

DATE OF DECISION	11 September 2023
DATE OF MEETING	6 September 2023
PANEL MEMBERS	Peter Debnam (Chair), Donna Rygate, Greg Woodhams, Che Wall and Karla Castellanos
APOLOGIES	None
DECLARATIONS OF INTEREST	None

REZONING REVIEW

RR-2023-14 – North Sydney LGA – PP-2022-4350 - 1–7 Rangers Road & 50 Yeo Street, Neutral Bay

Reason for Review:

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

PANEL CONSIDERATION AND DECISION

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

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

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

The Panel's opinion that the planning proposal has strategic merit was unanimous. However 4 of the 5 members considered that the planning proposal only has site specific merit if changes were made to the planning proposal and through adoption of a revised site specific development control plan.

The Panel Majority requires that prior to submitting the planning proposal for a Gateway determination, the planning proposal is to be revised to address the following:

- A reduction in the maximum building to no more than part 26m (6 storeys) and part 31m (8 storeys);
- The retention of a minimum non-residential FSR of 1.8:1.; and
- The proposed changes to the planning proposal as detailed in the Proponent's letter (from Ethos Urban) dated 4th September 2023.

Prior to public exhibition, the Panel Majority recommend the Site Specific Development Control Plan (DCP) be amended to include:

- a) Changes to the planning proposal as detailed in the Proponent's letter (from Ethos Urban) dated 4 September 2023 including:
 - I. Removal of the two (2) storey retail podium component to improve the size and amenity of the public domain;
 - II. Reduction in floor-to-floor heights to further reduce the overall building height;

- III. Increased building articulation along the Yeo Street frontage;
- IV. Increased northern setbacks on level 4 fronting Rangers Road to 3m;
- V. Increased setback to the edge of the eastern terraces facing 9-11 Rangers Road to 6m; and
- VI. Provision of a minimum of two (2) building slots of 3.5m wide to the Yeo Street façade;
- b) Removal of the additional 88 car spaces and compliance with the North Sydney DCP car parking rates; and
- c) 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 Military Road Corridor Planning Study including the existing building at 50 Yeo Street and the additional floor to floor reductions (1.7-1.9m) proposed in the Proponent's letter dated 4 September 2023.

In accordance with Section 3.32(1) of the *Environmental Planning and Assessment Act 1979*, the Panel as delegate of the Minister for Planning has determined to appoint itself as the Planning Proposal Authority (PPA) for this planning proposal. North Sydney Council has previously refused to progress the proposal.

The Panel member Che Wall whilst agreeing that the proposal has strategic merit, did not agree that the proposal demonstrated site specific merit. Che considers that the current proposal will result in a considerable decrease in commercial office floor space and related employment opportunities, and the planning proposal has not adequately addressed the economic impact this will have on Neutral Bay Town Centre. The proposed heights for six and eight-storey are excessive and do not provide adequate solar access to residents on Yeo Street. Additionally, the proposed public space is significantly compromised by large portions not being open to the sky, and having no deep soil to support green infrastructure. This greatly reduces the public benefits provided.

REASONS FOR THE DECISION

The Panel considered the documentation, was briefed by the Department and heard extensively from the Proponent and Council during the briefing. The key issues set out in the Department's briefing paper were discussed at length.

The Panel unanimously decided the proposal had Strategic Merit given that:

- The planning proposal 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 though 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.






The majority of the Panel agreed the proposal demonstrated Site Specific Merit in that the issues of number of storeys, human-scale frontage to the proposed plaza, non-residential FSR, overshadowing, traffic and transition to low-scale residential areas south of the site had been improved from the previous planning proposal.

During the briefings, the Panel discussed the planning proposal in detail with Council Officers and the Proponent and noted there had unfortunately been no substantive consultation between the Proponent,

the Department and Council since December 2022 when the Panel had considered the previous planning proposal.

However, in their separate submissions, Council and the Proponent each suggested amendments to the current proposal - should the Panel be inclined to accept the planning proposal. In its deliberations, the Panel discussed these suggestions at length and a majority of the Panel resolved to adopt some of these amendments to enhance the proposal and proposed other amendments to address outstanding issues.

Given the long gestation of this important project on a key site in the town centre and the previously productive working relationship between Council and the Proponent as the project originally evolved, the Panel suggests it would now be in the community interest that Council work closely with the Proponent and the Department to further this project.

PANEL MEMBERS	
 Peter Debnam (Chair)	 Donna Rygate
 Greg Woodhams	 Che Wall
 Karla Castellanos	

SCHEDULE 1		
1	PANEL REF – LGA – DEPARTMENT REF - ADDRESS	RR-2023-14 – North Sydney LGA – PP-2022-4350 - 1–7 Rangers Road and 50 Yeo Street, Neutral Bay
2	LEP TO BE AMENDED	North Sydney Local Environmental Plan 2013
3	PROPOSED INSTRUMENT	<p>The planning proposal seeks to enable the redevelopment of the site for a mixed-use building comprising commercial, retail and residential uses and the delivery of community benefits – 1,013m² public plaza and through site link and 88 dedicated public parking spaces.</p> <p>The planning proposal seeks to amend the North Sydney Local Environmental Plan 2013 by:</p> <ul style="list-style-type: none"> increasing the maximum building height from 16m to part 27m and part 33m; and increasing the minimum non-residential Floor Space Ratio (FSR) from 0.5:1 to 1.8:1.
4	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Rezoning review request documentation and letter from Ethos Urban to Department of Planning and Environment (4 September 2023) Briefing report from Department of Planning and Environment, 25 July 2023
5	BRIEFINGS BY THE PANEL	<ul style="list-style-type: none"> Briefing with Department of Planning and Environment (DPE): 10:30am - 10.45am, 6 September 2023 <ul style="list-style-type: none"> Panel members in attendance: Peter Debnam (Chair), Donna Rygate, Greg Woodhams, Che Wall and Karla Castellanos DPE staff in attendance: Brendan Metcalfe, Charlene Nelson, Matthew Rothwell, Derryn John, Brendon Roberts, Tim Coorey, Lisa Kennedy, Adam Williams and Taylah Fenning Key issues discussed: <ul style="list-style-type: none"> Council’s strategic framework for the area – Neutral Bay Town Centre Strategic Plan & Military Road Corridor Planning Study (rescinded) Changes to proposal - previous planning proposal December 2023, submitted and proposed in Ethos Urban letter Proposed building height, bulk, scale Affordable housing – council’s policy & no discussion in proposal Commercial floorspace – proposed reduction Open space/proposed plaza – access to Planning proposal for adjoining site - 183-185 Military Road Preparation of a site specific development control plan Briefing with North Sydney Council: 11:15am - 12.17pm, 6 September 2023 <ul style="list-style-type: none"> Panel members in attendance: Peter Debnam (Chair), Donna Rygate, Greg Woodhams, Che Wall and Karla Castellanos DPE staff in attendance: Brendan Metcalfe, Charlene Nelson, Matthew Rothwell, Derryn John, Brendon Roberts, Tim Coorey, Lisa Kennedy, Adam Williams and Taylah Fenning

