



IRF24/340

Gateway determination report – PP-2022-4350

1-7 Rangers Road and 50 Yeo Street, Neutral Bay

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Acknowledgment of Country

The Department of Planning, Housing and Infrastructure acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Attachment A1 – Amended Planning Proposal – 6 October 2023
Attachment A2 – Architectural Plans – 5 October 2023
Attachment A3 – Design Report – October 2023
Attachment A4 – Transport Assessment – 16 December 2022
Attachment A5 – Preliminary Site Investigation – April 2022
Attachment A6 – Social and Economic Report – 19 December 2022
Attachment A7 – Woolworths Engagement Survey – November 2022
Attachment A8 – Proposed LEP Maps
Attachment A9 – Public Benefit Offer – 6 October 2023
Attachment A10 – Site-specific DCP – January 2024
Attachment B1 - Panel - Record of Decision - RR-2022-29 – 12 December 2022
Attachment B2 - Panel - Record of Decision - RR-2023-14 – 11 September 2023
Attachment B3 – Proponent – letter to DPE – amendments to the proposal – 4 September 2023
Attachment B4 - Panel – Pre-Gateway Record of Decision – 18 December 2023
Attachment C1 – Council – Report (Decision) - Military Road Corridor Stage 1 - Draft Future Directions - 23 March 2020 (held 6 April 2020)
Attachment C2 – Rescinded Draft Future Directions Report - Military Road Corridor - March 2020
Attachment C3 – Council – Report and Minutes – 1-7 Rangers Road and 50 Yeo Street – 10 October 2022
Attachment C4 – Council - response to Panel Decision (RR-2023-14) - 22 September 2023
Attachment C5 - Council - Draft Neutral Bay Town Centre Study
Attachment C6 – Council – Report and Minutes – Draft Neutral Bay Town Centre Study – 12 February 2024
Attachment D1 – NSLPP – Recommendation -14 September 2022

Attachment D2 - NSLPP - Recommendation -19 April 2023

Attachment D2a – NSLPP – Council Officer’s report to LPP – 19 April 2023

Attachment E – Department - Assessment Against the Sydney North Planning Panel Conditions

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	North Sydney
PPA	Sydney North Planning Panel
NAME	1-7 Rangers Road and 50 Yeo Street, Neutral Bay (62 dwellings, gain of 143 jobs)
NUMBER	PP-2022-4350
LEP TO BE AMENDED	North Sydney LEP 2013
ADDRESS	1-7 Rangers Road and 50 Yeo Street, Neutral Bay
DESCRIPTION	Lots 1-3 DP 1091373
RECEIVED	14/02/2024
FILE NO.	IRF24/340
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are to:

- deliver a built form outcome responding to the draft Future Directions Report for the Neutral Bay Town Centre;
- deliver a high-quality mixed-use development that exhibits design excellence on a site earmarked for high density residential development;
- enhance pedestrian amenity and connectivity by providing new north-south pedestrian linkages between Yeo Street and Rangers Road and the quality of the retail environment within Neutral Bay Town Centre;

- maintain a commercial and retail presence on the site supporting and strengthening the local economy of Neutral Bay Town Centre;
- deliver residential development in a location with access to iconic views, public transport and local amenities; and
- deliver a diverse mix of residential apartments near existing and new services and an existing bus network along Military Road with connections to other major employment destinations.

The objectives of this planning proposal are clear and adequate.

1.3 Explanation of provisions

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

The planning proposal seeks to amend the North Sydney LEP 2013 per the changes in **Table 3**.

The planning proposal is accompanied by an offer of public benefits in a voluntary planning agreement (VPA) (**Attachment A9**) and a Site-Specific Development Control Plan (DCP) (**Attachment A10**) to guide development on the site.

Table 3 Current and proposed controls

Control	Current	Proposed
Zone	MU1 Mixed Use	MU1 Mixed Use (no change)
Maximum height of the building	16m	Part 26m and part 31m
Minimum non-residential floor space ratio (FSR)	0.5:1	1.8:1
General LEP provisions	Clause 6.12A Residential flat buildings in Zone MU1 Mixed Use	Clause 6.12A Residential flat buildings in Zone MU1 Mixed Use
Number of dwellings	N/A	62
Number of jobs	267	410 (143 gain)

1.4 Site description and surrounding area

The site is an irregular shape consisting of 3 lots, legally described as Lots 1-3 DP1091373 with an area of approximately 4,207m² (**Figure 2**). The land falls approximately 1.5m across from north (Rangers Road RL83.5) to south (Yeo Street RL82).

The site is in Neutral Bay, approximately 4km north of Sydney CBD (**Figure 1**). It is identified in the rescinded Military Road Corridor Planning Study (MRCPS) in the Neutral Bay Town Centre. The site is not heritage listed and is not in a Heritage Conservation Area (HCA).

The MRCPS is discussed further in section 3.

The land at 1-7 Rangers Road is currently occupied by a single storey Woolworths supermarket with approximately 3,300m² gross floor area and 100 on-site car parking spaces and adjoining bottle shop (**Figures 2 to 5**).

The land at 50 Yeo Street is a 6 storey commercial building partially occupied by the WOTSO workspace and other commercial enterprises (**Figure 4**).

Pedestrian access to the supermarket is via Rangers Road. Vehicular access is via a basement carpark on Yeo Street. Loading and servicing is via a loading dock on Military Lane to the west.

North

Adjacent to the site at 183-185 Military Road is a 3-storey commercial building constructed in the 1970s with ground level retail and commercial uses above.

To the north on the northern side of Military Road are mostly 2 storey buildings comprising small scale commercial and retail tenancies. Development further north in Grosvenor Street comprises medium density mixed-use and multi storey commercial and mix-use buildings.

East

To the east, adjacent to the site on the corner of Rangers Road and Yeo Street is a new 5-storey shoptop development at 9-11 Rangers Road.

South

To the south, on the opposite side of Yeo Street is Cremorne and residential flat buildings with 2-3 storeys with north-facing windows and balconies.

Adjacent to the subject site, at the corner of Yeo Street and Rangers Road, is a new 6-storey mixed-use development with ground level retail and residential apartments above and basement parking accessed from Yeo Street.

West

The site adjoins Military Lane to the west. Across Military Lane on the corner of Yeo Street and Wycombe Road is a recently completed 5-storey mixed-use shoptop development. The lane provides rear access for this building and the variety of 1, 2 and 3-storey retail buildings fronting Military Road and Wycombe Road.

