

Summary of Submissions

PP-2022-4350



Agency Submissions			
Agency	Issues Raised	Proponent Response	PPA Team Response
NSW Health	Decision not required due to distance from Northern Sydney Local Health District's Properties.	N/A	NSW Health did not provide a submission as the proposal is not within proximity to North Sydney's Local Health Districts properties.
Sydney Water	<p>Water servicing should be available for the proposed development</p> <p>Amplifications, adjustments, deviations and/or minor extensions may be required</p> <p>Detailed requirements will be provided at the S73 application stage.</p> <p>If the proposed development is anticipated to generate trade wastewater, the developer must submit an application to discharge into Sydney Water's system. Permit must be approved and issued before any business activities can commence.</p> <p>Council is advised to forward the Sydney Water Planning proposal Information Sheet (for proponent) to assist in progressing development.</p>	Noted. These matters will be further confirmed and resolved as part of the future detailed DA.	The proponent's response is adequate noting that Sydney Water have raised no objections and delivery of water and waste services to future development can be adequately addressed during the future DA process.

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NSW Department of Education	<p>The Local Environmental Plan (LEP) Making Guideline 2021 (prepared by DPHI) outlines the referral criteria for Planning proposals to be sent to DoE.</p> <p>While this proposal does not meet the criteria, DPHI and Council are requested to monitor and consider any cumulative impact on population growth and schools in the locality.</p>	Noted.	The proponent's response is adequate noting that the proposal does not meet the referral criteria and the NSW Department of Education has raised no objection.
Ausgrid	Ausgrid advised that it has no comment to make regarding this planning proposal at this point in time.	Noted.	The proponent's response is adequate noting that Ausgrid raised no objections and energy services to the proposed development can be adequately addressed during the future DA process.
TfNSW	<p>On 26 June 2024, TfNSW provided a submission requesting an updated transport and traffic assessment.</p> <p>The proponent submitted the revised Traffic Impact Assessment (TIA) and a further submission was received on 4 September 2024 for TfNSW.</p>	<p>On 25 July 2024, the proponent provided an updated TIA in response to TfNSW's submission.</p> <p>On 5 September 2024, following TfNSW's subsequent submission, the proponent confirmed the errors identified in the TIA.</p>	The proponent has updated the TIA as requested by TfNSW and TfNSW has confirmed that the updated report is adequate.

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	This submission required confirmation of labelling errors within the report and provided advice for a future DA. Following the initial consultation, TfNSW is now satisfied that the proposal can be finalised.		
North Sydney Council	1. the maximum building height map should be amended to reflect the updated reference design with a site-specific provision to accommodate lift overruns; a 0m height limit should apply to the future plaza	The proposed reference design provides a proof of concept of the planning proposal amendments which have been modelled and rigorously tested to ensure appropriate amenity impacts. Specifically, the reference design (which is reflective of the maximum building heights of 31m and 26m) has demonstrated that appropriate levels of solar access and acceptable levels of overshadowing can be achieved for residential properties located along the southern side of Yeo Street. Further the proponent is committed to delivering the public plaza and as such, a requirement is enforced within the site-specific DCP that was exhibited with the planning proposal. Accordingly, Council's suggestion of a 0m maximum building height is considered both unnecessary and overly restrictive. Importantly, the Concept DA sets the maximum building	The draft site specific DCP which has been exhibited by Council, requires the delivery of the public plaza and contains built form controls to guide the future development of the site. The Planning Proposal Authority (PPA) team is satisfied that the issues raised will be addressed at the DA stage.

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		<p>envelope parameters which dedicates area for the purposes of a public plaza, thus reinforcing the outcome that has been pursued through the planning proposal process and securing the future delivery of the public plaza in the future detailed DA.</p> <p>It is therefore requested that Council's recommendation is not imposed as a Gateway condition or future requirement on the planning proposal and does not form part of any final LEP amendment.</p>	
	<p>2. Escalators and lifts to be relocated to improve safety and amenity of the public space.</p>	<p>Council's concern that the proposed lift will result in a lack of visual connection from Rangers Road through to Yeo Street has previously been raised and significantly assessed and reviewed through the planning proposal process. As previously outlined to the Panel, the proposed escalators and lifts will enable direct sightlines and clear visual connection across the site as shown in Figure 2 overleaf. Therefore, the proposal will ensure safe and permeable pedestrian wayfinding. Further, the proposed escalators and lifts are also essential in providing access to and ensuring the</p>	<p>The PPA team is satisfied that the issues raised will be addressed at the DA stage.</p>