		<ul style="list-style-type: none"> ○ Council representatives in attendance: Katerina Papas, Neal McCarry, Jing Li, Solmaz Khabir and Michael Speckman ○ Key issues discussed: <ul style="list-style-type: none"> • strategic merit – inconsistency with North Sydney LSPS action to develop a planning study for Neutral Bay; strategic objectives for Neutral Bay; Military Road Corridor Study (rescinded) increases in maximum heights and public benefits • height – requested height 27m & 33m for 6/8 storeys is excessive and accommodates building of 8/9 storeys • bulk, scale & massing – podiums, open-to-sky link, transition to low scale residential to south • overshadowing – impacts on Yeo St residences • traffic – generation, congestion, car parking, further assessment required • public benefit of a plaza – integration with 183-185 Military Road site, landscape & urban design • should the planning proposal progress it should be amended to reduce the podium & building height (21m/28m) and maintain Non-residential FSR of 1.8:1 • affordable housing • site specific development control plan ○ Briefing with Urban Ethos (Proponent): 12:17pm - 1.45pm, 6 September 2023 <ul style="list-style-type: none"> ○ Panel members in attendance: Peter Debnam (Chair), Donna Rygate, Greg Woodhams, Che Wall and Karla Castellanos ○ DPE staff in attendance: Brendan Metcalfe, Charlene Nelson, Matthew Rothwell, Derryn John, Brendon Roberts, Tim Coorey, Lisa Kennedy, Adam Williams and Taylah Fenning ○ Proponent representatives in attendance: Ben Craig, Kimberly Bautista, Rafe Wilson, Josh Milston, Pierre Abrahamse, Nicholas Steele and Andrew Loveday ○ Key issues discussed: <ul style="list-style-type: none"> • Revised planning proposal to address Panel's & Council's concerns • Public domain/plaza – remove 2 storey retail podium, increase size of plaza & integrate with adjoining site • Overshadowing – reducing proposed building height along Yeo St & impacts on adjoining residences • Traffic & car parking • Affordable housing – vs other community benefits • Commercial floorspace – proposed reduction, increases in retail ○ Panel Discussion: 1:45pm – 2.05pm, 6 September 2023 <ul style="list-style-type: none"> ○ Panel members in attendance: Peter Debnam (Chair), Donna Rygate, Greg Woodhams, Che Wall and Karla Castellanos ○ DPE staff in attendance: Brendan Metcalfe, Charlene Nelson, Matthew Rothwell, Derryn John, Brendon Roberts, Tim Coorey, Lisa Kennedy, Adam Williams and Taylah Fenning
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4 September 2023

Brendan Metcalfe
Director, North District
Metro Central and North District
Department of Planning and Environment
Locked Bag 5022
PARRAMATTA NSW 2124

ATTN: Matthew Rothwell

Dear Mr Metcalfe,

**RE: Additional information to Rezoning Request (RR-2023-14)
1-7 Rangers Road and 50 Yeo Street, Neutral Bay**

This letter has been prepared for the Department of Planning and Environment (DPE) on behalf of Fabcot Pty Ltd as the proponent of the Rezoning Review Request submitted to DPE on 23 May 2023. The Rezoning Review request is in relation to a Planning Proposal (PP-2022-4350) for land located at 1-7 Rangers Road and 50 Yeo Street, Neutral Bay. The proposal seeks to amend the North Sydney Local Environmental Plan 2013 (NSLEP 2013) to increase the maximum building height to a mix of 27m and 33m, and increase the minimum non-residential floor space to 1.8:1 to facilitate a mixed use development comprising approximately 4,284m² of non-residential gross floor area (GFA), including 3,282m² of supermarket GFA, 8,302m² of residential floor area, and the delivery of significant community benefits in the form of a 88 dedicated public parking spaces via a VPA and a new 1,013m² public plaza and through site link.

The Rezoning Review request was submitted to the DPE on the basis that Council has resolved to not support the Planning Proposal proceeding to Gateway Determination. We have been informed that the proposal is not considered to demonstrate adequate strategic or site-specific merit. Notwithstanding this, it is emphasised that the previous Rezoning Review (RR2022-29) for the site, was considered to achieve strategic merit but not site-specific merit.

Following submission of the Rezoning Review request, Council subsequently provided a submission dated 3 July 2023. In this submission the Council raised some concerns with the proposal, that were also reflected in Council's assessment report considered by the North Sydney Local Planning Panel (dated 19 April 2023) as well as Council's report and resolution (dated 22 May 2023). Based on our review of these documents it is understood that Council's main concerns relate to the following:

- Public domain and retail podium;
- Overall building height and podium height reduction;
- Yeo Street frontage; and
- Setbacks.

Between lodging the Planning Proposal and submitting the request for a Rezoning Review, the proponent has unfortunately not had the opportunity to engage in a dialogue with Council to address their concerns in relation to the proposal. As a result of being unable to discuss and work through these issues with Council, the proponent has not had the opportunity to respond and address these issues in the past.

Accordingly, having now had the opportunity to consider the Council's key concerns, Fabcot Pty Ltd would like to advise the DPE and the Regional Planning Panel of their willingness to offer targeted solutions that we think will go a long way to addressing the Council's concerns. It is emphasised that these offered solutions are minor and do not substantially change the nature of the LEP amendment that is being sought through the Planning Proposal. The proposed offered solutions can be summarised as follows:

1. Removal of the two (2) storey retail podium component to improve the size and amenity of the public domain;
2. Reduction in floor-to-floor heights to further reduce the overall building height;
3. Increased building articulation along the Yeo Street frontage; and
4. Increased level four (4) northern and eastern setbacks.

Overall, we believe that these proposed offered solutions will help deliver an outcome that successfully addresses the concerns raised by the Council, whilst ensuring that the proposal remains consistent with what was originally submitted. In accordance with the DPE LEP Making Guidelines, we believe the offered solutions constitute minor changes, and are well within the scope of amendments that can be accommodated by the Panel through the Rezoning Review process. We firmly believe that the

Planning Proposal as submitted, has both strategic and site-specific merit, with this being even more so the case should the Panel decide to incorporate the proposed offered solutions as set out below.