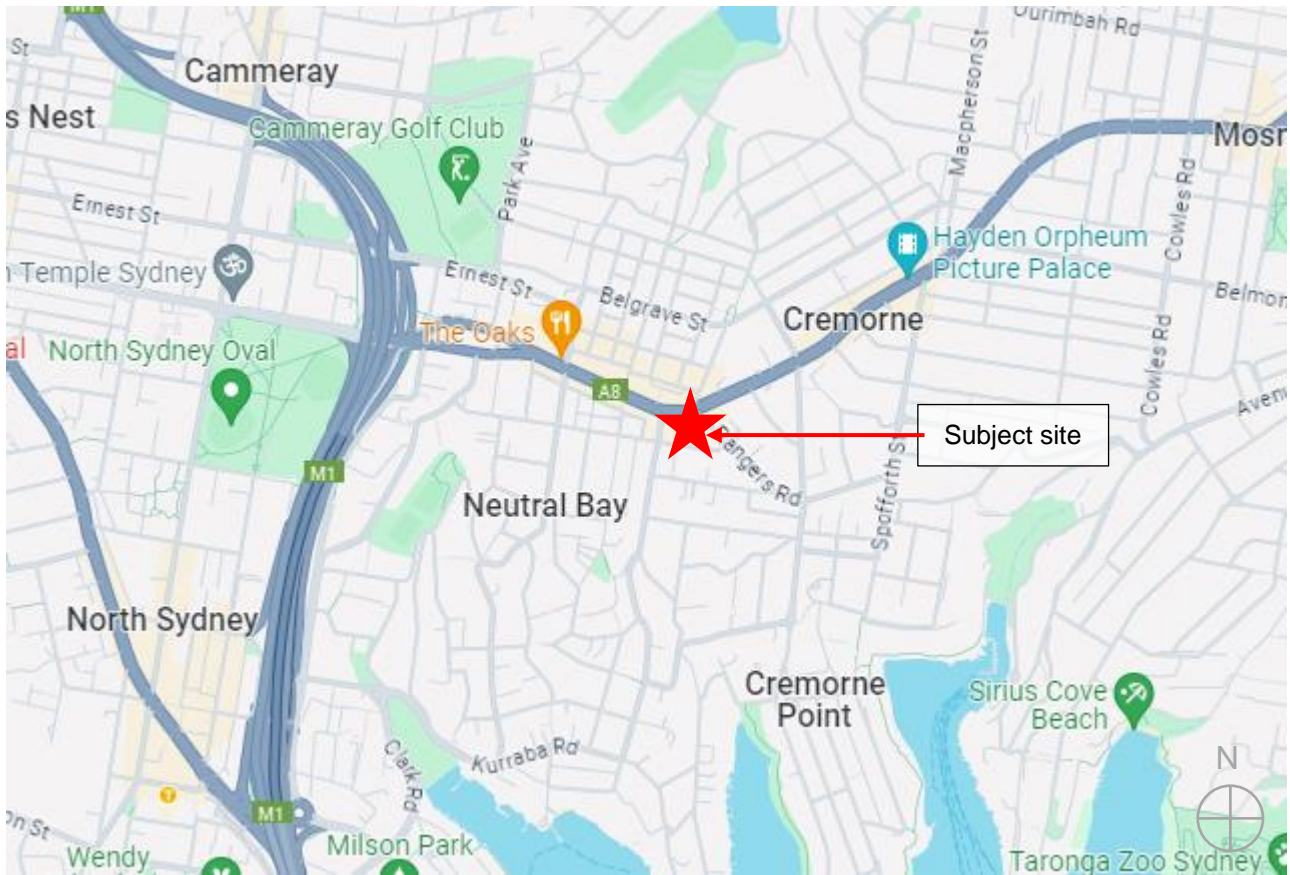


Figure 1 Locality map (source: Google Maps)



Figure 2 Subject site (source: Six Maps)



Figure 3 Aerial view of the subject site looking north-west (source: Google Maps)



Figure 4 View of the subject site from Yeo Street including the multi storey site at 50 Yeo Street at left, looking north-west (source: Google Maps)

1.5 Amended concept scheme

The proposed increase to the planning provisions as summarised in **Table 3** will facilitate:

- The site-specific DCP (**Attachment A10**) establishes a framework to guide development consistent with the State Environmental Planning Policy No 65 (now repealed and consolidated into SEPP (Housing) 2021) and the Apartment Design Guide (ADG). The site-specific DCP outlines items such as minimum site setbacks and built form.





Figure 7 Amended concept – north-east elevation – Rangers Road (source: KTA)



Figure 8 Revised concept – south elevation – Yeo Street (source: KTA)

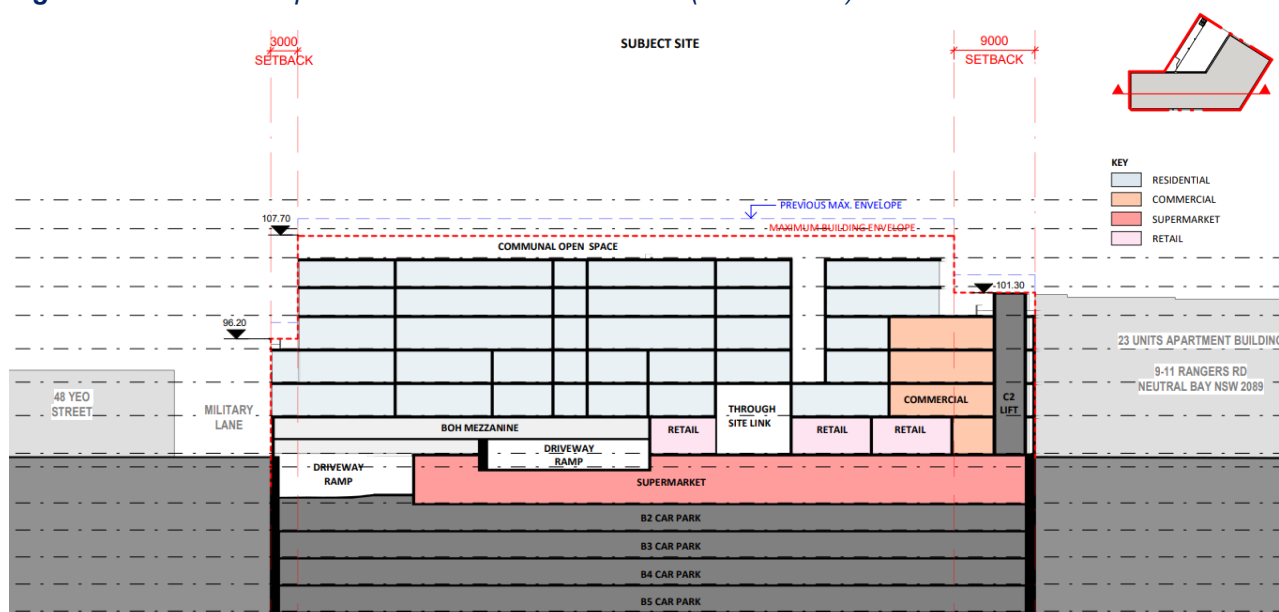


Figure 9 Revised concept – east-west section (source: KTA)

1.6 Mapping

The planning proposal includes mapping showing the proposed changes to the North Sydney LEP 2013 maps, which are suitable for community consultation. It is not proposed to change the MU1 Mixed Use zone (**Figure 10**).

The existing site is subject to the following planning provisions:

- MU1 Mixed Use zone (**Figure 10**);
- maximum HOB 16m (**Figure 11**); and
- minimum non-residential FSR 0.5:1 (**Figure 13**);

The proposed changes to the mapping indicate that the site will be subject to the following planning provisions:

- maximum HOB of part 26m and part 31m (**Figure 12**); and
- minimum non-residential FSR 1.8:1 (**Figure 14**).

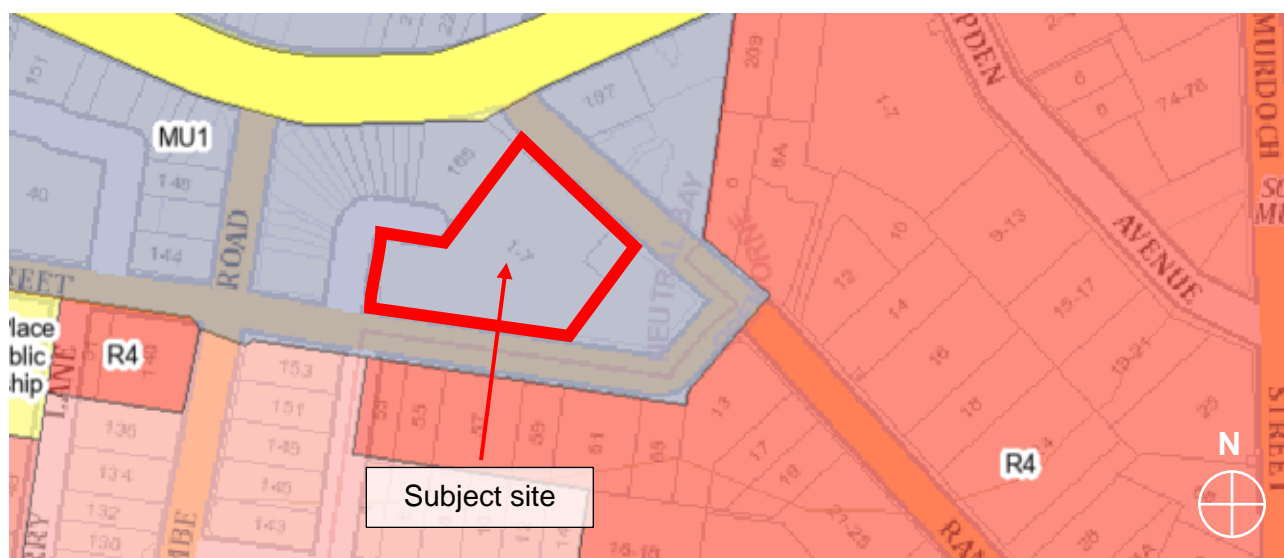


Figure 10 Current zoning map indicating the site is zoned MU1 Mixed Use. No change is proposed to the zone (source: NSW Planning Portal)

