGURE 26: Elevation Plan – East (Plaza)**

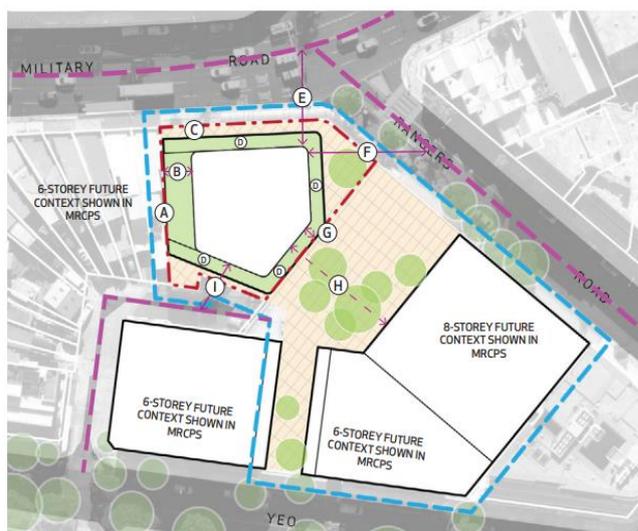
The applicant's justification for the proposed 3-storey podium to the plaza is:

*“to integrate with its immediate context... and align with the existing building heights of the adjoining retail” which “varies from 1- to 2- storeys, however with a consistent frontage that is equivalent to a 3-storey building.”*

Council's rescinded MRCPS noted that the majority of existing buildings within the Neutral Bay Town Centre are the equivalent of 3-storeys, however it recommended NSDCP 2013 be amended to guide future development such that a 2-storey podium and a 3m setback above the podium be provided along the southern side of Military Road and eastern portions of Wycombe Road. The exception for this is to the prominent south-eastern corner of Wycombe and Military Road where existing facades were recommended to be retained with a 3m setback above the podium.

The applicant's justification for the proposed 3-storey to the plaza is not supported as it does not provide a 'human scale' frontage to the plaza, magnifies the overall bulk and scale of the proposal and does not reinforce the future desired local character of Neutral Bay.

### 8.6.2 Setbacks and Building Separation



	Approx. Setback	Note
A	Nil	Zero lot line/blank wall condition up to 6-storeys to create continuous street wall along Military Road. The MRCPS envisages a 6-storey street wall is created to the west of the subject site.
B	6m	6m side setback above 6-storeys. This is to create a tower envelope; no specific setback would be expected for ADG purposes as the buildings to the west are only proposed to be a maximum 6-storeys under the MRCPS.
C	2m	2m ground level setback to boundary to align with MRCPS.
D	3m to level below	3m upper level setback created at 3rd storey to align with MRCPS.
E	18m	Setback of residential levels exceeds ADG recommended setback, measured to both centreline of adjoining street and properties opposite.
F	16m	Setback of residential levels exceeds ADG recommended setback, measured to both centreline of adjoining street and properties opposite.
G	3m	Upper-level setback creates 3m offset from boundary, allowing windows on southeast facade (facing onto plaza proposed in MRCPS).
H	26m	Building separation between proposed tower and adjacent neighbouring development (as envisaged in MRCPS) exceeds ADG guidance.
I	8.5m-10.5m	Generally exceeds ADG separation guidance measured to centreline of adjoining laneway. May require selective window placement and/or positioning of non-habitable areas in short area <9m.

**FIGURE 27: Proposed building setbacks (Applicant’s Urban Design Report, p. 58)**

#### Northern Elevation (Military Road)

The rescinded MRCPS required a 2.5m whole of building setback along Military Road to allow for increased footpath and an above podium setback of 3m. The applicant’s concept scheme (Figure 27) incorporates a 2m whole of building setback along Military Road which falls short of the specifications in the rescinded MRCPS.

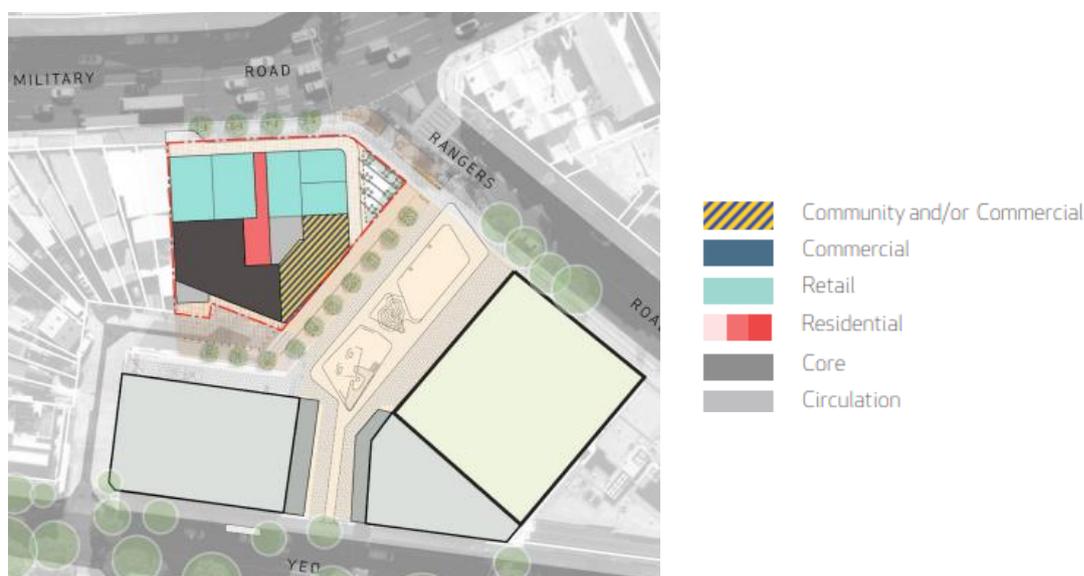
#### Eastern Elevation (Plaza)

The rescinded MRCPS required a 2-storey podium and further setbacks above the podium to the future plaza. In addition, the ADG requires 18m (5-8 storeys) and 24m (9+ storeys) building separation between the habitable components of the proposed tower with the future development context on the adjacent site to the east at 1-7 Rangers Road.

As discussed in section 8.6.1 of this report, the proposed 3-storey podium element along the eastern elevation is not supported as it does not provide a ‘human scale’ frontage to the future plaza, magnifies the overall bulk and scale of the proposal and does not reinforce the future desired local character of Neutral Bay. With respect to building separation, the proposed 3m setback above the podium and overall separation distance of 26m with the adjacent future development to the east, demonstrates compliance with ADG requirements.

However, concern is raised with respect to the nil setback at the ground level to the adjoining site to the south-east (1-7 Rangers Road). As shown in Figure 28, the south-eastern façade indicates that ground floor uses (community and/or commercial uses) will interact and depend on the use for access of the adjoining site to the south-east. This would require entering into legal access arrangements with the adjoining landowner, which cannot be presumed at this stage of the process. In the absence of this, the façade would therefore need to be setback at the ground level to enable such access.

Council staff raised this issue in its preliminary assessment letter to the applicant (dated 18 April 2023). In response, the applicant amended the subdivision of the ground floor tenancies to show access to all areas can be provided from within the site or via existing adjoining public streets. This is not considered an adequate response as it does not enable the provision of active frontages along the plaza, as is desirable in this context.



**FIGURE 28: Indicative envelope floor plans (Applicant's Urban Design Report, p. 52)**

#### Southern Elevation (Military Lane)

The applicant's concept scheme appears to provide a 1.5m whole of building setback to Military Lane, however this is not clearly marked on applicant's submitted setback diagrams. A 3m setback above the podium is proposed, which is consistent with the rescinded MRCPS.

However, the tower element above 5-storeys should achieve a minimum 18m building separation between the habitable components of the proposed development and any future development on the adjacent site immediately to the south at 50 Yeo Street. To meet these minimum ADG building separation requirements, a minimum 9m setback is required above 5-storeys measured from the centreline of Military Lane (or mid-point between the two property boundaries). The applicant's setback diagrams (Figure 27) indicate a setback ranging between 8.5m-10.5m, measured from the centreline of Military Lane.

The applicant attempts to justify the non-compliance by stating (p. 58 of Urban Design Report) 'selective window placement and/or positioning of non-habitable areas in short area <9m' may be required. However, insufficient detail has been provided to demonstrate that this is a tenable solution. The proposed building footprint should demonstrate compliance with minimum ADG building separation requirements at the Planning Proposal stage.

#### Western elevation

The applicant's concept scheme provides a nil setback along the western elevation and a 6m setback above 6-storeys, which complies with the setback requirements of the rescinded MRCPS and ADG non-habitable building separation requirements.

## 8.7 Overshadowing

The applicant's concept scheme is accompanied by solar access and overshadowing diagrams to demonstrate the proposal's likely impact to surrounding development.

The rescinded MRCPS included solar access considerations for 'Site 3' to guide future development. The key considerations were that a concept proposal should be able to demonstrate it could maintain solar access to the northern facades of the properties along the southern side of Yeo Street and maintain at least 2 hours solar access to 70% of residential dwellings within a building consistent with the solar provisions of NSDCP 2013 and SEPP 65. Additionally, future development should be able to demonstrate improvements to solar access to the surrounding public domain compared to existing controls.

### Dwellings south of Yeo Street

Based on the assessment provided (Figure 29), the proposed building envelope will reduce solar access to a number of residential properties to the south, these include:

- 48 Yeo Street, between 9am-10am
- 149 Wycombe Road, between 9am - 10am
- 151 Wycombe Road, between 10am – 11am
- 153 Wycombe Road, between 10am – 11am
- 57 Yeo Street, between 1pm – 2pm
- 61-63 Yeo Street, at 3pm
- 65 Yeo Street, at 3pm

The applicant's Urban Design Report acknowledges that the '*proposed 12-storey tower will create a marginal increase in overshadowing, with the majority of shadows being caused by the 1-7 Rangers Road and 50 Yeo Street proposal (PP 6/22)*'. The justification provided by the applicant is that the proposal's impact is not significant when compared to the scale of the anticipated shadows cast by the adjoining concept proposal and existing Development Approval for the subject site.

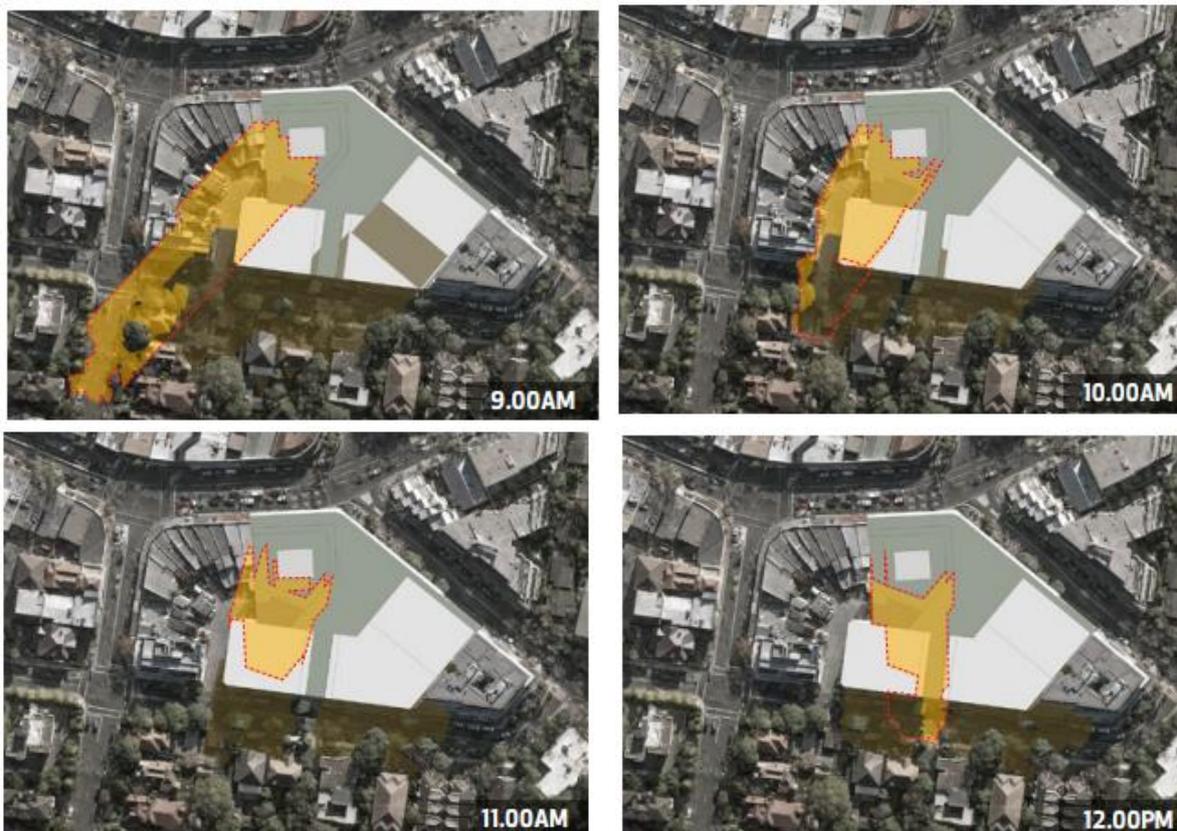
As previously discussed, a key design consideration for 'Site 3' is that solar access is maintained to the northern facades of dwellings along the southern side of Yeo Street. It is therefore considered that the overshadowing impact of the subject proposal should not be considered in isolation, and that the cumulative impacts of future development at 'Site 3' be considered. At present based on the information provided, it cannot be demonstrated that sufficient solar access to the properties along the southern side of Yeo Street can be achieved for the whole of 'Site 3'. Further, it should be noted that the rejection of the previously adopted MRCPS was largely predicated on concerns relating to the building heights identified in the MRCPS for 'Site 3' and associated impacts.

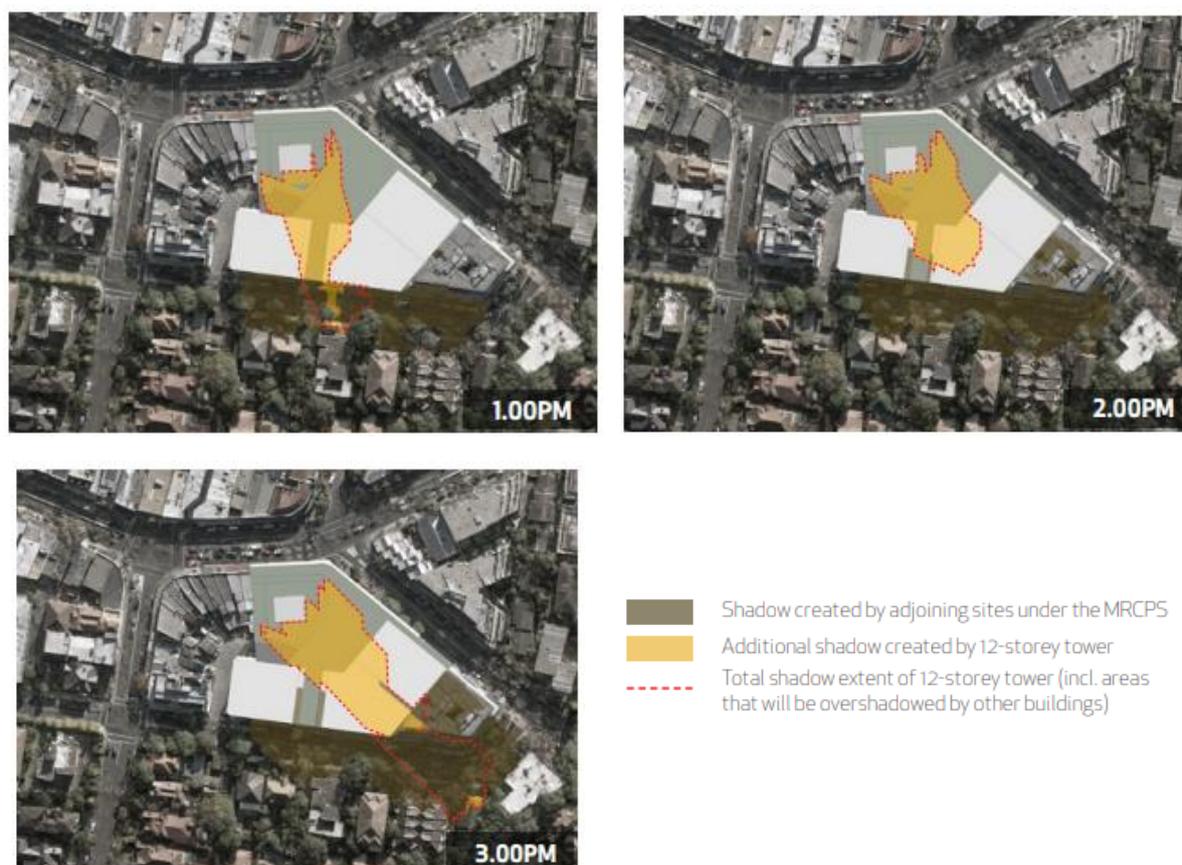
Additionally, it should be noted that the building assumptions shown in the applicant's documentation for the adjacent site at 1-7 Rangers Road and 50 Yeo Street, is based on a previously refused concept scheme (PP 6/22) where buildings heights of 40m (10 storeys) and 30m (7 storeys) were proposed. The Planning Proposal was not supported by Council, the North Sydney Local Planning Panel and subsequently the Sydney North Planning Panel at rezoning review in December 2022, as it did not demonstrate site-specific merit due to overshadowing and transition impacts to the low-scale residential areas south of Yeo Street.

A second Planning Proposal was lodged for the adjacent site (PP1/23), which was supported by the Sydney North Planning Panel (SNPP) at rezoning review in September 2023 subject to a reduction in building height to part 31m for 8-storeys and part 26m for 6-storeys.

On 22 September 2023, Council made a submission to the Department of Planning raising concerns with the numerical height standards recommended by the Panel. The Panel's decision is considered fundamentally flawed insofar that the endorsed building heights will not ameliorate the proposal's significant overshadowing impacts to dwellings on the southern side of Yeo Street, which was identified by the Panel as a key concern to be addressed via an amended site-specific DCP. Specifically, the Panel recommended in its decision (dated 11 September 2023) that a revised site-specific DCP be prepared that includes:

*'provisions requiring changes to the indicative Yeo Street façade to ensure no further overshadowing of any north facing windows in any residential property in Yeo Street at mid winter above and beyond that projected by Council's rescinded MRCPS including the existing building at 50 Yeo Street.'*





**FIGURE 29: Applicant's Shadow Analysis (Urban Design Report, p. 48)**

### 50 Yeo Street

The applicant has submitted an elevational solar access study, showing the likely impact of the proposal to the 6-storey mixed use development proposed at 50 Yeo Street. The Study indicates that the majority of impacted apartments along the northern and north-western elevations of 50 Yeo Street can still achieve 2 hours solar access between 9am-3pm.

### Future Plaza

The applicant has submitted a solar access study for the future proposed plaza (Figure 31). Whilst the applicant contends that the subject Planning Proposal will deliver significantly improved solar access outcomes to any future plaza compared to the approved DA for the subject site, Council's renewed strategy for the precinct does not contemplate building heights of up to 12-storeys for the subject site.

## **8.8 Public Benefits**

Delivering a high-quality public domain and community facilities is a key objective of Council's rescinded and renewed studies for the precinct.

The rescinded MRCPS envisaged the delivery of a new public plaza fronting Rangers Road with the adjacent site to the east, and sought to incentivise the amalgamation of the subject site (183-185 Military Road) with the adjacent site (1-7 Rangers Road) through targeted height increases to facilitate the delivery of 1,250m<sup>2</sup> of new public open and a 1,000m<sup>2</sup> community centre fronting onto and activating the plaza to create a meeting place and pedestrian focal point.

The amalgamation of the two sites (1-7 Rangers Road and 183-185 Military Road), or at least an in-principle agreement between the two separate landowners to coordinate their development aspirations, is essential to deliver a genuinely 'public' and high amenity plaza.

### Public Plaza

Whilst the Planning Proposal offers to contribute to a future public plaza by providing an increased setback along the site's north-eastern boundary (contributing an additional 135m<sup>2</sup> to the plaza proposed to be delivered by the adjacent landowner), the concept scheme is highly conceptual and does not adequately demonstrate adjacent site integration. As shown in Figures 30 and 31, the proposed concept landscape plans for the subject site and adjoining site are in conflict in terms of their vision for the plaza. No evidence has been provided that the landowner has sought to collaborate with the adjacent landowner (Woolworths) with respect to pursuing a coordinated and more holistic urban outcome for this key site in relation to the plaza, as envisaged by the rescinded MRCPS.

As discussed in section 8.6 of this report, the proposed nil setback at the ground level along the south-eastern boundary with the adjoining site is problematic in terms of delivering active edges around the plaza. One of the stated objectives in the rescinded MRCPS for the new public plaza is to 'promote active edges around the plaza such as retail, café and outdoor dining. This includes a continuous line of fine-grain retail flowing into the space from Military Road.'

The concept scheme for the adjoining site also proposes an access point/escalator from the plaza to the subterranean supermarket along the joint boundary which narrows the proportions of the plaza and inhibits any future connection to Military Lane, as envisaged by the rescinded MRCPS. The two schemes currently present a disjointed and sub-optimal urban outcome of reduced public benefit.



**FIGURE 30: Landscape concept plan (Applicant's Urban Design Report p. 46)**



**FIGURE 31: Landscape concept plan (PP1/23 for 1-7 Rangers Road and 50 Yeo Street)**

Community Facility

The rescinded MRCPS required the delivery of a 1,000m<sup>2</sup> community facility at ‘site 3.’ One of the stated objectives in the Study for the new community centre included ‘*creating a responsive and appropriately scaled community centre that fits within the existing Neutral Bay Town Centre and contributes to the public domain*’ and is ‘*ideally situated to include a balcony overlooking the public plaza.*’ (p. 16)

As previously outlined in section 8.5 of this report, Council sought further clarification from the applicant with respect to the size of the proposed community centre. In their letter of response (dated 26 May 2023) the applicant confirmed that whilst their indicative design ‘*provides an envelope that could facilitate a 1000m<sup>2</sup> community facility in accordance with the MRCPS. The precise size of that facility will be established through the VPA process*’ and that their VPA offer includes the provision of a 323m<sup>2</sup> community facility at Level 1 as ‘*the proposed public benefits are directly related to the increased height proposed on that part of site 3 identified as 183-185 Military Road.*’

The proposed community facility, in terms of its proposed size and relationship to the plaza, falls significantly short of the specifications in the rescinded MRPCS for ‘site 3’.

**8.9 Transport & Traffic Impacts**

The site adjoins Military Road (arterial and state road) and Military Lane (local road). Military Lane provides rear laneway access to service the adjoining commercial and residential developments. Military Lane is accessed from Yeo Street, a two-way collector road that connects to Rangers Road to the east and Wycombe Road to the west (both collector roads).

Parking Provision

A Traffic Impact Assessment (TIA) has been prepared by JMT Consulting. The TIA provides a high-level assessment of the concept design and identifies that approximately 57 car spaces are proposed over a 4-level basement car parking. Vehicular access to the basement car park is proposed from Military Lane along with loading and servicing areas.

The proposed car parking arrangements as per the applicant’s TIA, include 36 residential spaces and 21 non-residential, which complies with the maximum parking rates in NSDCP 2013 for the proposed development. This is subject to change depending on the final apartment mix within the development. Table 4 below identifies the parking maximums permitted under the NSDCP 2013.

<b>TABLE 4: Parking provision rates applying to site under NSDCP 2013</b>				
<b>Type of Use</b>	<b>DCP Max. Parking Rate</b>	<b>DCP Max. Parking Provision</b>	<b>Proposed Parking Provision</b>	<b>Shortfall/surplus</b>
<b>Residential</b>				
15x 1 bedroom	0.5 space/dw	8	5	0
19x 2 bedroom and 9x 3 bedroom	1 space/dw	19 9	19 9	0
	<b>Subtotal</b>	<b>36</b>	<b>36</b>	<b>0</b>

<b>Non-residential</b>				
3,412m <sup>2</sup> (Retail/Office/Community)	1 space/60m <sup>2</sup> GFA	57	21	-36
<b>TOTAL</b>		<b>93 (max)</b>	<b>57</b>	<b>-36</b>

The NSDCP 2013 identifies the minimum bicycle parking requirements for new developments. Table 5 below indicates that the applicant's reference design can accommodate 68 bicycle parking spaces within the proposed building footprint to comply with the minimum requirements specified in NSDCP 2013.

<b>TABLE 4: Parking provision rates applying to site under NSDCP 2013</b>				
<b>Type of Use</b>	<b>User type</b>	<b>DCP Min. Parking Provision</b>	<b>Proposed Parking Provision</b>	<b>Shortfall/surplus</b>
<b>Residential</b>				
43 apartments	Residents	1/ 1 dw	43	
	Visitors	1/10 dw	4	
	<b>Subtotal</b>		<b>47</b>	<b>0</b>
<b>Non-residential</b>				
Commercial Office (1,251m <sup>2</sup> )	Staff	1/150m <sup>2</sup>	8	
	Visitors	1/400m <sup>2</sup>	3	
Retail (1,173m <sup>2</sup> )	Staff	1/200m <sup>2</sup>	6	
	Visitors	1/300m <sup>2</sup>	4	
	<b>Subtotal</b>		<b>21</b>	<b>0</b>
<b>TOTAL</b>			<b>68</b>	<b>0</b>

### Traffic Generation

The forecast net traffic generation for the non-residential and residential components would result in a total of 16 additional trips in the weekday PM peak hour and 25 additional trips in the PM peak hour.

When taking into consideration the additional traffic generated by the proposal for the adjoining site at 1-7 Rangers Road and 50 Yeo Street (PP1/23), excluding the public parking required to be removed under PP 1/23, a total 115 additional trips would be generated for 'site 3' in the PM peak hour.

Whilst the proposed number of car parking spaces for the subject site is consistent with NSDCP 2013, it is clear from the analysis undertaken that the associated net traffic generation for a combined 'Site 3' would contribute to increased demand and potentially impact the efficiency and performance of the surrounding road network, particularly the intersection of Wycombe Road/Military Road and Yeo Steet/Wycombe Rd intersection. This is inconsistent with:

- *Ministerial Direction 5.1 – Integrating Land Use and Transport* and the principles of sustainable transit-oriented development;
- Clause 2.118(2) of *SEPP (Transport and Infrastructure) 2021*, which requires the volume and frequency of vehicles to/from a site fronting a classified road not impact on the safety, efficiency and ongoing operation of the classified road.

The renewed study for the Neutral Bay Town Centre includes a transport assessment and management plan to guide future development in the precinct.

The North Sydney Transport Strategy (NSTS) identifies key actions in the North Sydney Parking and Traffic Action Plan with the objective of combating induced traffic demand and facilitating resilience in the transport network through the increased use of alternate transport modes including active, public transport and car share schemes. Alternate transport modes should be considered at the Planning Proposal stage to guide the development of the design.

It is noted that applicant's TIA also includes a brief Green Travel Plan. A Green Travel Plan should provide an empirical analysis of parking demand for the proposal; a Vision, Objectives and targets for travel demand management for the site; identify actions and parties responsible for delivery to achieve identified Targets; and a commitment to the ongoing review of the Green Travel Plan. The Green Travel Plan does not adequately analyse the empirical data for journey-to-work trends for the locality nor give due consideration to increased levels of car free households and increased uptake in public transport use, cycling and walking in the North Sydney LGA.

It should also be noted, however, that appropriate car and bicycle parking numbers and vehicular access are a matter determined at the detailed DA stage. Any future DA for the subject site will need to be referred to Transport for NSW for approval and review in terms of the traffic generation impacts at the intersection of Wycombe Road/Military Road and Yeo Steet/Wycombe Rd and whether any traffic calming measures or interventions are appropriate.

#### **8.10 Wind**

NSDCP 2013 requires consideration to pedestrian comfort and where buildings are higher than 33m a Wind Impact Report is required. It is noted that the Planning Proposal is not supported by a Wind Impact Report therefore impacts to the future plaza cannot be determined at this stage.

### **9. Strategic Merit Assessment**

The Planning Proposal is not considered to satisfy the strategic merit test for the following reasons:

- The Planning Proposal is not underpinned by an endorsed place-based strategy for the locality and is inconsistent with the North Sydney LSPS; North District Plan and Regional Plan; and
- The Planning Proposal does not achieve objectives and intended outcomes of Council's rescinded MRCPS and is inconsistent with, and undermines, the strategic objectives of Council's renewed Study for the Neutral Bay Town Centre (as endorsed by Council at its meeting of 23 May 2022).

### 9.1 Regional Plan, North District Plan and Local Strategic Planning Statement consistency

As previously outlined in sections 7.1 and 7.2 of this report, Objective 12 of the Regional Plan and Planning Priority N6 of the North District Plan clearly states that a place-based planning approach should be applied to local centres and larger scale urban renewal. The North District Plan specifically envisaged the preparation of place-based planning studies for local centres to be led predominantly by local councils - *'the resolution of which local centres are important to each council will need to be assessed as part of the preparation of local strategic planning statements'* (p. 49).

The North Sydney Local Strategic Planning Statement (LSPS) integrates two actions (L3.2 and L1.5) which align with the above-mentioned objectives and priorities of the Regional and North District Plan, these actions identify the undertaking/preparation of a planning study for the Neutral Bay and Cremorne Military Road Corridor and that Council only support Planning Proposals that are consistent with Council's endorsed studies. These actions were put in place to ensure that any proposed increase to development intensity on a site aligns with the broader strategic vision of the area, which takes into consideration the cumulative impacts of such development and ensures appropriate infrastructure is in place. In the absence of an endorsed Strategy to guide and manage growth and change in the precinct, the Planning Proposal is inconsistent with the applicable strategic planning policies.

Whilst the applicant acknowledges that the MRCPS is no longer the adopted strategic framework for the precinct, the applicant contends that the MRCPS should remain a relevant consideration in the assessment of the Planning Proposal as it is a strategic planning study undertaken by Council supported by background investigations and significant community consultation. The applicant contends that the Planning Proposal demonstrates strategic merit on the basis that it would allow for the MRCPS's vision for 'Site 3' to be achieved and provide for an increased supply of jobs, housing and community benefits, as opposed to the alternate options of pursuing the existing DA approval for a 5-storey mixed-use development on the site which lapses in October 2024, or the uncertainty of a 'do-nothing' approach and waiting for a future study and its outcomes to be adopted.

As discussed previously in this report, the rejection of the previously adopted MRCPS was largely predicated on concerns relating to the heights identified in the Study, specifically heights of 12-storeys on select sites including the subject site, and the compatibility of such heights with the Study's solar access and local character objectives. The sensitivity to increased height in the precinct is a key driver of the renewed planning study currently being formulated for the precinct and it has been communicated to the applicant on several occasions that in order to achieve *'a better balance between development height and the provision of additional public open space,'* as per Council's January 2022 resolution, building heights of 12-storeys is no longer being contemplated in Council's renewed strategy. At the requested height of 43m for 12-storeys, the Planning Proposal is inconsistent with Council's strategic vision for the precinct.

While no previous comment has been made on the strategic merit of this proposal, the Sydney North Planning Panel (SNPP), in its consideration of the Planning Proposal (PP1/23) for the adjoining at 1-7 Rangers Road and 50 Yeo Street in September 2023, found that the planning proposal has strategic merit and recommended that the proposal be submitted for a Gateway determination, subject to a reduction in height and the preparation of site-specific DCP that addresses various design aspects, given that:

- *'It is consistent with applicable strategic planning documents, particularly as they relate to the general objectives for housing. These include the Greater Sydney Region Plan, 2018; Sydney North District Plan, 2018; and the North Sydney Local Strategic Planning Statement, 2020 (LSPS).*
- *Delivering housing supply is a priority issue for Sydney for all levels of Government.*
- *The previously endorsed rescinded Military Road Corridor Planning Study (also known as the Neutral Bay Town Centre – Future Directions Report) and current work to revise the Neutral Bay Town Centre Strategic Plan & Study, provide a clear indication of the Council's and community's desire to revitalise and renew Neutral Bay Town Centre.'*

It should be noted, however, that the driving principle of Council's rescinded MRCPS (and the renewed Study for the Neutral Bay Town Centre), is the delivery of high-quality public domain and community facilities. To achieve this, the Study sought to incentivise the amalgamation of two sites through increases in height and density. The delivery of additional housing, whilst an outcome of Council's Study, is not the key driver of the uplift identified. The North Sydney Local Housing Strategy (LHS) identifies sufficient capacity in the growth areas of St Leonards and Crows Nest and existing planning controls to meet the North Sydney LGA's housing targets to 2036. This is further reinforced within the North District Plan which states with respect to local centres that: *'housing should not compromise a centre's primary role (p.49)'*.