1.0 Public domain and retail podium

1.1 The proposal as submitted

A key component of the Planning Proposal is the provision of a 1,000m² public plaza as shown in **Figure 1**. The landscaped plaza is envisaged with various outdoor and passive recreational opportunities and will form a vibrant meeting place for the community and future residents to gather together. The plaza will be activated through fine grain retail tenancies that are envisaged to spill out activity into the plaza. The proposed plaza connected to the through site link will provide a high-quality public domain setting and support a genuine focal point for the local community.



Figure 1 Submitted public plaza scheme

Source: KTA

1.2 Council's main concern

The Council's submission noted:

".....the rescinded MRCPS envisaged the delivery of new public open space with the adjacent site to the north (183-185 Military Road). Whilst the proposal seeks to deliver a new publicly accessible plaza and pedestrian through-site link, it falls significantly short of the specifications within the rescinded MRCPS and is of comprised amenity and reduced public benefit. In particular, the proposed two-storey retail structure along the entire length of the joint northern boundary results in a small (850 sqm) plaza of narrow proportions, limited circulation and poor solar access that is separated from the surrounding public domain. This two-storey structure prevents any future potential connection to and upgrade of Military Lane. It also limits the capacity of the adjacent site to be redeveloped to provide increased setbacks at the ground level to contribute to the public domain, maximise solar access to the plaza, and deliver a community facility that fronts onto the plaza, as envisaged in the MRCPS.

On 6 April 2023, a Planning Proposal (PP4/23) was lodged by for the adjacent site at 183-185 Military Road. The Planning Proposal seeks to provide an additional 230sqm of public open space and a community facility within the future development. If the subject Planning Proposal were to proceed in its current form, it would prevent the adjacent proposal from progressing in the previously identified form and layout, and the ability for Council to deliver the public domain objectives of its rescinded and renewed Study for the precinct."

1.3 Offered solution

In response to Council's concern, it is proposed to remove the two-storey retail podium along the site's north-western edge to open up the public plaza offering. The removal of the podium structure will increase the size of the public plaza to 1,100m² and enable the opportunity for the adjoining site at 183-185 Military Road to integrate and contribute to the public plaza, with the

possibility of a total combined plaza area of 1,285 sqm. The expanded public plaza will also provide a number of other significant improvements, including:

- A total length of 43.1m and width of 25m, providing a substantial amount of area to support various recreational activities;
- A total of 1,100m² plaza size, inclusive of the through site link;
- Improved solar access to the plaza from an average of 39% to 59% of the plaza receiving sunlight between 9am to 3pm;
- Direct visibility of the proposed public plaza from Yeo Street to support pedestrian legibility.

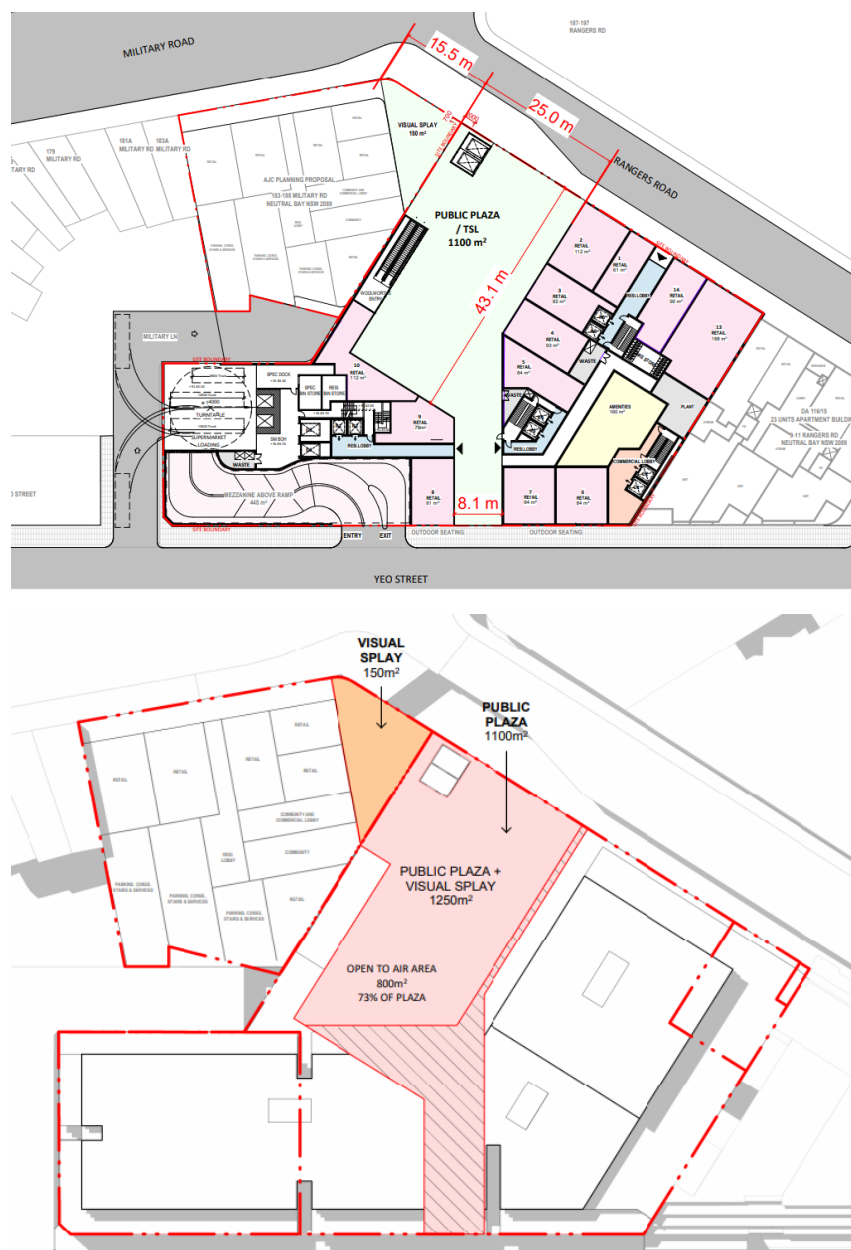


Figure 2 Proposed removal of two-storey podium to improve public plaza offering and amenity

Source: KTA

2.0 Overall building height and podium height reduction

2.1 The proposal as submitted

An integrated built form is proposed comprising an eight (8) storey building along the site's eastern frontage to Rangers Road, stepping down to six (6) storeys as it moves to the west along Yeo Street and Military Lane.