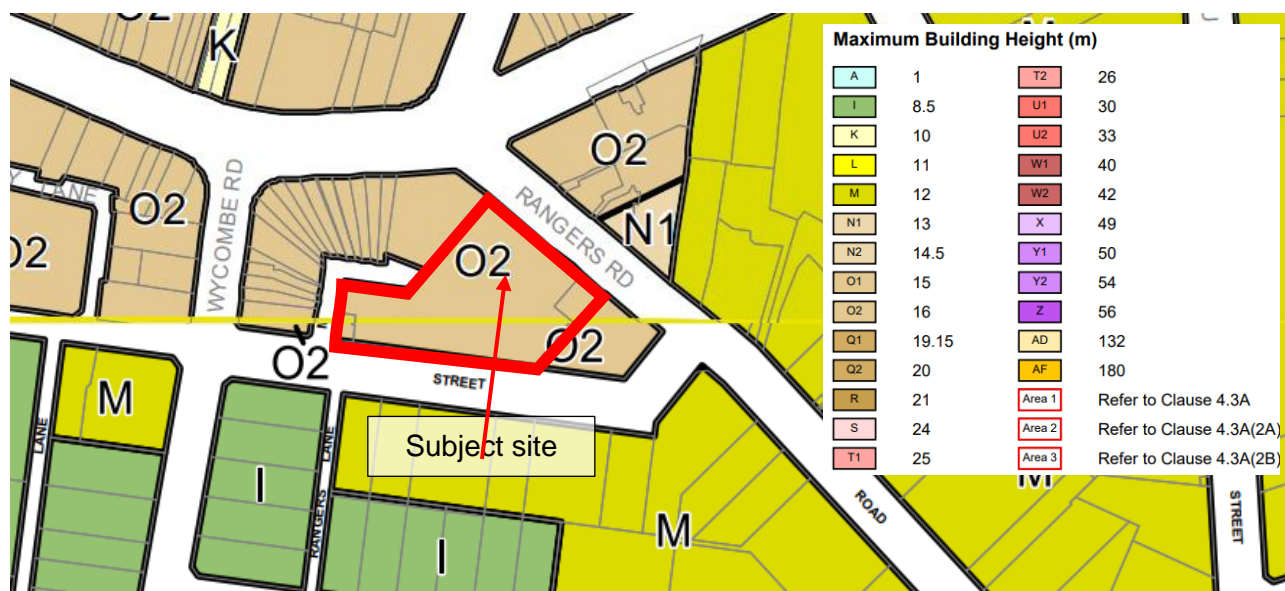


Figure 11 Current height of building map – HOB_003 and 004 indicating a maximum height of 16m (source: Ethos Urban)

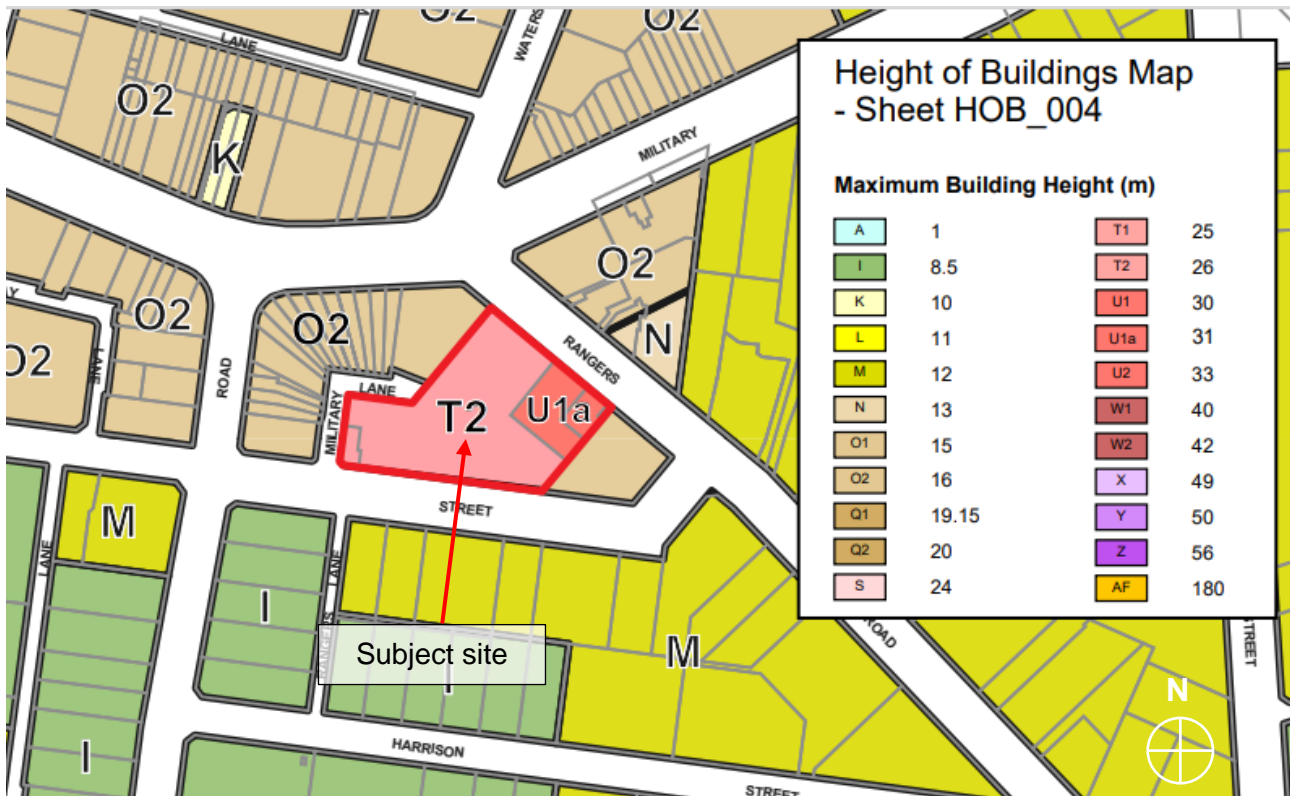


Figure 12 Proposed height of building map – HOB_003 and 004 indicating a HOB of part 26m and part 31m (source: Ethos Urban)



Figure 13 Current minimum non-residential FSR map – LCL_003 and 004 indicating a minimum non-residential FSR of 0.5:1 (source: Ethos Urban)



Figure 14 Proposed minimum non-residential FSR map – LCL_003 and 004 indicating a minimum non-residential FSR of 1.8:1 (source: Ethos Urban)

1.7 Background

A brief summary of the background of the planning proposal is in **Table 4**.

Table 4 Summary of events

Date	Event
28 May 2018	Council resolved to prepare a study for the Military Road Corridor.
22 February 2021	Council adopted the Neutral Bay Town Centre – Future Directions Report also known as the Military Road Corridor Planning Study (MRCPS). The MRCPS is discussed further in section 3.3.
24 January 2022	Council resolved to not adopt the Future Directions Report. This was after the Council election of December 2021 where a new Council was formed and the Council meeting of 10 January 2022 involving an unsuccessful attempt to rescind the Future Directions Report.
9 May 2022	A planning proposal to increase the HOB to part 30m and part 40m and increase the minimum non-residential FSR from 0.5:1 to 1.7:1 was submitted to Council.
23 May 2022	Council endorsed a scoping framework for work on a revised study for the Neutral Bay Town Centre.
14 September 2022	The North Sydney Local Planning Panel (NSLPP) recommend to not support the planning proposal (Attachment D1). This is discussed further in section 3.4.
10 October 2022	Council resolved to not support the planning proposal.

Date	Event
26 October 2022	A Rezoning Review Request was lodged (RR-2022-29). This is discussed further in section 1.6.1.
November 2022	The planning proposal had not been submitted to the department at this time. However, the department received over 100 community submissions requesting that it not proceed to a Gateway determination.
7 December 2022	Sydney North Planning Panel (Panel) determined that the planning proposal should not proceed (Attachment B1). This is discussed further in section 1.6.1.
12 January 2023	An amended planning proposal (Attachment A1) was lodged with Council.
19 April 2023	The NSLPP recommend to not support the amended planning proposal (Attachment D2). This is discussed further in section 3.4.
22 May 2023	Council resolved to not support the amended planning proposal.
23 May 2023	An incomplete Rezoning Review Request was lodged with a complete Rezoning Review Request receive 14 June 2023 (RR-2023-14).
6 September 2023	Sydney North Planning Panel (Panel) determined that the planning proposal should proceed (Attachment B2). This is discussed further in section 1.6.2.

1.7.1 First rezoning review – RR-2022-29

The 1st rezoning review request was submitted to the department on 26 October 2022 as Council notified the proponent that they would not support the planning proposal.

The Panel considered this rezoning review on 7 December 2022 and determined on 12 December 2022 (**Attachment B1**) that the proposal had strategic merit but not site-specific merit.

The Panel urged Council to finalise its strategy and plans as a matter of priority.

1.7.2 Second rezoning review – RR-2023-14

A complete 2nd rezoning review request was submitted to the department on 23 May 2023 as Council notified the proponent that they would not support the amended planning proposal.

The amended planning proposal subject to this rezoning review sought to:

- increase the maximum building height from 16m to part 27m and part 33m;
- increase the minimum non-residential FSR from 0.5:1 to 1.8:1;
- provide public benefits to deliver:
 - 88 car parking spaces for public use in the basement; and
 - a 1,013m² public plaza and through-site link.

The Panel considered this rezoning review request on 6 September 2023 and on 11 September 2023 (**Attachment B2**) recommended that that the planning proposal should be submitted to the department for a Gateway determination.