The proposal's consistency with the intended outcomes of Council's previously adopted MRCPS is considered in section 9.2 of this report.

## **9.2 Military Road Corridor Planning Study (Rescinded) consistency**

The applicant's justification for the proposal is that it directly responds to and aligns with the built form provisions, objectives and intended outcomes of Council's previously endorsed MRCPS and would allow for the MRCPS's vision for 'Site 3' to be achieved.

Having completed a detailed assessment, the Planning Proposal is not considered to facilitate the outcomes envisaged in the rescinded MRCPS for 'site 3,' particularly with respect to the delivery of a cohesive, high-amenity public plaza and community facility, which formed the basis of the uplift identified in the Study for the subject site. The rescinded MRCPS envisaged the amalgamation of the subject site (183-185 Military Road) with the adjoining site (1-7 Rangers Rd), or if amalgamation is not possible a coordinated design outcome between the two landowners, to ensure the delivery of a public plaza of an appropriate size, proportions, connections and solar access.

As detailed in section 8 of this report, there several non-compliances with the rescinded MRCPS. The proposed podium height and setbacks to the future plaza do not comply with the built form provisions and objectives of the rescinded MRCPS. More importantly, the proposal fails to adequately demonstrate adjacent site integration with respect to the plaza. The concept plans proposed for the subject site and adjoining site (1-7 Rangers Road) are in conflict in terms of their vision and no evidence has been provided that the landowner has sought to collaborate with the adjacent landowner (Woolworths) to achieve a coordinated and more holistic urban outcome for this identified key site. The two schemes currently present a disjointed and sub-optimal urban outcome that does not satisfy the MRCPS's objectives for the creation of the new Rangers Road plaza.

Additionally, the proposed 323m<sup>2</sup> community facility falls significantly short of the specifications within the rescinded MRCPS. The Study required the delivery of a 1,000m<sup>2</sup> community centre that fronts onto and better activates the plaza to create a meeting place.

If the Planning Proposal were to proceed in its current form, it would significantly undermine the strategic planning work that has been undertaken by Council to date and the ability to achieve Council's place-making objectives for the precinct. There is a risk, that if the proposal were to proceed, it would lead to a disjointed and sub-optimal outcome of reduced public benefit, and further encourage spot rezonings throughout the precinct, creating uncertainty and leading to unpredictable and fragmented development outcomes that do not deliver the genuine, long-term strategic and community benefits envisaged by Council.

### **9.3 State Environmental Planning Policies (SEPP)**

The proposals consistency with applicable SEPPs is considered below.

#### SEPP No. 65 – Design Quality of Residential Apartment Development

The concept proposal addresses only three key development standards under SEPP No. 65 and the associated ADG, these being solar access, natural cross ventilation and building separation. However, upon further review, the submitted documentation lacks sufficient detail to undertake a comprehensive high-level ADG assessment to determine whether an acceptable level of amenity can be achieved.

As detailed in section 8.6.2 of this report, the proposed upper-level setbacks along the southern elevation do not appear to satisfy minimum ADG building separation requirements. Furthermore, there appear to be inconsistencies in the apartment mix shown in the applicant's indicative floor plans (p. 57 Urban Design Report) and the Traffic and Parking Assessment (p. 10). Notwithstanding, the apartment mix detailed in the proposal does not comply with NSDCP 2013.

Whilst non-compliances could potentially be addressed at the future detailed DA stage, the need to redesign could potentially create a different set of issues. The Planning Proposal should demonstrate at this stage that an acceptable level of amenity can be achieved.

#### SEPP (Transport and Infrastructure) 2021

The subject site directly adjoins a classified State Road, Military Road. Clause 2.118(2) of *SEPP (Transport and Infrastructure) 2021* requires that developments with a frontage to a classified road be provided with an alternative access where possible, and that the volume and frequency of vehicles to/from the site not impact on the safety, efficiency and ongoing operation of the classified road.

The indicative concept design accompanying the Planning Proposal maintains the existing vehicular access from Military Lane for both servicing and commercial tenant vehicles. No vehicular access is proposed along Military Road. Whilst the proposed 57 car parking spaces for the subject site is consistent with NSDCP 2013, it is clear from the analysis undertaken that the associated net traffic generation for a combined 'Site 3' would contribute to increased demand and impact the efficiency and performance of the surrounding road network, particularly the intersection of Wycombe Road/Military Road and Yeo Steet/Wycombe Rd intersection.

#### **9.4 Section 9.1 Ministerial Directions**

Section 9.1 of the *Environmental Planning and Assessment Act 1979* enables the Minister for Planning to issue directions regarding the content of planning proposals. Each Planning Proposal must identify which Section 9.1 Ministerial Directions are relevant to the proposal and demonstrate how they are consistent with that Direction.

The Planning Proposal is considered to be generally consistent with all relevant Ministerial Directions, with the exception of the below.

##### Direction 1.1 – Implementation of Regional Plans

Refer to section 9.1 of this report.

##### Direction 4.4 - Remediation of Contaminated Land

Council records indicate that the subject site may have been used in the past for a potentially contaminating activity.

*Direction 4.4 – Remediation of Contaminated Land* states a Planning Proposal authority must be satisfied that the land is suitable (or will be suitable, after remediation) for all permitted uses within the zone, and if the land requires remediation to be made suitable, the Planning Proposal authority is satisfied that the land will be so remediated before it is used for its intended purpose.

The Planning Proposal is not accompanied by a Preliminary Site Investigation (PSI) Report. As such, Council is unable to comment on whether the proposal satisfies Ministerial Direction 4.4 at this stage.

##### Direction 7.1 – Business and Industrial Zones

*Direction 7.1 – Business and Industrial Zones* seeks to encourage employment growth in suitable locations and protect employment land in business and industrial zones. Subclause (1)(c) states that a Planning Proposal must '*not reduce the total potential floor space area for employment uses and related public services in business zones.*'

However, a Planning Proposal may be inconsistent with the terms of the Direction if '*the provisions of the Planning Proposal that are inconsistent are justified by a strategy or study which gives consideration to the objectives of this direction; or in accordance with a relevant Regional or District Plan; or the inconsistency is of minor significance.*'

The Planning Proposal does not provide any details on the quantum of commercial floorspace currently provided on the subject site and whether the proposed minimum non-residential FSR control of 2:1 (which would require the delivery of approximately 2,600m<sup>2</sup> of non-residential GFA) will result in a net reduction in total amount of commercial floorspace compared to existing conditions. Notwithstanding, the rescinded MRCPS specified a minimum non-residential FSR of 2:1 for the subject site.

## **10. Site-specific Merit Assessment**

The Planning Proposal is not considered to demonstrate adequate site-specific merit as the overall building height of the proposed built form will result in significant and unreasonable overshadowing impacts, contrary to the objectives of the rescinded MRCPS for 'site 3', when considered in combination with the Planning Proposal recently endorsed by the SNPP for the adjacent site (1-7 Rangers Road and 50 Yeo Street).

Furthermore, the proposed podium height and setbacks along the eastern boundary do not achieve the objectives and intended outcomes of the rescinded MRCPS with respect to the creation of the new Rangers Road plaza. Further coordination and demonstration of adjacent site integration is required with 1-7 Rangers Road and 50 Yeo Street.

### **10.1 Environmental Impacts**

As outlined in sections 8.4 and 8.7 of this report, the proposed increase in height when considered in combination with the recently approved Planning Proposal for the adjacent site (1-7 Rangers Road), will result in significant and unacceptable overshadowing impacts to dwellings on the southern side of Yeo Street, contrary to the solar access objectives of the rescinded MRCPS for 'Site 3'.

Although it is recognised that the precinct is undergoing change, and that the previously endorsed MRCPS and current work to revise the Study, provides a clear indication of the Council's and Community's desire to revitalise and renew Neutral Bay Town Centre, Council's resolution of January 2022 clearly indicates that heights of up to 12-storeys will not be considered as part of the renewed strategy for the precinct, which is now well advanced. However, the intent to deliver high quality, genuinely public open space in combination with the adjoining still remains a priority.

The proposed 3-storey podium height along the eastern elevation, nil setback at the ground level to the adjoining site to the south-east (1-7 Rangers Road) and proposed indicative landscape plan conflicts with the concept proposal of the adjoining landowner. Council's rescinded Study envisaged a coordinated design outcome between the two landowners, to ensure the delivery of a public plaza of an appropriate size, proportions, connections and solar access. The two separate schemes currently present a disjointed and sub-optimal urban outcome that do not satisfy Council's objectives for the creation of the new Rangers Road plaza.

### **10.2 Social Impacts**

The proposal, if progressed would result in the creation of approximately 37-44 additional dwellings and 3,412m<sup>2</sup> non-residential GFA. This is a considerable increase in density on the subject site compared to existing conditions and DA approval for the site, and is likely to place additional demand on existing local and regional services and facilities. The applicable section 7.11 local infrastructure contributions will help support the increased demands on existing local infrastructure.

Whilst the proposal is accompanied by a non-binding letter of offer to enter into a VPA to deliver a range of public benefits including a new public plaza, the proposed benefits fall short of those identified in Council's previously adopted MRCPS.

### 10.3 Economic Impacts

If the proposal proceeds it would result in the provision of a minimum 2,600m<sup>2</sup> of non-residential floorspace. No further details have been provided by the applicant with respect to the proposal's estimated job generation.

### 10.4 Adequacy of Public Infrastructure

The site is located in close proximity to transport infrastructure, including existing road connections and high-frequency public transport. Whilst the proposed number of car parking spaces for the subject site is consistent with NSDCP 2013, the submitted Green Travel Plan does not provide an empirical analysis of parking demand to justify the proposed parking supply nor give due consideration to how any future development on the site could support alternate transport modes, reduce on-site parking provision and encourage future residents and workers to capitalise on the wide range of infrastructure and services available within the area.

Consultation would be required with utility providers if the proposal progresses and at the DA stage to ensure that sufficient capacity exists in water, sewer, gas, telecommunications and other utility services. There is likely to be adequate services and infrastructure in the area to accommodate the proposed increases in demand, alternatively the applicant will be required to pay for any upgrades to these services as required.

## SUBMISSIONS

There are no statutory requirements to publicly exhibit a planning proposal before the issuance of a Gateway Determination. However, Council sometimes receives submissions in response to planning proposals which have been lodged but not determined for the purposes of seeking a Gateway Determination. The generation of submissions at this stage of the planning process arise from the community becoming aware of their lodgement through Council's application tracking webpage and on-site signage.

At the time this report was completed, 30 submissions had been received from local residents and the Willoughby Bay, Neutral, Brightmore and Harrison and Bennett Precinct Committees. All 30 submissions objected to the Planning Proposal. A summary of the key concerns raised is provided in Table 5. These issues have largely been addressed throughout the body of the report.

**TABLE 5: Summary of submissions received**

Issue	Key points raised	Council response
Height and scale	<ul style="list-style-type: none"> <li>• Proposed floor heights are greater than industry standards; Overall building height and FSR is greater than current LEP controls; Will result in overbearing development, inconsistent with village feel of Neutral Bay.</li> <li>• The proposed development should not be considered in isolation but assessed carefully and holistically in the context of other proposed developments along the Military Road Corridor and infrastructure capacity.</li> </ul>	Refer to section 8.4, 8.5 and 8.7 of this report.

Heritage	<ul style="list-style-type: none"> <li>Loss of historic Federation-era shop facades.</li> </ul>	The buildings at 183 and 183A Military Road are not heritage-listed.
Traffic	<ul style="list-style-type: none"> <li>Transport assessment prepared by applicant's consultants (JMT consulting) contains errors and misrepresents the impact of the proposal.</li> <li>Cumulative impact of traffic generated under PP1/23 (Woolworths site) not considered. Both proposals need to have regard for the cumulative impacts of a combined 'Site 3'.</li> <li>Military Road and surrounding road network already at capacity. There is already problematic congestion on and around Military/Wycombe, Wycombe/Yeo, Rangers/Military and Yeo/Ben Boyd;</li> <li>Lack of adequate car parking for commercial/retail uses.</li> </ul>	Refer to section 8.9 of this report.
Wind	<ul style="list-style-type: none"> <li>The height of the building would result in a wind swept plaza.</li> </ul>	Refer to section 8.10 of this report.
Overshadowing	<ul style="list-style-type: none"> <li>Proposed height and scale of development will significantly reduce solar access to dwellings on Yeo Street. Recommend reduced height and increased setbacks to minimise overshadowing.</li> <li>Proposed height will overshadow future plaza.</li> </ul>	Refer to section 8.7 of this report.
Noise	<ul style="list-style-type: none"> <li>Public plaza should be designed to limit noise from Military Road for increased amenity.</li> </ul>	Appropriate noise mitigation measures (where appropriate) would be considered at a detailed DA stage.
Public Benefits	<ul style="list-style-type: none"> <li>VPA offer is not sufficient.</li> <li>Community centre location should be subject to community consultation.</li> <li>Through site link from Military Road to Military Lane should be provided.</li> <li>A fully 'open to sky' pedestrian through site link should be provided to Yeo Street</li> </ul>	Refer to section 8.8 of this report.

The key concerns raised in the submissions received is that the height and scale of development proposed is excessive and will result in unacceptable material impacts, that it demonstrates poor integration and collaboration with the adjoining (Woolworths) site and does not consider the cumulative impacts of a combined development for 'Site 3' on the locality.

The Harrison, Brightmore, Neutral and Willoughby Bay Precinct committees all strongly objected to the proposal and individually raised concerns with any increase in height until such time the community has had the opportunity to provide its view on the level of 'modest' increase in height appropriate for the precinct, the disregard to the cumulative impacts of PP 1/23 and the subject proposal with respect to traffic generation, solar access and overshadowing, the location of the future community centre, the VPA offer and the plaza design. Objections were also raised with respect to the potential loss of the facades of 183 and 183a Military Road, and the lack of consultation between adjacent owners resulting in poor public benefits to the community.

## **CONCLUSION**

The subject Planning Proposal (PP4/23) seeks to amend NSLEP 2013 as it relates to land at 183-185 Military Road, Neutral Bay as follows:

- Increase the maximum building height from 16m to 43m (12 storeys); and
- Increase the minimum non-residential FSR from 0.5:1 to 2:1.

The Planning Proposal is accompanied by non-binding letter of offer to enter into a VPA with Council to deliver a 2.5m setback along Military Road (95m<sup>2</sup>) and increased setback along the eastern boundary (135m<sup>2</sup>) contributing to a future public plaza fronting Rangers Road, a new community facility (323m<sup>2</sup>) and 14 public bicycle parking spaces at ground level.

Having completed a detailed assessment, the Planning Proposal is not considered to demonstrate the required strategic and site-specific merit for the following reasons:

- The Planning Proposal is not underpinned by an endorsed place-based strategy for the locality and is inconsistent with the North Sydney Local Strategic Planning Statement; North District Plan and Greater Sydney Regional Plan;
- The Planning Proposal does not satisfy the objectives and intended outcomes of the rescinded MRCPS for this identified key site (known as 'site 3') and is inconsistent with the strategic objectives of Council's renewed Strategy for the Neutral Bay Town Centre as outlined in Council's 24 January 2022 resolution and endorsed scoping framework for the revised Neutral Bay Town Centre Planning Study, which sought to further engage with the community and stakeholders to prepare '*a revised recommendation that has a better balance between development height and the provision of additional public open space.*'
- The proposal does not demonstrate adjacent site integration, and the overall height, bulk and scale of the proposed built form is unacceptable in terms of providing a human scale frontage to the future Rangers Road plaza; overshadowing impacts to the public and private domain; traffic impacts and delivering a genuinely 'public' and high amenity public domain and community facility.

## **RECOMMENDATION**

**THAT** Planning Proposal (PP4/23) not be supported to proceed to a Gateway Determination.

**TOM MOJSIEJUK**  
**STRATEGIC PLANNER**

**NEAL MCCARRY**  
**ACTING MANAGER STRATEGIC PLANNING**

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# Planning Proposal

Mixed-Use Development

183-185 Military Road, Neutral bay

Prepared for  
Equitibuild Pty Ltd

30 March 2013

ppd | planning consultants

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# 1.0 INTRODUCTION

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## 1.1 Background

The proponent is seeking an amendment to North Sydney Local Environmental Plan (**NSLEP**) 2013 after receiving pre-lodgement advice from North Sydney Council.

This Planning Proposal has been prepared by PPD Planning Consultants on behalf of Equitibuild Pty Ltd (the **Proponent**) to amend NSLEP 2013. This proposal describes the outcome and justification for amending NLEP 2013 and is the key part of the LEP making process as set out under Division 3.4 of the Environmental Planning & Assessment Act (EP&A Act) 1979.

This Proposal relates to lands identified as 183-185 Military Road, Neutral Bay (the **Subject Site**). Figure 3 provides an aerial view of the subject site.

The Planning Proposal has been prepared in accordance with Section 3.33 of the EP&A Act 1979 and having due consideration to the provisions of the *Local Environmental Plan Making Guideline September 2022* prepared by Department of Planning, Industry and Environment.

## 1.2 Supporting Documentation

### 1. Neutral Bay Town Centre Future Directions Planning Study

Prepared by Council officers then adopted by North Sydney Council in February 2021, the stated vision of this Planning Study was "it promotes managed jobs and housing growth, while maintaining the much-loved village atmosphere of the Neutral Bay Town Centre".

The Planning Study provides a comprehensive framework that was expected to lead and guide future development in the Neutral Bay Town Centre. In setting this framework, it is noted the Study gave due consideration to:

- regional and local strategic and policy context
- precinct character
- built form and potential impacts
- transport and access
- economic and demographic context
- employment capacity
- public domain and social infrastructure.

The study was also informed by community consultation including:

- community survey
- public exhibition of two discussion papers
- public exhibition of the draft Future Directions Planning Study

The subject site, along with the adjoining 'Woolworths' site at 1-7 Rangers Road, Neutral Bay were identified in the Planning Study as "opportunity site 3" where:

- A landowner initiated planning proposal (PP) and voluntary planning agreement (VPA) may be considered, and

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MIXED USE DEVELOPMENT  
183-185 MILITARY ROAD, NEUTRAL BAY

- taller mixed-use buildings can be supported whilst providing much needed new open space or community facilities.

Key requirements for “opportunity site 3” included:

- Planning control changes to the maximum building heights and non-residential Floor Space Ratio (FSR).
- Public benefits will be negotiated via a planning agreement to support each planning proposal.
- Urban design objectives and requirements for each site described in the Planning Study should be referred to when a planning proposal is prepared.

In relation to “opportunity site 3”, the Planning Study supported a maximum building height of 12 storeys and a minimum 2:1 non-residential FSR. As detailed in **Figure 1** below, the building envelope for the subject site shows a mix of 6 storey and 12 storey maximum building heights.

Figure 1. Illustrative building envelope for Site 3



Source: Military Road Corridor Planning Study Stage 1 – North Sydney Council

The stated objectives for “opportunity site 3” were to enable redevelopment that would:

- Support local jobs, local shops and housing opportunities
- Create a new public plaza fronting Rangers Road

PLANNING PROPOSAL  
MIXED USE DEVELOPMENT  
183-185 MILITARY ROAD, NEUTRAL BAY

- Improve pedestrian amenity and access between Rangers Road and Yeo Street
- Deliver a new community facility, bicycle parking and public parking
- Support the village atmosphere

The Planning Study was subsequently rescinded by a newly elected Council in January 2022.

## 2. Urban Design Report

Prepared by Allen Jack + Cottier Architects Pty Ltd. the Urban Design Report (UDR) report accompanies this proposal and advocates for the strategic planning vision developed in the Future Directions Planning Study to be delivered in this area of the Neutral Bay Town Centre.

The report summarises:

- the existing statutory and strategic planning framework that applies to the subject site,
- provides an overview of the subject site's immediate and larger context,
- analysis of the adjoining planning proposal submitted by Woolworths, and
- outlines the design proposal for 183-185 Military Road that forms the basis of this Scoping Proposal along with the proposed changes to the North Sydney Planning Framework required to facilitate its delivery.

The report states the structure plan for the subject site proposes to:

- Develop a mixed-use tower on a prominent corner that accommodates the demand for new public domain as well as retail, commercial and residential floor space.
- Increase community facilities to address a local deficit and replace existing aging facilities.
- Provide setbacks on Military Road to increase the shelter available for people using buses, and space for passers-by to walk alongside lines of waiting commuters.
- Locate buildings to provide access to a future adjoining plaza that has visual and physical connections to Military Road.
- Create a public bike parking station to support use of the buses.

## 3. Transport Assessment

Prepared by JMT Consulting the transport assessment accompanies this application and summarises the traffic and transport implications of the Planning Proposal. Specifically, the assessment considers the following items:

- Existing transport conditions, including:
  - Surrounding road network
  - Vehicle site access
  - Car parking
  - Loading and servicing arrangements
  - Public transport provision

PLANNING PROPOSAL  
MIXED USE DEVELOPMENT  
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- Pedestrian and cycling network
- Proposed site access arrangements
- Proposed vehicle loading and servicing arrangements
- Proposed parking rates to be adopted as part of a future development application for the site, including indicative parking numbers based on the reference scheme prepared by AJC Architects
- Additional traffic movements resulting from the Planning Proposal and impacts to the adjacent road network
- Public transport, walking and cycling measures.

### 1.3 Scoping Proposal

A scoping meeting was held with Council officers on Thursday 6<sup>th</sup> October 2022 where council was provided with a preliminary Urban Design Report that aligns with the requirements of the now rescinded Military Road Corridor Planning Study (MRCPS) Stage 1 in terms of building height, non-residential FSR, setbacks, community facility and vision for the future plaza.

The Woolworths site at 1-7 Rangers Road and the subject site at 183-185 Military Road form "opportunity site 3" as identified in the now rescinded MRCPS Stage 1.

The outcomes of the scoping meeting can be summarised as follows:

- Council staff reinforced the primary intent of the rescinded MRCPS was to deliver public benefits and maintain employment opportunities, activate the town centre and provide high-quality local amenities.
- It was stressed that for a successful scheme to progress on this site, the rescinded MRPCS required both landowners who comprise "opportunity site 3" to cooperate and collaborate.
- Council staff are currently working on a revised Neutral Bay Town Centre Planning Study that is likely to be completed by the end of 2023.
- Council advised irrespective of site-specific issues and feedback, in the absence of an endorsed Study, a Planning Proposal would not be supported in the current Policy context.

Council provided the following matters for further consideration:

#### Setbacks

Setbacks of 2.5m and 1.5m to Military Road and Military Lane should relate to the whole building (including basement structures) to allow deep soil zones to support large tree canopies.

Upper-level building setbacks to comply with ADG requirements.

#### Overshadowing

Concern is expressed on the far-reaching shadows the proposed scheme will cast to the south-west and south-east of the subject site, and in particular to the site at 50 Yeo Street.

Upper level building setbacks to comply with ADG requirements.

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The proposed tower form should demonstrate how it has been designed (increased setbacks and articulation) to minimise overshadowing to the public plaza, particularly between 12-2pm when the plaza is likely to be used the most.

The proposed built form should demonstrate improvements to solar access to the surrounding public domain compared to existing controls.

A more detailed solar analysis with tables and diagrams is required.

The proposal should quantify its impacts and clearly indicate whether surrounding developments will retain at least 2 hours solar access between 9am-3pm in mid-winter.

#### Parking, access and loading facilities

Council's approach (as per the North Sydney Transport Strategy) is to minimise the amount of on-site parking and support active transport through the provision of end of trip facilities and car share facilities within future developments.

The Planning Proposal should be accompanied by a detailed Traffic and Parking Assessment and Green Travel Plan.

It is recommended negotiations be re-commenced with adjoining landowner at 1-7 Rangers Road (Woolworths) to achieve a coordinated design response with respect to basement and loading facilities, including the provision of any public parking.

#### Public Benefits/Voluntary Planning Agreement

It is Council's expectation that a public benefit be provided that is commensurate with the increase in development potential of the site.

It is recommended negotiations be re-commenced with the adjoining landowner (Woolworths) to achieve a coordinated design response with respect to the delivery of the proposed public benefits including, new public domain (public plaza, through-site link and setbacks), community facility, bicycle parking and any public parking.

## 2.0 SITE DESCRIPTION AND LOCATION

### 2.1 Site Description and Location

**Table 1** provides a brief description and location summary of the subject site.

<b>Table 1.</b> Site Description and Location Summary	
<b>Street Address</b>	183-185 Military Road, Neutral bay
<b>Legal Description</b>	Lot 1 DP34803 and Lots A and B DP322525
<b>Site Area</b>	1,294.9m <sup>2</sup>
<b>Brief Site Description</b>	<p>Very predominant corner site comprising two amalgamated sites (refer Figure 3).</p> <p><u>183 Military Road (Lots A and B DP322525)</u></p> <p>Currently occupied by retail premises with an approximate floor area of 200m<sup>2</sup>. The shops have a two-storey frontage to Military Road and covered car parks to the rear with access off Military Lane (refer Figure 3).</p> <p><u>185 Military Road (Lot 1 DP34803)</u></p> <p>Currently occupied by retail premises on the ground floor with an approximate cumulative floor area of 485m<sup>2</sup> and two (2) commercial levels above with an approximate cumulative floor area of 1,160m<sup>2</sup>. A concrete paved open parking area is located to the rear of the site with access off Military Lane (refer Figure 4).</p>
<b>Urban Context</b>	<p>The site is located in the heart of Neutral Bay and is surrounded by a mix of long standing commercial, retail and residential land uses (refer Figures 4 &amp; 6). The site is adjacent Woolworths Neutral Bay Village and has convenient access to:</p> <ul style="list-style-type: none"> <li>• Shops/Restaurants;</li> <li>• Essential services; and</li> <li>• Public transport.</li> </ul>
<b>Topography</b>	Generally flat, along topmost part of the ridge following Military Road.
<b>Services</b>	All relevant utility services including water, sewer, electricity, gas and telephone are available and connected to the subject property.

**Figure 2** provides a perspective view of the subject site in a broader regional context.

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Figure 2. Regional context of subject site



Source: Military Road Corridor Planning Study Stage 1 – North Sydney Council

Figure 3 provides an aerial view of the subject site (outlined in red) located on the corner of Military Road and Rangers Road and in the context of surrounding development. This includes

- Woolworths shopping centre adjacent the south-east boundary
- Commercial development to the eastern boundary (refer Figure 3)
- Commercial development to the south (across Military Lane)

Figure 3. Aerial view of subject site



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**Figures 4 & 5** provide street views of the site from Military Road (front) and Military Lane (rear) respectively.

Figure 4. Street view of site from Military Road (front)



Figure 5. Street view of site from Military Lane (rear)



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**Figure 6** provides some local urban context with examples of existing mixed-use development in the immediate vicinity of the subject site.

Figure 6. Local urban context



## 2.2 Public Transport

The subject site is conveniently located directly in front of three (3) separate bus stops on Military Road known as Stand A, Stand B and Stand C. Each stand provides numerous high-frequency bus services (including B-Line) that travel to:

- Sydney CBD
- North Shore
- Northern Beaches (as far as Palm Beach; and
- Western Suburbs (ie Sydenham)

## 2.3 Relevant Planning Proposals

In preparing this Proposal due consideration has been given to the Planning Proposal recently submitted by Woolworths for the adjoining site at 1-7 Rangers Road and 50 Yeo Street, Neutral Bay shown outlined in red in **Figure 7**.

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Figure 7. Local urban context



Source: Woolworths

This site, excluding the site at 50 Yeo Street, was identified in the Future Directions Planning Study along with the subject site as one of three key sites in the Neutral Bay Town Centre that could support future growth.

The stated intended outcome of this Planning Proposal “is to enable a future mixed-use development comprising a best in class supermarket at lower ground level, new ground level retail tenancies and new above ground commercial floor space and residential apartments, all of which is to be centred around the creation of a new town square and through site link between Rangers Road and Yeo Street”.

The UDR accompanying this proposal provides a comparative analysis highlighting the differences between the Future Directions Planning Study and the Woolworths Yeo Street Planning Proposal. As a result, the UDR concludes the Woolworths Planning Proposal would result in a significantly inferior outcome if delivered as proposed and advocates for the Future Directions Planning Study to be delivered as designed by Council.

## 2.4 Existing Development Approval

The following current notice of determination for approval was issued for the subject site.

Development Application Number:	307/18
Land to which this applies:	183-185 Military Road, Neutral Bay Lot No.: A, DP: 322525
Applicant:	Equitibuild Pty Ltd C/- PBD Architects Pty Ltd

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Proposal:	Demolition of existing structures and construction of a shop top housing development with a communal rooftop terrace and basement car parking.
Date of Determination:	2 October 2019
Consent will lapse on:	8 October 2024

The following are the key numerical standards for the approved development

<b>Levels</b>	6
<b>Building height</b>	21.213m (top of lift overrun)
<b>Non-residential FSR</b>	1.25:1
<b>Apartments</b>	26

## 3.0 STATUTORY CONTEXT

The following key provisions of North Sydney Local Environmental Plan (NSLEP) 2013 are relevant to this Planning Proposal.

### 3.1 Aims of Plan

Clause 1.2 of NSLEP 2013 outlines the aims of the LEP as follows:

- (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) *to maintain a diversity of activities while protecting residential accommodation and local amenity, 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) *in relation to residential development:*
    - (i) *to ensure that new development does not adversely affect residential amenity in terms of visual and acoustic privacy, solar access and view sharing, and*
    - (ii) *to maintain and provide for an increase in dwelling stock, where appropriate,*
  - (d) *in relation to non-residential development:*
    - (i) *to maintain a diversity of employment, services, cultural and recreational activities, and*
    - (ii) *to ensure that non-residential development does not adversely affect the amenity of residential properties and public places, in terms of visual and acoustic privacy, solar access and view sharing, and*
    - (iii) *to maintain waterfront activities and ensure that those activities do not adversely affect local amenity and environmental quality,*
  - (e) *in relation to environmental quality:*
    - (i) *to maintain and protect natural landscapes, topographic features and existing ground levels, and*
    - (ii) *(ii) to minimise stormwater run-off and its adverse effects and improve the quality of local waterways,*
  - (f) *to identify and protect the natural, archaeological and built heritage of North Sydney and ensure that development does not adversely affect its significance,*

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- (g) to provide for the growth of a permanent resident population and encourage the provision of a full range of housing, including affordable housing.

### 3.2 Land Use Table

The Planning Proposal applies to land in the B4 Mixed Use zone. The relevant objectives and provisions of the B4 zone are as follows:

#### 1 Objectives of zone

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To create interesting and vibrant mixed use centres with safe, high quality urban environments with residential amenity.
- To maintain existing commercial space and allow for residential development in mixed use buildings, with non-residential uses concentrated on the lower levels and residential uses predominantly on the higher levels.

#### 2 Permitted without consent

Nil

#### 3 Permitted with consent

Amusement centres; Backpackers' accommodation; Boarding houses; Car parks; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hostels; Hotel or motel accommodation; Information and education facilities; Medical centres; Oyster aquaculture; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Registered clubs; Residential flat buildings; Respite day care centres; Restricted premises; Roads; Seniors housing; Serviced apartments; Sex services premises; Shop top housing; Signage; Tank-based aquaculture; Vehicle repair stations; Veterinary hospitals

#### 4 Prohibited

Pond-based aquaculture; Any other development not specified in item 2 or 3

### 3.3 Building Height

Clause 4.3 of NSLEP 2013 sets maximum building heights for all land identified on the Height of Buildings Map. In relation to the subject site, it states the maximum building height is 16 metres.

The objectives of Clause 4.3 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,
- (d) to maintain privacy for residents of existing dwellings and to promote privacy for residents of new buildings,

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- (e) to ensure compatibility between development, particularly at zone boundaries,*
- (f) to encourage an appropriate scale and density of development that is in accordance with, and promotes the character of, an area,*
- (g) to maintain a built form of mainly 1 or 2 storeys in Zone R2 Low Density Residential, Zone R3 Medium Density Residential and Zone E4 Environmental Living.*

### 3.4 Non-residential Floor Space Ratios

Clause 4.4A of NSLEP 2013 sets maximum non-residential floor space ratios for all land identified on the Non-Residential Floor Space Ratio Map. In relation to the subject site, it states the maximum non-residential floor space ratio is 0.5:1.