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		<p>successful operation of the subterranean supermarket.</p> 	

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		 <p>Figure 1 Clear visual connection achieved between Yeo Street and Rangers Road (Source: Koichi Takada Architects)</p> <p>Notably, Council's NBVPS identifies a children's playground in the middle of public plaza. This is considered likely to result in even greater adverse wayfinding impacts and negatively impact the usability of the space. We therefore disagree wholeheartedly with the Council's assertion that a single public lift in the proposed location will have a major negative impact on the plaza area.</p>	

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		Overall, the provision and location of the proposed escalators and lifts will draw people into and through the site and will increase foot traffic and vibrancy of the plaza. It therefore it is requested that Council's recommendation is not imposed on the planning proposal or future LEP amendment.	
	3. Increase the ground level setback at Rangers Road from 0m to 1.5m.	The proposed reference scheme seeks a nil setback to Rangers Road which is consistent with the existing building alignment. The setback as proposed will maximise employment floorspace and the proposal's contribution to creating an activated ground plane in the Neutral Bay Town Centre. Significant opportunities for alfresco outdoor dining will be provided within the internal public domain, specifically around the public plaza, which is considered to be a more appropriate location for dining, as opposed to along Rangers Road. This will encourage greater activity off the public domain, thus not requiring an expanded footpath along Rangers Road.	<p>The setbacks for the proposed future development have been considered during the preparation of a site specific DCP, which has been exhibited. The exhibited draft DCP contains the following setback controls:</p> <p>P1 Buildings must be setback from the following road frontages:</p> <ul style="list-style-type: none"> i. 2.5m from Military Road, and ii. 0m from Rangers Road, except the ground level which is

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			to be setback a minimum of 1.5m, and iii. 0m to Yeo Street and Military Lane.
	4. a) 88 public parking spaces to be removed and,	On 18 June 2024, the proponent issued a letter (Attachment K) advising DPHI of no longer pursuing the 88 public car parking spaces within the planning proposal. Therefore, this recommendation has been satisfied.	The proponent has removed the additional public car parking from the proposal.
	b) affordable housing considered a public benefit instead.	The provision of affordable housing has been previously raised and addressed as part of addressing the gateway conditions imposed prior to proceeding to public exhibition. The detailed response outlining why provision of affordable housing cannot be achieved as part of the planning proposal (Attachment K).	Prior to public exhibition the proponent investigated the feasibility of the providing affordable housing on the site in accordance with Gateway condition 1a. It was determined that the proposal would not be feasible if affordable housing was included. The proposal includes a public plaza as a part of its public benefit offer. The Panel considered the proponents response prior to

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			exhibition and was satisfied with the response received.

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Issues Raised	Proponent Response	PPA Team Response
Traffic, transport and parking (69%)	<p>The traffic impact assessment prepared by JMT demonstrates that the proposal will not result in significant traffic impacts.</p> <p>The proposed development will be supported by sufficient subterranean parking on site, relieving pressure from surrounding street parking.</p> <p>The provision of the public carpark is no longer sought under the proposal.</p> <p>The detailed provision of parking will be sought for approval as part of the future development assessment (DA) and will be consistent with the North Sydney Development Control Plan (NSDCP) parking rates.</p> <p>Vehicle movements during construction is not a planning proposal matter and be addressed as part of the future detailed DA stage.</p>	<p>The planning proposal adequately addresses traffic and access issues, as:</p> <ul style="list-style-type: none">• Transport for NSW (TfNSW) has not objected to the planning proposal.• The previously included proposed 88 public car parking spaces (previously included) has been removed, helping to reduce car dependence and improve the proportion of people using public and active transport.• The concept design includes provisions for basement parking. The final parking provision will be determined at a future DA stage consistent with the requirements of NSDCP.• The site leverages the existing connectivity and proximity to Sydney CBD and North