The Panel determined that the proposal had strategic merit and a majority of the Panel found that the planning proposal had site-specific merit but only if changes were made to the proposal and a site-specific DCP was included.

At this meeting the Panel appointed itself as the PPA in line with the department's *LEP Making Guideline 2022* as Council notified the proponent that it does not support the planning proposal. These changes are detailed in the Panel's decision and the proponent's letter (**Attachment B3**).

1.7.3 Council response to the Panel's determination

Council wrote to the department on 22 September 2023 (**Attachment B5**) outlining their concern about the Panel's determination of the rezoning review (RR-2023-14) (**Attachment B2**), particularly with the Panel's endorsed heights of 26m (6 storeys) and 31m (8 storeys).

Council considers that the Panel's endorsed heights set a precedent and it should be noted that the Panel endorsed the height 12-14 Waters Road, Neutral Bay 22m for 6 storeys.

Council considers that the changes to building height and design changes to the facade along Yeo Street are not sufficient to meaningfully reduce the proposal's overshadowing impact. These changes are not supported by quantitative shadow analysis and not provide the opportunity for Council to review and respond.

Department response

The department is the local plan making authority. The final height will be determined at finalisation.

1.7.4 Department pre-Gateway assessment of the amended proposal

The department's Agile Team assessed the amended planning proposal against the Panel's conditions as outlined in section 1.6.2 of this report in a pre-Gateway review. They determined that all conditions have been met except for condition (b) that required the removal of the 88 additional carparking spaces provided in the VPA (**Attachment E**).

The site is close to accessible public transport and the 88 additional spaces exceed the requirements in North Sydney DCP 2013 (NSDCP).

Proponent's Response

The additional car spaces have been retained as they form part of the significant public benefits offered in the VPA.

This analysis in the TA (**Attachment A4**) found that there is a significant undersupply of existing public carparking to support the commercial and retail function of the Neutral Bay town centre.

The undersupply of car parking in Neutral Bay is further highlighted when comparing it to other similarly sized centres in the North Sydney LGA, such as Crows Nest.

The public car parking spaces proposed as part of the project, in general, do not generate additional traffic movements compared with current conditions. Instead, they facilitate improved parking opportunities for people relying on street parking on Military Road or surrounding residential streets.

Department's Response

It is clear that both North Sydney Council and the Panel do not support the additional 88 car parking spaces beyond what is required in the Council DCP. The proposed public carparking is inconsistent with Councils strategic direction and current planning controls.

The question of whether excess public parking is an appropriate public benefit is addressed further under section 4.1.4 Public Benefit Offer and Affordable Housing

The Panel may recommend amending the proposal when it considers the post-exhibition report if the VPA negotiations have not adequately progressed at the post-exhibition stage. The department considers that this issue may also be further assessed as part of a future development application

(DA) as negotiation of carparking rates and the VPA is a matter between Council and the proponent.

2 Need for the planning proposal

The planning proposal states that it specifically responds to the now rescinded Military Road Corridor Planning Study (MRCPS) and Draft Future Directions Report for the Neutral Bay Town Centre.

The MRCPS and Future Directions Report aimed to provide a direction for the revitalisation and renewal of the Neutral Bay Town Centre. The planning proposal states that it provides a consistent outcome to the MRCPS.

The planning proposal gives effect to the relevant planning priorities and actions in the North Sydney Local Strategic Planning Statement (LSPS), including to enhance the commercial amenity and viability of Neutral Bay Town Centre. This will be achieved by facilitating a mixed-use development with ground floor retail and residential dwellings to support a growing population.

The proposal is the only way to increase the planning provisions on the site and the best means for achieving the intended outcomes.

3 Strategic assessment

3.1 Regional Plan

The Greater Sydney Region Plan establishes a series of directions to ensure planning proposals are consistent with the intended vision for Sydney.

The objectives relevant to this planning proposal are included in **Table 5**.

Table 5 Greater Sydney Region Plan assessment

Regional Plan Objectives	Justification/Consistency
A City Support by Infrastructure	The proposed increase to the development controls will facilitate increased density that will leverage off existing and new public transport including the new high frequency B-Line bus service from Mona Vale to the Sydney CBD. The proposal is consistent with this objective.
A City for People	The proposal will increase the ability to live and work in the Neutral Bay area close to public transport and services reducing the reliance on private vehicles. Increased landscaping and a 1,000m ² public plaza and through-site link will result in better local pedestrian activity, connectivity and amenity for residents and visitors. The proposal is consistent with this objective.
A City of Great Places	The proposed public domain enhancements including active retail frontages and the public plaza will improve pedestrian amenity. The proposal is consistent with this objective.

A Well-Connected City	<p>The proposed reference scheme intends to provide retail, commercial and residential floorspace close to existing public transport options to support the '30-minute' city.</p> <p>Maximising the use of public transport assets will help reduce the need for additional infrastructure and private vehicle usage.</p> <p>The proposal is consistent with this objective.</p>
Jobs and Skills for the City	<p>The provision of new commercial and retail floorspace in close proximity to existing public transport will enable people to access jobs easily. The provision of new commercial/retail uses will increase employment opportunities and could potentially support 143 new jobs.</p> <p>The proposal is consistent with this objective.</p>
A City in its Landscape	<p>The proposal is consistent with this objective as it intends to incorporate active uses at ground level and upgrades to landscaping including new street trees, pavement and street furniture increasing amenity and safety. The proposal also includes a 1,000m² public plaza.</p> <p>The proposal is consistent with this objective.</p>
Housing the City	<p>The planning proposal will facilitate the provision of 62 residential dwellings with a range of dwelling sizes to meet the needs of the community close to existing infrastructure and services.</p> <p>The planning proposal is consistent with this objective as it provides more housing options and adds to the vibrancy of the Neutral Bay Town Centre.</p>

3.2 North District Plan

The site is in the North District and the former Greater Sydney Commission released the North District Plan on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The planning proposal is consistent with the relevant priorities for infrastructure and collaboration, liveability, productivity and sustainability in the plan as outlined in **Table 6**.

The department is satisfied the planning proposal gives effect to the North District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*.

Table 6 District Plan assessment

District Plan Priority	Justification/Consistency
Infrastructure	
N1 Planning for a city supported by infrastructure	The planning proposal is consistent with this priority which seeks to align increased residential density with access to and use of existing and new infrastructure, including the new B-Line bus service from Mona Vale to the Sydney CBD.

Liveability

<p>N3 Providing services and social infrastructure to meet people's changing needs</p>	<p>The proponent has submitted an offer of public benefits to provide public parking, a publicly accessible plaza and public domain improvements and landscaping.</p> <p>The planning proposal states that the reference scheme includes 3,289m² for a new supermarket, 1,4661m² for new retail floorspace and 2,417m² for commercial floorspace.</p> <p>A publicly accessible plaza and through-site link will provide increased amenity in the area.</p>
<p>N4 Fostering healthy, creative, culturally rich and socially connected community</p>	<p>The planning proposal will enable increased development to provide an upgraded supermarket and space for new commercial floorspace and additional retail floorspace activating the street level.</p> <p>Being close to accessible public transport will reduce the reliance on private vehicle usage and short trips. Increased landscaping requirements and a publicly accessible plaza and through-site link will increase the overall amenity and help to create a healthy, vibrant area.</p> <p>The planning proposal is consistent with this priority.</p>
<p>N5 Providing housing supply, choice and affordability with access to jobs, services and public transport</p>	<p>The planning proposal is consistent with this priority as it will facilitate 62 new residential dwellings with a variety of sizes close to existing public transport to various strategic locations and beyond.</p> <p>The non-residential floorspace is estimated to support 143 ongoing jobs.</p>
<p>N6 Creating and renewing great places and local centres, and respecting the District's heritage</p>	<p>The planning proposal is consistent with this priority as it will amend the planning controls in the North Sydney LEP 2013 to provide increased residential dwellings and enable people to live and work close to existing infrastructure and services.</p> <p>Additional landscaping, publicly accessible plaza and through-site link will enhance the streetscape and increase amenity and safety.</p>

Productivity

<p>N12 Delivering integrated land use and transport planning and a 30-minute city</p>	<p>The increase to the development potential is consistent with this priority and will facilitate the provision of 62 dwellings and additional retail/commercial floorspace to leverage off existing public transport options including the B-Line service supporting the '30-minute' city.</p> <p>The planning proposal is consistent with these priorities.</p>
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Sustainability

<p>N20 Delivering high quality open space</p> <p>N21 Reducing carbon emissions and managing energy, water and waste efficiently</p>	<p>The proposal seeks to upgrade and activate the surrounding streets including a new pedestrian through-site link and plaza to improve active transport connections.</p> <p>Providing development close to existing public transport and other services will decrease the use of private vehicles and reduce emissions.</p> <p>The planning proposal is consistent with these priorities.</p>
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3.3 Local

3.3.1 Military Road Corridor Studies

Council carried out studies to review the existing planning controls that apply along Military Road. Council acknowledged that the Military Road corridor is experiencing significant pressure with proposals to redevelop land along the corridor that exceed the existing planning controls.