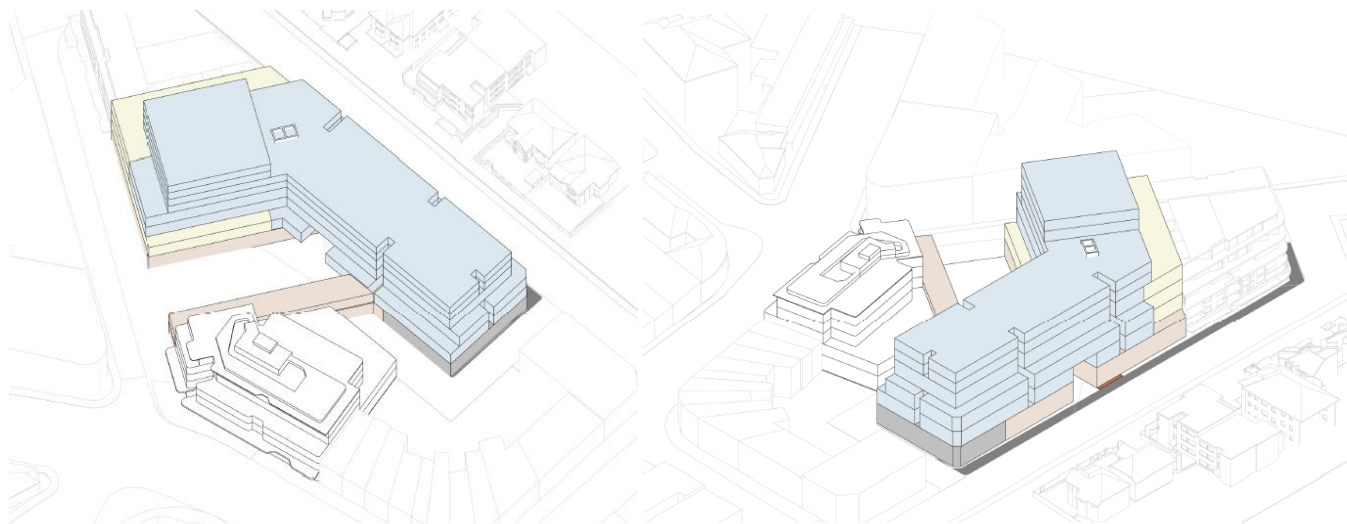


Figure 3 Submitted building form

Source: KTA

2.2 Council's main concern

The Council's submission noted:

"The rescinded MRCPS recommended a maximum building height of 8-storeys to Rangers Road and six-storeys to Yeo Street, however the requested building height of 33m and 27m is excessive for the intended number of storeys and could accommodate a building up to nine-storeys to Rangers Road and seven to eight-storeys to Yeo Street. The applicant's floor-to-floor height assumptions are well in excess of that required to be provided for commercial and residential spaces. By comparison, the adjacent and recently constructed mixed-use building at 9-11 Rangers Road is 19.1m in height for 6-storeys.

Height is sensitive in this location and the applicant's shadow analysis clearly indicates that the height, bulk and scale of the proposed building will result in significant and unreasonable overshadowing impacts to residential dwellings on the southern side of Yeo Street. The impact is greater than that anticipated by Council's rescinded MRCPS. It should be noted that sensitivity to increased height in this precinct is a key driver of the renewed planning study being formulated for the precinct."

2.3 Offered solution

In response to Council's concerns, it is proposed to adjust the floor-to-floor heights of the future building as follows and as shown in **Figure 4**. The revised floor-to-floor ceiling heights will enable an overall reduction of the building height of between 1.7m and 1.9m, reducing the maximum building height from 32.3m and 27.6m, down to 30.6m and 25.7m (inclusive of plant) as shown in **Figure 5**. The offered solution helps to provide a better relationship with the adjacent buildings along Yeo Street, further reduce overshadowing and help improve the transition to the existing residential properties located to the south of the site.

To ensure the building heights do not support additional levels, the site-specific DCP has been drafted to provide detailed controls that limit the total number of storeys to ensure future built form is delivered in a manner consistent with what is shown in the Reference Scheme. As per the *EP&A Act 1979*, the DCP is intended to support and work with the proposed LEP height controls to guide and regulate future built form on the site. Together these controls will lock and provide the necessary certainty on the intended development outcomes for the site.

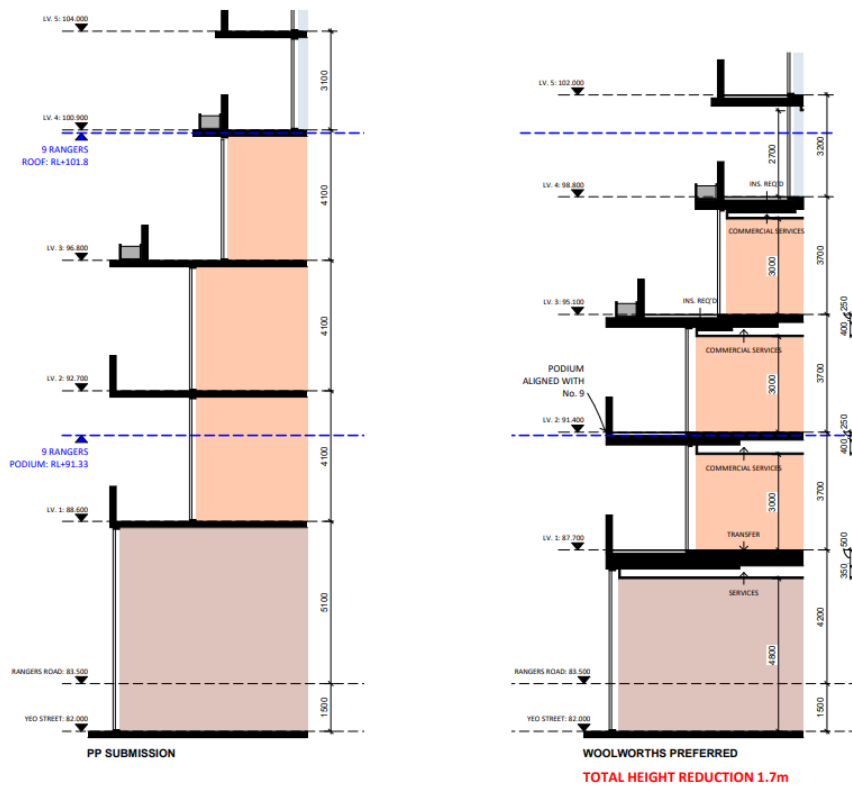
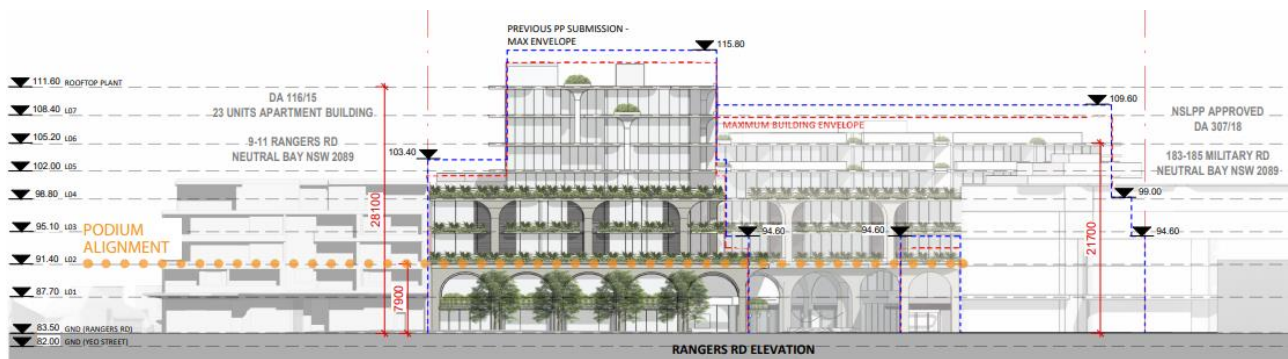
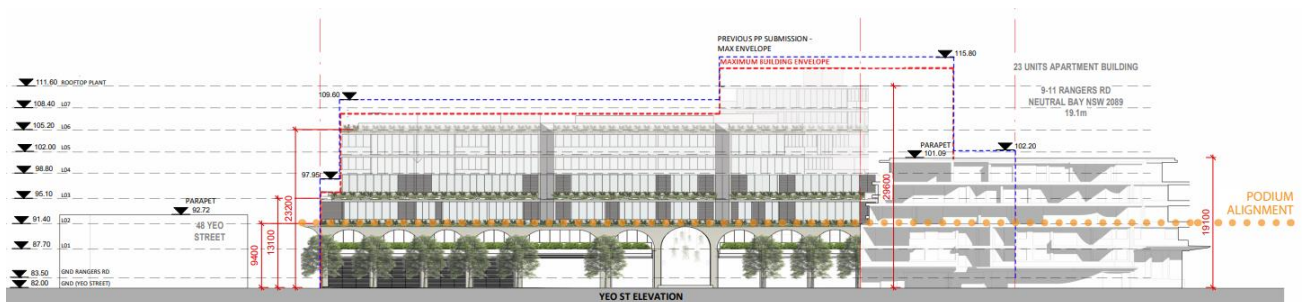