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		<p>Sydney CBD. It is located within 40m of several local and city express bus services.</p> <p>TfNSW's submission included advice to be addressed as a part of a future DA.</p>
Over shadowing and solar access (67%)	<p>Shadow diagrams prepared by Koichi Takada Architects, demonstrate that the proposal, including the public plaza will achieve appropriate levels of solar access and daylight.</p> <p>The proposed development has been designed to minimise overshadowing and achieve solar access in accordance with the Apartment Design Guide (ADG). Significant amendments including additional upper-level setbacks and articulation slots have been added to the Yeo Street frontage to ensure an acceptable built form outcome that will not result in adverse overshadowing impacts.</p> <p>The NSDCP requires at least 70% of dwellings within a residential flat building (RFB) to receive a minimum of 2 hours solar access, and the proposal complies with this (in Section 1.3.7, P2 of the NSDCP).</p>	<p>The concept scheme has demonstrated compliance with the solar access requirements of the ADG and NSDCP, being a minimum of 2 hours sunlight to 70% of residential dwellings.</p> <p>The concept scheme demonstrates adequate solar access and amenity to the proposed dwellings on the site as well as existing residential development and public open spaces surrounding the site.</p> <p>The floor to floor heights have been reduced and the upper floor setbacks have been increased to maximise solar access to the dwellings on Yeo Street.</p> <p>The Department is satisfied that a full assessment of the proposal will be undertaken once a detailed design is submitted as a part of a future DA. The development will again be assessed against the requirements of the ADG and DCP.</p>
Character and amenity (46%)	<p>The proposal has been informed by extensive community consultation and engagement to ensure a sympathetic built form outcome that is compatible with the desired future character of Neutral Bay.</p>	<p>The proposal is supported by a concept scheme which has been informed by the desired future character set out in the rescinded Military Road Corridor Planning Study (MRCPS) and extensive community consultation.</p>

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	<p>The proposed heights have been informed by the Neutral Bay Village Planning Study (NBVPS) to facilitate a high-quality built form outcome that maximises the site's optimal location whilst ensuring the development remains sympathetic to the surrounding area and established Neutral Bay character. Importantly, there is an existing character of buildings exceeding the maximum building heights established under the LEP, within direct proximity of the site.</p> <p>The planning proposal has demonstrated a positive contribution and built form outcome consistent with the desired and future character of Neutral Bay, including the Muse development.</p> <p>It is unlikely that adverse wind impacts will be felt through the proposed through site link.</p> <p>Noise, vibration and dust mitigation measures will be adopted during construction and will be implemented as part of the detailed DA process and is not a matter for the Planning proposal.</p> <p>The proposal seeks to deliver a highly sustainable building and the detailed ESD commitments will be confirmed as part of the future DA.</p> <p>The increase in density of the site is in keeping with the surrounding area and a new pedestrian through site link is proposed to open up accessibility across the town centre.</p> <p>The proposed public plaza will provide a new passive recreational space that will serve the visitors, workers and residents of Neutral Bay.</p> <p>The proposal will facilitate approximately 1,100m² of public space through the proposed through-site link and plaza. Further, the proposed public space is envisaged to expand with the future</p>	<p>The introduction of a public plaza will contribute to a village feel and atmosphere. It will provide outdoor space where community members can linger and socialise as well as restaurants, shops and services within walking distance to residential accommodation.</p> <p>The proposal aims to rejuvenate the public domain of the site through street activations and public domain upgrades.</p> <p>The Department supports this proposal as it will increase the vibrancy of the streetscape adjacent to the site and deliver the pedestrian connectivity associated with a 'village atmosphere'.</p> <p>Council is preparing a draft DCP and is working with the proponent to secure a VPA. This will secure the delivery of the public plaza and ensure the built form aligns with Council's objectives.</p> <p>The relevant State agencies have assessed the proposal and raise no objections. Any required infrastructure upgrades will be captured within the exiting developer contributions framework.</p> <p>The proposal remains consistent with the desired future character as set out in the NBVPS.</p>

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	development of 185 Military Road which envisages an expanded public space shared between the two sites.	
Building Height (35%)	<p>The proposed development achieves a maximum 6 and 8 storey built form which is consistent with the proposed building heights and FSR under the NBVPS. This will facilitate a high quality built form outcome that maximises the site's optimal location whilst ensuring the development remains sympathetic to the surrounding area and established Neutral Bay character.</p>	<p>The planning proposal adequately addresses building height as:</p> <ul style="list-style-type: none"> The proposed 6 and 8 storey built form is consistent with the NBVPS.  <p>Figure 2 Building heights envisaged by the NBVPS</p> <ul style="list-style-type: none"> The floor to floor heights have been reduced to the minimum feasible level in order to reduce the overall building height and