The objective of the review was to deliver housing and jobs growth and to guide development in line with the community's expectations.

3.3.1.1 Military Road Corridor Planning Study (MRCPS) and Draft Future Directions Report for Neutral Bay Town Centre.

The main objective of the MRCPS was to manage increases in building height in a limited number of locations consistent with the village character to maintain a viable level of employment and residential capacity of the centre including the delivery of public benefits.

The MRCPS was adopted by Council in February 2021 but rescinded on 24 January 2022 due to community concerns about the recommended building heights, loss of the village atmosphere, traffic impacts and overshadowing. Council resolved to prepare a revised study.

For the subject site, the rescinded MRCPS identified 8-storeys along Rangers Road and 6-storeys along Yeo Street subject to the solar and setback controls.

3.3.1.2 Neutral Bay Town Centre Planning Study (NBTCPS)

The revised '*Neutral Bay Town Centre Planning Study*' commenced August 2022. This study was supported to proceed to public exhibition by Council at their meeting on 12 February 2024.

It is not substantially different from the previous study except for a new objective to ensure that growth achieved a better balance between the recommended maximum heights and the provision of public open space.

The site is identified in the study as a key site (site 3B) with the objectives to:

- support local jobs, shops and housing;
- create a new public plaza fronting Rangers Road and Military Road;
- enhance pedestrian amenities and accessibility between Rangers Road and Military Road;
- support the village atmosphere.

Several public benefits are recommended for site 3B (**Figures 19**):

- a 1,000m² public plaza; and
- a through site-link between Military Road and Rangers Road and Yeo Street with active street frontages.

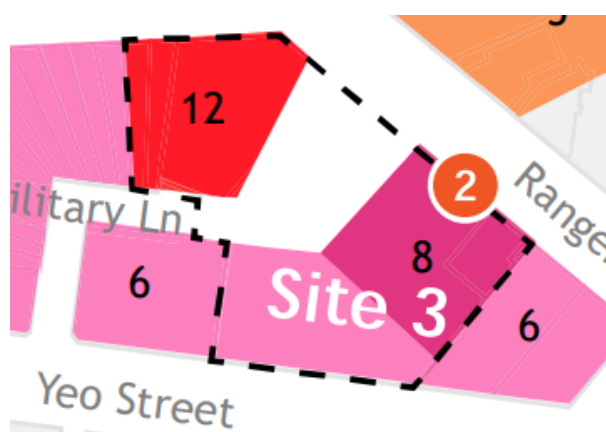


Figure 15 Proposed maximum height proposed in the rescinded MRCPS (source: Council)

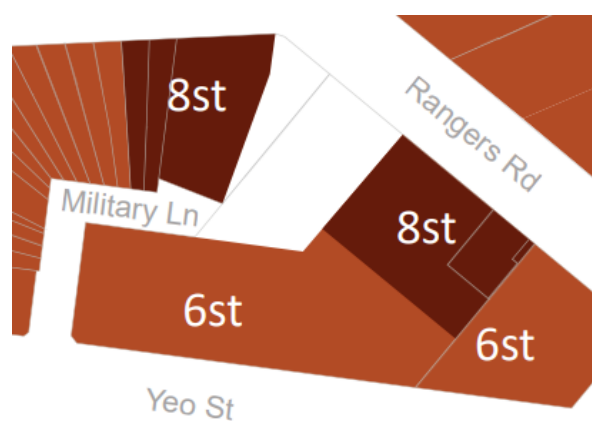


Figure 16 Proposed maximum height proposed in the NBTCPs – 8 storeys (28m) and 6 storeys (21m) (source: Council)

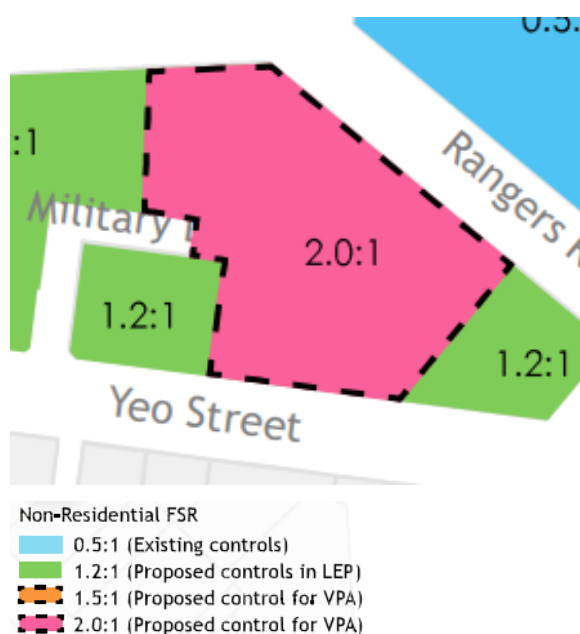


Figure 17 Proposed minimum non-residential FSR proposed in the MRCPS (source: Council)

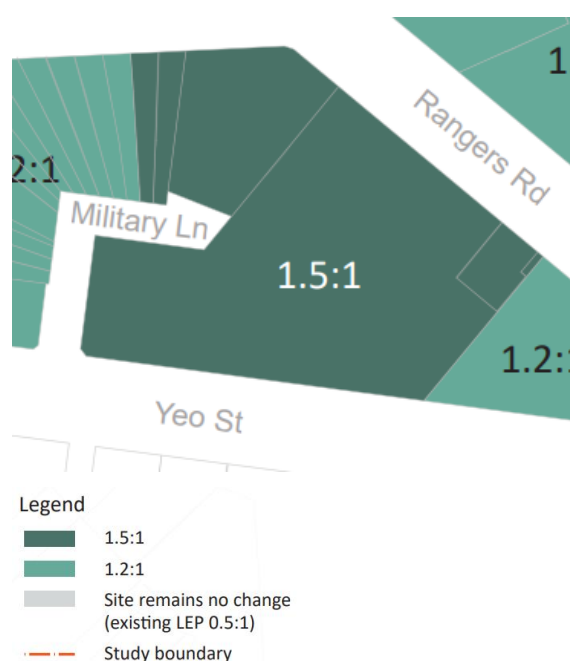


Figure 18 Proposed minimum non-residential FSR proposed in the NBTCPs (source: Council)

Table 7 Comparison of the proposed changes

	MRCPS (rescinded)	NBTCPs	Planning Proposal
Maximum height	6 storeys to Yeo Street and 8 storeys to Rangers Road (Figure 15)	Part 21m (6 storeys) and part 28m (8 storeys) (Figure 16)	Part 26m (6 storeys) and part 31m – RL114.1 (8 storeys)
Minimum non-residential FSR	<ul style="list-style-type: none"> 1-7 Rangers Road – 2:1 (with VPA – 5 storeys to 6 storeys – additional storey to be commercial/retail floorspace) 50 Yeo Street – 1.2:1 	1.5:1	1.8:1

	MRCPS (rescinded)	NBTCPS	Planning Proposal
Setbacks – ground level	<ul style="list-style-type: none"> Nil to Yeo Street and Rangers Road; 1.5m to Military Lane. 	<ul style="list-style-type: none"> Nil to Yeo Street and Military Lane; 1.5m at ground level to Rangers Road. 	<ul style="list-style-type: none"> Nil to Yeo Street and Military Lane; Nil to Rangers Road; Nil adjacent residential development to the east
Podium heights	<ul style="list-style-type: none"> 4 storeys to Rangers Road; 3 storeys to Yeo Street and Military Lane; 	<ul style="list-style-type: none"> 4 storeys to Rangers Road; 3 storeys to Yeo Street; 2 storeys to Military Lane. 	<ul style="list-style-type: none"> 4 storeys to Rangers Road; 3 storeys to Yeo Street; 2 storeys to plaza
Setbacks - above podium	3m	3m	<ul style="list-style-type: none"> 3m to Military Lane; 5.5m to Rangers Road; 3.5m to Yeo Street; 9m setback for residential levels adjacent to the east
Community area	1,000m ²	1,000m ² plaza and through-site link	1,100m ² plaza and through-site link



Figure 19 Subject site in the draft Neutral Bay Town Centre Study area (source: Council)

3.4 Local planning panel (LPP) recommendation

The North Sydney Local Planning Panel (NSLPP) considered the current planning proposal on 19 April 2023 and recommended that it not be supported for Gateway determination as it did not demonstrate either site specific or strategic merit (**Attachment D2**).