Figure 4 reduced floor to floor ceiling heights

Source: KTA



Rangers Road elevation



Yeo Street elevation

Figure 5 overall reduction in building height

Source: KTA

3.0 Yeo Street frontage

3.1 The proposal as submitted

The building form along Yeo Street was designed to terrace back in its setback to the street as it increases in height, whilst also including recesses along the façade to help modulate the buildings appearance to reduce its visual massing when viewed from Yeo Street.

3.2 Council's main concern

The Council's submission noted:

"North Sydney DCP 2013 and the rescinded MRCPS require a podium height of 4-storeys to Rangers Road and 3-storeys to Yeo Street and Military Lane. The proposal's podium height assumptions are 20m (for four-storeys), which aligns with the roofline of the adjacent five-storey mixed-use building and 16m (for 3-storeys) to Yeo Street and Military Lane, which aligns with the 5th storey of the adjacent mixed-use building. The proposed oversized podium does not reinforce the existing and future desired local character of Neutral Bay and magnifies the overall bulk and scale of the proposal.

Additionally, the proposed building facade to Yeo Street presents a largely unbroken building length of approximately 80m with limited building articulation. Council's rescinded MRCPS required the provision of a pedestrian through-site link on site that was fully open-to-sky with increased setbacks."

3.3 Offered solution

As discussed above in **section 2.3**, the revised floor-to-floor ceiling heights has resulted in a reduced podium form that better aligns with the neighbouring building at 9-11 Rangers Road, and which will facilitate a future built form outcome that is compatible with Neutral Bay's desired local character.

In addition to this, it is proposed to update site-specific DCP to require increased articulation to the Yeo Street frontage. As shown in **Figure 7** and **Figure 8**, the recesses in the Yeo Street elevation have been increased in width from 2m to 3.5m to break up the building façade and create three distinct components across the frontage. These offered solutions will ensure that the building's future detailed design will be effectively modulated along Yeo Street and provide an overall improved architectural expression that complements the Neutral Bay town centre streetscape. The revised Yeo Street frontage will also help to reduce the perceived visual bulk of the building when viewed from Yeo Street.