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		<p>increase solar access to dwellings on Yeo Street.</p> <ul style="list-style-type: none">The proposal has demonstrated consistency with the built form and solar access controls within the ADG. <p>The increase in building height will facilitate the delivery housing, commercial floor area and a public plaza.</p>
Bulk and scale (28%)	<p>The proposed building heights and FSR have been informed by the NBVPS to facilitate a high quality built form outcome that maximises the site's optimal location whilst ensuring the development remains sympathetic to the surrounding area and established Neutral Bay character.</p> <p>The proposed building heights and built form have been carefully considered to respond to future growth projections outlined in the NBVPS.</p>	<p>The proposed height and scale for the site have been determined through a detailed assessment of site-specific opportunities, limitations, and the strategic context of the locality.</p> <p>Despite a lack of a maximum FSR control, Council's DCP (exhibited from 26 August 2024 to Monday 23 September 2024) and the ADG set out setbacks, building separation and building depths that need to be achieved.</p> <p>The concept scheme demonstrates compliance with the required controls. Adequate solar access and amenity to the proposed dwellings on the site as well as existing residential development and public open spaces surrounding the site has been demonstrated.</p> <p>The Department is satisfied that a full assessment of the proposal against the requirements of the ADG and DCP will be undertaken as part of any future DA process once a resolved detailed design is submitted.</p>

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Affordable housing and voluntary planning agreement (VPA) (15%)	<p>North Sydney Council does not have an affordable housing contributions policy in place and a detailed response noting why the proposal cannot feasibly provide affordable housing has been previously provided to DPHI.</p> <p>The provision of essential worker housing is not a matter for this planning proposal to address.</p> <p>The proposal will contribute to providing additional housing supply and choice in the market.</p> <p>The proposal will facilitate substantial public benefits through the provision of approximately 1,100m² of public space through the proposed through-site link and plaza. Further, the proposed public space is envisaged to expand with the future development of 185 Military Road which envisages an expanded public space shared between the two sites.</p>	<p>A public benefit offer has been included with the planning proposal package. This includes the provision of a new public plaza, free public Wi-Fi and public domain and landscaping improvements.</p> <p>In addition, the proponent has investigated the feasibility of the providing affordable housing prior to public exhibition. It was determined that the proposal would not be feasible if it was included. Further, there is no requirement within the North Sydney LEP to provide affordable housing.</p> <p>The details of the VPA are to be finalised between the proponent and Council.</p>
Strategic Merit (11%)	<p>The proposed building heights and FSR have been informed by the NBVPS to facilitate a high quality built form outcome that maximises the site's optimal location whilst ensuring the development remains sympathetic to the surrounding area and established Neutral Bay character.</p>	<p>On 18 December 2023, the Sydney North Planning Panel (the Panel) determined the proposal had strategic and site specific merit and should be submitted to the Department of Planning and Environment for Gateway determination.</p> <p>Modelling was provided to demonstrate that the proposed development could feasibly be constructed and be consistent with the NBVPS and the relevant planning controls including the solar access provisions within the ADG.</p> <p>Council has exhibited a site specific DCP for the site which has been designed to guide future</p>

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		development on the site to align with the planning proposal and ensure that the development is consistent with the Panel's decision.
Heritage (5%)	The construction of the future development will be facilitated in an orderly manner through a CMP. The proposal will not result in construction impacts that would adversely impact the surrounding heritage items.	<p>The site is not listed as a local or state heritage item or located within a Heritage Conservation Area (HCA). Notwithstanding, the site is near:</p> <ul style="list-style-type: none">• “Former CBC Bank”, 28 Military Road, Neutral Bay. North Sydney Local Environmental Plan 2013. Heritage Item No. I0677;• “Shop”, 196 Military Road, Neutral Bay. North Sydney Local Environmental Plan 2013. Heritage Item No. I0676;• “Shop”, 194 Military Road, Neutral Bay. North Sydney Local Environmental Plan 2013. Heritage Item No. I0675;• “House”, 144 Wycombe Road, Neutral Bay. North Sydney Local Environmental Plan 2013. Heritage Item No. I0761. <p>While the proposal should not impact on heritage items, design details can be refined during the future development application to reduce any impact to heritage items.</p>
Safety (3%)	Vehicle movements during construction is not a planning proposal matter and be addressed as part of the future detailed DA stage.	The proponent's response is adequate.

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	Military Lane will retain its primary function as a loading and service vehicle area, with no envisaged pedestrian links or activation to prioritise safety.	
Impact on property values (1%)	The impacts on property values are not a planning proposal matter.	The proponent's response is adequate.