The NSLPP noted that the site presented a key opportunity and further work was required by the applicant to ensure positive urban design and public domain outcomes with regards to:

- reducing the overall height to 21m to Yeo Street and 28m to Rangers Road;
- reducing the bulk and scale to provide a better relationship to the adjoining developments and streetscape;
- open to sky through-site link with appropriate setbacks for an improved visual connection;
- a well-proportioned public plaza to accommodate outdoor dining and landscaping and facilitates the opportunities in the redevelopment of the adjoining 183-185 Military Road;
- removal of the 88 public parking space as they are in exceed the requirements in the DCP;
- maintaining the proposed 1.8:1 non-residential FSR; and
- demonstrating compliance with the ADG and provide affordable housing in the proposal.

3.5 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed in **Table 8**.

Table 8 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
Resilience and Hazards		
4.4 Remediation of Contaminated Land	Yes	<p>This Direction aims to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered at the planning proposal stage.</p> <p>A preliminary site investigation (PSI) (Attachment A5) submitted with the planning proposal stated that further examination was required to assess the presence of potential contamination.</p> <p>The planning proposal is consistent with this Direction as the site contamination has been considered.</p> <p>The contamination impact is discussed further in section 4.</p>
Transport and Infrastructure		
5.1 Integrating Land Use and Transport	Yes	<p>This Direction aims to improve access to housing, jobs and services by walking, cycling and public transport and reducing dependency on private vehicles.</p> <p>The planning proposal intends to increase the planning controls on the site to facilitate 62 new dwellings, new commercial and retail floorspace</p>

		<p>close to existing and new transport options. This will support the reduction in the dependence on private vehicles.</p> <p>The planning proposal is consistent with this Direction.</p> <p>The traffic impact is discussed further in section 4.</p>
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Industry and Employment

7.1 Business and Industrial Zones (previously 1.1)	Yes	<p>This Direction aims to retain areas and locations of existing business and industrial zones and not reduce the total potential floor space area for employment uses and related public services in the zone.</p> <p>This Direction applies to the MU1 Mixed-use zone which is an employment zone.</p> <p>The increase in non-residential floorspace on the site will facilitate 3,289m² for a new supermarket, 1,466m² for retail and 2,417m² for commercial floorspace.</p>
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3.6 State environmental planning policies (SEPPs)

The consistency of the planning proposal with the relevant SEPPs is discussed in **Table 9**.

Table 9 Assessment of planning proposal against relevant SEPPs

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
SEPP (Resilience and Hazards) 2021	The SEPP aims to manage risks and build resilience in the face of hazards.	Yes	<p>No hazardous or offensive development is proposed.</p> <p>A PSI (Attachment A5) has been submitted with the planning proposal indicating that further investigation is required.</p> <p>The planning proposal is recommended to be updated to address this SEPP as SEPP 55 was consolidated into this SEPP.</p> <p>The contamination impact is discussed further in section 4.</p>
SEPP (Transport and Infrastructure) 2021	The SEPP aims to provide well-designed and located transport and infrastructure integrated with land use.	Yes	<p>The planning proposal is not classified as a traffic-generating development in Schedule 3.</p> <p>The Traffic and Parking Impact Assessment (TIA) (Attachment A4)</p>

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
			<p>indicates that the development will not have a significant impact on the surrounding road network.</p> <p>However, a Gateway condition is proposed to consult with TfNSW.</p> <p>The traffic and parking impact are discussed further in section 4.</p>
SEPP (Housing) 2021	This consolidated SEPP aims to deliver a sufficient supply of safe, diverse and affordable housing.	Not Applicable	SEPP 65 has now been consolidated into chapter 4 of this SEPP. The planning proposal will require updating to revise the consistency with this SEPP.
SEPP 65 - Design Quality of Residential Apartment Development	The aim of this policy is to improve the design quality of residential apartment development in NSW.	Yes – capable at the DA stage	<p>It should be noted that SEPP 65 has now been repealed. The planning proposal will need to be updated to address chapter 4 of SEPP (Housing) 2021.</p> <p>The proposal states that it is generally consistent with the principles of this SEPP.</p> <p>A revised reference scheme design has been submitted which has regard to the principles of SEPP 65. Any future DA for residential flat buildings, shop top housing or mixed-use development with a residential component will be required to have regard to SEPP 65 and the Apartment Design Guide (ADG).</p> <p>The consistency can be further assessed as part of a future DA.</p> <p>The built form is discussed further in section 4.</p>

4 Site-specific assessment

4.1 Environmental

The site is within an established urban environment with no known critical habitats, threatened species or ecological communities. The following provides an assessment of the potential environmental impacts associated with the proposal.

4.1.1 Traffic, Transport and Parking Impact

A Transport Assessment (TA) (**Attachment A4**) dated 16 December 2022 was submitted with the previous planning proposal.

The existing site comprises of a Woolworths supermarket with approximately 3,300m² GFA and 100 on-site car parking spaces. The new supermarket is proposed to be of similar size at 3,289m² in the 1st basement level (**Figure 9**) with the loading dock.

Traffic

The site is currently used for a single storey supermarket with basement parking for 100 vehicles. The TA indicates that the reference scheme will result in an additional 99 vehicular trips in the AM peak, 178 in the PM peak and 166 in the Saturday peak.

Table 10 summaries the proposed traffic generation from the reference scheme.

Table 10 Potential traffic generation

Land use	Number/Area Size	Net Increase in Traffic Generation		
		AM Peak Hour	PM Peak Hour	Saturday Peak Hour
Residential	62	9	12	14
Commercial	2,417m ²	16	10	4
Retail	1,466m ²	30	68	60
Public parking	88	44	88	88
Subtotal		99	178	166
Supermarket	3,300m ² (based on the existing conditions)	101	229	205
Total		200	407	371

In the Council Officer's report to the NSLPP (**Attachment D2a**) it is stated that the proponent's transport assessment is based on limited data with further justification needed. Council also notes that parking and vehicular access is a matter determined at the DA stage. Referral to TfNSW will be required at the DA stage for approval for 2 key intersections of Wycombe Road/Military Road and Yeo Steet/Wycombe Rd.

Parking

Access to the basement parking will be via Yeo Street. The TA states that the proposed 58 spaces for residential parking in the reference scheme is consistent with the maximum under the North Sydney DCP.

A comparison of the provisions of maximum parking rates in the DCP and the proposal are outlined in **Table 11**.

Council stated that the additional 88 'public' car spaces are over and above Council's maximum parking rates resulting in a significant oversupply of parking on a site close to accessible transport. Council does not agree with the proponent's justification as it will function as overflow parking for

the retail/supermarket uses within the development and in effect will induce more traffic in the area, negating any public benefit.

Table 11 Proposed parking provisions in the reference scheme

Area			Maximum NSDCP Parking Rate	Number	Proposal
Residential	1 bed	8	0.5 spaces per dwelling	4	4
	2 bed	15	1 space per dwelling	15	15
	3 bed	39	1 space per dwelling	39	39
Supermarkets		3,289m ² (plus 702m ² for ancillary uses)	4 space per 100m ²	160	160
Speciality retail		1,466m ²	1 space per 60m ²	25	25
Commercial		2,417m ²	1 space per 60m ²	41	41
Public Parking			N/A	0	88
Total				284	372

Note - the planning proposal indicates 8 spaces for the 1 bedroom apartment, this should be 4.

Public and Active Transport

The site is close to Military Road which is a major bus corridor with express services and the B-Line to a wide variety of locations including key employment centres such as the Sydney CBD, North Sydney CBD, St Leonards and Chatswood.

The TA indicates that the area has good pedestrian amenity with quality footpaths close to the site, signalised pedestrian crossings around Military Road and Wycombe Road and a zebra crossing at Yeo Street near Rangers Road.

A cycleway network is evolving which will provide a connection between the North Sydney CBD to Mosman via Neutral Bay.

4.1.2 Contamination Impact

A Preliminary Site Investigation (PSI) (**Attachment A5**) was submitted with the planning proposal.

The PSI states that the potential contamination was low. However, historical records indicate drycleaner operations on the site and in close proximity with potential for contamination to the soil and groundwater.

The PSI has considered that there is potential for contamination with further investigation required. The department considers that this can be further investigated at a future DA stage and after the demolition of the existing structures on the site.

4.1.3 Overshadowing and Solar Access Impact

The amended planning proposal compared the overshadowing impact from the amended concept (**Figures 7 to 9**) to the recommended built form in the rescinded MRCPS and Future Directions Report including the existing commercial building at 50 Yeo Street.

The analysis indicates that some buildings on the southern side of Yeo Street will be affected by overshadowing from the amended concept. The analysis indicates that the recommended built form in the rescinded MRCPS and Future Directions Report would also result in overshadowing to a greater extent to these properties (**Figures 20 to 25**).