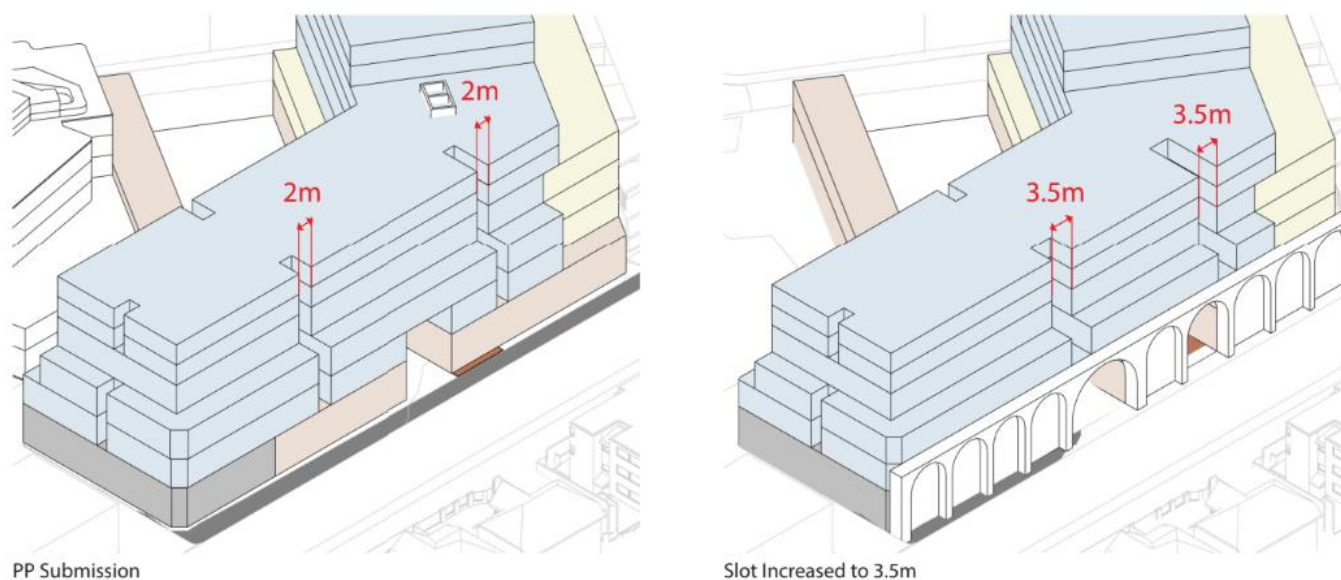
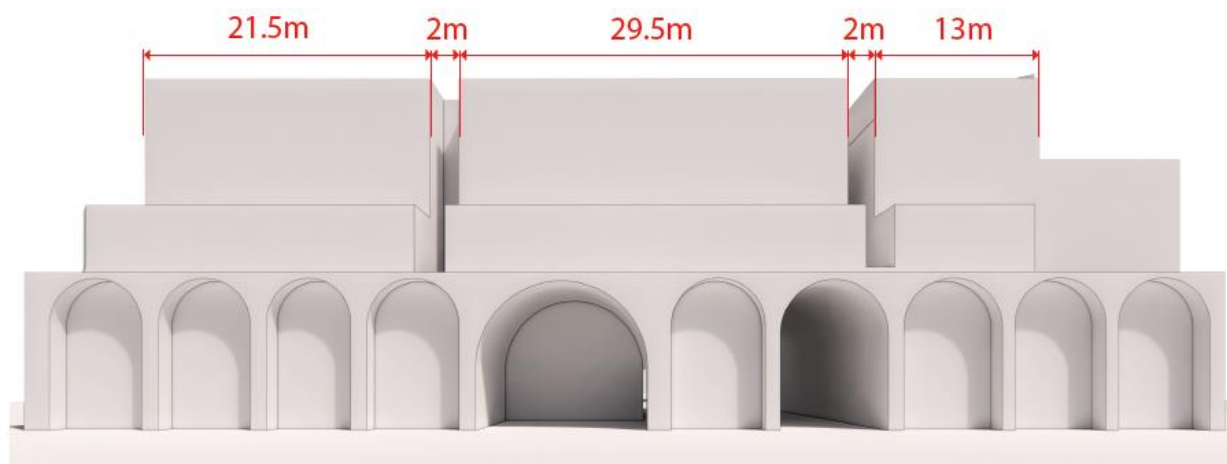
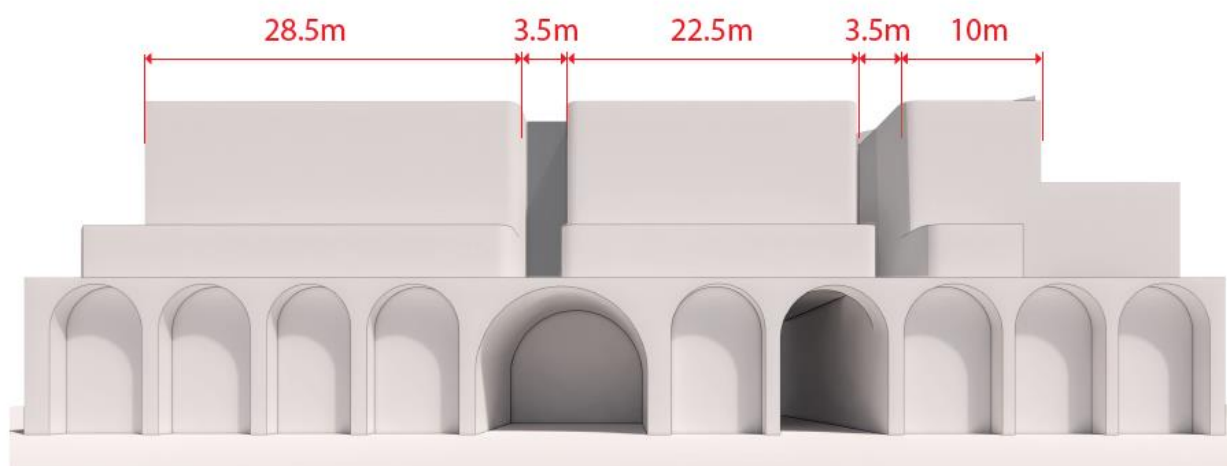


Figure 6 Proposed increase in building articulation along the Yeo Street frontage

Source: KTA



PP Submission



Slot Increased to 3.5m

Figure 7 Proposed refined Yeo Street frontage

Source: KTA

4.0 Building setbacks

4.1 The proposal as submitted

The proposed development sought the setbacks outlined in **Table 1** below.

4.2 Council's main concern

The Council's assessment report raised:

"Western elevation

The Planning Proposal concept scheme does not comply with NSDCP 2013 setback requirements or minimum ADG building separation requirements to Military Lane. The scheme includes a nil setback to Military Lane for the first three storeys of the building (the podium) and a 3m setback above the podium. NSDCP 2013 requires a 1.5m whole of building setback be provided from the property boundary fronting Military Lane. Above the podium, a 4.5m setback is required from the property boundary (i.e. 9m setback from the centreline of the laneway) to comply with NSDCP 2013 and provide adequate building separation to future development on western side of Military Lane.

The rescinded MRCPS also recommended a 1.5m setback to Military Lane to widen the laneway and facilitate future connections between Rangers Road Plaza and Yeo Street. While the lane currently serves 'back of house' functions to the neighbouring properties, through the redevelopment of these sites, the Study identified the potential for the laneway to be upgraded into a shared space with more active edges and a pedestrian focus.

Northern & Southern Elevation

The Planning Proposal concept scheme generally complies with the applicable setback requirements along the northern and southern elevations. NSDCP 2013 requires a nil whole of building setback and a minimum 3m setback above the podium to both Rangers Road and Yeo Street. The floor plans however, show that the balconies at Level 4

(Rangers Road frontage) and Level 3 (Yeo Street frontage) encroach these setback requirements. Balconies should be setback at least 3m to the outer face of any part of the building to reduce the bulk and scale of the built form.

Eastern Elevation

The ADG requires that a minimum 9m setback be provided from the property boundary along the eastern elevation from 5-8 storeys. The Planning Proposal concept scheme indicates a 9m setback is provided from levels 4-7 (5-8 storeys), however the floor plans show that the terraces at level 4 encroaches the required 9m setback. Whilst the majority of the adjacent building façade at 9- 11 Rangers Road is a blank wall, there is a small internal courtyard along the joint boundary that provides solar amenity and cross ventilation to apartments within the adjacent development. The proposed terrace/private open spaces along the eastern elevation at level 4 should be setback minimum 9m to not unreasonably impact the adjoining development.”