The objectives of Clause 4.4A are as follows:

- (a) to provide for development with continuous and active street frontages on certain land in Zone B1 Neighbourhood Centre, Zone B4 Mixed Use and Zone SP2 Infrastructure,*
- (b) to encourage an appropriate mix of residential and non-residential uses,*
- (c) to provide a level of flexibility in the mix of land uses to cater for market demands,*
- (d) to ensure that a suitable level of non-residential floor space is provided to promote employment and reflect the hierarchy of commercial centres.*

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## 4.0 CONCEPT PROPOSAL

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### 4.1 Project Description

The accompanying Urban Design Report (UDR) provides a detailed description of the design proposal for the subject site that has been driven by a number of project specific urban design principles, which are applied to the site in a structure plan closely aligned to the Future Directions Planning Study, and finally developed into an indicative design proposal including site plan, floor plans and proposed building envelope".

In summary, the project is described as:

- A mixed-use 12-storey tower on Military Road that will consist of:
  - retail uses on the ground level to activate frontages and increase safety.
  - Commercial levels on 2 & 3
  - Residential uses on levels 4 & above
  - Basement level retail to increase total retail offering, and
  - Basement parking estimated at 4 levels.
- Building setbacks to increase public space on Military Road.
- Upper level setbacks to maintain the existing street wall, reduce building bulk and allow for sunlight to the plaza and adjacent buildings.
- A new community facility integrated into the Subject Site.
- A public bike parking facility integrated with the ground level of the building.
- Combined vehicular access for parking and loading provided off Military Lane.
- Tower footprint that allows for natural sunlight and ventilation.

The UDR has been updated in response to the comments from council in response to the scoping proposal. In particular the UDR provides:

- Indicative floor plans identify high-level compliance with the NSW Apartment Design Guide.
- Detailed shadow analysis illustrating the proposed 12-storey tower will create a marginal increase in overshadowing (<2 hours) of any properties on Yeo St or nearby properties, with the majority of shadow.
- Shadow Analysis of the Plaza shows a significant improvement to plaza amenity compared to the outcome available if the DA for 183-185 Military Road is delivered as approved.
- Comparison of the proposal against the provisions of the MRCPS

### 4.2 Public Benefit

An offer to enter a Voluntary Planning Agreement (VPA) accompanies this proposal. This offer will be subject to further discussions and negotiations with Council and is proposed to include, but not necessarily limited to, the following.

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- Additional 2.5m wide setback along Military Road frontage.
- Increased setback along eastern boundary forming a plaza on grade fronting Rangers Road.
- Additional increase in non-residential floor space (ie 2.0:1 +).
- new community facility - the existing Neutral Bay community centre is located in a small heritage building on Military Road. North Sydney Council's MRCPS and this planning proposal identify the potential to move that facility onto the subject site.
- public bike parking facility integrated with the ground level of the building.

### 4.3 Site-Specific Development Control Plan

A draft site-specific Development Control Plan (DCP) will be prepared more appropriately following Gateway determination and prior to public exhibition of any future Planning Proposal. The DCP will be prepared in consultation with Council and provide additional clarity on the intended outcomes of the Planning Proposal as it relates to the following site-specific provisions:

- Site layout
- Built form
- Set-backs
- Overshadowing
- Parking, access and loading facilities
- Provision of community facilities

## 5.0 PLANNING PROPOSAL

This Planning Proposal seeks an amendment to North Sydney LEP 2013 to facilitate development of the subject site at 183-185 Military Road, Neutral Bay as described in Section 4.1

The Planning Proposal has been prepared in accordance with Section 3.33 of the EP&A Act 1979 and the provisions prescribed in the *Local Environmental Plan Making Guideline September 2022* prepared by Department of Planning, Industry and Environment. These provisions require the following matters to be addressed:

- **Part 1 – Objectives and intended outcomes** – a statement of the objectives of the proposed LEP
- **Part 2 – Explanation of provisions** – an explanation of the provisions that are to be included in the proposed LEP
- **Part 3 – Justification of strategic and site-specific merit** – justification of strategic and potential site-specific merit, outcomes, and the process for implementation
- **Part 4 – Maps** – maps, where relevant, to identify the effect of the planning proposal and the area to which it applies
- **Part 5 – Community consultation** – details of the community consultation that is to be undertaken on the planning proposal
- **Part 6 – Project timeline** – project timeline to detail the anticipated timeframe for the LEP making process in accordance with the benchmarks in this guideline

### 5.1 Part 1 - Objectives and intended outcomes

#### Objective

Amend the North Sydney LEP 2013 to provide for the urban renewal of the subject site at 183-185 Military Road, Neutral Bay to accommodate a mixed-use development that ranges in building height from 6 to 12 storeys and introduces a minimum 2:1 non-residential floor space ratio.

#### Intended outcomes

- Provide for urban renewal that aligns with the requirements of the now rescinded Military Road Corridor Planning Study (MRCPS) Stage 1 in terms of building height, non-residential FSR, setbacks, community facility and vision for the future plaza.
- Support local jobs, local shops and housing opportunities by providing
  - additional non-residential floor space,
  - retail floor space at ground and commercial floor space above, and
  - increased housing opportunities close to public transport and shopping.
- Improve pedestrian amenity and access between Military Road and Yeo Street.
- Deliver a new community facility, bicycle parking and public parking.
- Support the village atmosphere of the Neutral Bay Town Centre.

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## 5.2 Part 2 - Explanation of provisions

The planning proposal will be achieved by amending NSLEP 2013 as detailed in **Table 2** below:

**Table 2.** Existing and Proposed NSLEP development controls

Provision	Existing NSLEP 2013 Control	Proposed NSLEP 2013 Control
Zone	B4 Mixed-Use	B4 Mixed-Use
Height of Building	16 metres	43 metres
Non-residential FSR	0.5:1	2:1

The planning proposal will require the existing *Height of Building Map* and existing *Non-Residential Floor Space Ratio Map* to be amend as detailed in **Figure 8** below.

**Figure 8.** Proposed Changes to NSLEP 2013 Mapping



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### 5.3 Part 3 - Justification of strategic and site-specific merit

This section provides a detailed assessment of the proposal's strategic and site-specific merit to determine whether the planning proposal should be supported.

The following sub-sections address the assessment criteria detailed in the *Local Environmental Plan Making Guideline September 2022* prepared by Department of Planning, Industry and Environment.

Following sections A and B provide detail on how the proposal has strategic merit by aligning with the NSW strategic planning framework. The proposal addresses all relevant principles, objectives and actions in the relevant strategic plans and in particular gives effect to the Military Road Corridor Planning Study prepared by North Sydney Council. In preparing this study, Council stated that due consideration was given to 'regional and local strategic and policy context'.

Following sections C, D and E identify the potential environmental, social and economic impacts of the proposal and demonstrates how the proposal has site-specific merit and is suitable for the site and the site is suitable for the resultant development.

#### 5.3.1 Section A – Need for the planning proposal

##### 1. Is the planning proposal a result of an endorsed LSPS, strategic study or report?

Yes. The Planning Proposal responds directly to the Military Road Corridor Planning Study (MRCPS).

##### Military Road Corridor Planning Study (MRCPS)

In response to the Military Road Corridor experiencing significant development pressure Council, in May 2018, resolved to prepare a Planning Study for the Military Road Corridor.

The background to the preparation of the MRCPS included the following

- A community survey seeking preliminary feedback about what local stakeholders' value about the centre and initial views about its future form and function.
- The initial feedback provided valuable input into the preparation of several Discussion Papers. These papers were then placed on public exhibition and reported to Council.
- Taking all this feedback into consideration, the draft MRCPS was prepared with further input from specialist consultants and Council staff.

The stated vision of the MRCPS was "*it promotes managed jobs and housing growth, while maintaining the much-loved village atmosphere of the Neutral Bay Town Centre*".

The subject site, along with the neighbouring site at 1-7 Rangers Road (Woolworths site), was identified as 'key site 3', one of three key sites in the Neutral Bay Town Centre that could support future growth.

In their report to Council following public exhibition of the MRCPS, the council officers had due consideration to the 435 submissions that were received and recommended to retain height increases of up to 12 storeys on 'key site 3' "*to strike a balance between the careful management of height to preserve character and enhance amenity whilst delivering on much needed public benefits for the centre*".

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Notwithstanding the significant public exhibition and input by specialist consultants and strategic planning staff, the MRCPS was subsequently rescinded by a newly elected Council in January 2022 because of expressed concerns about community feedback during the most recent local government elections in late 2021.

The MRCPS is no longer a council adopted strategy but it still remains a strategic planning study that was undertaken by Council and well supported by background investigations and significant community consultation. The MRCPS is the only current strategy that focuses on Neutral Bay Town Centre until a possible new an updated strategic development framework for the centre is completed by Council. Subsequently, the MRCPS deserves consideration in the assessment of any current planning proposal for land within the Neutral Bay Town Centre.

**Table 3** provides commentary on how the Planning Proposal aligns with the relevant urban design objectives of the MRCPS for the identified site.

**Table 3.** Planning Proposal consistency with Military Road Corridor Planning Study

Objectives	Comments
Support local jobs, local shops and housing opportunities	<p>The Planning Proposal provides increased space and support for commercial office, community, retail land uses and greater housing opportunities comprising:</p> <ul style="list-style-type: none"> <li>• Retail land uses at ground level activating Military Road</li> <li>• Community use on first level</li> <li>• Commercial/office use on 2nd and 3rd levels</li> <li>• Residential on levels above comprising a mix of 1,2 &amp; 3+ bedroom dwelling units</li> </ul>
Create a new public plaza fronting Rangers Road	The Planning Proposal does not compromise the creation of a new plaza on adjoining property fronting Rangers Road.
Improve pedestrian amenity and access between Rangers Road and Yeo Street	The Planning Proposal provides Improved pedestrian amenity with Increased 2.5m whole of building setback to Military Road and through-site link to Yeo Street.
Deliver a new community facility, bicycle parking and public parking	The Planning Proposal delivers a new community facility, bicycle parking and public parking.
Support the village atmosphere	Planning Proposal will contribute to the future revitalisation of the Neutral Bay Town Centre envisioned by Council to maintain the much-loved village atmosphere of the Neutral Bay Town Centre.

Having due consideration to the absence of 1-7 Rangers Road (Woolworths site) from this site, the Planning Proposal is consistent with the relevant specific requirements for the site because it provides:

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- a minimum non-residential floor space ratio of 2:1
- Residential 12-storey tower that appears slender and maximises above podium habitable facades to all sides
- a new community facility (approx. 323m<sup>2</sup>)
- a 2.5m whole of building setback to allow for an expanded tree canopy along Military Road
- a 14-space public commuter bicycle parking facility
- activated street edges along Military Road,
- loading and basement access through Military Lane

The Planning Proposal responds directly to the relevant suite of objectives and requirements in the MRCPS and will enable redevelopment of the subject site to meet the previous Council's stated vision to promote new development for future growth, while maintaining the much-loved village atmosphere of the Neutral Bay Town Centre.

**2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way**

Yes. Following consideration of the following options this planning proposal is considered the only means of achieving the objectives and outcomes described in s5.1 of this proposal.

**Option 1 – Redevelop the site under the current approved plans**

This option involves development of the site under the current approved plans as detailed in s2.3 of this proposal. This option, while seeing some limited increase in the provision of diverse housing options, will not provide for the increase in jobs and the delivery of community benefits envisaged as part of the MRCPS.

**Option 2 - Do Nothing and wait for new strategy**

Consideration was also given to doing nothing and waiting for Council to finalise a new Military Road Corridor strategy as promised that includes the Neutral Bay Town Centre. Having due consideration to the years already spent from 2018 working with Council on the initial strategy and the uncertainty with the timing of any new strategy or if it will ever be completed or adopted, there is a real possibility the site will remain in its current state and will not achieve redevelopment of the site that supports:

- Increased supply of jobs,
- Increased supply of diverse housing, and most importantly
- Delivery of community benefits that will see the future revitalisation of the Neutral Bay Town Centre envisioned by Council staff.

In addition, the opportunity to redevelop the site pursuant to the current development approval for the subject site as outlined in option 1 will have expired.

5.3.2 Section B – Relationship to the strategic planning framework

**3. Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?**

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Yes. The planning has been assessed to give effect to the objectives and actions of the following applicable regional and district plan:

**Greater Sydney Region Plan – A Metropolis of Three Cities**

As described on the Greater Cities Commission website:

*The Greater Sydney Region Plan (the Plan), A Metropolis of Three Cities:*

- sets a 40-year vision (to 2056) and establishes a 20-year plan to manage growth and change for Greater Sydney in the context of social, economic and environmental matters
- informs district and local plans and the assessment of planning proposals
- assists infrastructure agencies to plan and deliver for growth and change and to align their infrastructure plans to place-based outcomes
- informs the private sector and the wider community of the growth management and infrastructure investment intentions of government.

**Table 4** provides commentary on how the planning proposal gives effect to the 10 high level policy directions for Greater Sydney that inform the relevant District Plan, Local Planning Strategy and assessment of planning proposals.

**Table 4.** Planning Proposal consistency with Greater Sydney Region Plan

Directions	Comments
A city supported by infrastructure	<p>The Planning Proposal is supported by the recent completion of the B-Line Program, "an integrated package of service and infrastructure improvements designed to provide more reliable journeys between Mona Vale and the Sydney CBD". The B-Line includes improvements to the road corridor and implementation of bus priority measures that have significantly improved reliability of bus services, particularly along Military Road.</p> <p>A key feature of the B-Line is ten (10) modern bus stops. One is directly in front of the subject site and the provision of a wider public domain along the frontage of the subject site will significantly improve the convenience of the B-Line.</p> <p>The Planning Proposal will provide for new development that is supported by infrastructure that contributes directly to the increased 30-minute access to a metropolitan centre.</p>
A collaborative city	The planning Proposal will not impact on the attainment of the objectives relating to this policy direction.
A city for people	The Planning Proposal puts people at the heart of planning by placing development where it will have direct walkable access to public transport infrastructure and the Neutral Bay town centre. The proposal will contribute to the development of a mixed-use neighbourhood that is close to a centre and efficient public transport and will improve the opportunity for people to walk and cycle to schools,

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	local shops and services. As identified in the Plan “enhancing the safety, convenience and accessibility of walking and cycling trips has many benefits including healthier people, more successful businesses and centres and reduced traffic congestion”.
Housing the city	The proposal will yield approximately 44 residential dwelling units comprising a mix of 1, 2 and 3 bedroom units. The dwelling units will be strategically located in relation to public transport and the Neutral Bay Town Centre and will play a role in enhancing the vibrancy and vitality of the town centre.
A city of great places	The planning Proposal will not impact on the attainment of the objectives relating to this policy direction.
A well-connected city	A key outcome of this Planning Proposal is the integration of land use, transport and infrastructure planning delivering more people who will have 30-minute public transport access to one of the three metropolitan centres/cluster and to services in their nearest strategic centre seven days a week.
Jobs and skills for the city	The Planning Proposal will provide a significantly increased 2.0:1 non-residential floor space that will deliver: <ul style="list-style-type: none"> <li>• retail stores, cafes or restaurants at ground level creating job opportunities in these service industries; and</li> <li>• high level commercial floor space on the levels above the ground floor retail that will contribute to jobs growth in the Neutral Bay Town Centre.</li> </ul>
A city in its landscape	The planning Proposal will not impact on the attainment of the objectives relating to this policy direction.
An efficient city	The proposal will deliver a modern mixed-use development that is more environmentally sustainable than the current development on the subject site.
A resilient city	The proposal is not affected by flooding and will adapt to a changing world by minimising exposure to natural hazards. The proposal will be better designed and constructed to assist people adapt to climate change.

### North District Plan

District plans help councils plan and deliver for growth, change and align local planning strategies to place-based outcomes. The district plans are meant to be “a guide for implementing the draft Greater Sydney Region Plan at a district level and are a bridge between regional and local planning”.

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Under the North District Plan the subject site is strategically located within the Neutral Bay Town Centre.

**Table 5** provides a summary of how the Planning Proposal gives effect to the relevant planning priorities of the North District Plan.

**Table 5.** Planning Proposal consistency with North District Plan

Planning Priority	Comments
<p><b>A city supported by infrastructure</b></p> <p><b>N1</b> Planning for a city supported by infrastructure</p>	<p>This District Plan responds to major transport, health and education investments such as the B-Line program.</p> <p>As mentioned previously, the Planning Proposal is supported by the recent completion of the B-Line Program, <i>"an integrated package of service and infrastructure improvements designed to provide more reliable journeys between Mona Vale and the Sydney CBD"</i>. The B-Line includes improvements to the road corridor and implementation of bus priority measures that have significantly improved reliability of bus services, particularly along Military Road.</p> <p>The Planning Proposal will provide for new development that is supported by infrastructure that contributes directly to the increased 30-minute access to a metropolitan centre.</p>
<p><b>A city for people</b></p> <p><b>N4</b> Fostering healthy, creative, culturally rich and socially connected communities</p>	<p>The planning Proposal will not impact on the attainment of the objectives relating to this policy direction.</p>
<p><b>Housing the city</b></p> <p><b>N5.</b> Providing housing supply, choice and affordability with access to jobs, services and public transport</p>	<p>The Planning Proposal puts people at the heart of planning by placing development where it will have direct walkable access to public transport infrastructure and the Neutral Bay town centre.</p>
	<p>The proposal will contribute to the development of a mixed-use neighbourhood that is close to a centre and efficient public transport and will improve the opportunity for people to walk and cycle to schools, local shops and services. As identified in the Plan <i>"enhancing the safety, convenience and accessibility of walking and cycling trips has many benefits including healthier people, more successful businesses and centres and reduced traffic congestion"</i>.</p>
<p><b>A city of great places</b></p> <p><b>N6</b> Creating and renewing great places and local centres, and respecting the District's heritage</p>	<p>The proposal will yield approximately 44 residential dwelling units comprising a mix of 1, 2 and 3 bedroom units.</p> <p>The dwelling units will be strategically located in relation to public transport and the Neutral Bay</p>

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	Town Centre and will play a role in enhancing the vibrancy and vitality of the town centre.
<p><b>A well-connected city</b></p> <p><b>N12</b> Delivering integrated land use and transport planning and a 30-minute city</p>	A key outcome of this Planning Proposal is the integration of land use, transport and infrastructure planning delivering more people who will have 30-minute public transport access to one of the three metropolitan centres/cluster and to services in their nearest strategic centre seven days a week.
<p><b>A city in its landscape</b></p> <p><b>N20</b> Delivering high quality open space</p>	The planning Proposal will not impact on the attainment of the objectives relating to this policy direction.

**4. Is the planning proposal consistent with council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?**

Yes.

The stated intent of the NSLSPS is to:

- *provide a 20-year vision for land use planning within the North Sydney LGA (to 2036);*
- *outline how expected growth and change will be managed now and into the future – the desired future direction for housing, employment, transport, recreation, environment and infrastructure in the North Sydney LGA;*
- *guide the content of Council's Local Environmental Plan (LEP) and Development Control Plan (DCP), including any future changes to planning controls sought by proponents through Planning Proposals; and*
- *identify where further strategic planning work is required to deliver on key state and regional planning objectives.*

**Table 6** provides commentary on how the Planning Proposal aligns with the relevant local planning priorities in the NSLSPS.

**Table 6.** Planning Proposal consistency with the NSLSPS

<b>Local Planning Priority</b>	<b>Comments</b>
<p><b>Liveability</b></p> <p>L1 – Diverse housing options that meet the needs of the North Sydney community</p>	The Planning Proposal provides for housing that supports North Sydney's growing and changing population with a range of housing types and tenures. This new housing is in the right location because:

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<p>L2: Provide a range of community facilities and services to support a healthy, creative, diverse and socially connected North Sydney community</p> <p>L3 – Create great places that recognise and preserve North Sydney’s distinct local character and heritage</p>	<ul style="list-style-type: none"> <li>• It has easy access to the existing shopping facilities and services along Military Road and nearby shopping centres; and</li> <li>• It is strategically located to public transport with B-line bus stop and route immediately in front of the subject site.</li> </ul> <p>The Planning Proposal takes a people-focused approach to planning and place-making by providing:</p> <ul style="list-style-type: none"> <li>• New community facility</li> <li>• Improved public domain with Increased 2.5m whole of building setback to Military Road</li> <li>• Activation of the Military Road frontage</li> <li>• Public commuter bicycle parking facility</li> </ul> <p>This approach will help protect the desired future character of the Neutral Bay town centre.</p> <p>The proposal contributes to the creation of a great place and renewal of the Neutral Bay Town Centre with the provision of a people focused development that has been previously endorsed by Council officers recommendations.</p> <p>The North Sydney LSPS specifically identifies the Military Road corridor and the commencement of the planning study that will become “a planning framework against which Planning Proposals may be assessed and measured which will both contribute to the desired future character of the corridor/precinct and make a tangible contribution to the public domain, community infrastructure or other identified public benefits”.</p>
<p><b>Productivity</b></p> <p>P3 – Enhance the commercial amenity and viability of North Sydney’s local centres</p> <p>P6 – Support walkable centres and a connected, vibrant and sustainable North Sydney</p>	<p>The Planning Proposal provides increased space for commercial office and retail land uses and generally improves the safety, amenity, services and overall appeal of Neutral Bay town centre with the people-focused approach to development as described in L2 above.</p> <p>The Planning Proposal provides significant support to walking, cycling and public transport use to reduce traffic congestion and the demand for on-street parking in the Neutral Bay Town Centre.</p>
	<p><b>Walking</b> - Improved public domain with Increased 2.5m whole of building setback to Military Road and through-site link to Yeo Street.</p> <p><b>Cycling</b> – provision of public commuter bicycle parking facility.</p> <p><b>Public transport use</b> – B-line bus stop and route immediately in front of the subject site.</p>
<p><b>Sustainability</b></p>	

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S2 – Provide a high quality, well-connected and integrated urban greenspace system	Planning Proposal will Improve North Sydney's tree canopy cover by providing a 2.5m whole of building setback to Military Road to support planting of trees that will support a healthy environment and community wellbeing.
S3 – Reduce greenhouse gas emissions, energy, water and waste	Planning Proposal will provide for development of a building that will contribute to net-zero emissions by 2050 through mitigating climate change, reducing waste generation, energy and water usage.

### 5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?

There are no further State and regional studies or strategies that are considered applicable to this Planning Proposal.

### 6. Is the planning proposal consistent with applicable SEPPs?

Yes. **Table 7** below provides an assessment of the Planning Proposal against the relevant State Environmental Planning Policies (SEPPs) and confirms the proposal is consistent with the applicable SEPPs.

**Table 7.** Assessment of Planning Proposal against relevant SEPPs

SEPP	Comments	Consistency
State Environmental Planning Policy (Resilience and Hazards) 2021	This Policy requires that a consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated.  Historically the subject site has been used for commercial purposes and it is considered that the risk of land being contaminated is very low and the site is suitable for the proposed development. Notwithstanding, any potential contamination issues will be addressed appropriately at any future DA stage.	✓
State Environmental Planning Policy (Transport and Infrastructure) 2021	Development has frontage to Military Road with annual average daily traffic volume of more than 40,000 vehicles.  Vehicular access to the land will be provided by a road (Military Lane) other than the classified road (Military Road) and the final design of the development will include measures to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent Military Road.	✓
State Environmental Planning Policy (Housing) 2021	The primary aim of this Policy is to provide a consistent planning regime for the provision of diverse housing types including in-fill affordable housing.	✓

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	The proposal is capable of providing diverse housing types as part of any future DA.	
State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development	The Urban Design Report that accompanies this proposal provides a preliminary assessment of how the development complies with the key design requirements of the Apartment Design Guide (ADG). More detailed assessment will be undertaken as part of any future DA.	✓
State Environmental Planning Policy (BASIX) 2004	The NSW Government has established the BASIX scheme to encourage sustainable residential development.  Subject to carrying out development in accordance with a future schedule of BASIX commitments, the proposed development will be capable of providing sustainable residential development.	✓

## 7. Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions)?

Yes. **Table 8** below provides an assessment of the Planning Proposal against the relevant Ministerial Directions and confirms the proposal is consistent with the Directions.

**Table 8.** Assessment of Planning Proposal against relevant Ministerial Directions

Direction	Comments	Consistency
<b>Focus Area 1: Planning Systems</b>		
1.1 Implementation of Regional Plans	Table 4 details how the Planning Proposal is consistent with the Greater Sydney Region Plan.	✓
1.3 Approval and Referral Requirements	The Planning Proposal does not <ul style="list-style-type: none"> <li>include provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and</li> <li>identify development as designated development.</li> </ul>	✓
1.4 Site Specific Provisions	The planning Proposal does not contain unnecessarily restrictive site-specific planning controls.	✓
<b>Focus Area 4: Resilience and Hazards</b>		
4.4 Remediation of Contamination Land	The Planning Proposal does not propose to change the B4 Mixed Use zoning of the subject land or the uses that are currently permitted within the B4 zone.	✓

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### Focus Area 5: Transport and Infrastructure

5.1 Integrating Land Use and Transport	<p>The Planning Proposal is consistent with the aims, objectives and principles of <i>Improving Transport Choice – Guidelines for planning and development (DUAP 2001)</i>, and <i>The Right Place for Business and Services – Planning Policy (DUAP 2001)</i> because:</p> <ul style="list-style-type: none"> <li>• The proposal will provide a mix of commercial and residential land uses; and</li> <li>• The B-line service, an express rapid bus route with only 8 stops between Mona Vale and Wynyard, has one stop directly outside 183 Military Road; and</li> <li>• The proposal will maximise the use of the public transport network.</li> </ul>	✓
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### Focus Area 6: Housing

6.1 Residential Zones	<p>The B4 zone permits significant residential development.</p> <p>The Planning Proposal provides for housing that will:</p> <ul style="list-style-type: none"> <li>• broaden the choice of building types and locations available in the housing market, and</li> <li>• make more efficient use of existing infrastructure and services, and</li> <li>• reduce the consumption of land for housing and associated urban development on the urban fringe, and</li> <li>• will be of good design.</li> </ul> <p>The subject site is adequately serviced for the proposed development.</p> <p>The Planning Proposal does not contain provisions which will reduce the permissible residential density of land.</p>	✓
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### Focus Area 7: Industry and Employment

7.1 Business and Industrial Zones	<p>The B4 zone permits significant business development.</p> <p>The planning proposal gives effect to the objectives of this direction because</p> <ul style="list-style-type: none"> <li>• It encourages employment growth in suitable locations by increasing the non-residential floor space from 0.5:1 up to 2.0:1,</li> <li>• protects employment land in the B4 zone, and</li> <li>• supports the viability of identified Neutral Bay town centre.</li> </ul>	✓
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### 5.3.3 Section C – Environmental, social and economic impact

**8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?**

No. The land subject to the proposal is located in a built-up urban area and does not have the potential to contain critical habitat or threatened species, populations or ecological communities, or their habitats.

**9. Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?**

There are no other likely environmental effects of the planning proposal that require to be managed.

**10. Has the planning proposal adequately addressed any social and economic effects?**

Yes. As mentioned previously, this Planning Proposal has been prepared in direct response to, and in general compliance with, the recommendations of the Neutral Bay Town Centre Future Directions Planning Study.

The Planning Study provided a comprehensive framework that was expected to lead and guide future development in the Neutral Bay Town Centre. In setting this framework, the Study adequately addressed any social and economic effects by specifically addressing

- precinct character
- built form and potential impacts
- transport and access
- economic and demographic context
- employment capacity
- public domain and social infrastructure.

### 5.3.4 Section D – Infrastructure (Local, State and Commonwealth)

**11. Is there adequate public infrastructure for the planning proposal?**

Yes. The site is located in a built-up urban area that is very well served by public transport (B-line bus route along Military Road), infrastructure and services. More detailed investigations will be undertaken as part of any future DA to determine whether upgrades are required to existing public infrastructure to enable the proposed development to proceed.

### 5.3.5 Section E – State and Commonwealth interests

State and Commonwealth public authorities will make their views known as part of the consultation process that will occur as part of the Gateway determination of the Planning Proposal.

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## 5.4 Maps

**Figure 8** identifies the site subject to the planning proposal and the proposed amendments to the existing *Height of Building Map* and existing *Non-Residential Floor Space Ratio Map*.

## 5.5 Community consultation

The Gateway determination will specify the duration and extent of public exhibition required with the period between 20 December and 10 January (inclusive) excluded from the calculation of a period of public exhibition.

The Gateway determination may also identify the need for the planning proposal to be referred to one or more authorities and government agencies for comment. It is envisaged the following public authorities will need to be consulted as part of any public exhibition:

- Sydney Water
- Transport for NSW
- Telecommunication providers
- Gas providers
- Electricity providers

## 5.6 Part 6 – Project timeline

**Table 9** provides a project timeline detailing the anticipated timeframe for the LEP making process in accordance with the benchmarks in the *Local Environmental Plan Making Guideline September 2022* prepared by Department of Planning, Industry and Environment (Table 2).

**Table 9.** Anticipated timeframe for the LEP making process

Stage (inc. key steps)	Anticipated timeframe
<b>Stage 1 – Pre-lodgement</b> Scoping proposal and meeting	Completed
<b>Stage 2 – Planning Proposal</b> Lodgement of PP Planning assessment by council Local planning panel advice and Council resolution	July - August 2023
<b>Stage 3 - Gateway determination</b> Submitting PP for Gateway determination Department review Issue Gateway determination	March 2024
<b>Stage 4 – Post-Gateway</b>	May 2024

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Post-Gateway determination review (ie action Gateway conditions prior to public exhibition)	
<b>Stage 5 – Public Exhibition &amp; Assessment</b> Public Exhibition Response to submissions Post-exhibition evaluation Resolution for finalisation	August 2024
<b>Stage 6 - Finalisation</b> Finalisation as LPMA Finalisation package requirements Checking the finalisation package Making the LEP	December 2024

## 6.0 CONSIDERATION OF COUNCIL ISSUES

As detailed in s1.3 of this proposal, a scoping meeting was held with Council officers where a preliminary Urban Design Report (UDR) for the subject site was provided that aligns with the requirements of the now rescinded Military Road Corridor Planning Study (MRCPS) Stage 1 in terms of building height, non-residential FSR, setbacks and community facility.

The following provides a response to the specific matters Council identified needed further consideration:

### Setbacks

Setbacks of 2.5m and 1.5m to Military Road and Military Lane relate to the whole building (including basement structures) to allow deep soil zones to support large tree canopies.

High level NSW Apartment Design Guide (ADG) compliance assessment is provided in s4.7 of the accompanying UDR. With the support of indicative floor plans, the assessment confirms

- upper-level building setbacks comply with ADG requirements,
- 77% of the apartments receive a minimum of 2 hours solar access during 9-3pm on June 21<sup>st</sup> (exceeds ADG guidance of 77%). and
- 64% are naturally cross-ventilated (exceeds ADG guidance of 60%).

### Overshadowing

The UDR that accompanies this proposal:

- Confirms upper-level building setbacks comply with ADG requirements (refer 4.7 of UDR), and
- Provides a more detailed solar analysis with tables and diagrams (refer s4.8 & s4.9 of UDR).

The detailed solar analysis demonstrates how the Planning Proposal will deliver significantly improved solar access to any future plaza associated with the Woolworths site compared to the approved DA for the subject site. In particular, the solar access table in the UDR shows this improvement to be +38%, +37% and +30% at 12noon, 1pm and 2pm respectively when the plaza is likely to be used the most.

The solar analysis in the UDR (s4.8) clearly indicates how surrounding developments will retain at least 2 hours solar access between 9am-3pm in mid-winter. Particular attention is also given to the potential redevelopment of the existing commercial development at 50 Yeo Street as envisaged in the Military Road Corridor Planning Study. An elevational study undertaken of overshadowing caused by the indicative design in this Planning Proposal shows that most of the affected facade of a redeveloped 50 Yeo Street could still support north-facing living rooms that receive 2-hours sunlight per day.

### Parking, access and loading facilities

The Planning Proposal is accompanied by a detailed Transport Assessment that includes a Green Travel Plan.

The Planning Proposal will support public and active transport modes with:

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- the provision of end of trip facilities and car share facilities,
- the provision of significantly reduced levels of car parking when compared to that permitted under North Sydney Council controls, and
- travel demand management measures suggested in the Green Travel Plan to improve the mode share of public transport and active transport will be considered further at subsequent stages of the project.

Public Benefits/Voluntary Planning Agreement

A Voluntary Planning Agreement accompanies this proposal (refer s4.2). It is expected that public benefit will be provided that is commensurate with the increase in development potential of the site.

## 7.0 CONCLUSION

The planning proposal has been prepared in support of proposed amendments to *North Sydney Local Environmental Plan 2013* to facilitate the redevelopment of 183-185 Military Road, Neutral Bay. The amendments specifically relate to increasing the maximum building height standard from 16 metres to 43 metres and increasing the non-residential floor space ratio standard from 0.5:1 to 2.0:1. No change to the existing zoning is proposed.