The amended planning proposal with the revised setbacks will result in the following solar access:

- 53 Yeo Street - to north facing windows between 12pm and 2pm;
- 55 Yeo Street - to north facing windows between 12pm and 2pm;
- 57 Yeo Street - majority of the north facing windows receive solar access between 12pm and 2pm. Between 12pm and 2pm, the solar impact to this property is less than what would result from the recommended built form in the MRCPS; and
- 59 Yeo Street - majority of the north facing windows receive solar access between 12pm and 2pm. The solar impact to this property is less than what would result from the recommended built form in the MRCPS.

Further assessment of the overshadowing can be carried as part of a future detailed design phase.



Figure 20 Shadow diagram 9am 21 June (source: KTA)

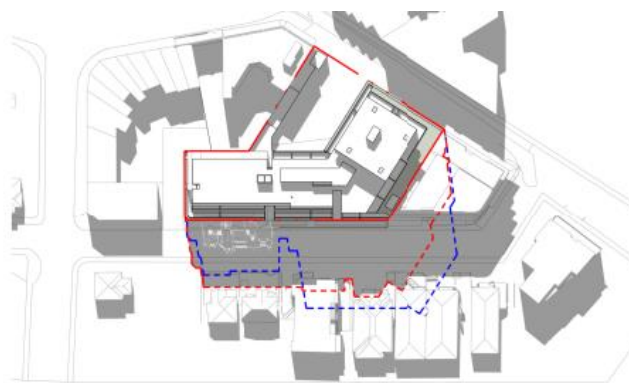


Figure 21 Shadow diagram 12pm 21 June (source: KTA)

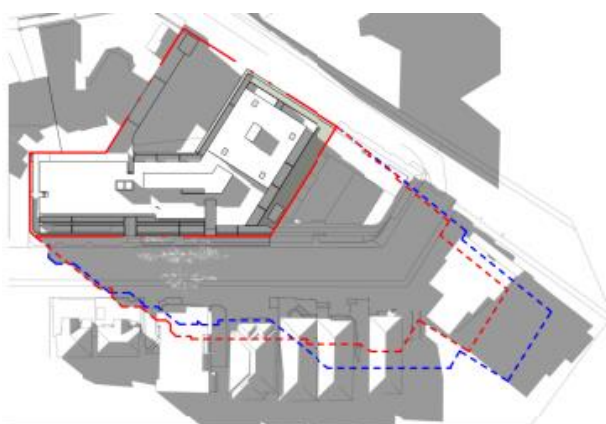


Figure 22 Shadow diagram 3pm 21 June (source: KTA)

- — — Outline of MRCPS massing
- — — Outline of new proposed building

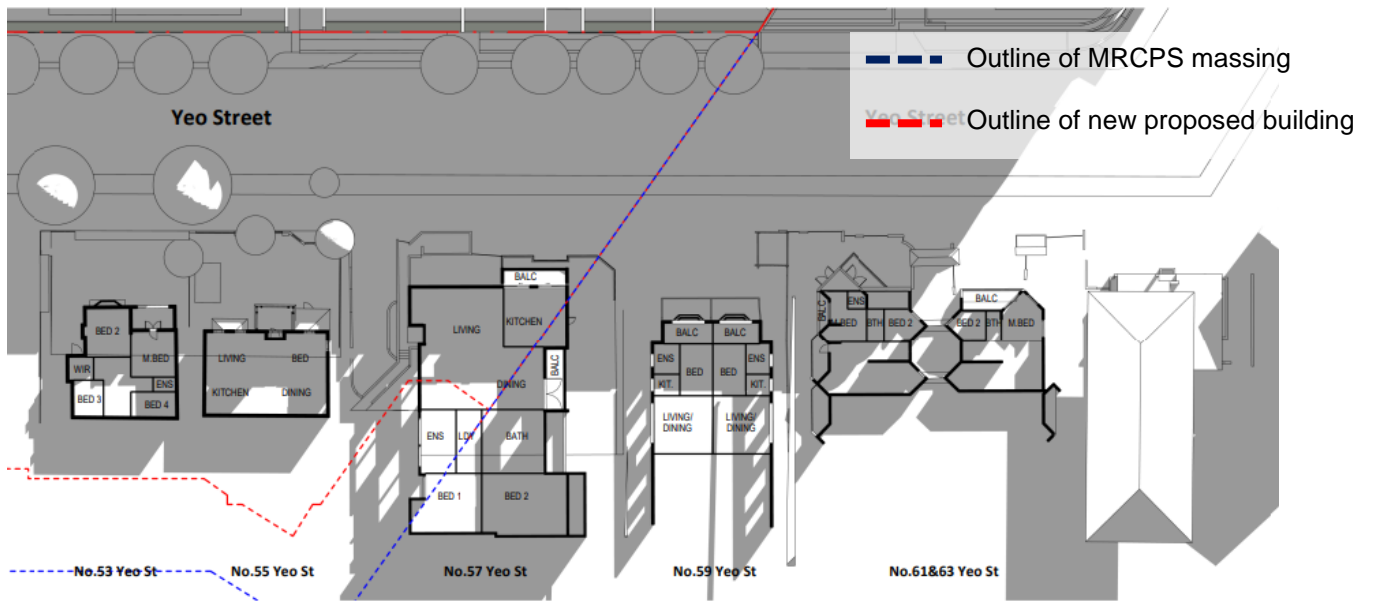


Figure 23 Overshadowing to Yeo Street properties 9am 21 June (source: KTA)

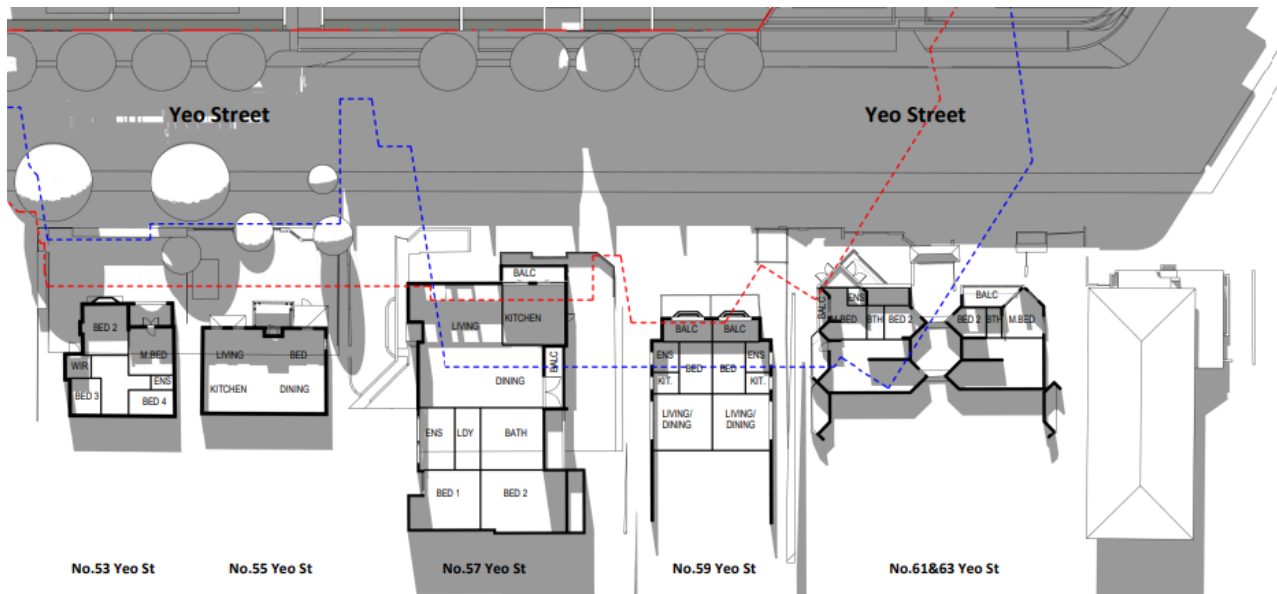


Figure 24 Overshadowing to Yeo Street properties 12pm 21 June (source: KTA)