4.3 Offered solution

In response to Council’s comments, the built form has been further refined with the following setbacks proposed and as shown in **Figure 8**. A summary of the submitted and revised setbacks is outlined in **Table 1** below.

Table 1 Comparison of submitted and revised setbacks

Setbacks	Submitted	Offered Solution
Northern setbacks		
• Ground level to Rangers Road	• Nil	• Nil
• Upper level to Rangers Road	• 1m	• Increased to 3m
Eastern setbacks		
• Ground level	• nil	• Nil
• Upper level	• 1m	• Increased landscape buffer from 1m to 6m.
Southern setbacks		
• Ground level to Yeo Street	• Nil	• Nil
• Upper level to Yeo Street	• 3.5m	• 3.5m
western setbacks		
• Ground level to Military Lane	• Nil	• Nil
• Upper level to Military Lane	• 3m	• 3m

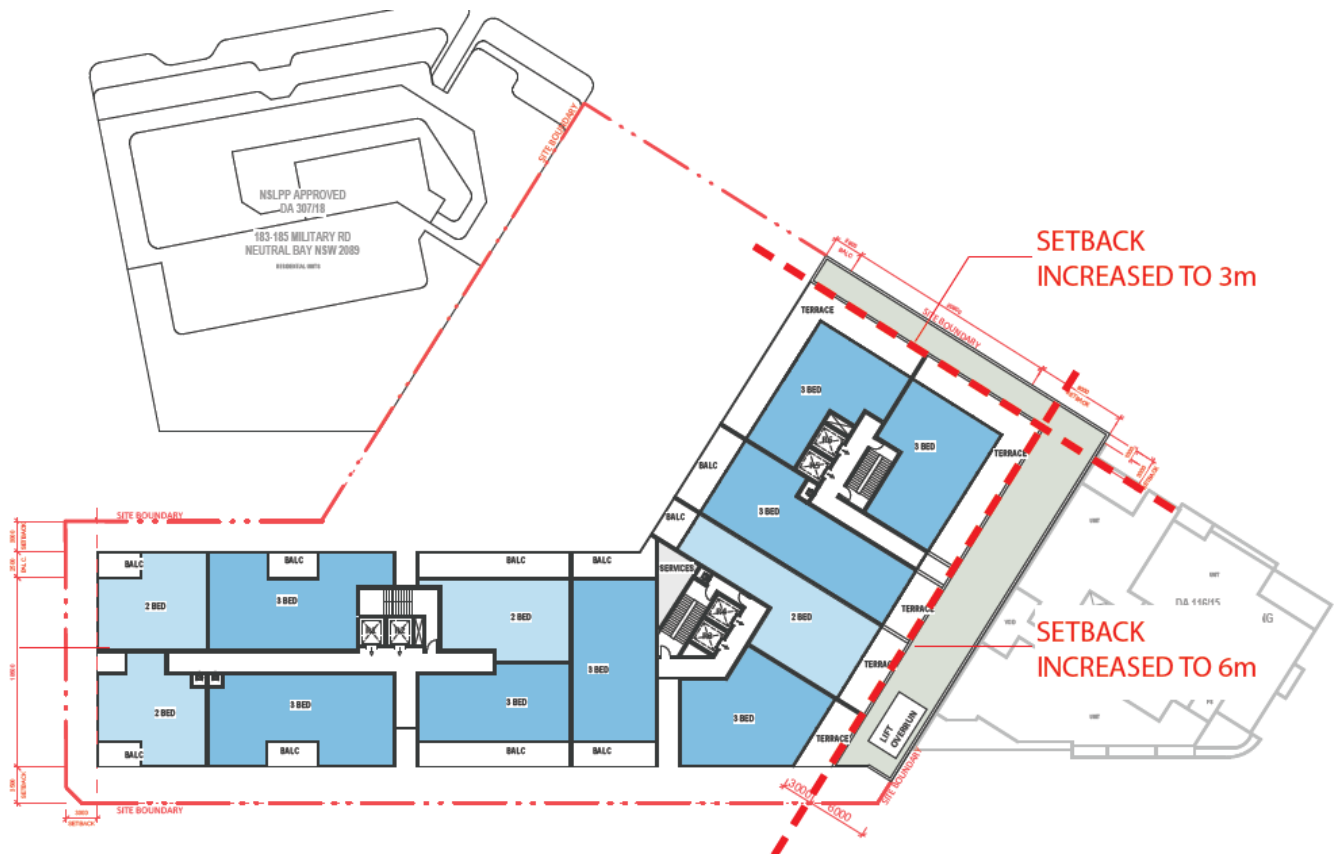


Figure 8 revised level 4 setbacks

Source: KTA

5.0 Laneway access

5.1 The proposal as submitted

A nil setback to Military Lane at the ground level is proposed to maximise vehicle servicing and loading efficiencies.

5.2 Council's main concern

The Council's assessment report noted:

"The rescinded MRCPS also recommended a 1.5m setback to Military Lane to widen the laneway and facilitate future connections between Rangers Road Plaza and Yeo Street. While the lane currently serves 'back of house' functions to the neighbouring properties, through the redevelopment of these sites, the Study identified the potential for the laneway to be upgraded into a shared space with more active edges and a pedestrian focus."

5.3 Offered solution

The proponent recognises Council's desire for a connection through to the public plaza via the laneway. Whilst this is the case, no change to the setbacks fronting Military Lane are proposed. Despite the MRCPS identifying 'the potential' for Military Lane to be upgraded into a shared space with more active edges and a pedestrian focus, the laneway is the only means of service to all properties within the block bounded by Military Road, Rangers Road, Wycombe Road and Yeo Street. All refuse collection, car parking and servicing occurs via this laneway, as such it will be practically impossible to line the laneway with 'active edges' as the street frontage is needed for vehicle and service access to the sites.

This fact, combined with the creation of a new public plaza and dedicated pedestrian through site link through to Yeo Street (**Figure 9**), means that the conversion of Military Lane into a pedestrianised space is not needed. Doing so would simply introduce an unnecessary pedestrian conflict and safety issue to what is clearly intended to be a back of house service lane.