The basis of this Planning Proposal is a shared vision with North Sydney Council to enable redevelopment of the site that will:

- Support local jobs, local shops and housing opportunities
- Create a new public plaza fronting Rangers Road
- Improve pedestrian amenity and access between Rangers Rd and Yeo St.
- Deliver a new community facility, bicycle parking and public parking
- Support the village atmosphere.

The Planning Proposal demonstrates strategic merit because it is underpinned by a strategic planning study that was endorsed by Council and does not undermine the ability to achieve the objectives and actions of high-level strategic planning policies relating to the site, including:

- Greater Sydney Regional Plan
- North District Plan, and
- North Sydney Local Strategic Planning Statement

The Planning Proposal presents a sound strategic planning outcome because:

- It will deliver public benefit outcomes that are not compromised
- Will not undermine the development potential of the adjoining Woolworths site, and the provision of a new public plaza and improved pedestrian amenity
- Will result in a significant increase in commercial floor space compared to that provide in the current approval for the site
- It is supported by a robust evidence-based planning strategy, and
- It responds to Council's and the communities expressed desire to see revitalisation and renewal of the Neutral Bay Town Centre.

The Planning Proposal demonstrates site specific merit because:

- It is strategically located along Military Road and within the Neutral Bay Town Centre with immediate access to the new B-line bus route
- It will not detrimentally impact on the amenity of the residential neighbourhood along Yeo Street, and
- It will compliment the further development of the Woolworths site in accordance with the vision of the Military Road Corridor Planning Study.

We recommend the planning Proposal proceed through the Gateway process to public exhibition.

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PLANNING PROPOSAL

# URBAN DESIGN REPORT

PP ISSUE 3  
15 MAY 2023





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## EXECUTIVE SUMMARY

Allen Jack+Cottier Architects (AJC) have been engaged by Equitibuild to prepare this Urban Design Report in support of a Planning Proposal for 183-185 Military Road, Neutral Bay, NSW. The document advocates for a 12-storey residential tower including a 4-storey non-residential podium on the site. This aligns with the previously adopted Council strategic framework, except to expand the public domain offering as well as integrating a proposed community centre within the development (rather than within the separate supermarket development adjoining the site).

The site is located in the Neutral Bay Town Centre, and is occupied by a 3-storey office building with ground floor retail as well as two 1-storey retail buildings. It is bounded by Military Road, Rangers Road, and Military Lane, adjoining Woolworths Neutral Bay Village on 1-7 Rangers Road ('Woolworths Rangers Rd') to the east and further 'main street' style two-storey retail to the west.

The subject site is part of what North Sydney Council identifies as 'Site 3' in their Military Road Corridor Planning Study ('MRCPS'), which sought to provide new social infrastructure alongside increased residential and commercial densities along Military Road within the Neutral Bay Town Centre. The MRCPS was adopted by Council in February 2021 but then rescinded 11 months later, before any changes were made to the statutory framework. It was resolved to prepare an updated strategic development framework for the area, which has not been publicly progressed.

Ensuring that the development of each of the properties within Site 3 occurs in a manner consistent with Council's objectives is now a time-sensitive concern for the two landowners within it.

The landowner behind this Planning Proposal has

an existing development consent for a mid-rise residential flat building. They have identified that they will commence construction under their existing approval before the consent lapses in 2025.

Development by the adjoining supermarket landowner, Woolworths, is similarly time-sensitive. We understand that the original development consent for the Woolworths Rangers Rd store was made through a 2005 court judgement, which included a consent condition that the Rangers Rd store can only operate while their larger Neutral Bay store (between Grosvenor Street and Grosvenor Lane, on the opposite side of Military Road) is also operational. The Grosvenor Street store has a lease expiring in 2025, at which point the store is expected to be closed and replaced with a Coles (who now owns the site).

We therefore understand that there is a significant incentive for Woolworths to redevelop their Rangers Road store before or during the period their Grosvenor Street store is closed. If this does not occur but the consent condition is varied, future development of the Woolworths landholding within Site 3 is considered unlikely after the Grosvenor Street store closes, as during construction the company would have no operational supermarket in the area.

Consequently, Woolworths has submitted a planning proposal for their Rangers Rd store and associated properties. As this report identifies, although that planning proposal references the MRCPS, it would result in a significantly inferior outcome if delivered as proposed. A comparative analysis in this report between the MRCPS and the Yeo Street Planning Proposal (Planning Proposal 6/22 - 1-7 Ranger Road, Neutral Bay) highlights the differences in the proposals and advocates for the MRCPS to be delivered as designed by Council.

AJC have therefore prepared this urban design report advocating for the strategic planning vision developed by North Sydney Council to be delivered in this area of the Neutral Bay Town Centre.

It advocates for:

- a 12-storey tower on the subject site, with ground- and basement retail below a podium composed of community centre and office uses with residential above,
- heights of 6-8-storeys on the Woolworths site, and
- a public plaza with open-air through-site link joining the two.

This report will summarise the existing statutory and strategic planning framework, provide an overview of the site's immediate and larger context, and analysis of the adjoining planning proposal submitted by Woolworths, and outline the design proposal for 183-185 Military Road that forms the basis of this Planning Proposal.

The design proposal (Figure 1) offers an outcome closely aligned to the MRCPS as originally adopted (Figure 2): a 12-storey mixed-use residential tower on the corner of Military Road and Rangers Road, an 8-storey building on Ranger Road above the Woolworths, surrounded by 6-storey buildings on Yeo Street as well as surrounding properties on Military Road and Rangers Road.

The final chapter of this report then identifies the changes to the North Sydney Planning Framework required to facilitate that design proposal's delivery.

Note that Section 4 of this report has been partially updated to address RFIs received from North Sydney Council on 18 April 2023. Sections 1, 2, 3 and 5 are unchanged from the initial November 2022 issue and may not reflect changes since that date.

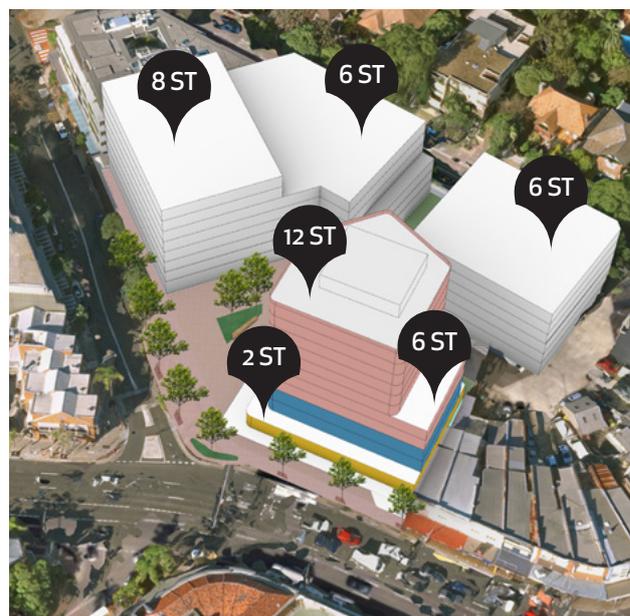


Figure 1. Indicative design proposal for 183-185 Military Road and surrounding sites.



Figure 2. SITE 3 Rangers Road, as outlined in the Military Road Corridor Planning Study, Stage 1 (source: North Sydney Council with height annotations by AJC)

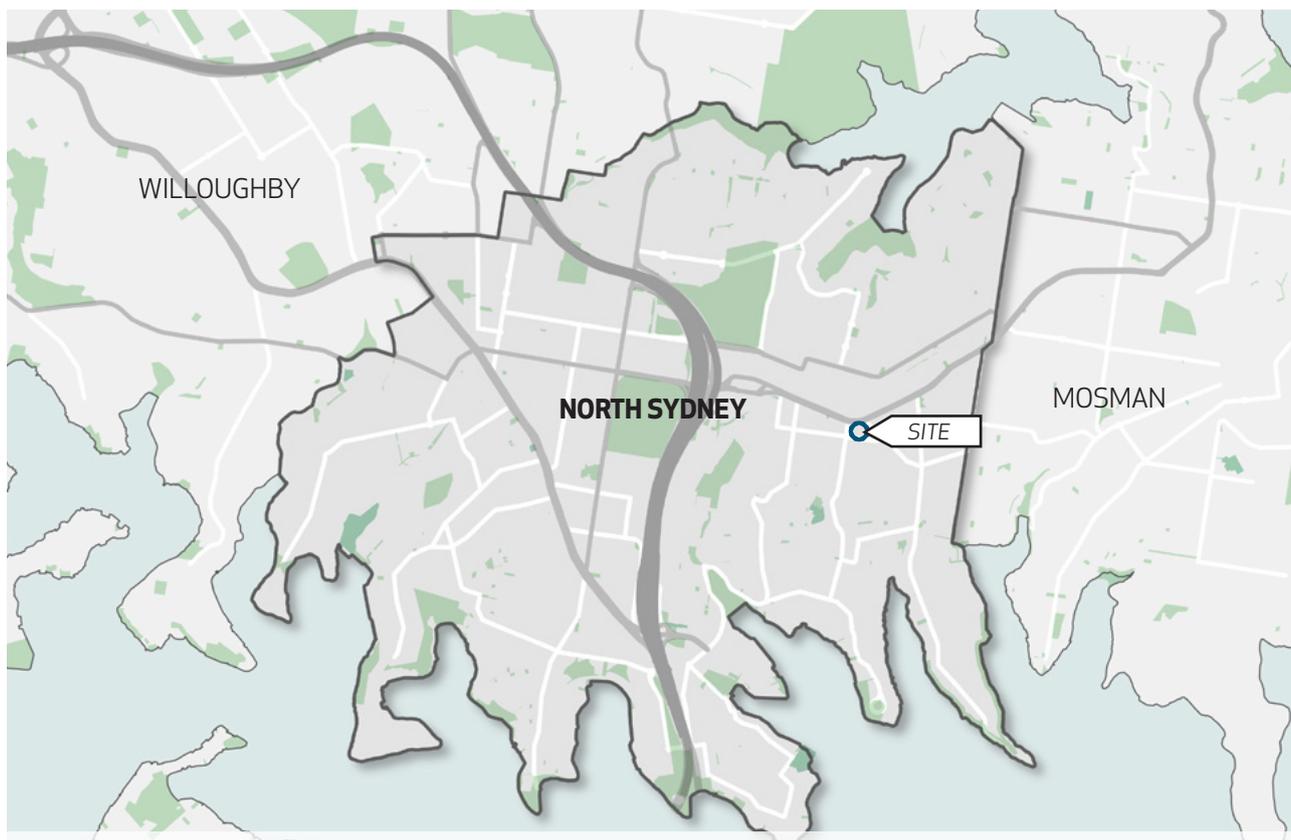


Figure 3. Site location within North Sydney LGA



Figure 4. Site location within Neutral Bay Town Centre



Figure 5. Existing Site Condition



Figure 6. Design Proposal

# 1.0

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## EXISTING STATUTORY PLANNING FRAMEWORK

## 1.1 STATUTORY PLANNING FRAMEWORK

### NORTH SYDNEY LEP 2013

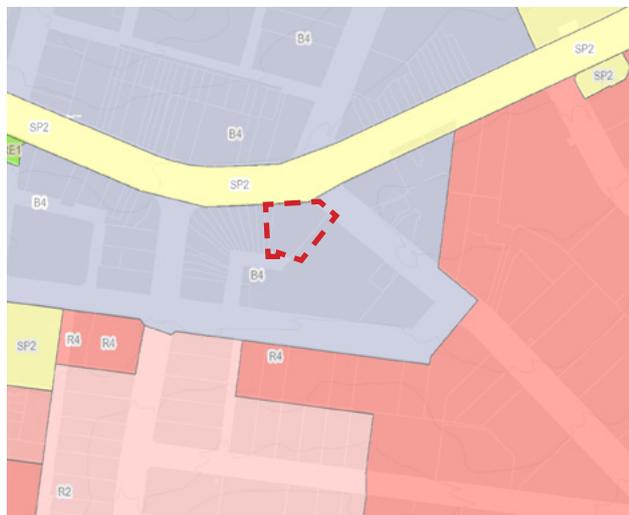


Figure 7. Existing Land Zoning Map (North Sydney LEP)

- B4 Mixed Use
- R4 High Density Residential
- R2 Low Density Residential
- SP2 Infrastructure
- Planning Proposal Site

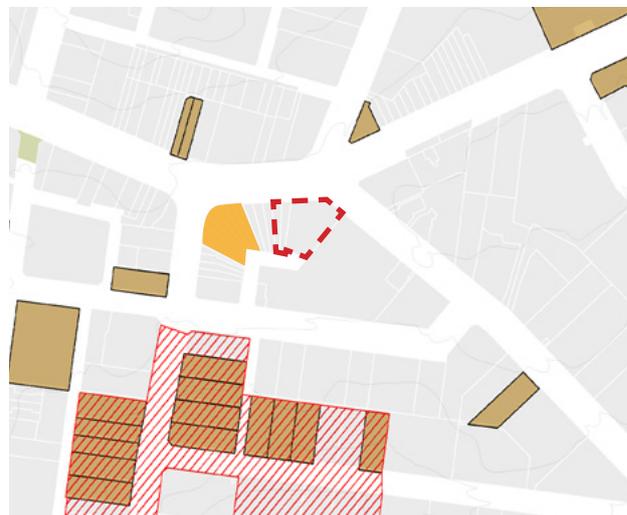


Figure 8. Existing Heritage Map (North Sydney LEP)

- Heritage conservation area
- Heritage listed building
- Iconic façades
- Planning Proposal Site

### Land zoning

The subject site is zoned B4 - Mixed Use, as are all of the properties surrounding it. Relevant objectives for development in the B4 zone are:

- “To provide a mixture of compatible land uses”
- “To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximize public transport patronage and encourage walking and cycling.”
- “To create interesting and vibrant mixed use centres with safe, high quality urban environments with residential amenity.”
- “To maintain existing commercial space and allow for residential development in mixed use buildings, with non-residential uses concentrated on the lower levels and residential uses predominantly on the higher levels.”

### Heritage

The site does not contain any heritage buildings/items. However, it is neighbouring with ‘periodic buildings’ on Military Road. Their iconic façades are of architectural and historical importance for the area. Any redevelopment is encouraged to retain these façades as they contribute positively to the local character of Neutral Bay town centre.

The site is close to a heritage conservation area on the south side of Yeo Street and is opposite a heritage listed building on the corner of Military Road and Wycombe Street.



Figure 9. Existing Minimum Non-Residential Floor Space Ratio Map (North Sydney LEP)



Figure 10. Existing Height of Buildings Map (North Sydney LEP)



**Floor Space Ratio (FSR)**

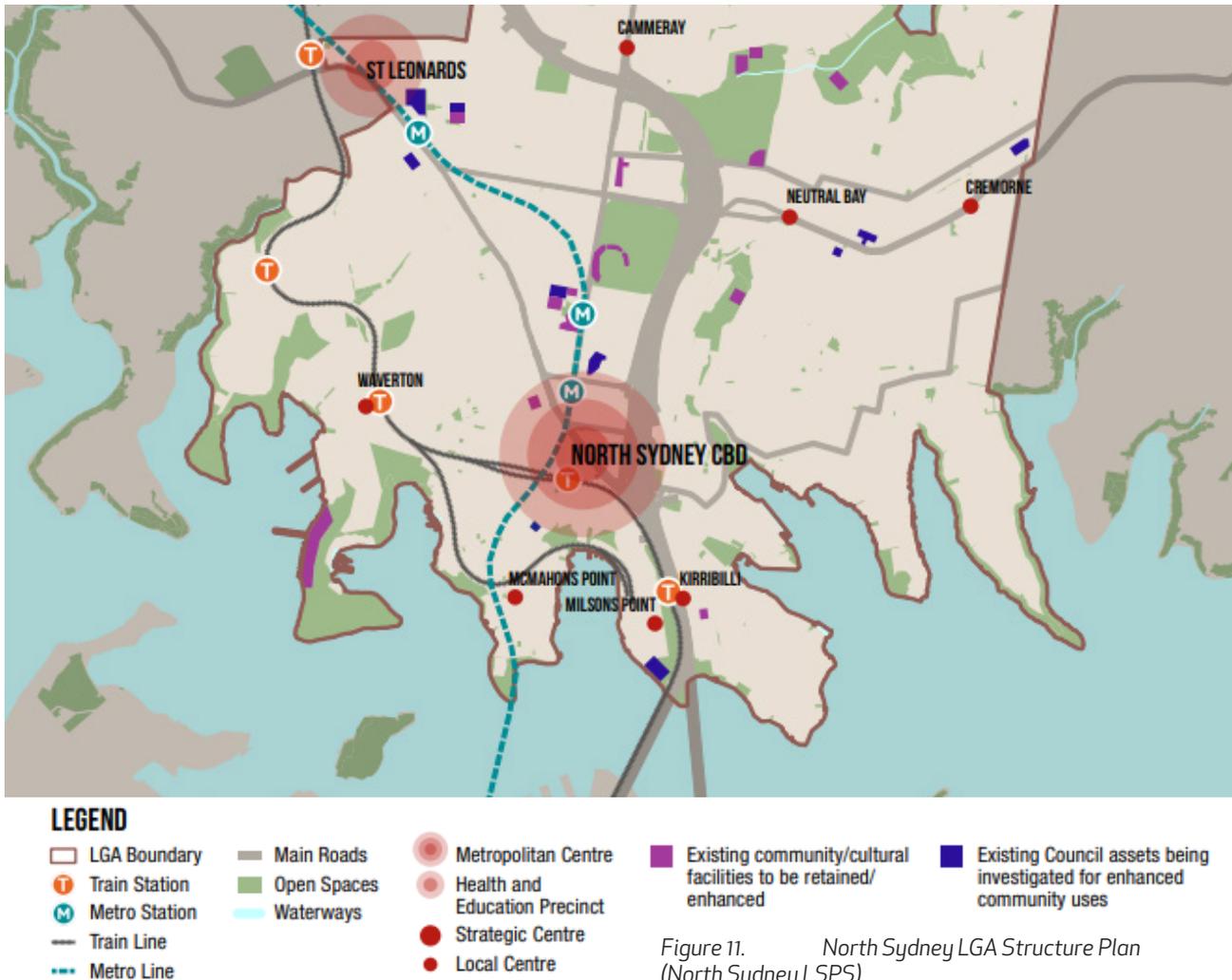
There is no overall Floor Space Ratio control for the site. There is a minimum Non-Residential FSR requirement of 0.5:1.

**Height of Buildings (HOB)**

The site has a maximum Height of Buildings limitation of 16m above existing ground level.

## 1.2 STRATEGIC PLANNING FRAMEWORK

### NORTH SYDNEY LOCAL STRATEGIC PLANNING STATEMENT



The North Sydney Council Local Strategic Planning Statement (LSPS) is the overarching strategic planning document that sets the direction of development within the North Sydney LGA.

The LSPS notes two metropolitan centres: St Leonards and the North Sydney CBD. No strategic centres are identified, with closest centre level below metropolitan being 'local'. Neutral Bay is one of 9 local centres identified in the LSPS.

Neutral Bay is identified as being within one of two Planning Study Areas (running down Military Road from the motorway to the eastern edge of the LGA). The other planning study area runs from St Leonards to Crows Nest.

The Military Road Corridor Study is mentioned, described as intended to "considers site specific and wider implications with regard to built form, transport, economic context and employment capacity, public domain, community infrastructure and precinct character. ... The outcome sought, will be a planning framework against which Planning Proposals may be assessed and measured which will both contribute to the desired future character of the corridor/precinct and make a tangible contribution to the public domain, community infrastructure or other identified public benefits."

## MILITARY ROAD CORRIDOR PLANNING STUDY

North Sydney Council's Military Road Corridor Planning Study (MRCPS) provided a review of the existing planning controls in the Neutral Bay Town Centre and proposed certain changes to accommodate revitalization and future development in the area.

The Study was adopted by Council in February 2021, but retracted in January 2022 prior to any changes to the statutory planning framework being undertaken.

Having been prepared, exhibited and amended by Council planning staff, and adopted by Councillors, the MRCPS represents what was at the time Council's view of supportable development in the Neutral Bay Town Centre. It therefore forms the basis of this site-specific Planning Proposal and so is described in detail here.

Stage 1 of the Study focused on the Neutral Bay town centre and the mixed-use zoning area along the corridor, and included the subject site at 183-185 Military Road.

MRCPS identified the area's strengths as its connection to the Sydney CBD, North Sydney and the Northern Beaches (by both main roads and public transport) and its important community supportive role as the location of a variety of neighbourhood uses and services. It also noted an ongoing decline in local jobs and increasing pressures on public domain and community facilities in the area.

The MRCPS identified that mixed-use development and densification could absorb this pressure and free up space for public domain areas, and so proposed amendments to the existing controls and acts as a guide for future planning proposals.

Three sites were identified as being able to support taller mixed-use buildings while providing new open space and/or community facilities, including 'Site 3 - Rangers Road' which includes the subject site at 183-185 Military Road and the adjacent Woolworths lot.



Figure 12. Military Road Corridor Planning Study, Stage 1 (source: North Sydney Council)

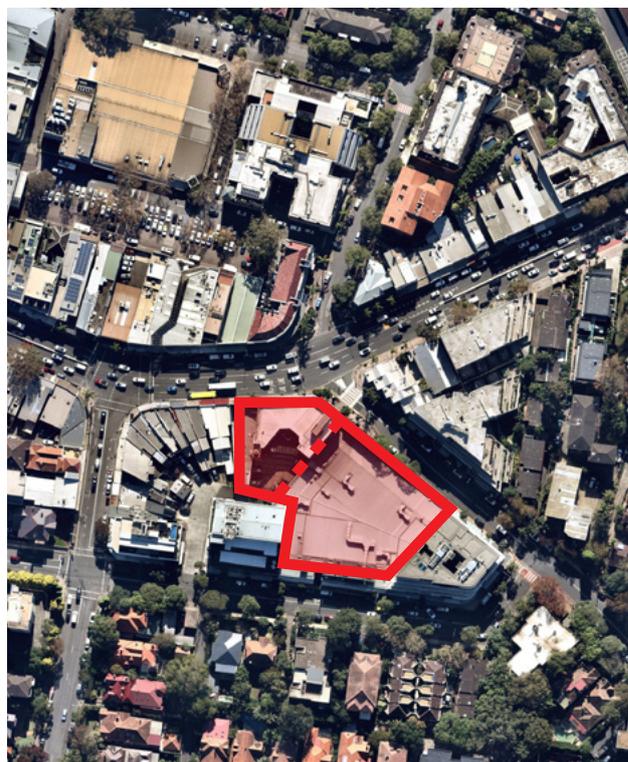


Figure 13. SITE 3 Rangers Road, as outlined in the Military Road Corridor Planning Study, Stage 1



Figure 14. Public benefits



Figure 15. Solar access



Figure 16. Building heights



Figure 17. Building setbacks

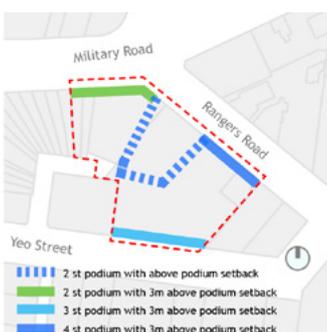


Figure 18. Above podium setbacks

**Public benefits**

According to the MRCPS, a new public plaza on the southern side of Military Road should be delivered by relocating the current supermarket underground. This would provide open space and expand retail opportunities to support population growth. In conjunction with the B-line bus stop located on Military Road, the framework recommends for a 2.5m building setback to widen the existing footpath and expand the tree canopy, a new 1000sqm plaza, and an open air through-site link to Yeo Street.

Other public benefits nominated are a new 1000sqm community facility within the Woolworths site and a public commuter bicycle parking within 183-185 Military Road to encourage and facilitate greater use of the B-Line by locals within a bikeable distance of the stop.

**Solar access**

The study highlights the importance of solar access to the surrounding façades and public domain. It identifies that new development should allow for sunlight to residential properties on the south of Yeo Street and onto the new plaza created on the Woolworths Site.

**Maximum building heights**

The proposed framework identifies building heights to facilitate the increased public domain and social infrastructure. Heights of 6, 8 and 12 storeys are identified, with the lower heights positioned on the Woolworths site and taller tower on the 183-185 Military Road site.

**Building and above podium setbacks**

Provisions for building and podium setbacks are proposed to transition the taller building heights identified with the existing scale of surrounding buildings as well as to better contribute to the character of the new public domain.

Source of diagrams: Military Road Corridor Planning Study

MILITARY ROAD CORRIDOR PLANNING STUDY, PROPOSED PLANNING CONTROLS



Figure 19. Proposed building height, MRCPS

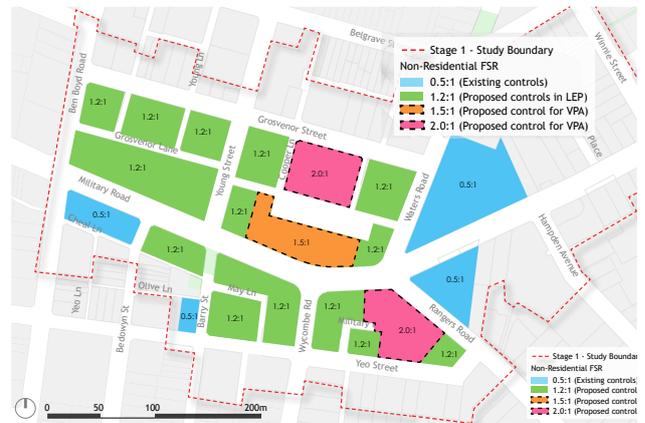


Figure 20. Proposed minimum Non-residential FSRs, MRCPS

**Building heights**

New building heights are also proposed for the areas surrounding the Site. As identified, Site 3 is nominated for heights from 6 to 8 storeys. Surrounding areas are identified as 6 storeys, with additional 12 storey towers on the other side of Military Road.

**Floor Space Ratio (FSR)**

Under the current controls (NSLEP 2013), the non-residential floor space ratio (FSR) is 0.5:1. The strategy would increase this to minimum non-residential FSR of 2.0:1.

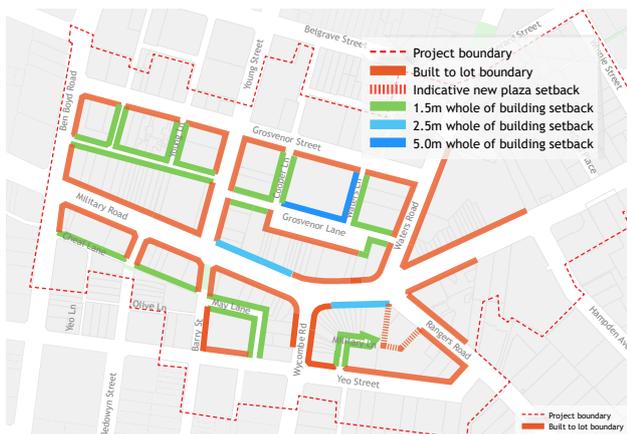


Figure 21. Proposed building setbacks, MRCPS



Figure 22. Proposed podium setbacks, MRCPS

**Building setbacks**

A 2.5m whole of building setback is proposed along Military Road, identified as creating more space for pedestrian amenity at the B-Line bus-stop as well as allowing for deep soil zones and large tree canopies.

**Podium setbacks**

There is a 2 storey podium proposed for the site along Military Road and the future plaza. Above the podium a 3m upper level setback is proposed to Military Road. An upper level setback is nominated to the plaza as well but is not defined.

Source of Diagrams: Military Road Corridor Planning Study

# 2.0

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## SITE CONTEXT & ANALYSIS

## 2.1 SITE



Figure 23. Subject site, 183-185 Military Road

183-185 Military Road is currently occupied by a 3-storey office building including a retail ground floor, as well as two single-storey retail properties typical of traditional main street typologies. The retail properties have rear parking with a second storey used for storage. All properties have parking access and loading from the rear lane, Military Lane.

The 'Site 3' identified in the Military Road Corridor Planning Study (MRCPS) includes 183-185 Military Road as well as the Woolworths site adjacent. The Woolworths site is currently occupied by a supermarket and basement parking, as well as a 5-storey office building on Yeo Street. Their loading is from Military Lane while the basement is accessed from Yeo Street.

## 2.2 SITE PHOTOS

# SITE PHOTOS



Figure 24. Site photos map

Photography of the subject site is provided here, identifying a site that has prominent frontages to Military Road, contributes to the Military Road/ Rangers Road component of the Neutral Bay Town Centre, and is able to be discretely serviced from a rear lane without affecting the quiet residential character of Yeo Street.



Figure 25. Photo A) Subject Site



Figure 26. Photo B) Subject Site



Figure 27. Photo C) The site has high visibility on approach from the east



Figure 28. Photo D) The site has medium visibility on approach from the west



Figure 29. Photo E) A low-rise supermarket building adjoins the site directly to the east



Figure 30. Photo F) A line of traditional two-storey main-street style retail adjoins the site to the west



Figure 31. Photos G-I). Yeo Street to the south is a low-density street with two lines of parallel trees.



Figure 32. Photo J) The Woolworths public parking garage presents a poor frontage to Yeo Street



Figure 33. Photo K) The parking & service access to the subject site sit discretely in a rear lane

## 2.3 URBAN FORM

# URBAN FORM



Figure 34. North aerial view of the study area

Neutral Bay and surrounding suburbs have a predominately low-density character, except for a band of density surrounding Military Road. A range of building densities and typologies are positioned on and near Military Road, including a number of point towers of 10-14 storeys that create a skyline of low-rise houses mixed with medium-rise (3-8 storeys) and high-rise (>9 storeys) residential towers.



