

## Post-Exhibition Report – PP-2022-4350

*Woolworths, Neutral Bay (62 dwellings approximately, 684 jobs during construction and 143 jobs once fully occupied)*

### 1 Introduction

The planning proposal is at the post-exhibition stage, which is the last stage before an LEP may be made and finalised. The Sydney North Planning Panel (the Panel) determined at a rezoning review that the proposal had strategic and site merit (11 September 2023). The Panel was appointed the Planning Proposal Authority (PPA) as Council resolved to not support the Planning Proposal. Subsequently, a Gateway assessment was undertaken, and a Gateway determination was issued on 22 March 2024 for the proposal to proceed, subject to conditions. Consultation with agencies and the community required by the Gateway determination conditions has now been completed.

The purpose of this report is to provide a summary of the key matters raised by members of the public, North Sydney Council (Council) and State agencies during the public exhibition of the planning proposal for 1-7 Rangers Road & 50 Yeo Street, Neutral Bay (the site). The report makes a recommendation to the Panel to submit the proposal to the Department of Planning, Housing and Infrastructure for finalisation.

Element	Description
Date of request to exhibit PP	7 May 2024
Date of panel determination on rezoning review	11 September 2023
Planning Proposal no.	PP-2022-4350
LGA	North Sydney
LEP to be amended	North Sydney Local Environmental Plan (LEP) 2013
Address	1-7 Rangers Road & 50 Yeo Street, Neutral Bay
Brief overview of the previous planning proposal	<p><b>29 October 2021</b> – Proponent meeting with Council to present indicative concept which included 1-7 Rangers Road, 50 Yeo Street, and 183-185 Military Road.</p> <p><b>20 May 2022</b> – Planning proposal lodged with Council for 1-7 Rangers Road and 50 Yeo Street, Neutral Bay.</p> <p><b>June-September 2022</b> – Woolworths conducted community engagement post-lodgement of the previous proposal.</p> <p><b>9 September 2022</b> – Proponent notified Council of an amended proposal with reduced height. Council did not assess this amendment while the previous proposal was under assessment.</p>

Element	Description
	<p><b>12 December 2022</b> – The Panel unanimously decided the planning proposal should not be submitted for Gateway determination. It was found the proposal had strategic merit but not site-specific merit.</p>
Brief overview of the timeframe/progress of the current planning proposal	<p><b>12 January 2023</b> – Revised planning proposal lodged with Council.</p> <p><b>19 April 2023</b> – The North Sydney Local Planning Panel (NSLPP) recommended the proposal not progress to Gateway.</p> <p><b>22 May 2023</b> – Council resolved not to progress the planning proposal to Gateway.</p> <p><b>23 May 2023</b> – Proponent requested for rezoning review.</p> <p><b>14 June 2023</b> – Complete rezoning review application received.</p> <p><b>11 September 2023</b> – The Panel resolved that the proposal be submitted for Gateway determination subject to conditions.</p> <p><b>9 October 2023</b> – The proponent submitted the revised planning proposal and supporting documents.</p> <p><b>22 November 2023</b> – The proponent submitted the revised section views and shadow diagrams based on the Military Road Corridor Planning Study.</p> <p><b>18 December 2023</b> – The Panel resolved to submit the revised planning proposal for Gateway determination.</p> <p><b>22 March 2024</b> – The Department issued a Gateway determination.</p> <p><b>8 April 2024</b> - Proponent submits revised planning proposal in response to Gateway conditions.</p> <p><b>7 May 2024</b> - The Planning Proposal Authority notifies the panel that the planning proposal can proceed to exhibition.</p> <p><b>13 May to 13 June 2024</b> - The planning proposal is publicly exhibited.</p> <p><b>26 June 2024</b> - TfNSW provides submission.</p> <p><b>25 July 2024</b> - Proponent responds to community and agency submissions.</p> <p><b>4 September 2024</b> - TfNSW further submission received.</p> <p><b>5 September 2024</b> - Proponent provides response to TfNSW submission.</p>
Finalisation date required by Gateway Determination	17 January 2025
Department contact:	Timothy Coorey, Planning Officer, Planning Proposal Authority