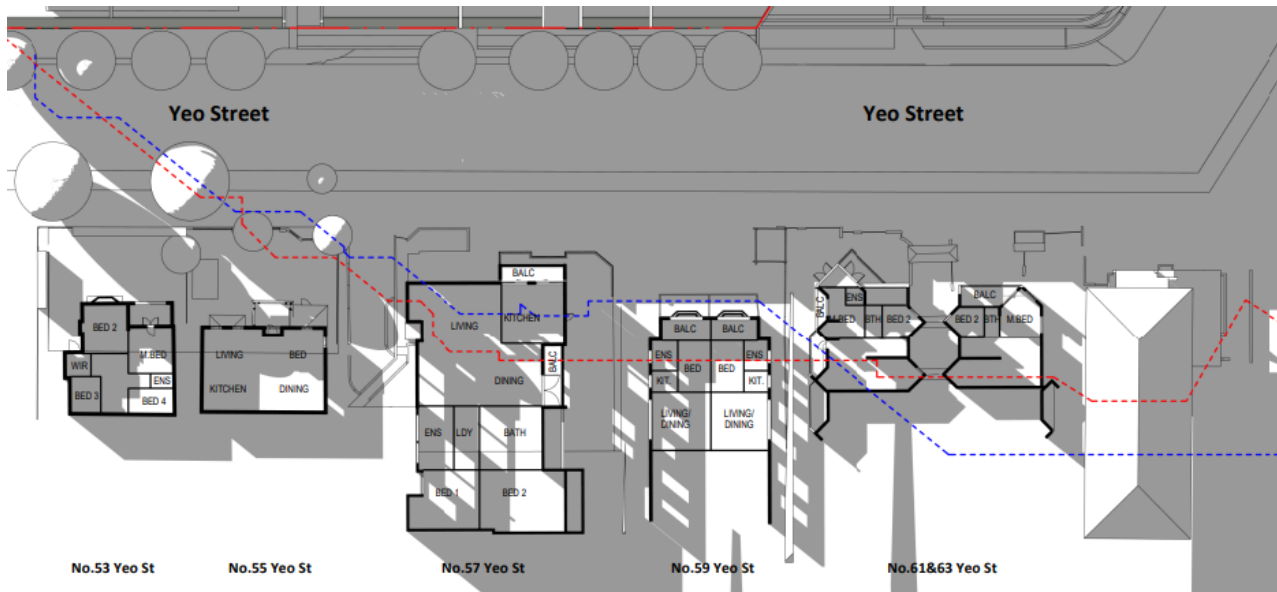


Figure 25 Overshadowing to Yeo Street properties 3pm 21 June (source: KTA)

4.1.4 Public Benefit and Affordable Housing

The North Sydney LEP does not contain any provisions for developments to include affordable housing. Currently only 130 affordable housing units are managed in the LGA. Council recognises the acute need for affordable housing and would be supportive of a higher quantum being provided as is possible.

- The North Sydney Local Planning Panel reviewed the planning proposal at their meeting on 19 April 2023 (**Attachment D**) and stated that if the planning proposal was to progress, consideration should be given to the provision of key worker and affordable housing.
- At the meeting of 12 February 2024, Council resolved that additional resources are to be devoted to housing. Council officers will now reprioritise their work program to concentrate on affordable housing policy, planning and implementation.
- At the Sydney North Planning Panel meeting of 6 September 2023 (**Attachment B2**), it was noted that there was a lack of discussion in the planning proposal concerning affordable housing, and the Panel recommended removal of the additional 88 public car parking spaces.

A key component of the proponent's public benefit offer (**Attachment A9**) is additional public car parking to the value of \$4,947,587. Rather than delivering excess parking that is not supported by Council or the Panel, the department recommends that proponent investigate opportunities for the provision of affordable housing in the proposal as a key public benefit with a target of at least 5% affordable housing per the Greater Sydney Region Plan.

4.2 Social and economic

Table 10 provides an assessment of the potential social and economic impacts associated with the proposal.

Table 10 Social and economic impact assessment

Social and Economic Impact	Assessment
Social	<p>The planning proposal states that the social impact will be positive as it will include integrated shopping and dining, a new civic plaza with through-site links improving amenity and the civic area. People will be able to live and work near existing and new transport options, infrastructure and services.</p> <p>A letter of offer (Attachment A9) for public benefits has been submitted with the planning proposal for public car spaces, a publicly accessible plaza with landscaping, lighting and outdoor furniture and through-site link and upgrades to the public domain.</p> <p>The site-specific DCP (Attachment A10) aims to guide development to positively improve the public domain.</p>
Economic	<p>The proposal is estimated to support 263 direct and 421 indirect full time jobs during construction and 143 full time jobs on completion. The planning proposal states that it will increase activation in the Military Road Precinct adding value to the local economy.</p>

4.3 Infrastructure

Table 11 provides an assessment of the adequacy of infrastructure to service the site and the development resulting from the planning proposal and what infrastructure is proposed in support of the proposal.

Table 11 Infrastructure assessment

Infrastructure	Assessment
Public transport	<p>The site is less than 50m from Military Road with numerous frequent bus services including the B-Line providing high frequency bus services between Mona Vale and the Sydney CBD. No further infrastructure is required.</p> <p>The planning proposal will be referred to TfNSW for comment.</p>
Utilities	<p>The site is within an established urban area. An assessment of the site in relation to the provision of water and power can be undertaken as part of a future DA.</p> <p>However, a Gateway condition will be included to refer the planning proposal to the relevant utility providers.</p>

5 Consultation

5.1 Community

The planning proposal is categorised as a standard under the department's *LEP Making Guideline* (August 2023). Accordingly, a community consultation period of 20 working days is recommended and this forms part of the conditions to the Gateway determination.

5.2 Agencies

The proposal does not specifically raise which agencies will be consulted.

It is recommended the following agencies be consulted on the planning proposal and given 30 working days to comment:

- Transport for NSW;
- Ausgrid;
- Sydney Water Corporation;
- NSW Department of Education including Schools Infrastructure NSW; and
- NSW Health.

6 Timeframe

The planning proposal provides an indicative project timeline with an anticipated completion date for the LEP amendment by September 2024.

The department's *LEP Plan Making Guideline* (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as a standard.

The department recommends an LEP completion date of 14 January 2025 in line with its commitment to reducing processing times and with regard to the benchmark timeframes. A condition to the above effect is recommended in the Gateway determination.

It is recommended that if the gateway is supported it is accompanied by guidance for Council in relation to meeting key milestone dates to ensure the LEP is completed within the benchmark timeframes.

7 Local plan-making authority

The site/planning proposal has been the subject of 2 rezoning reviews.

Council cannot request delegation to be the Local Plan-Making Authority (LPMA) as it is not the Planning Proposal Authority (PPA).

Council has previously notified the applicant that it does not support the proposed amendment to the LEP. In line with the department's *Local Environmental Plan Making Guideline 2023*, the Panel appointed itself PPA on 11 September 2023.

As the Panel is the PPA for the subject proposal, Council cannot be authorised to be the local plan-making authority (LPMA) for this proposal.

8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- it is generally consistent with the Local Housing Strategy and Local Strategic Planning Statement;
- it is generally consistent with the actions of the North District Plan by facilitating additional residential dwellings and commercial/retail floorspace, maximising public transport patronage and promoting employment growth in an accessible location; and
- the increase to the planning controls on the site will facilitate an increase and a variety of residential dwellings, new additional commercial and retail floorspace and a publicly accessible plaza close to existing public transport with good access to services and employment.

Based on the assessment outlined in this report, the proposal must be updated before consultation to:

- address the consolidated SEPP (Resilience and Hazards) 2021 instead of the now repealed SEPP 55 Remediation of Land;
- address SEPP (Sustainable Buildings) 2022;
- update the consistency of the planning proposal against SEPP (Housing) 2021 and remove reference to the repealed SEPP No 65; and
- to include an updated timeline based on the issuing of the Gateway determination.

9 Recommendation

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to conditions.

The following conditions are recommended to be included on the Gateway determination:

1. The planning proposal is to be updated prior to community consultation to:
 - investigate opportunities for the provision of affordable housing in the proposal as a key public benefit, instead of the provision of 88 additional public car spaces, with a target of at least 5% affordable housing per the Greater Sydney Region Plan;
 - address the consolidated SEPP (Resilience and Hazards) 2021 instead of the now repealed SEPP 55 Remediation of Land;
 - address SEPP (Sustainable Buildings) 2022
 - update the reference to SEPP (Housing) 2021 and remove reference to the repealed SEPP No. 65; and
 - to include an updated timeline based on the issuing of the Gateway determination.
2. It is recommended that the site-specific DCP be exhibited with the planning proposal.
3. Consultation is required with the following public authorities:
 - Transport for NSW;
 - Ausgrid;
 - Sydney Water Corporation;
 - NSW Department of Education including Schools Infrastructure NSW; and
 - NSW Health.
4. The planning proposal should be made available for community consultation for a minimum of **20** working days.

Given Council is not the PPA, they cannot be appointed to be the local plan-making authority. The SNPP is appointed as the PPA for this proposal. The proposal will be forwarded to the department to exercise the appropriate functions as the LPMA.

The timeframe for the LEP to be completed is on or before 17 January 2025



19 March 2024

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22 March 2024

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