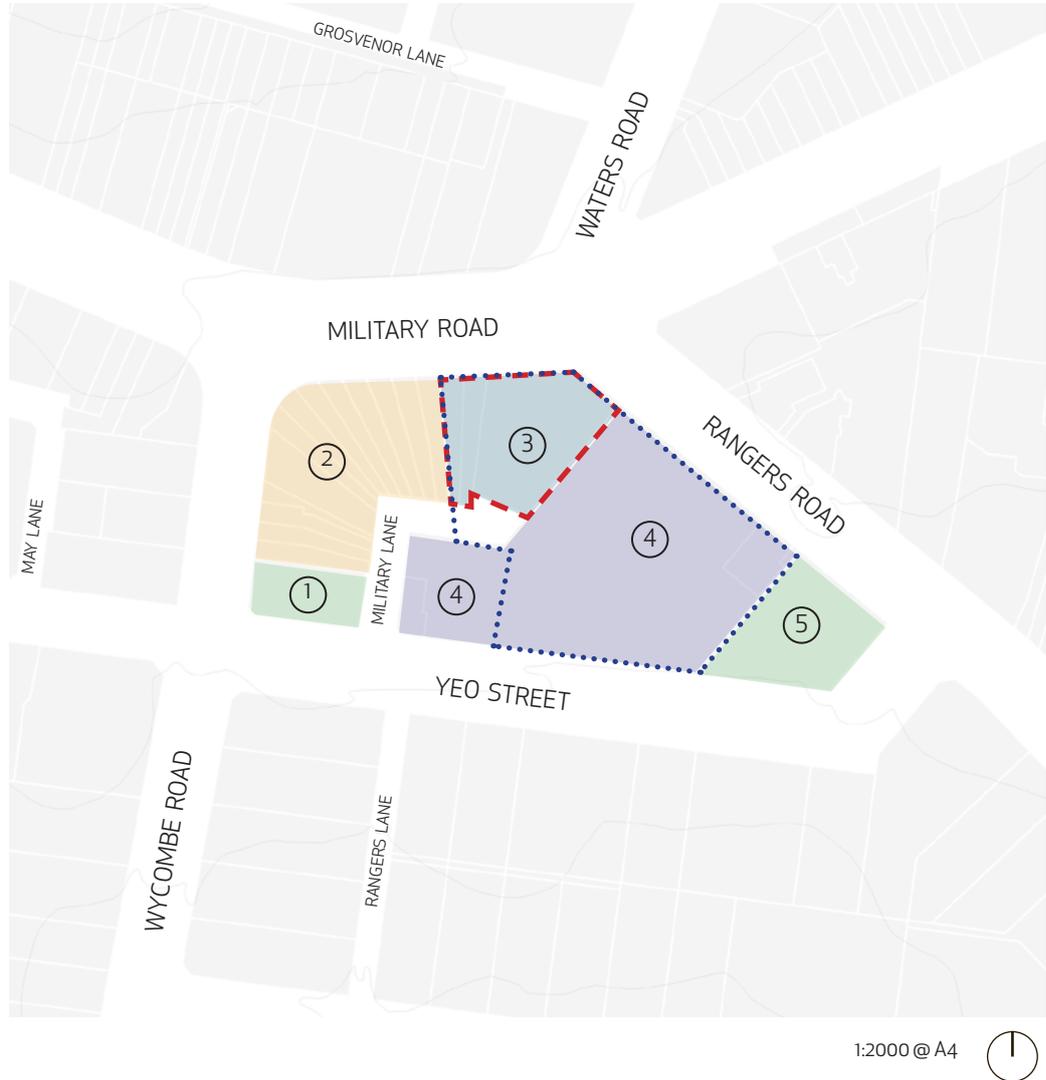
Figure 35. South aerial view of the area



Figure 36. Southwest aerial view of the area

## 2.4 OWNERSHIP PATTERN

# OWNERSHIP PATTERN



**KEY**

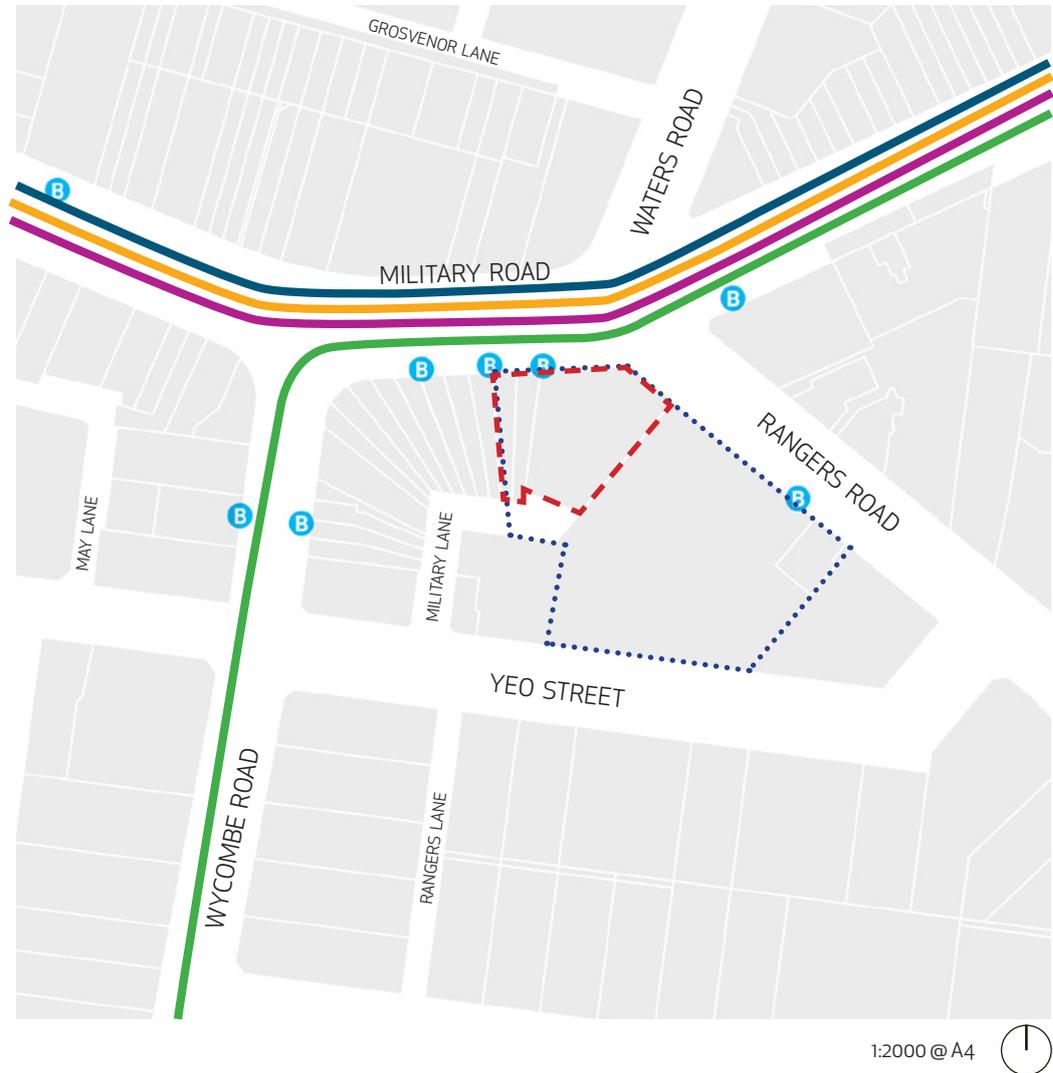
- Shoptop housing in strata ownership
- (2) Fragmented smaller ownership
- Equitibuild
- Fabcot Pty Ltd (Woolworths Group)
- MRCPS Site 3
- Planning Proposal Site

**Ownership pattern**

The study area consists of a diverse range of ownership patterns. Along the edges of the site there are small lots in fragmented ownerships (#2) as well as shoptop housing in strata ownership (#1,#5), which are not expected to redevelop in the medium term. The Woolworths Group Site (#4), based on a recently submitted planning proposal, is owned by three entities with the intent to redevelop. The properties at 183-185 Military Road (#3) are held in single ownership, able to be redeveloped with relative ease.

## 2.5 PUBLIC TRANSPORT

# PUBLIC TRANSPORT



1:2000 @ A4



**KEY**

-  Bus Stops
-  B-Line
-  Bus routes
-  MRCPS Site 3
-  Planning Proposal Site

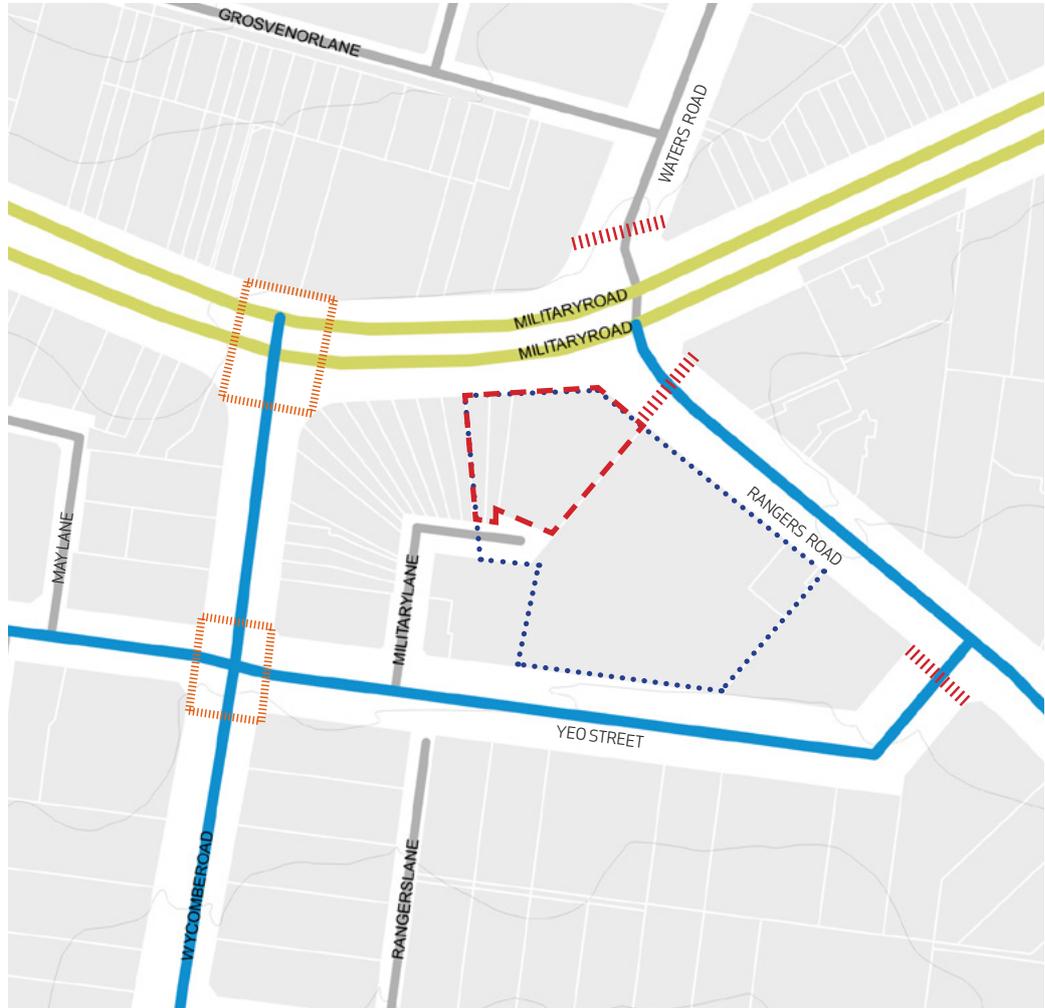
**Public Transport**

The site is well serviced by a number of Sydney Bus routes connecting to the Sydney CBD, North Sydney, and the Northern Beaches.

The B-Line services Neutral Bay directly outside the subject property. The B-line service is an express rapid bus route with only 8 stops between Mona Vale and Wynyard, one of which is outside 183 Military Road.

## 2.6 ROAD NETWORK

# ROAD NETWORK



1:2000 @ A4

**KEY**

- Arterial Road
- Distributor road
- Local road
- Pedestrian crossing
- Traffic Signal
- MRCPS Site 3
- Planning Proposal Site

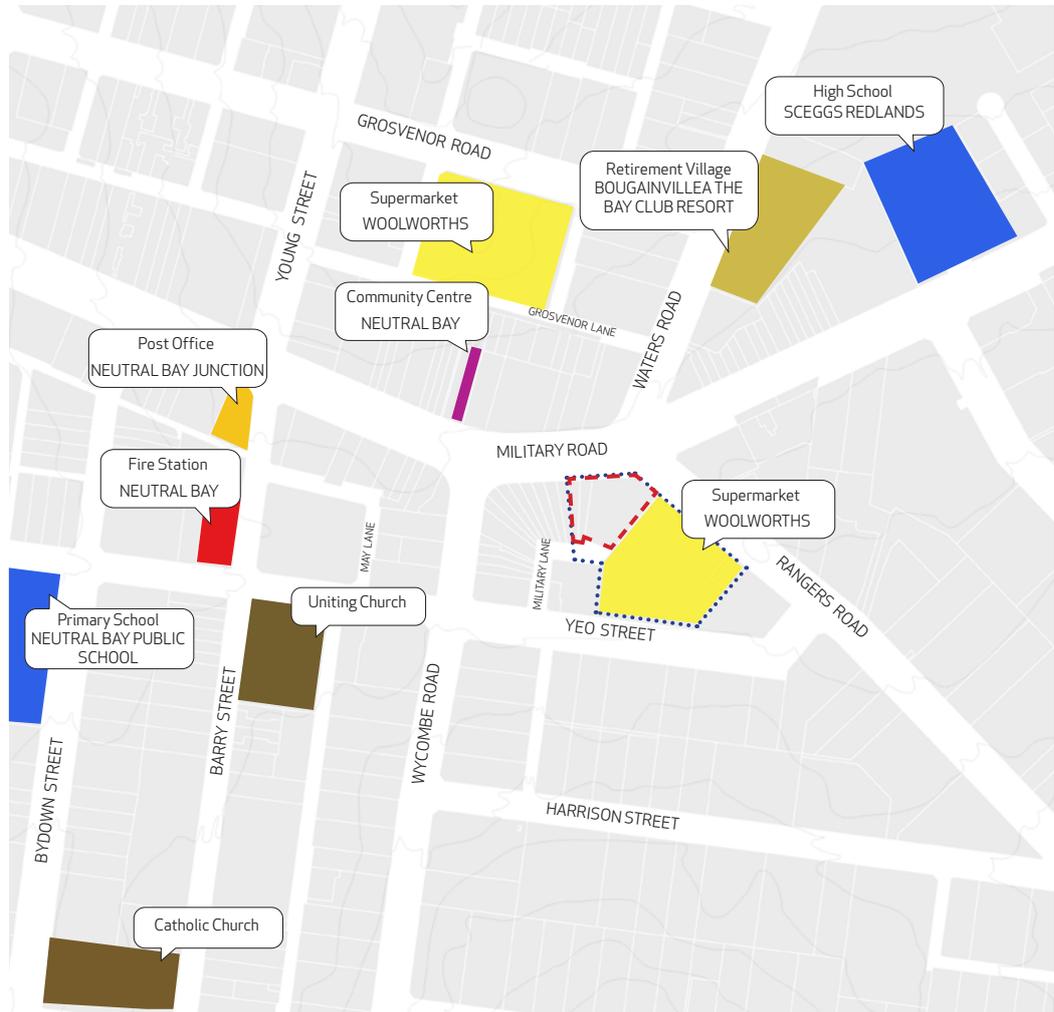
**Road Network**

The site has direct access to Military Road which offers connections to the Sydney arterial motorway network via Military Road travelling east to the M1. Access to the Northern Beaches is available travelling east along Military Road.

Locally, Military Road generally acts as a significant barrier, with 6 lanes of traffic. The subject site is a short distance from one of few signalised crossings along Military Road.

## 2.7 SURROUNDING AMENITIES

# AMENITIES



1:4000 @ A4 

### KEY

-  Place of Worship
-  Fire Station
-  Retirement Village
-  School
-  Post Office
-  Community Centre
-  Super Market
-  MRCPS Site 3
-  Planning Proposal Site

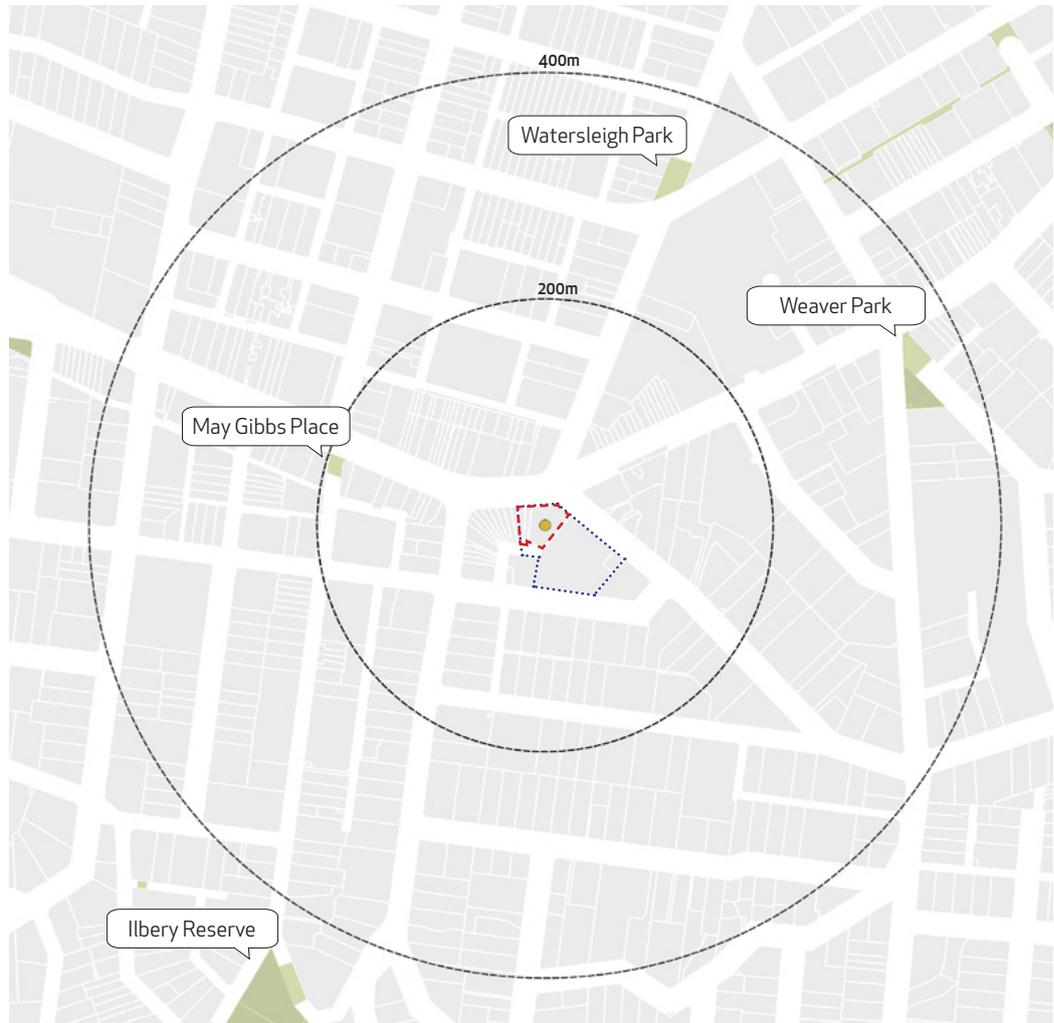
### Amenities

Several amenities are located within walking distance from the site. The site sits within the Neutral Bay retail town centre, and other social infrastructure such as educational and community facilities (schools, post office, fire station, places of worship) are within a short walk.

The existing Neutral Bay community centre is located in a small heritage building on Military Road. North Sydney Council’s MRCPS and this planning proposal identify the potential to move that facility onto the Subject Site.

## 2.8 OPEN SPACE NETWORK

# OPEN SPACE



**KEY**

- Open space
- MRCPS Site 3
- Planning Proposal Site

**Open Space**

Public open spaces are extremely under-provided for within the Neutral Bay town centre. May Gibbs Place (200sqm) is to the West, Watersleigh Park (500sqm) is to the North, and Weaver Park (1000sqm) to the East, offer mainly casual seating within small passive recreation spaces.

## 2.9 SUMMARY OF SITE CONSTRAINTS

# CONSTRAINTS



**KEY**

- B Bus Stops
- Retail strip
- Heavy traffic
- Fragmented ownership
- Low density
- Heritage
- MRCPS Site 3
- Planning Proposal Site

**Constraints**

1. Fragmented ownership.
2. Low density residential to the south of the site.
3. Need to retain solar access to southern dwellings.
4. Noise and pollution impacts caused by heavy traffic along Military Road.
5. Narrow footpath around high-use rapid bus stop causing pedestrian crowding.
6. Nearby heritage conservation areas and buildings.

## 2.10 SUMMARY OF SITE OPPORTUNITIES

# OPPORTUNITIES



### KEY

-  Widen footpath
-  Pedestrian connection
-  Public bicycle parking
-  Public domain
-  Community amenities
-  MRCPS Site 3
-  Planning Proposal Site

### Opportunities

1. High visibility of site due to position at curve of Military Road.
2. Potential to widen the footpath on Military Road to ameliorate pedestrian crowding around bus stops, create opportunities for more activated retail frontages, and improve pedestrian safety.
3. Ideal location for community centre accessed by public transport.
4. Potential to create public bicycle parking in proximity to bus-stops.
5. Potential to contribute to future plaza envisaged in MRCPS to connect public open space to Military Road.
6. Ability to connect to through-site links identified in MRCPS to create shorter connections between Military Road to Yeo Street.
7. Immediate access from site to public transport outside.
8. Site well connected to Sydney's arterial road network
9. Consolidated ownership pattern allows single or dual phase development of a large area.
10. Potential for discrete loading & parking via existing rear lane.

# 3.0

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## NEIGHBOURING PLANNING PROPOSAL

### 3.1 NEIGHBOURING PLANNING PROPOSAL



Figure 37. Proposed site for Yeo St Planning Proposal (6/22 - 1-7 Ranger Road)

The adjoining landowner of 3-7 Rangers Road and 50 Yeo Street has submitted Planning Proposal 9/2022/6 ('Yeo Street PP') to facilitate the replacement of an existing single-storey supermarket and 5-storey office building with a 10-storey mixed-use shoptop building above an underground supermarket.

The Yeo Street PP follows certain attributes of the basic structure plan of the MRCPS, but differs significantly in its built form. The current PP for 183-185 Military Road proposes that the MRCPS as originally adopted represents a superior outcome to the Yeo Street PP, and so proposes to deliver it un-amended through separate landowner Planning Proposals.

The following pages will compare the Yeo Street PP with the MRCPS, highlight the differences and conclude in recommendations for a more balanced outcome.

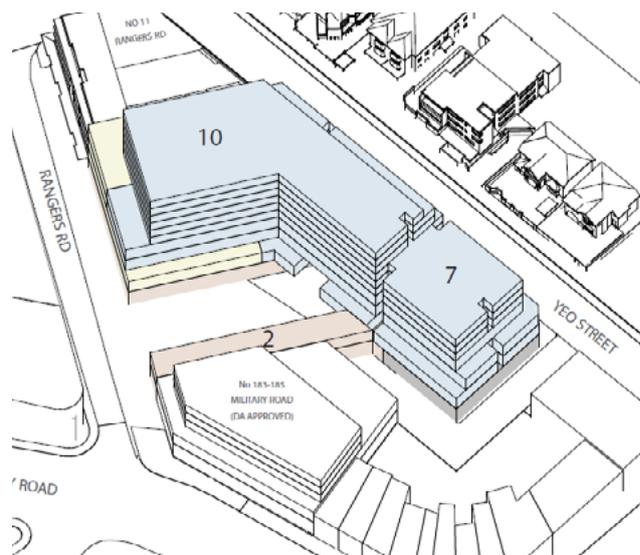


Figure 38. Proposed envelopes (source: Woolworths)

### 3.2 COMPARISONS OF NEIGHBOURING PP WITH MRCPS

#### PUBLIC BENEFITS

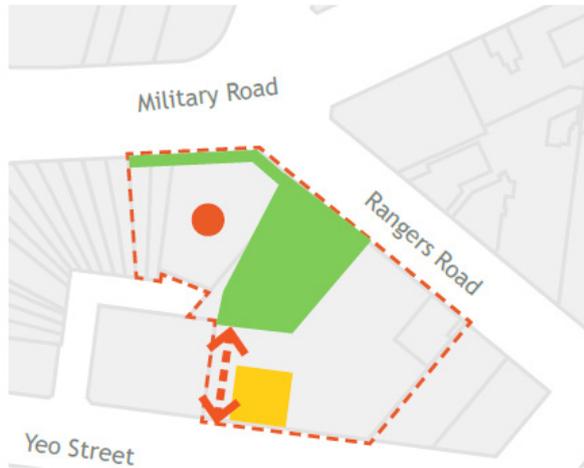


Figure 39. MRCPS, Proposed public benefits (source: North Sydney Council's MRCPS)

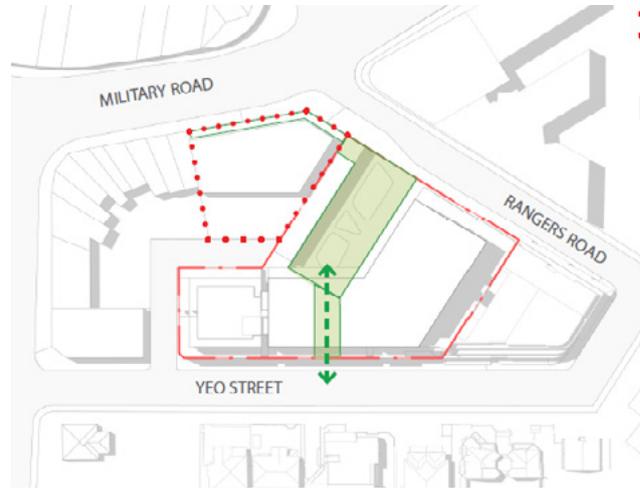


Figure 40. Yeo St PP, Proposed public benefits (source: Woolworths Planning Proposal)

- Secured commuter bicycle parking spaces
- ←- - - -> Through-site link
- New public domain (plaza and footpath)
- New community facility

- ←- - - -> Through-site link
- Proposed site
- Adjacent development site
- Public Plaza & through Site Link

According to the MRCPS (p. 63), planning proposals in this area should together deliver public domain area of 1250sqm, made up mainly of a new 1000sqm public plaza with the remainder coming from an increased building setback on Military Road and a through-site link to Yeo Street.

As per the MRCPS, the Yeo Street PP relocates the existing supermarket underground in order to provide a public plaza above. However the plaza (18.5m x 44m) is smaller at approximately 820sqm and, because it has been relocated, orients only to Yeo Street and not Military Road.

The MRCPS is silent on the character of the through-site link at Site 3, but elsewhere (p29) describes through-site links as needing to be open to the sky and framed by 3-storey street walls.

The Yeo Street PP proposes a double-storey 8m-wide through-site link through the southern building. This allows pedestrians to traverse between the plaza and Yeo Street, but is not open to the sky and so doesn't provide the same public character of breaking up of the adjoining building masses as envisaged in the MRCPS.

SOLAR ACCESS



Figure 41. MRCPS, Solar access (source: North Sydney Council's MRCPS)

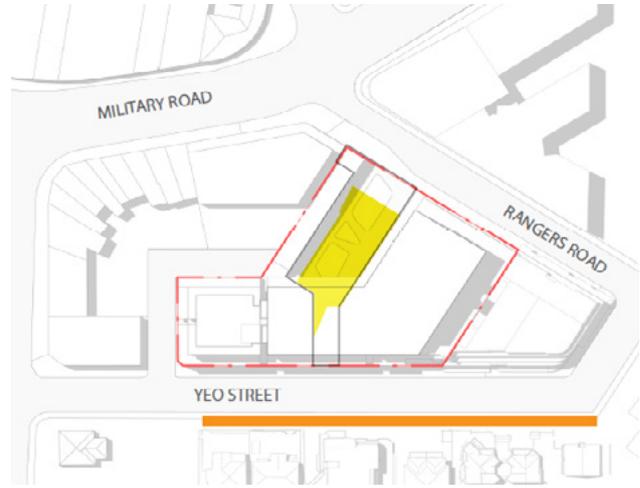


Figure 42. Yeo St PP, Proposed public benefits (source: Woolworths Planning Proposal)

- Site 3
- Solar access to public domain
- Solar access to façades

- Proposed site
- Solar access to public domain
- Solar access to façades

The MRCPS highlights the importance of solar access to the surrounding façades and public spaces(p.46).

The proposed scheme in PP 9/2022/6 and the suggested building mass will significantly affect the access to sunlight on the surrounding buildings on the south side of Yeo Street.

Additionally, the through-site link and the ground level spaces have limited access to sunlight because the proposed design for the through-site link is not open to the sky and does not provide a podium setback.

BUILDING HEIGHTS

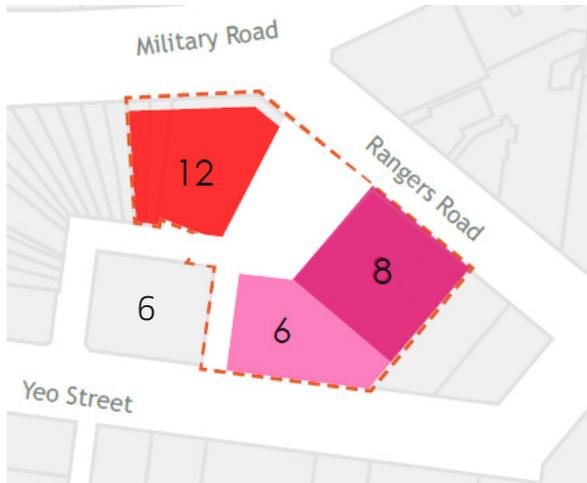


Figure 43. MRCPS, Proposed public benefits (source: North Sydney Council's MRCPS, with added annotation highlighting existing 6-storey commercial height)

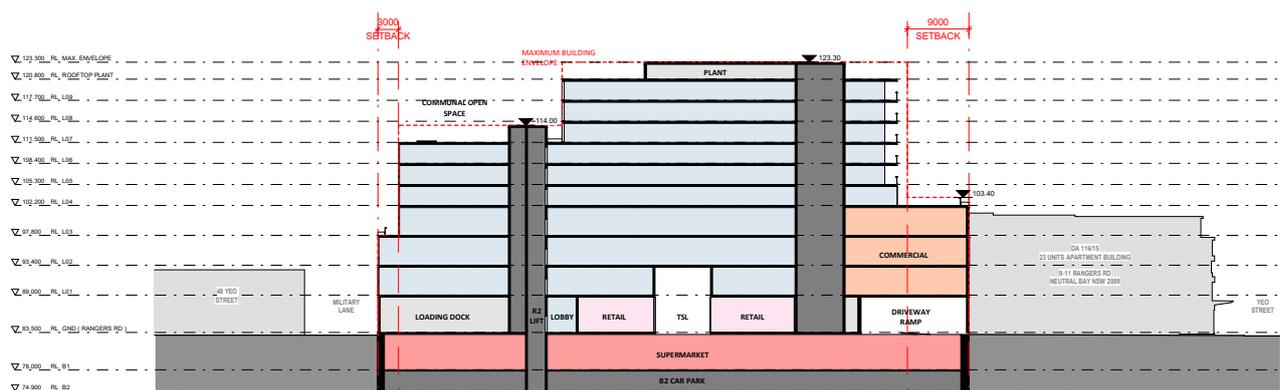
The MRCPS recommends increasing building heights to a maximum of 6, 8 and 12 storeys (p. 5). Specifically, the MRCPS shows a 12 storey building on 183-185 Military Road, an 8 storey building facing Rangers Road and 6 storey building towards Yeo Street (p.63). This configuration offers development opportunities for mixed-use while respecting the surrounding buildings and the local character.



Figure 44. Yeo St PP, Proposed building heights (source: Woolworths Planning Proposal)

The proposed building heights in the PP 9/2022/6 are a consistent 10-storeys along both Rangers Road and Yeo Street, dropping to 7-storeys to replace the existing 5-storey office building. Levels 1 to 3 have a floor-to-floor height of 4,4m which increases the total height of the building envelope to an equivalent height of 8- and 11- (rather than 7- and 10-). No accentuating tower is shown at 183-185 Military Road, which is identified as unchanged from the existing statutory framework. All surrounding sites are also assumed unchanged.

The 10-storeys on Yeo Street provides no transition to the lower scale surrounds and will negatively impact the visual character of the street as well as solar access of the buildings to the south. .



PODIUM SETBACKS

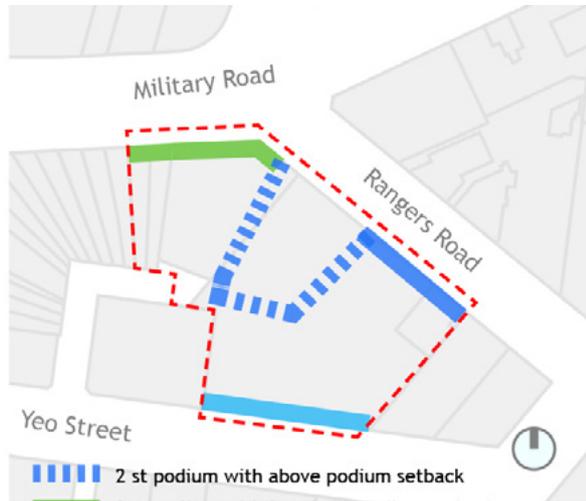


Figure 45. MRCPS, Proposed podium setbacks (source: North Sydney Council's MRCPS)

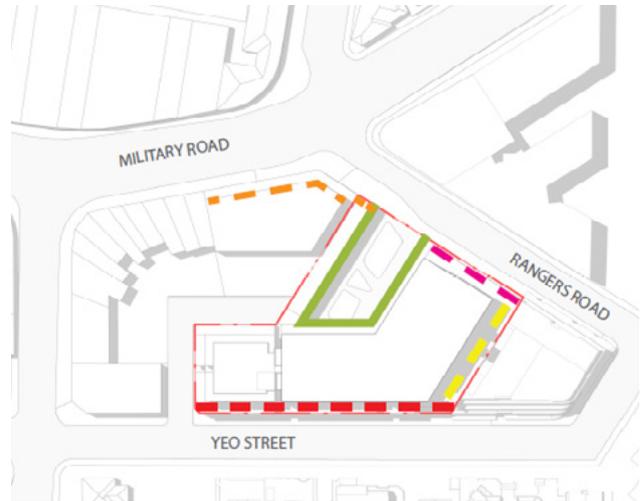


Figure 46. Yeo St PP, Proposed podium setbacks (source: Woolworths Planning Proposal)

- Site 3
- 2 st podium with above podium setback
- 2 st podium with 3m above podium setback
- 3 st podium with 3m above podium setback
- 4 st podium with 3m above podium setback

- Proposed site
- 2 storey podium with above podium setback
- 2 storey podium
- 3 storey podium with 3m above podium setback
- 4 st podium with 3m above podium setback
- 9m setback to residential levels

The MRCPS sets building and podium setbacks (p.48 and 50) in order to provide areas of new public domain and ensure human scale design with a neighbourhood feel. These controls also aim to improve solar access and ventilation to ground floor spaces as well as pedestrian and vehicular access.