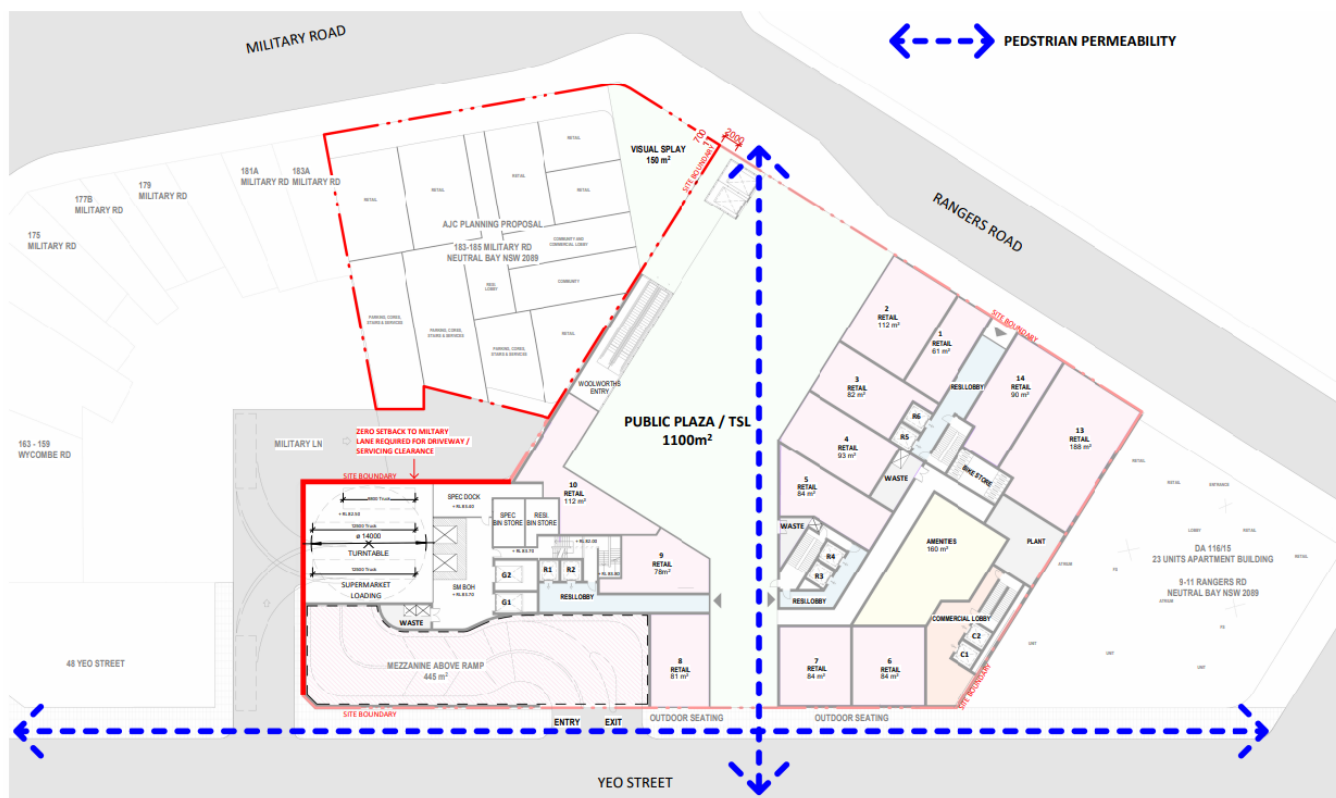


Figure 9 Pedestrian access promoted proposed through the plaza and through site link

Source: KTA

6.0 Summary of the Planning Proposal with offered solutions

Fabcot Pty Ltd have made genuine efforts to address Council's concerns with the Planning Proposal. The Planning Proposal with the proposed offered solutions (as shown in **Figure 10**) result in a high-quality built form outcome that optimises the site's strategic location to deliver a world-class mixed-use precinct within the Neutral Bay Town Centre. In summary, Fabcot Pty Ltd is willing to make the following offered solutions to the scheme to help address the Council's stated concerns:

1. Removal of the two (2) storey retail podium component to improve the size and amenity of the public domain;
2. Reduction in floor-to-floor heights to further reduce the overall building height;
3. Increased building articulation along the Yeo Street frontage; and
4. Increased level four (4) northern and eastern setbacks.

These proposed solutions will provide the following the overall improvements to the scheme:

- Reduction in the overall building height, which will reduce overshadowing on surrounding properties and improve the transition to low-scale residential areas surrounding the site;
- Significant increase in the size of the public plaza space as well as providing the opportunity for the adjoining site at 183-185 Military Road to integrate and contribute to the public plaza;
- Significant improvements to solar access and amenity within the public plaza;
- Improved visibility and sight lines between Yeo Street through to the public plaza and Military Road that in turn enhances pedestrian permeability and legibility;
- Consistent setbacks with the North Sydney DCP; and
- A greater articulated and modulated Yeo Street façade for improved architectural expression and reduction in visual bulk.



Revised public plaza and built form when viewed from Rangers Road

Figure 10 Planning Proposal with proposed offered solutions

Source: KTA

7.0 Conclusion

This letter has been submitted to DPE to demonstrate how Council's key concerns raised with the Proposal can be addressed through the proposed offered solutions to the Planning Proposal. Fabcot Pty Ltd would like to advise the DPE and the Planning Panel of their willingness to make these offered solutions the proposal should they be considered to be necessary to address the Council's stated concerns. The proposed offered solutions will help improve the public benefit of the proposal whilst also reducing impacts on the surrounding area. Importantly however, the proposed offered solutions are minor in nature and will maintain a development and built form outcome that is substantially the same as the proposal that was submitted to Council. As a result, we believe that the offered solutions are well within the parameters of what can be accommodated by the Sydney North Regional Planning Panel through the Rezoning Review process.

While we consider that the Planning Proposal as submitted already adequately demonstrates both strategic and site-specific merit, Fabcot Pty Ltd acknowledge the concerns raised by Council and are willing to make the proposed offered solutions to help address these concerns. If the proposed offered solutions are incorporated, then we agree that they would help deliver an improved built form outcome for the site and the surrounding community.

Should the Panel be willing to accept the offered solutions as part of an endorsement of the Planning Proposal to progress to Gateway Determination, Fabcot Pty Ltd would be willing to accept the following conditions as part of the determination:

Conditions

1. Removal of two storey podium as shown on **Figure 2** and increase of minimum public plaza from 1000m² to 1,100m²
2. A reduction in the overall maximum building height from part 27m and part 33m to part 26m and part 31m to facilitate the development outcome as shown on **Figure 5** (inclusive of proposed height reduction).
3. Update DCP to reflect the following design changes:
 - a. increased northern setbacks on level 4 fronting Rangers Road to 3m.
 - b. Increased setback to the edge of the eastern terraces facing 9-11 Rangers Road to 6m.
 - c. Provision of a minimum of two (2) building slots of 3.5m wide to the Yeo Street façade.

We trust this information will Sydney North Regional Planning Panel with its consideration of the planning proposal and we look forward to meeting to discuss the proposal further. Should you require any further information please do not hesitate to get in touch.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Ben Craig', with a long horizontal stroke extending to the right.

Benjamin Craig

Director – Ethos Urban