Although PP 9/2022/6 indicates some setbacks, key features of the MRCPS are not followed, such as:

- 3 storey podium building around the through-site link
- 1.5m building on Military Lane,
- 2,5m indicative new plaza setback

The lack of these setbacks could potentially result in areas with excessive building bulk, impacting sunlight, ventilation, pedestrian and vehicular access.

### 3.3 RECOMMENDATIONS

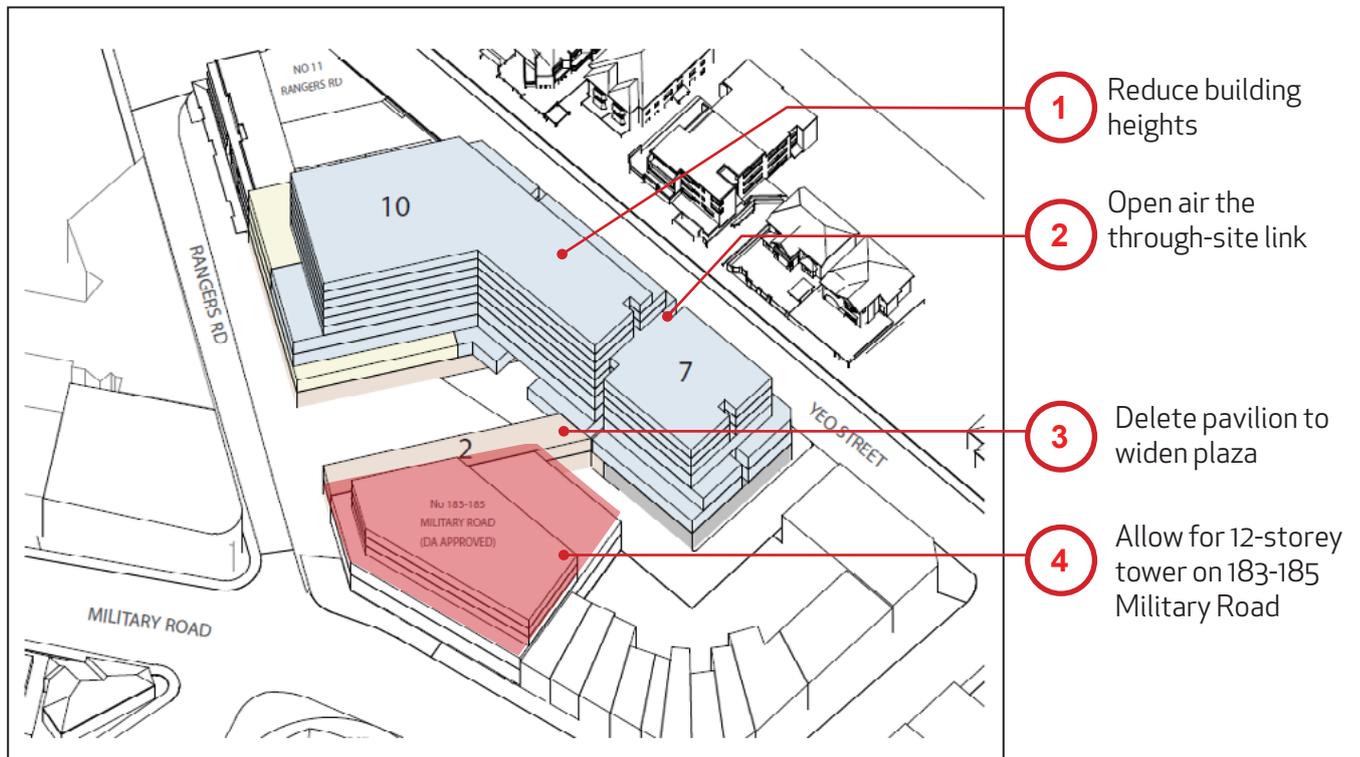


Figure 47. Yeo St PP, Proposed envelop (source: Woolworths Planning Proposal)

The MRCPS and this document supports changes to the statutory planning framework to facilitate development of the adjoining supermarket site. However, a review of the Yeo Street PP 6/22 - 1-7 as submitted shows an inferior outcome when compared to what was envisaged in the MRCPS. Consequently, this document supports the progression of that Planning Proposal, but recommends and assumes that it will be cut back to align more closely to the originally adopted.

Specifically, we recommend the Yeo Street PP:

1. Reduce building heights to align with MRCPS: 8-storeys on Rangers Road and dropping to 6-storeys on Yeo Street.
2. Make the through-site link open air, giving it a more public character and breaking the rear envelope shown into two buildings
3. Widen the plaza by deleting the 2-storey retail pavilion, in order to improve visibility and pedestrian circulation from Military Road and the public transport stops into the plaza.
4. Allow for 12-storey tower on 185 Military Road, per the MRCPS, to accentuate the location of the plaza.

# 4.0

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## DESIGN PROPOSAL FOR 183-185 MILITARY ROAD

## 4.1 INDICATIVE DESIGN PROPOSAL



Figure 48. Design Proposal

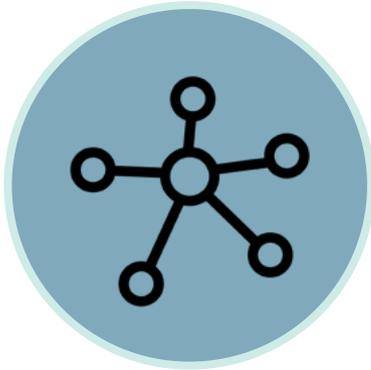
This Planning Proposal offers an outcome more closely aligned to the MRCPS as originally adopted: a 12-storey mixed-use residential tower on the corner of Military Road and Rangers Road, with heights limited to 6-storeys along Yeo Street.

The design has been driven by a number of project-specific urban design principles, which are applied to the site in a structure plan closely aligned to the MRCPS, and finally developed into an indicative design proposal including site plan, floor plans and proposed building envelope.



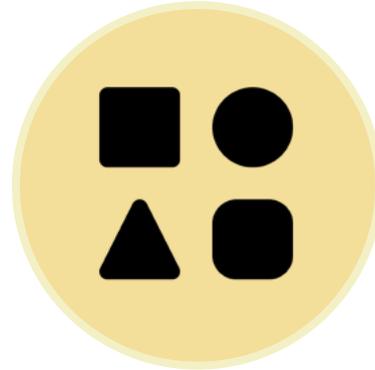
Figure 49. MRCPS, Proposed envelop (source: North Sydney Council with height annotations by AJC)

## 4.2 DESIGN PRINCIPLES



### Connectivity

The redevelopment will facilitate an adjoining plaza, bringing people together and connecting them with different uses and spaces. The design will aim to create legible and safe connections for pedestrians in and around the study area. Additional considerations for accessibility to public transport and connection with public amenities will address community needs.



### Diversity

A variety of uses and spaces is proposed to address the social and economic needs and cater to a diversity of users. New development will create retail, commercial, residential and community spaces. Variation of architectural design (scale, volume, height, materiality) in combination with features of the existing character could offer a multi-sensory experience to residents and visitors and create a vibrant centre. In addition, the proposed plaza should be flexible to accommodate day and night activities.



### Sustainability

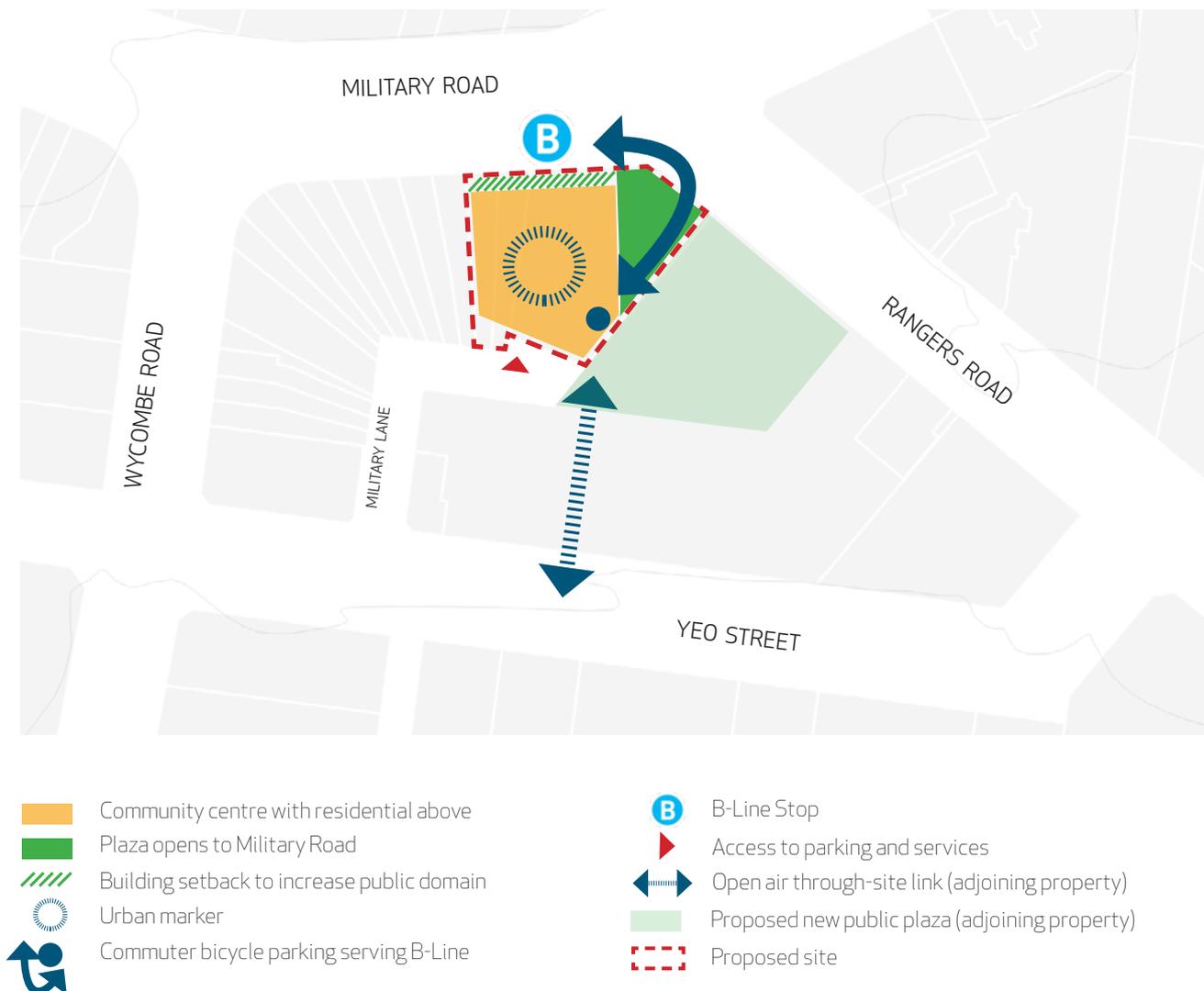
The redevelopment of the area should follow sustainable design principles and encourage walkability and use of public transport. Design should take into consideration current infrastructure (bus stops, roads) and provide public facilities for commuters. Under this principle, the creation of new public space will also increase vegetation and provide access to natural light and ventilation.



### Safety

This principle highlights the importance of safe environments for the community. Design will create safe access into and around the site, and better connections to public transport for residents and visitors. Public infrastructure, community facilities, and place activation through mixed-use development will increase walkability and provide a vibrant and safe place for all throughout day and night.

## 4.3 STRUCTURE PLAN

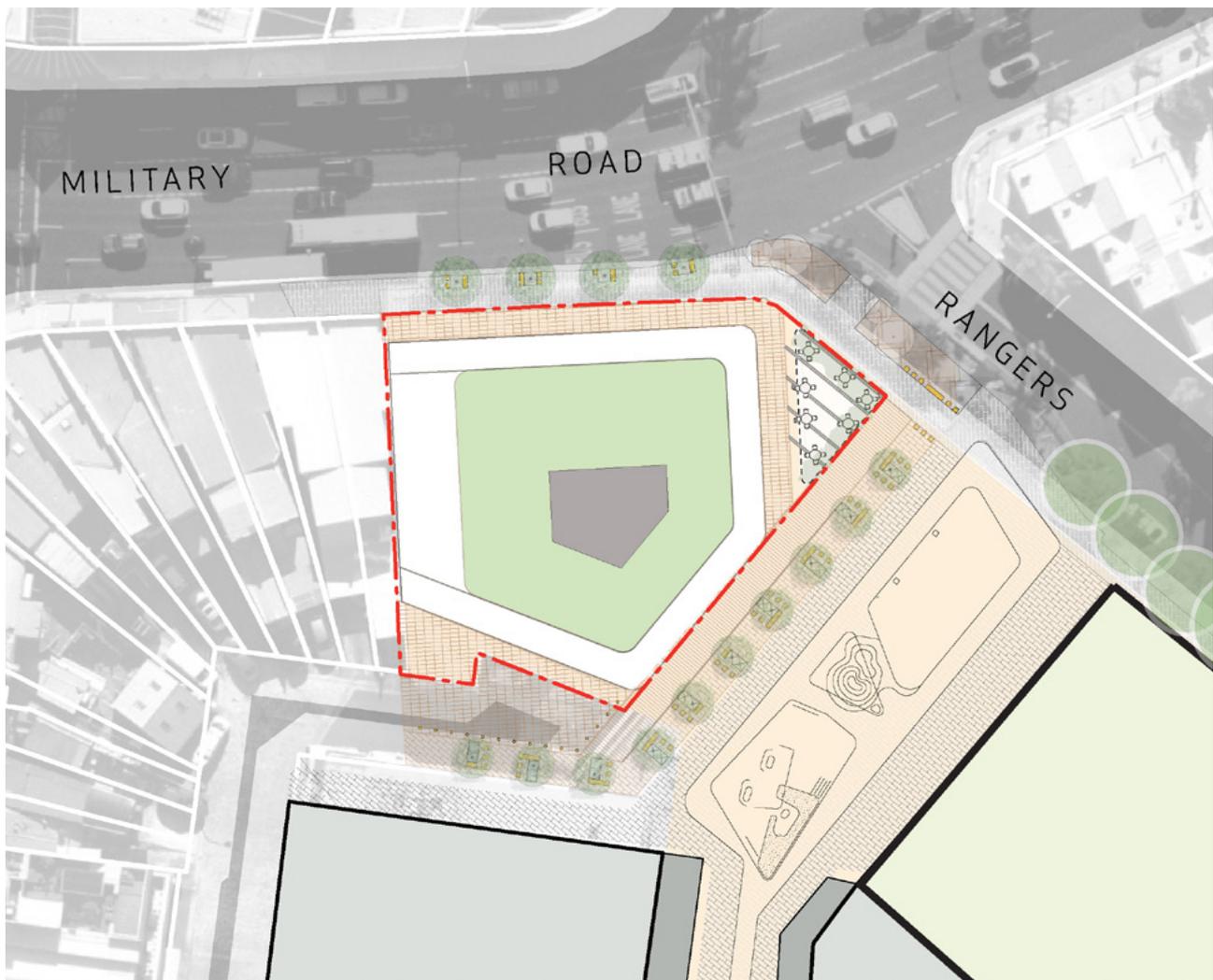


The proposed structure plan illustrates how the design principles defined for this project are proposed to be applied to a redevelopment of 183-185 Military Road, addressing the current needs for residential and commercial spaces and provide public and community areas envisaged in the MRCPS.

The structure plan for the site proposes to:

- Develop a mixed-use tower on a prominent corner that accommodates the demand for new public domain as well as retail, commercial and residential floor space.
- Increase community facilities to address a local deficit and replace existing aging facilities.
- Provide setbacks on Military Road to increase the shelter available for people using buses, and space for passers-by to walk alongside lines of waiting commuters.
- Locate buildings to provide access to a future adjoining plaza that has visual and physical connections to Military Road.
- Create a public bike parking station to support use of the buses.

## 4.4 INDICATIVE SITE PLAN



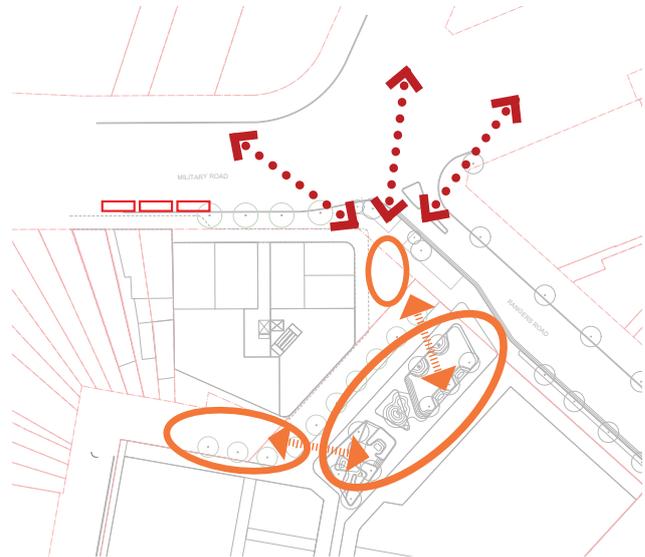
Accordingly, the proposal includes:

- A mixed-use 12-storey tower on Military Road
- Building setbacks to increase public space on Military Road and widening the new plaza.
- Upper level setbacks to maintain the existing street wall, reduce building bulk and allow for sunlight to the plaza and adjacent buildings.
- A new community facility integrated into the Subject Site.
- A public bike parking facility integrated with the ground level of the Subject Site.
- Combined vehicular access for parking and loading provided off Military Lane.
- Tower footprint that allows for natural sunlight and ventilation.
- Provision of retail uses on the ground level to activate frontages and increase safety.
- Basement level retail to increase total retail offering.
- Two floors of office uses to replace existing commercial floor space.

## 4.5 INDICATIVE LANDSCAPE DESIGN

Loci Design Collective have prepared an indicative landscape design to illustrate how the 185 Military Road Planning Proposal could react to and improve upon the outcomes of the adjoining landowners' planning proposal for the Woolworths site.

Three broad principles underpin the landscape proposal for 185 Military Road:

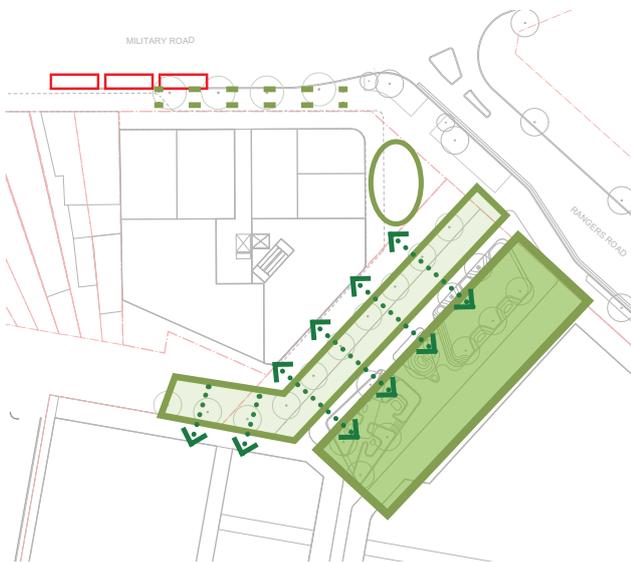


### MULTIPLE NODES

- The new plaza will be supported and complemented by the public spaces around it.
- Due to the alignment of Rangers Road, the Plaza may be overlooked from Military Road.
- A new outdoor pavilion could help connect the plaza to Military Road as an attractor.
- These pavilion could have night time economy uses for activation of the precinct.
- Military Lane would work as an activated service lane such as Angel Place or Birdwood Lane in Lane Cove.
- These spaces all complement each other to make a vibrant and porous public plaza network.

CONTENT BY





## THRESHOLD SPACES

- An avenue of deciduous trees extends the park-like quality of the plaza.
- These trees frame the edge of the plaza giving it more definition within the space.
- Informal seats aligned with the trees give provide additional options for people habitat.
- The avenue addresses the proposed development frontage as well as the plaza park.
- This avenue continues along the southern edge of Military Lane linking this planned condition along the adjoining site.
- The pavilion structure includes overhead greenery to extend a planted character to Military Road and also create a relaxed atmosphere for this detached food and beverage structure.
- Planting extends along the Military Road with seating interspersed between the trees.



## CONNECTIONS

- The Avenue is spaced to provide a strong visual and access connection through to the Plaza.
- The frontage along the proposed development both communal and food and beverage is to transition seamlessly through the Avenue to the Plaza.
- Circulation space for service vehicle movement would need to coexist with retail frontages. There are many successful examples of this in Sydney.

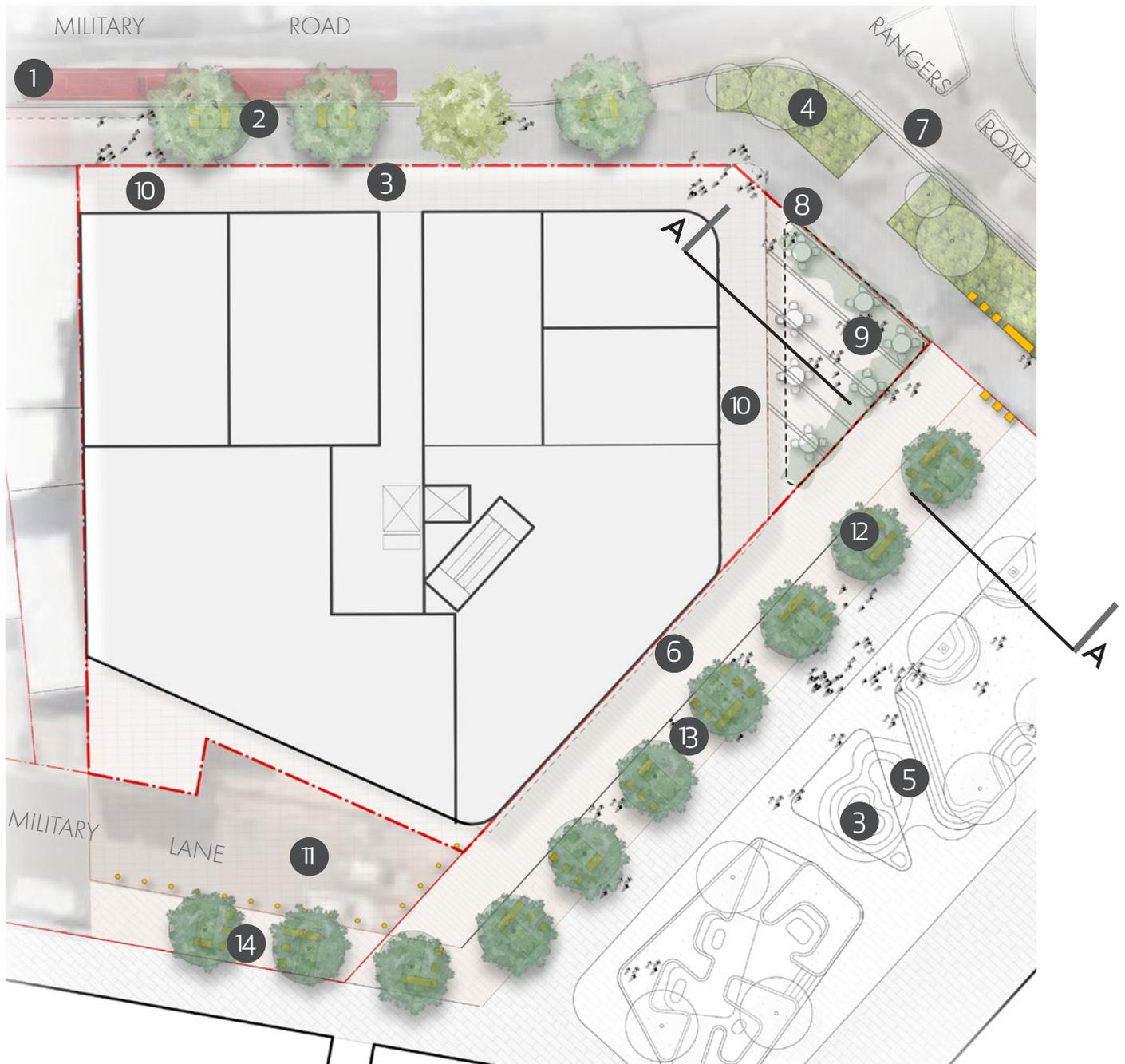


Figure 50. Landscape Plan

CONTENT BY





Figure 51. Landscape Section

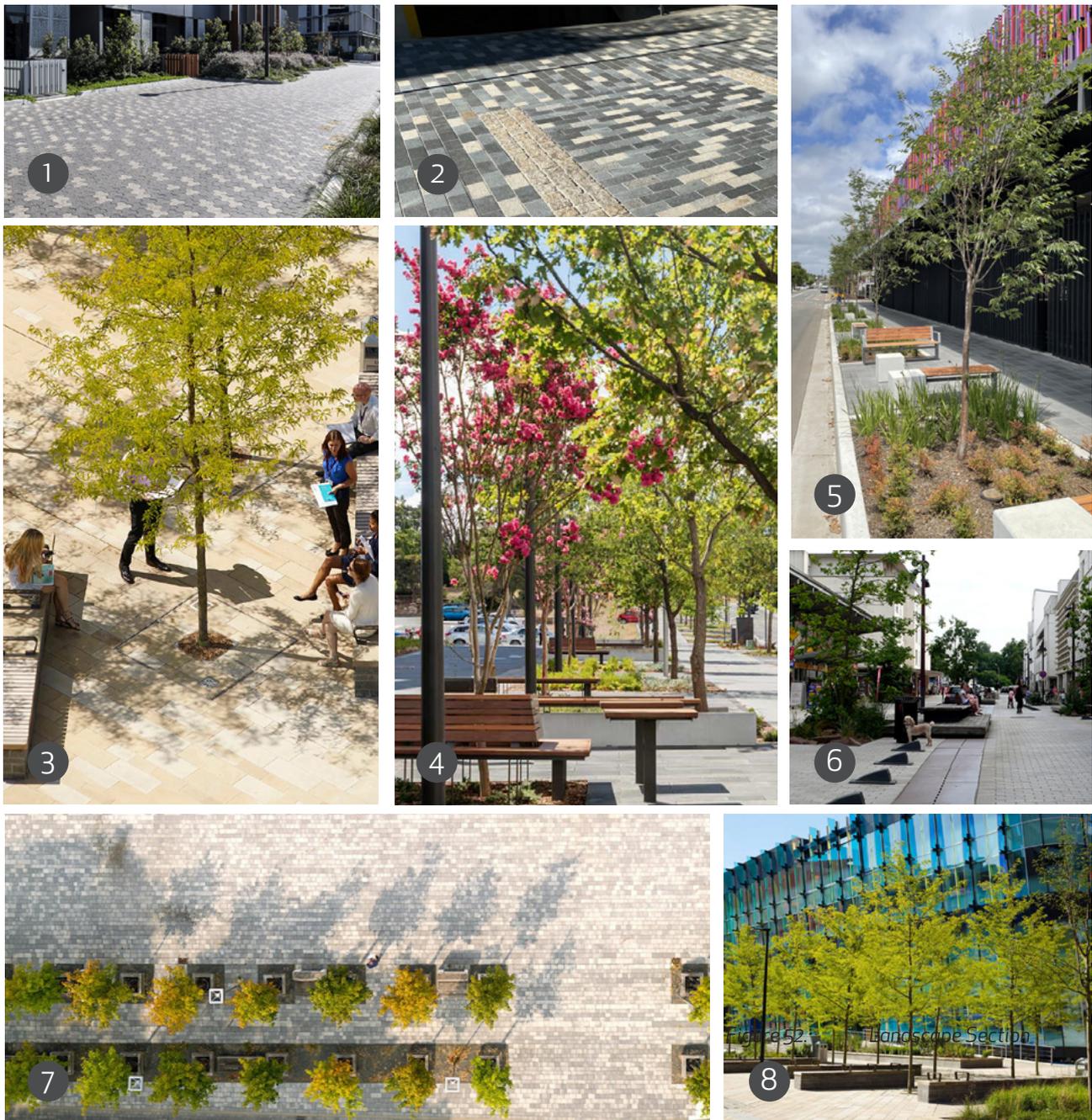
#### INDICATIVE LANDSCAPE DESIGN FEATURES (PLAN & SECTION)

1. Military Road bus stops.
2. New street trees along Military Road with seating between for passengers waiting. Trees would need to be high trunked species to clear bus and truck movements.
3. Awning setback to create a continuation of shelter for the footpath, but allowing more space for the bus stop and trees in front.
4. Existing palm retained. Understorey planting revitalised to use lower species for better visual connection.
5. Proposed Plaza scheme by others.
6. Path along edge of Plaza adjacent to the new tree Avenue/ linear park.
7. Crossing point retained as existing across Rangers Road.
8. Proposed street activation at corner Pavilion.
9. The Pavilion is a publicly accessible outdoor dining space with potential for day and night trading.
10. Clear paving curtilage for pedestrian ease of access, possible external seating along Military Road and to reduce overcrowding along the bus stop
11. Configuration of Military Lane to be determined, but a clear separation is possible for service access, external seating and bollards leading to the Plaza.
12. Avenue trees of deciduous species such as *Zelkova serrata* or *Pyrus ussuriensis* with clear trunks and higher canopies for good visual connection to the Plaza.
13. Trees planted in a structural soil trench in a slab setdown.
14. Possible external seating adjacent to the northern facade of the southern building. The concept of the Avenue turns the corner into Military Lane.
15. Proposed Plaza in adjoining lot (scheme by others).
16. Path along edge of Plaza adjacent to the new tree Avenue/ linear park.
17. Proposed street activation at corner Pavilion. The Pavilion is a publicly accessible outdoor dining space with potential for day and night trading.
18. Avenue trees of deciduous species such as *Zelkova serrata* or *Pyrus ussuriensis* with clear trunks and higher canopies for good visual connection to the Plaza.
19. Trees planted in a structural soil trench in a slab setdown.



## URBAN LANDSCAPE ELEMENTS & PROJECT LANDSCAPE PRECEDENTS

1. Angel Place shows the integration between a daytime service zone and after hours eatery laneway.
2. All weather pavilions as a key activator for a street plaza.
3. Street trees within structural soil zones with tree grates to allow good circulation. Trees will need to be selected that are able to clear buses.
4. The Pavilion could have varied character from a lightweight structure to something more fixed and solid.
5. The Pavilion would incorporate greenery within its structure for consistency with the character of the rest of the Plaza.
6. A Pavilion with a more permanent quality, but still more of its own identity within the public domain.
7. Birdwood Lane is another example of a service and retail active lane with these uses coexisting.
8. Pitt Street Mall is a good example of small seats in alignment with a tree avenue.



## PAVEMENT TYPOLOGY

1. Interlocking paving for pedestrian/ vehicle shared ways such as Military Lane.
2. High quality paving to reference the Plaza paving character and enforce the cohesion of the public space.
3. Details in paving to create a sense of whimsy and site story telling.
4. Trees within raised planters in the Avenue if required, still provides opportunities for seating and engagement.
5. A tree lined linear park adjacent to the street, with a clear cross section of the street function.
6. This shows the clever ways car service areas and pedestrian zones can be subtle so a shared way or plaza feels integrated between pedestrianised areas and vehicle service access.
7. Plaza side tree avenue.
8. Seating within a heavily shaded zone attracts pedestrians. Deciduous trees are the most useful in these sorts of spaces.

## 4.6 INDICATIVE BLOCK AND STACK

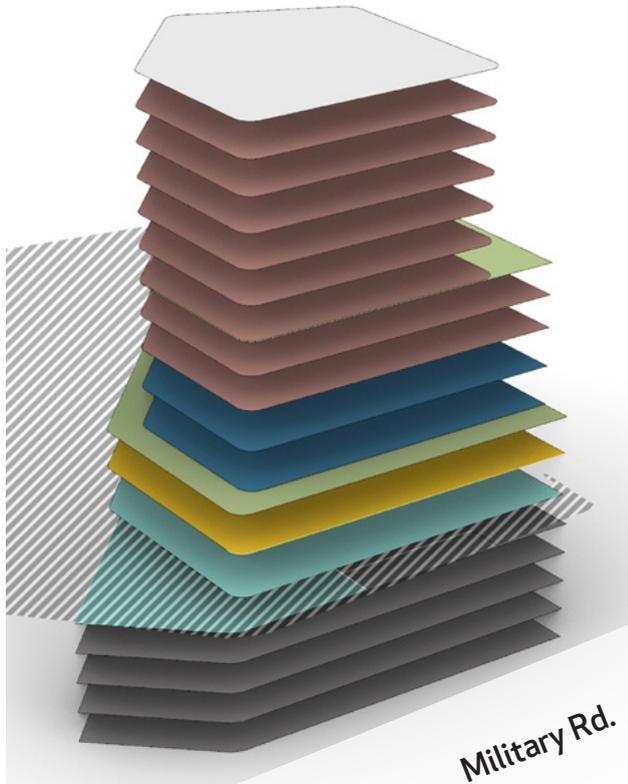


Figure 53. Proposed building envelope (northeast)

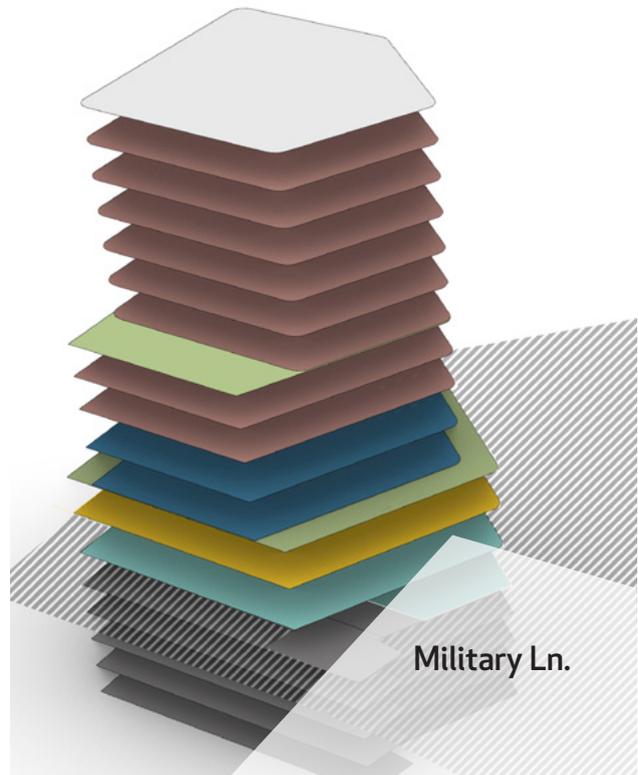


Figure 54. Proposed building envelope (southwest)

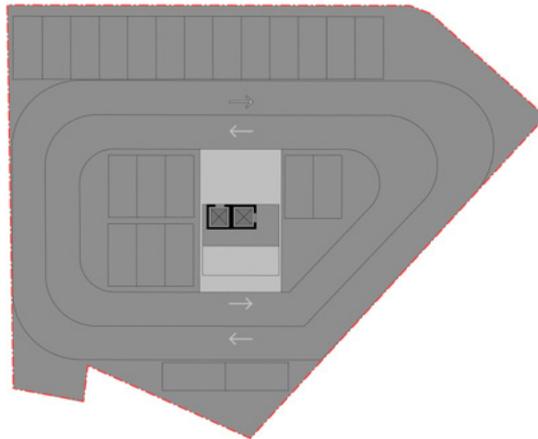
	Commercial		Parking & Servicing
	Residential		Ground Line
	Retail		
	Community & Commercial		

The design of the proposed 12-storey tower takes into consideration the MRCPS and the NSW Apartment Design Guide (ADG). It complies with the height recommendations as well as the building and podium setbacks of the MRCPS, with boundary setbacks satisfying the ADG and providing sufficient opportunities for future designs to ensure solar access and natural ventilation.

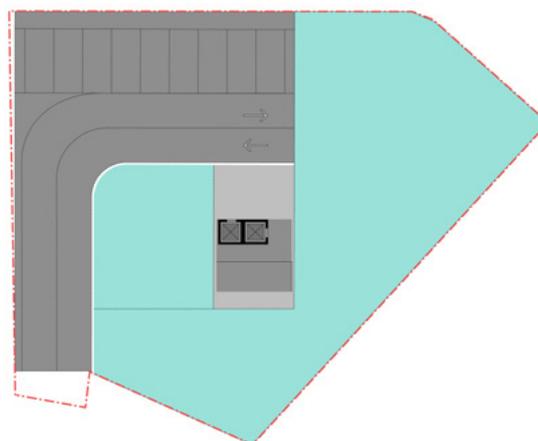
The proposed mixed-use tower consists of:

- Retail uses at ground basement levels
- Public bike parking on the ground level
- Community centre on level 1
- Commercial uses on levels 2&3
- Residential uses on levels 4 and above
- Underground parking estimated at 4 levels

## 4.7 INDICATIVE ENVELOPE FLOOR PLANS

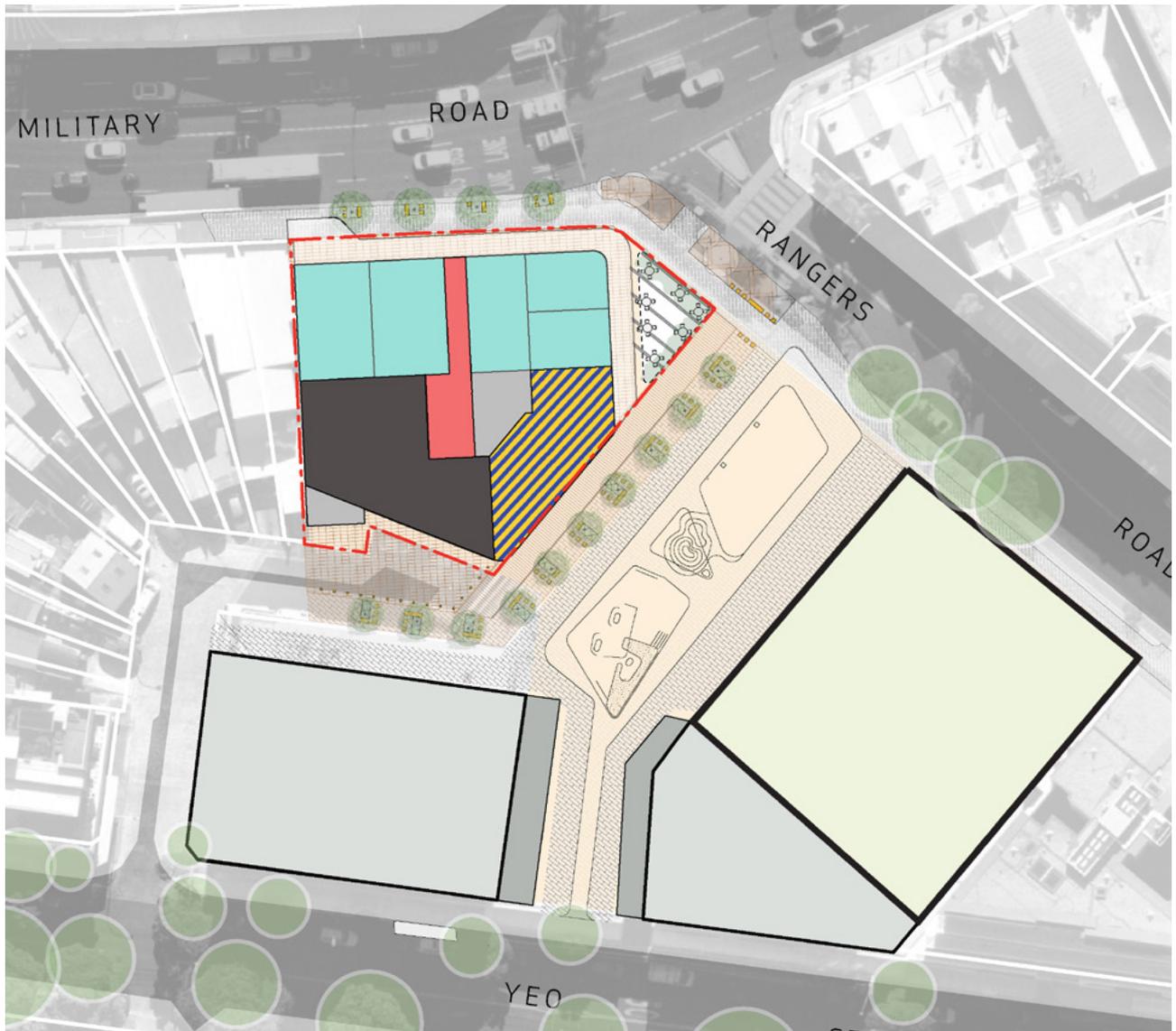


Basement Levels B2 to B4 (Parking)



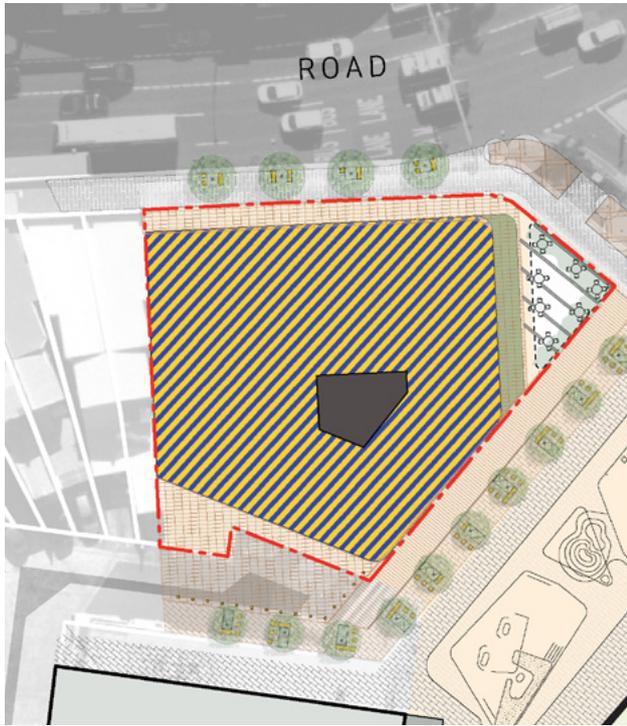
Basement Level B1 (Grocer)

- Parking & Core
- Circulation
- Retail

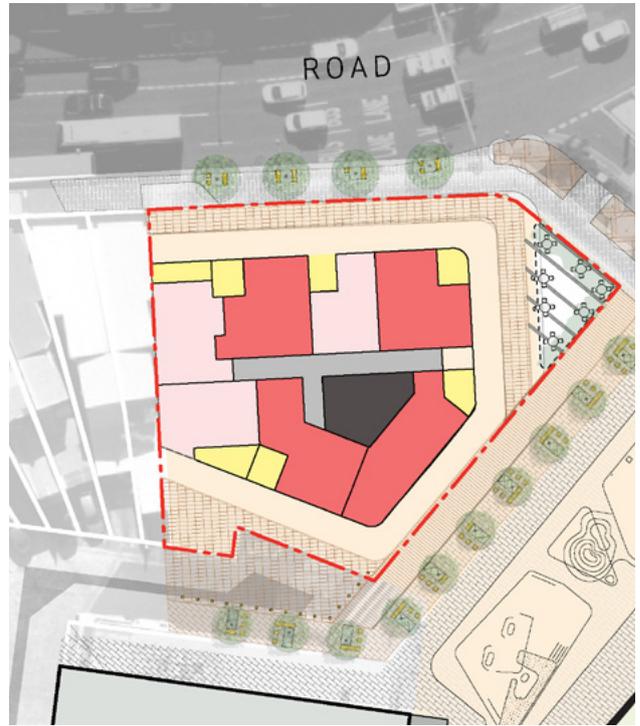


Ground Level

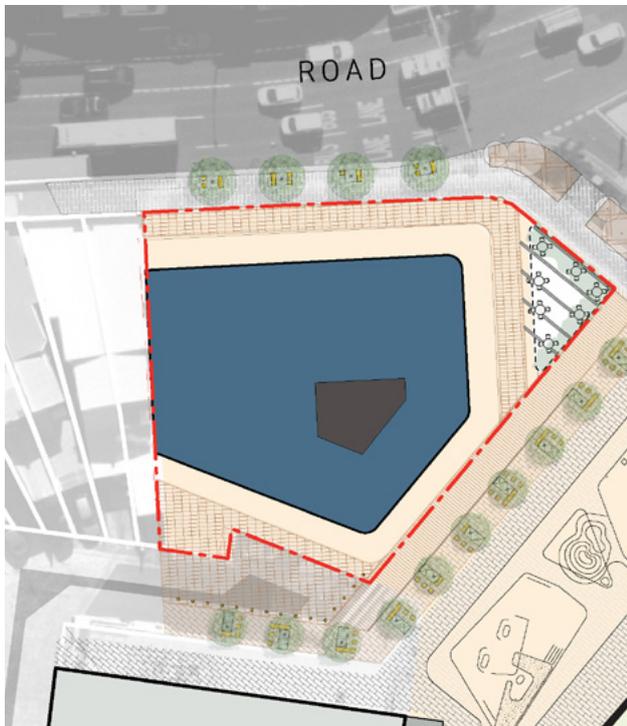
-  Community and/or Commercial
-  Commercial
-  Retail
-  Residential
-  Core
-  Circulation



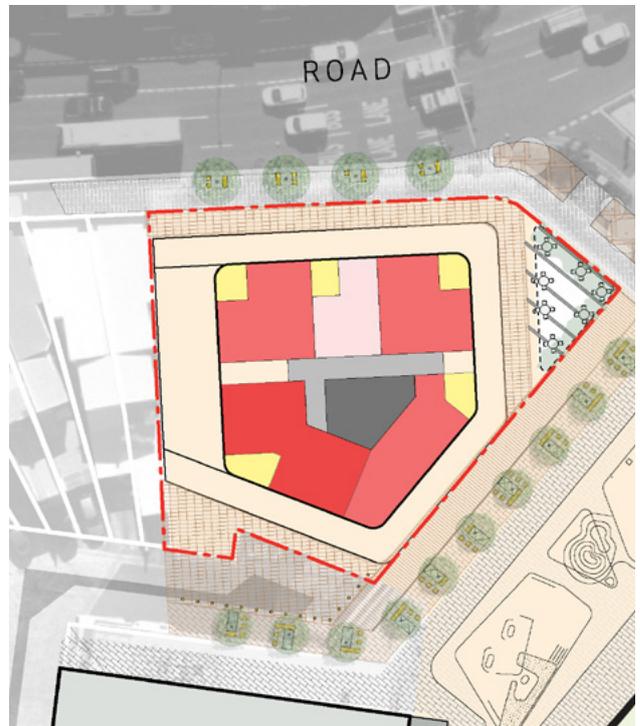
Level 1 (Community Centre)



Levels 4-5 (Residential)



Levels 2-3 (Commercial/Office)



Levels 6-11 (Residential)

## 4.8 INDICATIVE ENVELOPE ELEVATIONS

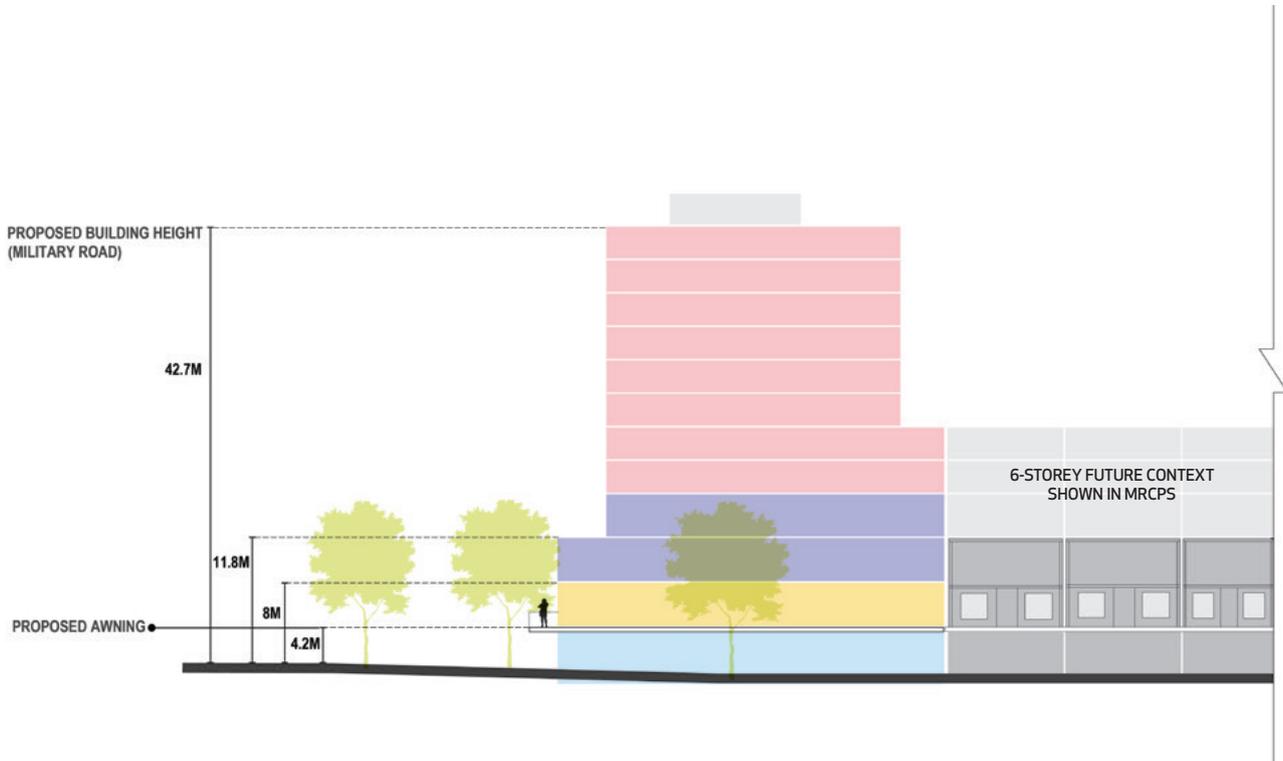


Figure 55. Envelope elevation - north

The proposed building envelope takes into consideration the proposed heights for future development as outlined in the MRCPS: 12-storeys on the subject site above a 2-storey podium, reducing to 6-storeys on the southwest. Adjoining retail strip is shown in the MRCPS as being increased to 6-storeys in future.

To integrate with its immediate context, the design of the indicative envelope has taken care to align with the existing building heights of the adjoining retail.

The adjoining retail varies from 1- to 2- storeys, however with a consistent frontage that is equivalent to a 3-storey building. Floor-to-floor heights of the lower three storeys of the indicative envelopes have therefore been selected to align with the adjacent awning, window-head and parapet respectively.

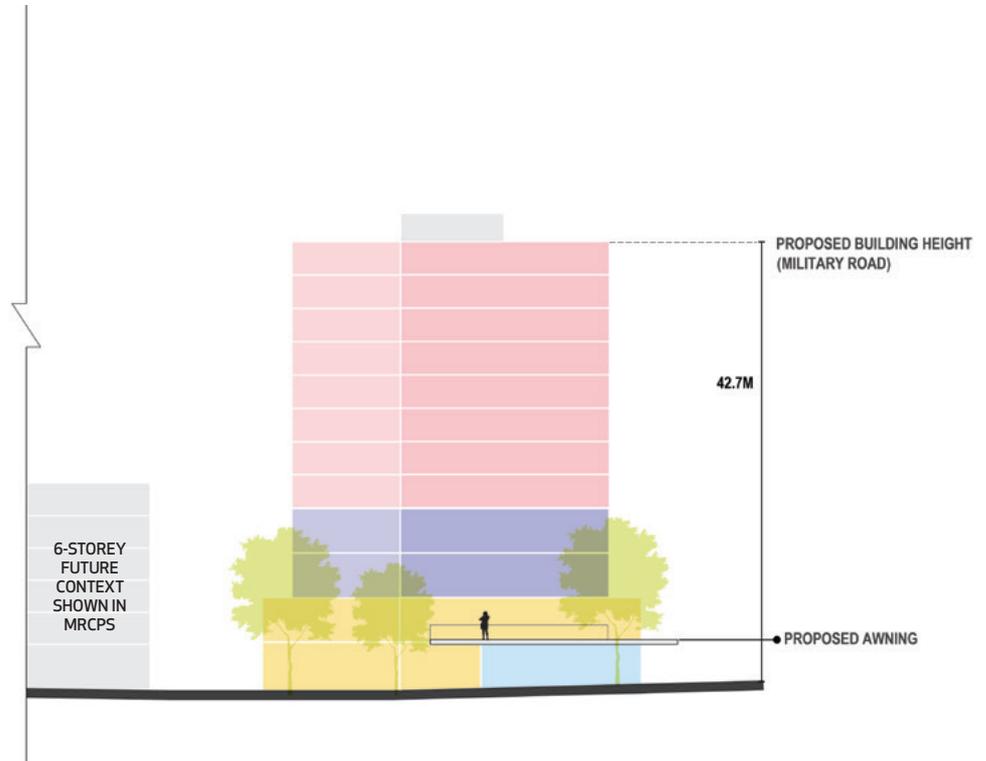


Figure 57. Envelope elevation - east

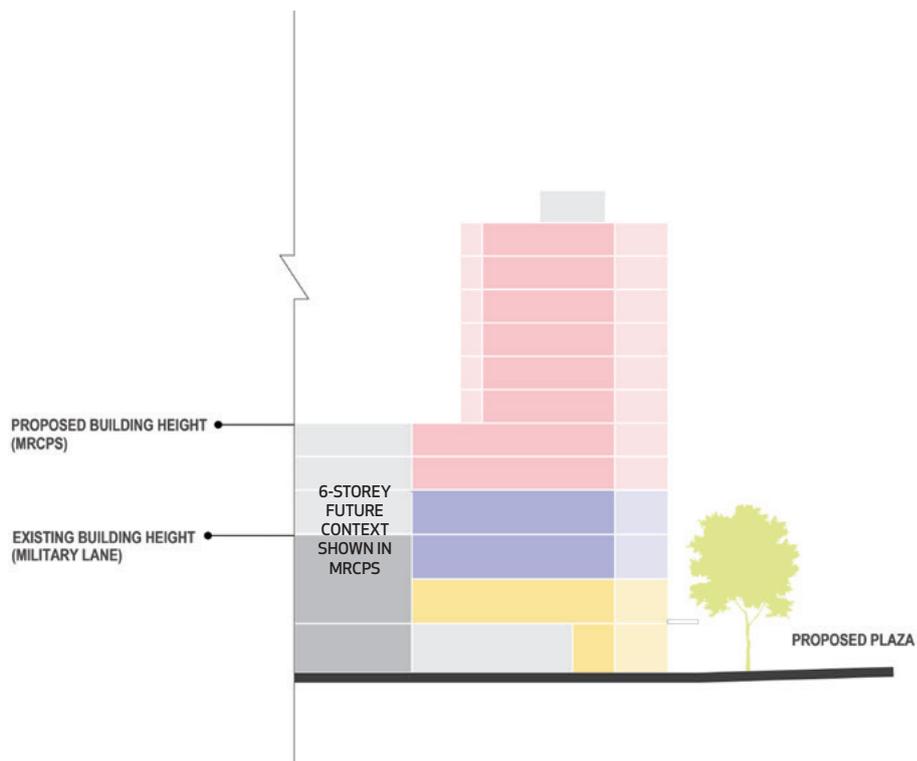


Figure 56. Envelope elevation - south

## 4.9 ENVELOPE CONTEXT



Figure 58. Neighbouring building heights

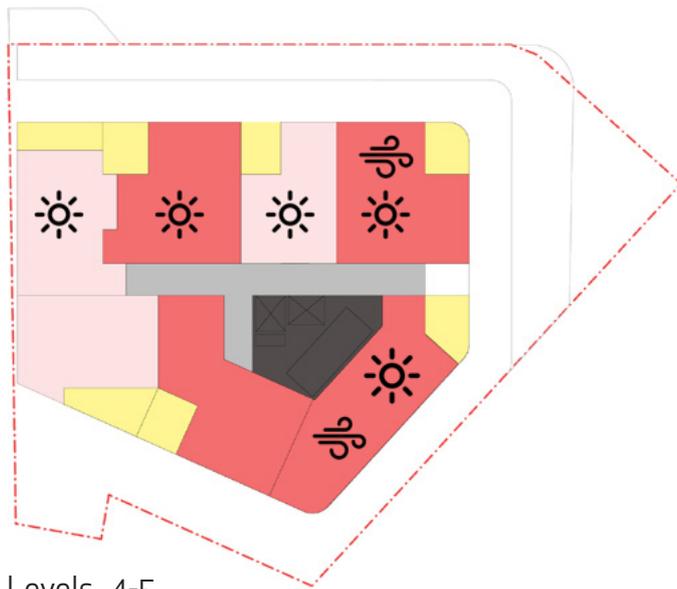


Figure 59. Neighbouring building heights

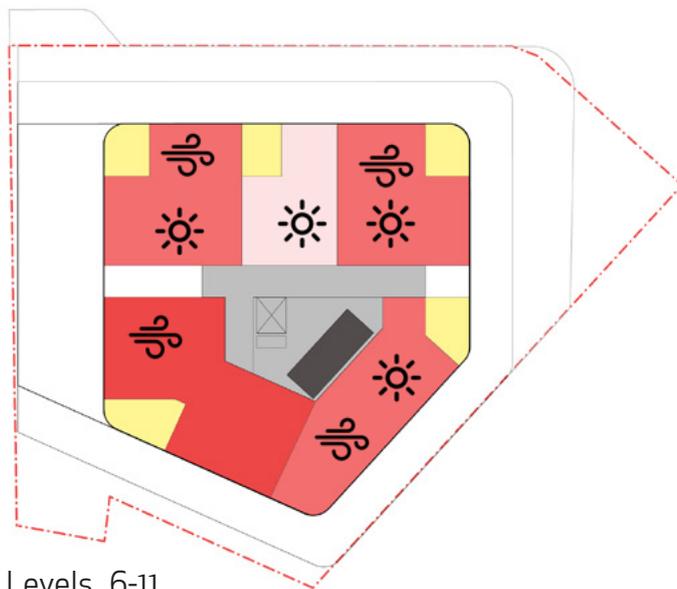
In its wider context, the proposed 12-storey tower will join numerous similar sized buildings visible in all directions; aligning with the varied built form of the lower north shore which is typified by a predominantly low-density character interspersed with point towers of 10-14 storeys positioned in a density corridor running both sides of Military Road.

The 12-storey tower proposed will be highly visible from the eastern approach from Military Road, helping differentiate the corner of Military Road with Rangers Road in order to identify the location of the new plaza, community centre and retail centre.

### 4.10 HIGH-LEVEL ADG COMPLIANCE



Levels 4-5



Levels 6-11

**KEY**

- Balcony
- 1 Bedroom
- 2 Bedroom
- 3 Bedroom
- 2 hours solar access
- Naturally cross-ventilated

Figure 60. Indicative unit distribution (test fit)

The NSW Apartment Design Guide (ADG) is a set of design objectives and criteria that apply to apartment buildings in NSW. Although the ADG is a DA-level instrument and is not intended to be applied as rigid controls, certain criteria can impact yield and so are reviewed in this Planning Proposal.

#### Solar Access & Natural Cross Ventilation

An indicative unit layout illustrates that the key solar and cross-ventilation criteria can be met in the envelopes proposed. Based on the test fit shown here, 77% of the apartments would receive a minimum of 2 hours solar access during 9-3pm on June 21st and 64% are naturally cross-ventilated. This exceeds the ADG guidance of 70% solar and 60% cross-ventilation.

The potential for compliant solar access for a residential redevelopment of 50 Yeo Street (not actually envisaged in MRCPS, but raised by Council staff) is also demonstrated.

#### Building Separation (Setbacks)

This report bases its analysis of compliance for ADG criteria for building separation on the contextual outcome expected in the MRCPS: a maximum 6-storeys to the south and west, with a plaza and 8-storey building to the southeast.

Broadly, the ADG expects separation between facing habitable areas of a 6-to-8 storey building to be 18m (and 15m for non-habitable). This distance is halved and measured to either the property boundary on adjoining lots or the centreline of the road reserve where lots are split by a public street, to ensure the spatial impact of the separation distances are shared equitably. Non-compliances on adjoining sites do not increase the separation requirements of their neighbours.

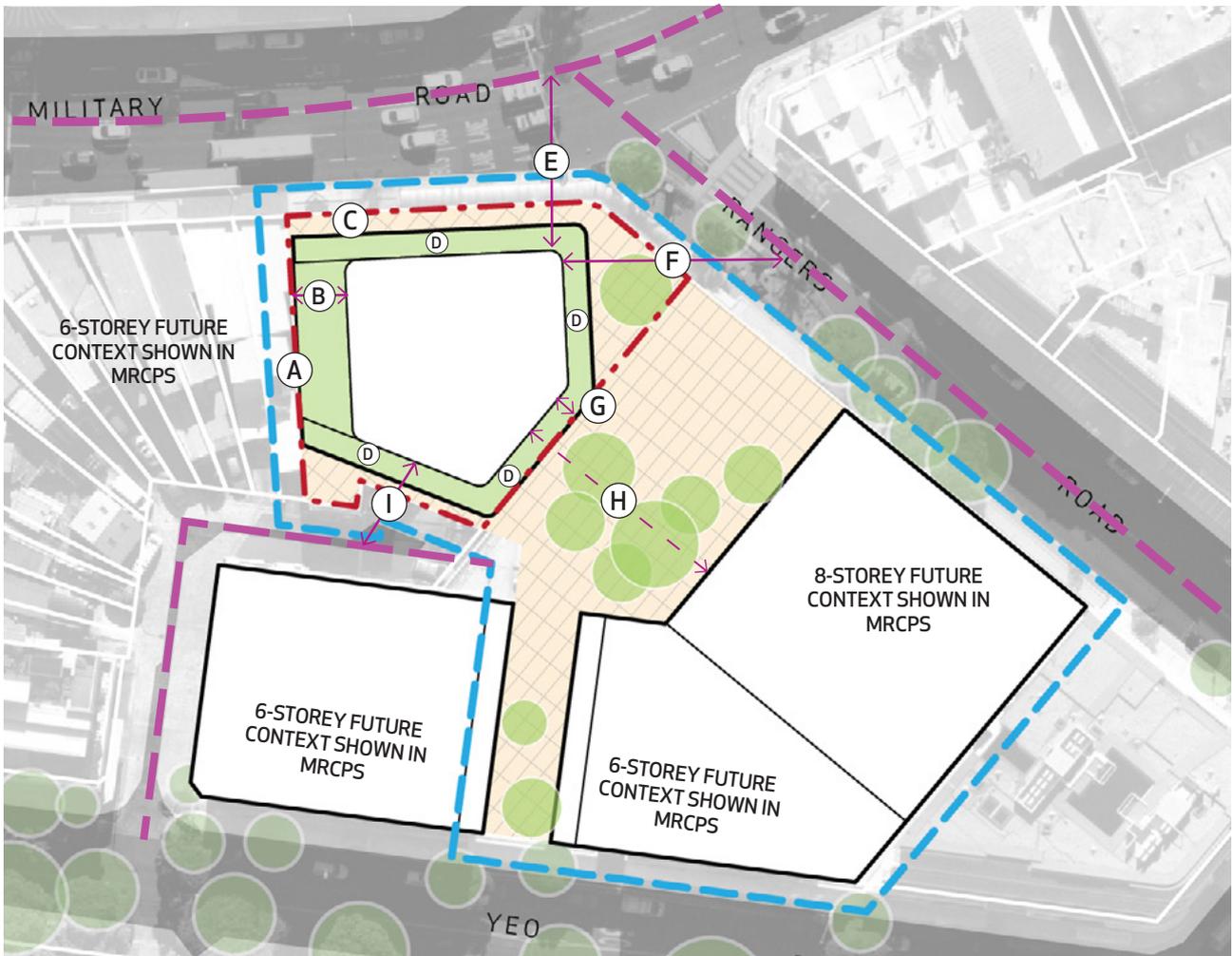


Figure 61. Proposed setbacks



Figure 62. Future building heights  
Source: Military Road Corridor Planning Study

**KEY**

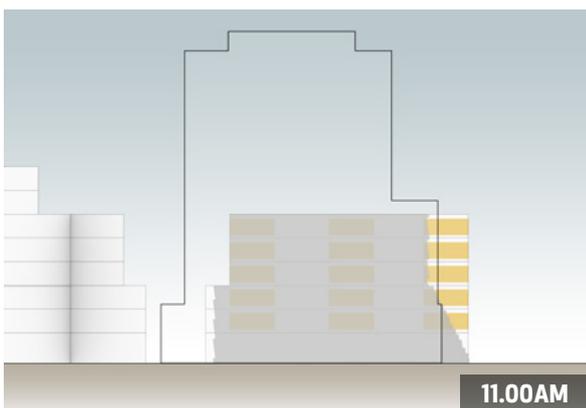
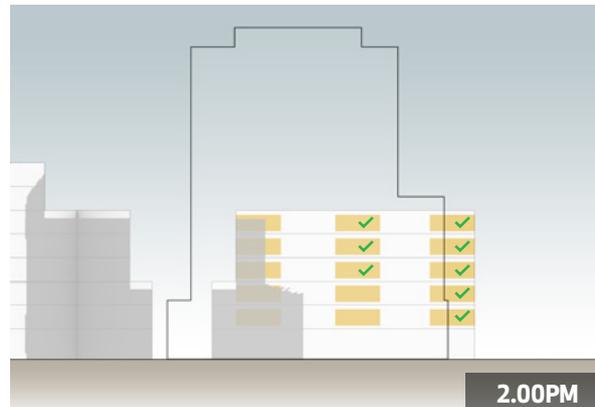
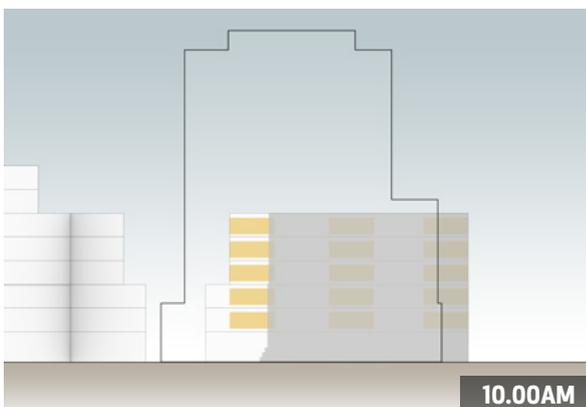
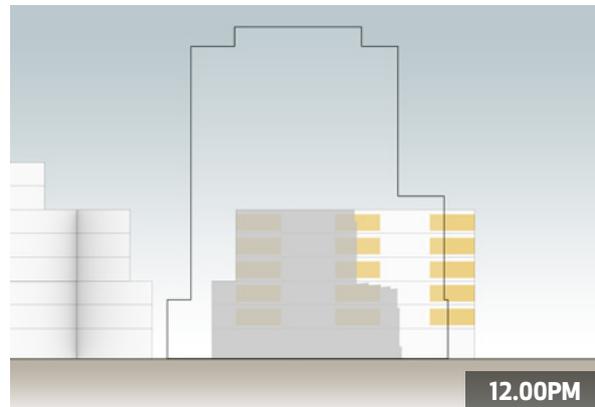
- Centreline of Public Streets
- Separation from Property Boundary or Street Centreline
- Separation from Building
- MRCPS Site 3
- Planning Proposal Site

	Approx. Setback	Note
A	Nil	Zero lot line/blank wall condition up to 6-stories to create continuous street wall along Military Road. The MRCPS envisages a 6-storey street wall is created to the west of the subject site.
B	6m	6m side setback above 6-stories. This is to create a tower envelope; no specific setback would be expected for ADG purposes as the buildings to the west are only proposed to be a maximum 6-stories under the MRCPS.
C	2m	2m ground level setback to boundary to align with MRCPS.
D	3m to level below	3m upper level setback created at 3rd storey to align with MRCPS.
E	18m	Setback of residential levels exceeds ADG recommended setback, measured to both centreline of adjoining street and properties opposite.
F	16m	Setback of residential levels exceeds ADG recommended setback, measured to both centreline of adjoining street and properties opposite.
G	3m	Upper-level setback creates 3m offset from boundary, allowing windows on southeast facade (facing onto plaza proposed in MRCPS).
H	26m	Building separation between proposed tower and adjacent neighbouring development (as envisaged in MRCPS) exceeds ADG guidance.
I	8.5m-10.5m	Generally exceeds ADG separation guidance measured to centreline of adjoining laneway. May require selective window placement and/or positioning of non-habitable areas in short area <9m.

### Solar Access Study of 50 Yeo Street

An elevational study has been undertaken to confirm the 5-storey commercial property at 50 Yeo Street could conceivably be redeveloped as a 6-storey shoptop residential building in future. Analysis of overshadowing caused by the indicative design in this Planning Proposal shows that most of the affected facade of 50 Yeo could still support north-facing living rooms that receive 2-hours sunlight per day.

✓ Has received 2-hours sunlight by this hour



## 4.11 SHADOW ANALYSIS

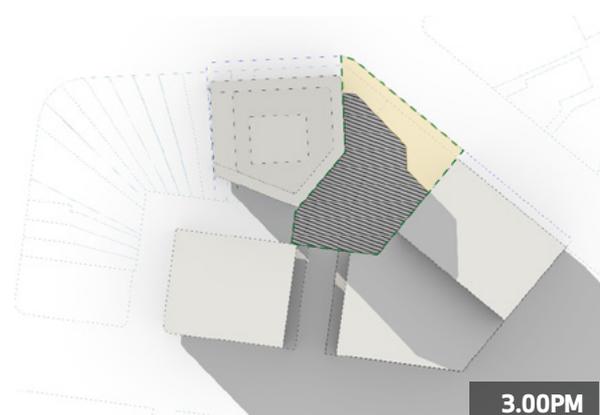
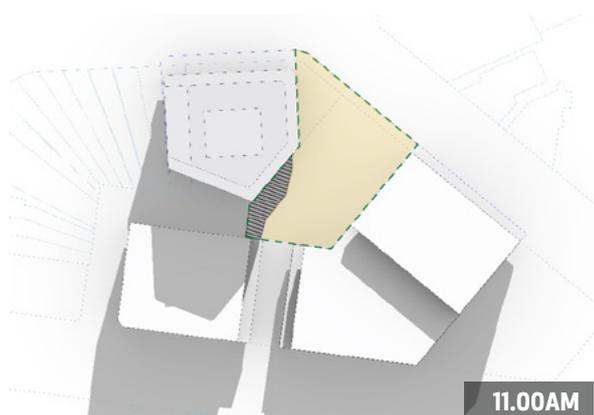
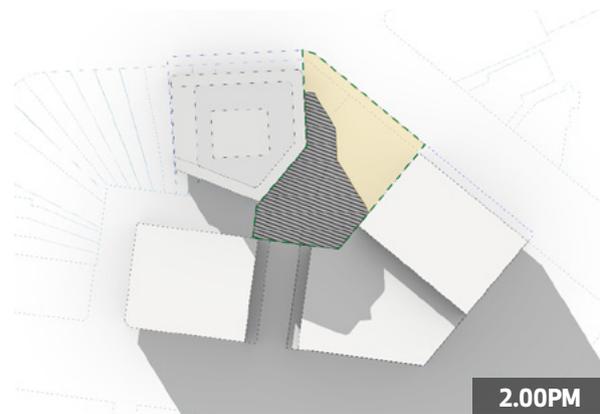
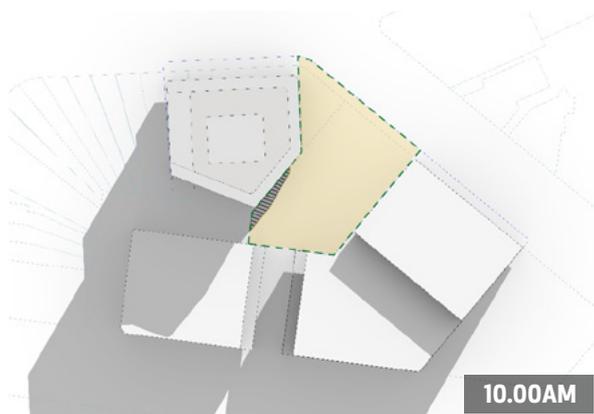
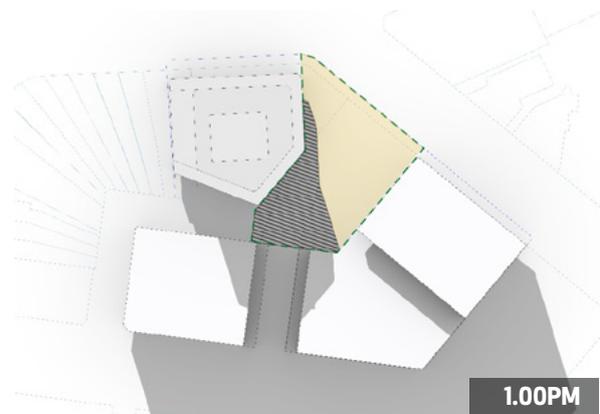
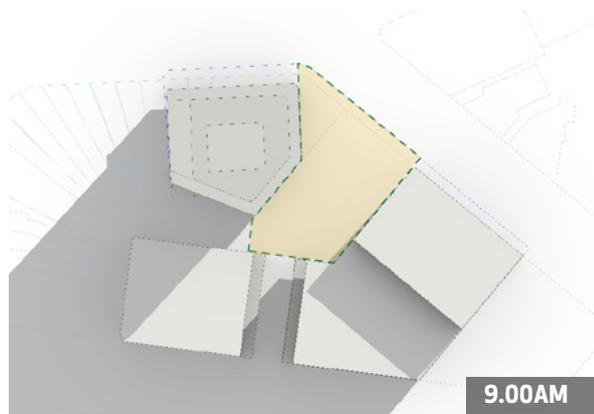
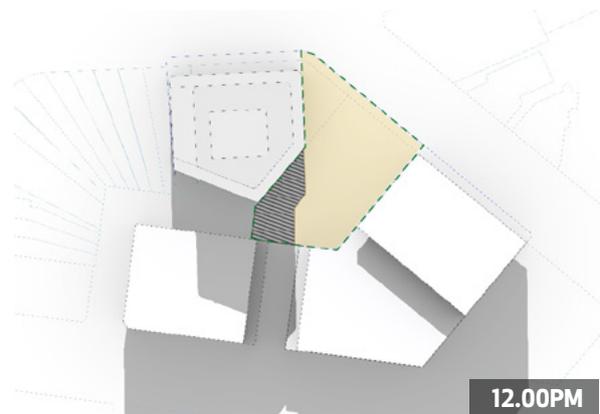
Shadow analysis from 9am-3pm on June 21 illustrates that the proposed 12-storey tower will create a marginal increase in overshadowing (<2 hours) of any properties on Yeo St or nearby properties, with the majority of shadow already caused by the other development of Site 3 envisaged in the MRCPS. The increase in overshadowing is only significant at 9am.

-  Shadow created by adjoining sites under the MRCPS
-  Additional shadow created by 12-storey tower
-  Total shadow extent of 12-storey tower (incl. areas that will be overshadowed by other buildings)



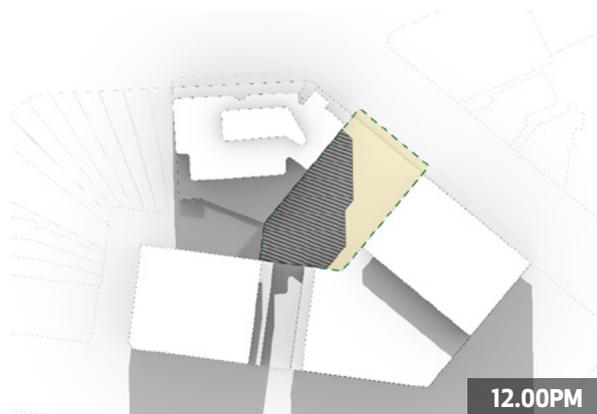
### Solar Access Study of Plaza

Shadow Analysis of the Plaza shows a significant improvement to plaza amenity compared to the outcome available if the DA for 183-185 Military Road is delivered as approved. When compared to the expected outcome if the approved DA for the site is delivered (that is, if the MRCPS is delivered on the adjoining site only, and not also on 183-185), the solar access study shows that this Planning Proposal will result in a larger overall plaza area that receives a greater percentage of sunlight.

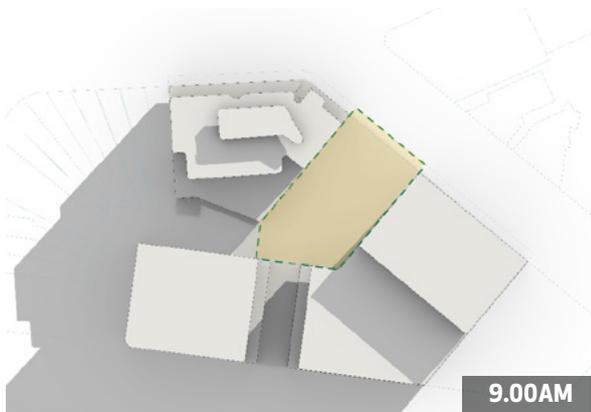


**Comparison against potential outcome if Approved DA on 183-185 is delivered**

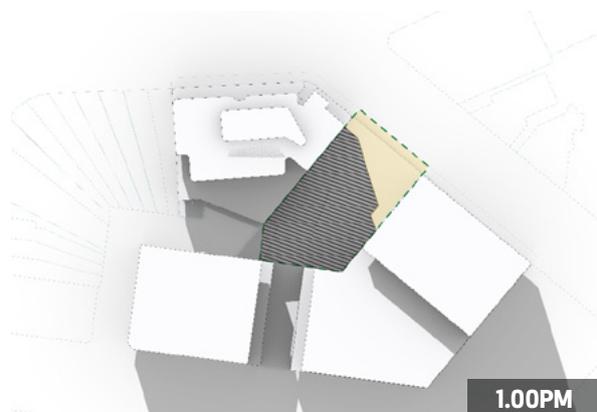
	Time of Day, June 21	9am	10am	11am	12pm	1pm	2pm	3pm	Plaza Size
Solar Access	Approved DA	100%	87%	66%	45%	28%	17%	11%	1000m <sup>2</sup>
	Current PP	100%	97%	91%	83%	65%	47%	30%	1200m <sup>2</sup>
	Difference	+0%	+10%	+25%	+38%	+37%	+30%	+19%	+200m <sup>2</sup>



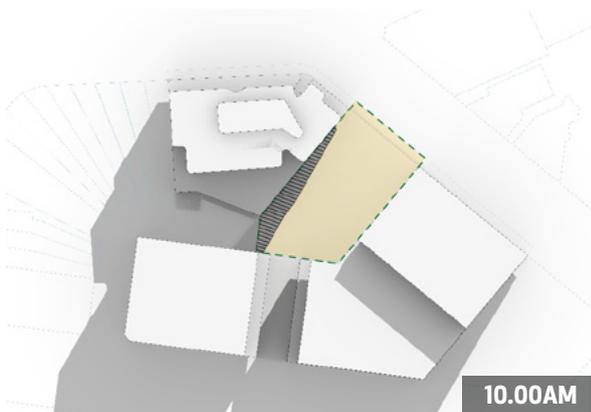
**12.00PM**



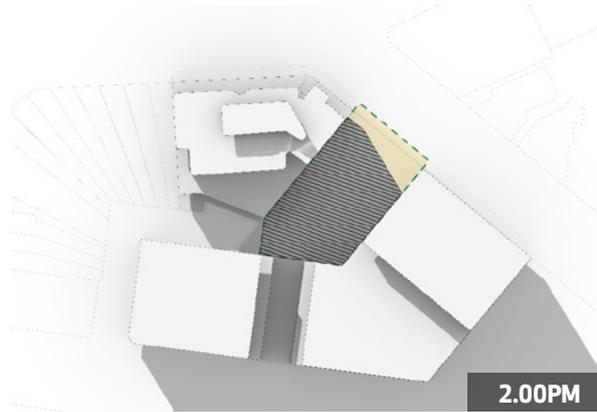
**9.00AM**



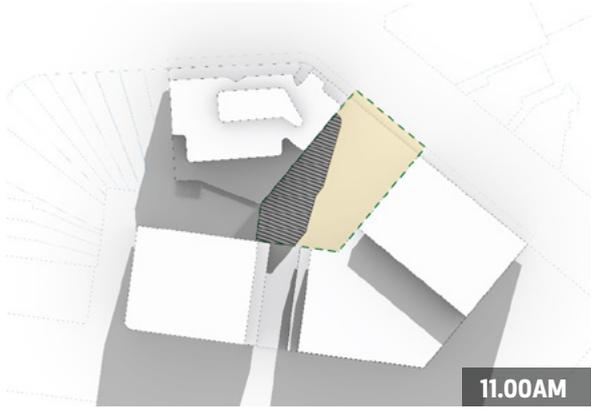
**1.00PM**



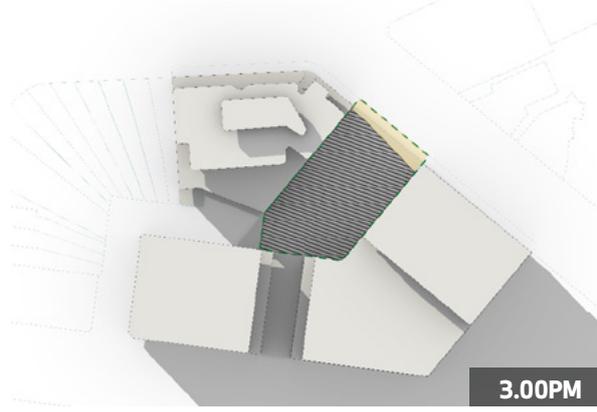
**10.00AM**



**2.00PM**



**11.00AM**



**3.00PM**

## 4.12 INDICATIVE YIELD SCHEDULE

### Yield Summary

<u>Site Area</u>	<b>1,300 m<sup>2</sup></b>
<u>GBA</u>	
Residential	5,058
Retail	1,235
Office	1,469
Community	1,145
Parking	5,490
<b>Total GBA</b>	<b>14,397 m<sup>2</sup> GBA</b>
<u>GFA</u>	
Residential	3,164
Retail	1,173
Community & Office	2,239
<b>Total GFA</b>	<b>6,577 m<sup>2</sup> GFA</b>
<u>FSR</u>	
Non-residential FSR	2.62
Residential FSR	2.43
<b>Total FSR</b>	<b>5.06 : 1</b>
<u>Dwelling Units</u>	<b>37 d.u.s</b>
<u>Parking</u>	
Required	97 spaces

### Efficiency Assumptions

Use	GEA>GBA	GBA>GFA	GFA>NSA/M
Residential	<b>95%</b>	<b>75%</b>	<b>85%</b>
Retail	<b>100%</b>	<b>90%</b>	<b>90%</b>
Office	<b>100%</b>	<b>85%</b>	<b>85%</b>
Community	<b>100%</b>	<b>85%</b>	<b>85%</b>
Parking	<b>100%</b>	<b>0%</b>	<b>0%</b>
	1 space per x sqm (GBA):		<b>45</b>

### Parking, Unit Size & Mix Assumptions

Use Type	Size	Mix	Parking*
Studio	<b>37</b>	0%	<b>0.2</b>
1-Bed	<b>52</b>	35%	<b>0.6</b>
2-Bed	<b>77</b>	45%	<b>0.9</b>
3-Bed	<b>102</b>	20%	<b>1.4</b>
Visitor		x per dwelling unit	<b>0.2</b>
Avg Unit (NSA)	73.25	100%	1.1
GFA	86		

### Other Parking Requirements

Retail	1 per x sqm (GFA):	<b>60 **</b>
Office	1 per x sqm (GFA):	<b>60 **</b>
Community	1 per x sqm (GFA):	<b>60 **</b>

\* RMS rate

\*\* NSDCP rate

## 4.13 COMPARISON OF PROPOSAL AGAINST MRCPS

Military Road Corridor Study	Proposal
	Ability to meet
A 1,000m <sup>2</sup> new public plaza	✓
Provide a 14-space public commuter bicycle parking facility (pg.63)	✓
Podium <ul style="list-style-type: none"> <li>2 storey podium then 3m upper setback along Military Road</li> <li>2 storey podium then upper setback adjacent to the public plaza</li> <li>3 storey podium then 3m upper setback</li> </ul>	✓
Setbacks (pg. 48) <ul style="list-style-type: none"> <li>2.5m whole of building setback along Military Road (widening footpath, allow for deep soil zone and increase tree canopy)</li> <li>1.5m whole of building setback along Military lane</li> <li>Indicative new plaza setback to increase public domain</li> </ul>	✓ ✓ ✓
Activate street edges along Military Road and the new plaza (pg. 51)	✓
Deliver loading and basement access through Military Lane (pg. 63)	✓
Maximum building heights at 12 storeys on Military Road (pg.45)	✓
Community facility (pg. 16) <ul style="list-style-type: none"> <li>Deliver a new up to 1,000m<sup>2</sup> (GFA) community centre in Neutral Bay town centre</li> <li>Ideally situated to include a balcony overlooking a public plaza</li> <li>Supports convenient access to visitors parking</li> <li>Secure entry and exit for key community services</li> </ul>	✓ ✓ ✓
Significant increase in solar access to the surrounding public domain compared to existing controls (pg. 46)	✓
Provide additional non-residential floor space with a minimum 2.0:1 FSR (pg.63)	✓
Active frontages along Military Road and the new public plaza (pg.63)	✓

# 5.0

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## PROPOSED CHANGES TO STATUTORY PLANNING FRAMEWORK

## 5.1 PROPOSED CHANGES TO STATUTORY PLANNING FRAMEWORK

To facilitate the design proposal as outlined in this Urban Design Report, two changes to the North Sydney Council Local Environmental Plan are proposed:

### 1. Non-Residential Floor Space Ratio

An increase in the required minimum Non-Residential Floor Space Ratio is proposed from 0.5 : 1 to **2.0 : 1**, which is in line with the proposal made in the North Sydney Council’s Military Road Corridor Planning Study. This will ensure a significant percentage of community and commercial space is provided within the development.

The test-fit shows a 2.6:1 non-residential FSR, which would drop to 2.0:1 if the basement retail is not included.

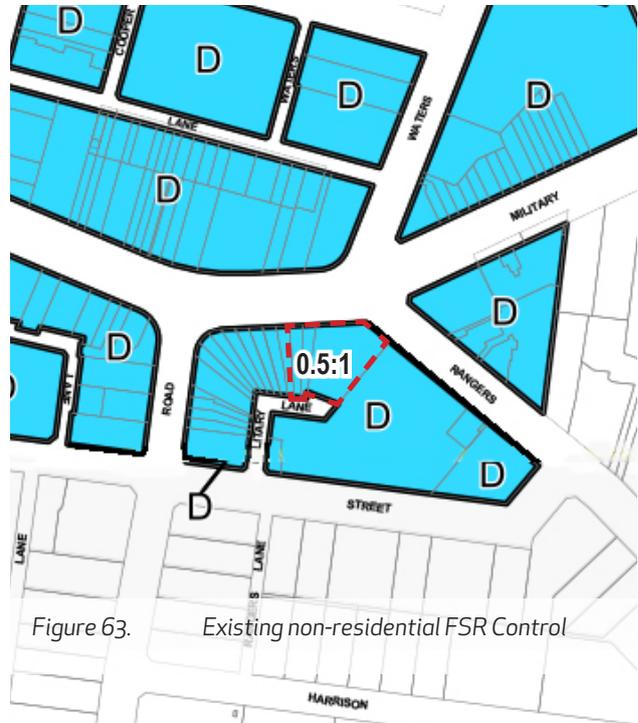


Figure 63. Existing non-residential FSR Control

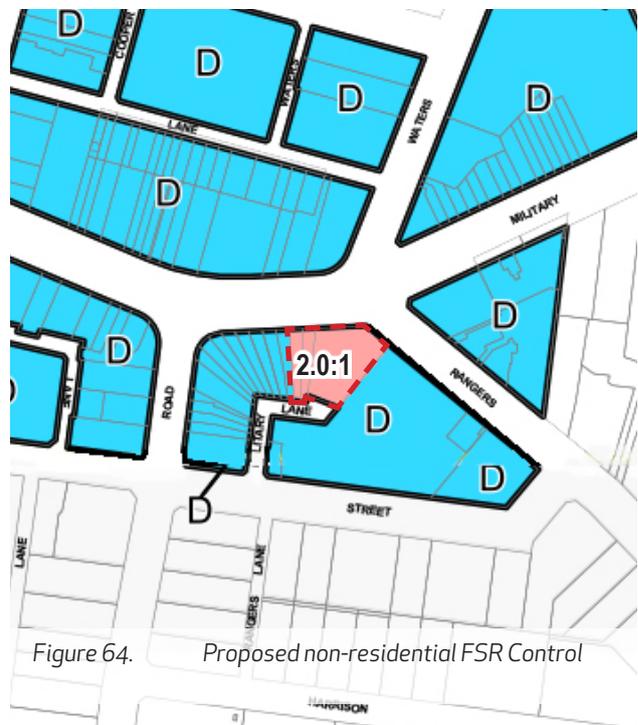
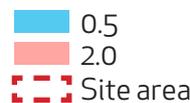


Figure 64. Proposed non-residential FSR Control



## 2. Height of Building Control

A change to the Height of Building (HOB) control is proposed to support a 12-storey residential tower, a height that is in line with North Sydney Council's Military Road Corridor Planning Study.

It is proposed to increase allowable Height of Buildings from the existing 16m to 43m. The height allowance reflects the taller floor-to-floors required to support a non-residential podium, with assumed floor-to-floors of:

- 4.2m for Ground Floor Retail
- 3.8m for Level 1 Community Centre
- 3.8m for Levels 2 & 3 Office Uses
- 3.2m for Levels 4-11 Residential Uses
- 1.5m to account for minimum lift overrun and rooftop plan.

The resulting calculation provides the proposed HOB control:

$$4.2m + 3.8m + 3.8m \times 2 + 3.2m \times 8 + 1.5m = 42.7m$$

Rounded to a HOB control of **43m**.





27th March 2023

The General Manager  
North Sydney Council  
200 Miller Street  
North Sydney NSW 2060.



Dear Sir,

**RE: DRAFT PUBLIC BENEFIT OFFER,  
PLANNING PROPOSAL SUBMISSION  
183-185 MILITARY RD, NEUTRAL BAY**

We refer to the Planning Proposal for the above address (“the PP”) submitted on or around this date and now summarise the features embodied in the proposal, the public benefit they provide and their approximate monetary value.

In formulating this public benefit offer we have considered the North Sydney Council’s Voluntary Planning Agreements Policy (Direction 3. Our Innovative City), as re-adopted by Council 26th September 2022. We submit that this PP and the following public benefits meet the objectives (item 1.2) of the Policy.

Predicated on the favourable consideration of the PP by Council, we submit the following offer subject to the terms of the Planning Agreement that ensues, the details and values of which will be validated following the valuation principles set-out in Council’s Voluntary Planning Agreement Policy.

### **Summary of This Planning Proposal’s Public Benefit**

1. PUBLIC DOMAIN OUTDOOR PLAZA.
2. PUBLIC DOMAIN SET-BACK & WIDENED FOOTPATH ON MILITARY ROAD.
3. PUBLIC DOMAIN PLAZA CONNECTING WITH RANGERS ROAD PLAZA (PP 9/2022/6).
4. PUBLIC DOMAIN BICYCLE PARKING SUPPORTING ADJACENT PUBLIC TRANSPORT HUB.
5. COMMUNITY INTERNAL CENTRE, COMMERCIAL OFFICE STANDARD AMENITIES.

**Providing a combined estimated public benefit value of \$6,805,000.**

## The Public Benefits, a Response to The Objectives of Council's Policy

Four objectives are detailed in the North Sydney Council's Voluntary Planning Agreements Policy, and we summarise our response in table below;

Objectives of the Policy, item 1.2	Achieved by Elements of this Planning Proposal
To broaden the range and extent of development contributions (monetary, dedications of land or material public benefits)...	The range of five public domain contributions listed above come with a delivery cost to the Applicant of the PP, and will be additional to the mandatory s7.11 contributions arising from the ultimate Development Consent.
To give all stakeholders a greater involvement in determining the type, standard, location of public facilities and benefits...	This PP has been prepared with reference to and in consistency with the Military Road Corridor Planning Study February 2021, prepared by Council following extensive community engagement.
To facilitate public participation, allowing the community to gain an understanding of the benefits of planning agreements for the provision of public benefit.	This PP has been prepared with reference to and in consistency with the Military Road Corridor Planning Study February 2021, prepared by Council following extensive community engagement.
To achieve outcomes from development which ensure the public has full access to North Sydney's public natural assets.	Public domain spaces provided in this PP give the community access to outdoor precincts enabling enjoyment of the sun, the sky, while also providing safe, accessible exterior and interior spaces providing shelter from the weather elements and shelter from the intense traffic of Military Road.

### Valuing Public Benefits

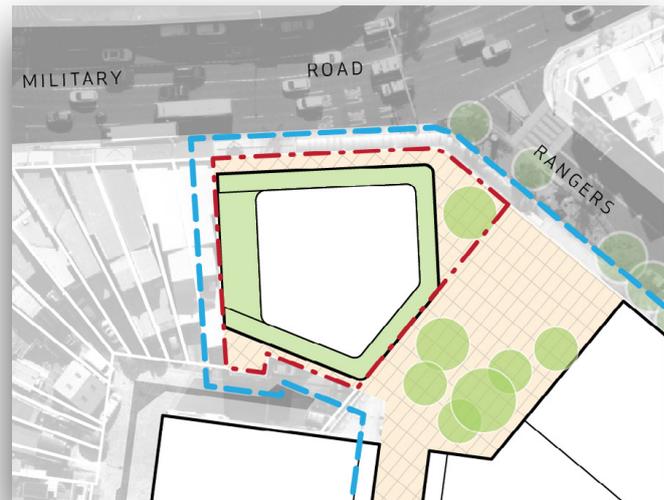
The methodology for valuing public benefits under a planning agreement is detailed in Council's Voluntary Planning Agreements Policy (Appendix 1, Procedures relating to the use of planning agreements, item 3). In broad terms the advice of a professional Valuer and/or Quantity Surveyor is called for, depending on the type of public benefit. For the purpose of this submission and discussion, however, we have formulated estimated valuations of social-economic benefit ourselves. We intend to validate these numbers in accordance with the Policy, with further consultation with an appropriate professional advisor on economic and social benefits, in due course.

### The Public Benefits

#### 1. Public Domain Outdoor Plaza and Military Road Set-Back (Public Domain Benefits 1,2,3)

Outlined by the broken red line in the adjacent image, the PP provides for a 2.5m wide setback along the Military Road frontage (totalling 95m<sup>2</sup>), plus a larger setback along the eastern boundary forming a 135m<sup>2</sup> plaza on grade fronting both Military and Rangers Road.

This plaza is designed to join with the Community Plaza proposed at 1-7 Rangers Road (PP 9/2022/6), providing a respite from the busy Military Road in a paved, landscaped and furnished space. for the Public's use in recreation, holding events and cultural activities. The Military Road set-back additionally works to create a wider footpath addressing pedestrian comfort and safety concerns detailed in Councils. Both design features have been integrated into this PP in direct response to Council's stated wish (Military Road Corridor Planning Study 2021) for a new town square on this site ("Site 3") and an improved Military Road footpath environment.



**We estimate the value of this combined outdoor space to be \$4,370,000.**

## 2. Public Domain Bicycle Parking in Support of Adjacent Public Transport

A public bicycle amenity at ground level to support the Public's use of the public transport infrastructure situated directly in front of the proposed building at its Military Road frontage.

**We estimate the value of this bicycle parking space and system to be \$380,000.**

## 3. Community Internal Centre

A secure interior space of approximately 323m<sup>2</sup> within the building, most likely on Level-1 or -2, illustrated in yellow on the adjacent image, 'figure-50'. To be built to commercial-office fitout standard, incorporating climate control, ceilings, painted and carpeted, or as required by Council and the Community.

**We estimate the value of this community centre to be \$2,055,000.**

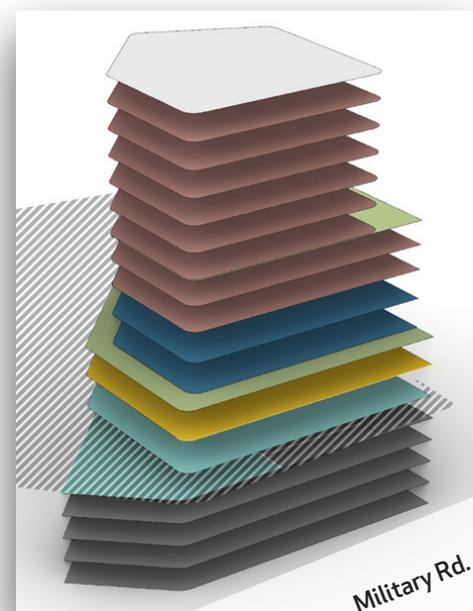


Figure 50. Proposed building envelope (northeast)  
Illustration from the PP's Urban Design Report by AJC.

The Planning Proposal for this site will facilitate its redevelopment into a new generation of mixed-use building, contributing to Council's vision for a Town Centre providing significant direct social and economic outcomes. With its commercial retail- and office- capacity, this building will contribute to the future day-time economy of the precinct by increasing economic activity and employment opportunities. Doing so while also providing new homes directly adjacent to existing and future public and road transport.

We thank Council for the opportunity to submit this Planning Proposal and welcome further opportunity to discuss our submissions, and to working collaboratively with our neighbours and Community to achieve a high quality new Town Centre.

Yours faithfully,

EQUITIBUILD PTY. LIMITED

HARRY ANDREWS  
Director