## 1.1 The Site and local context

The subject site is located at 1-7 Rangers Road and 50 Yeo Street, Neutral Bay (Lots 1-3 DP1091373) and contains two separate parcels of land (**Figure 1**). The site has a total area of approximately 4,207m<sup>2</sup> and has a primary frontage to Rangers Road and a secondary frontage to Yeo Street. The site is currently occupied by a single storey Woolworths supermarket with adjoining bottle shop. Customers can access the Woolworths from Yeo Street and a basement carpark on Rangers Road. Loading and servicing is accessible via a loading dock on Military Lane. The site is currently zoned MU1 Mixed Use under the North Sydney LEP 2013.

The subject site is located approximately 4km north of the Sydney CBD, within Sydney's Lower North Shore.



Figure 1 Subject site (source: Nearmap – December 2023)

## 1.2 Planning Proposal

The planning proposal (**Attachment A** and **Table 1**) seeks to amend the North Sydney LEP 2013 to facilitate the redevelopment of the site to deliver mixed use development as per the changes in **Table 2** overleaf.

In summary, the proposal seeks to:

- Increase the maximum building height from 16m to 26m and 31m; and
- Increase the minimum non-residential floor space ratio from 0.5:1 to 1.8:1.

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

**Table 1 Overview of planning proposal**

Element	Description
Site Area	4,207m <sup>2</sup>
Site Description	The subject site is 1-7 Rangers Road and 50 Yeo Street, Neutral Bay (Lots 1-3 DP1091373).
Proposal summary	<p>The planning proposal (<b>Attachment A and Table 1</b>) seeks to amend the North Sydney LEP 2013 to facilitate the redevelopment of the site to deliver a subterranean supermarket, pedestrian plaza, commercial premises, and residential development with approximately 62 dwellings.</p> <p>In summary, it seeks to:</p> <ul style="list-style-type: none"> <li>• Increase the maximum building height from 16m to 26m and 31m.</li> <li>• Increase the minimum non-residential floor space ratio from 0.5:1 to 1.8:1.</li> </ul>
Relevant State and Local Planning Policies, Instruments	<ul style="list-style-type: none"> <li>• Greater Sydney Region Plan 2018</li> <li>• North District Plan</li> <li>• Military Road Corridor Planning Study (MRCPS) – rescinded by Council 24 January 2022)</li> <li>• Draft Neutral Bay Town Centre Planning Study (February 2024) (renamed 'Neutral Bay Village Planning Study')</li> <li>• North Sydney Local Environmental Plan 2013</li> <li>• North Sydney Local Strategic Planning Statement (March 2020)</li> <li>• SEPPs <ul style="list-style-type: none"> <li>○ SEPP (Resilience and Hazards) 2021</li> <li>○ SEPP 65 - Design Quality of Residential Flat Buildings</li> <li>○ SEPP (Housing) 2021</li> <li>○ SEPP (Transport and Infrastructure) 2021</li> <li>○ SEPP (Sustainable Buildings) 2022</li> </ul> </li> <li>• 9.1 Ministerial Directions <ul style="list-style-type: none"> <li>○ 4.4 Remediation of Contaminated Land</li> <li>○ 5.1 Integrating Land Use and Transport</li> <li>○ 7.1 Business and Industrial Zones</li> </ul> </li> </ul>



Table 2 – Current and proposed controls

Control	Current	Proposed
Zone	MU1 Mixed Use	MU1 Mixed Use (No change)
Maximum height of the building	16m	Part 26m, part 31m
Minimum non-residential floor space ratio	0.5:1	1.8:1
Number of dwellings	N/A	62 dwellings
Number of jobs	Unknown	143 additional jobs



Figure 3 Current Height of Buildings Map, North Sydney LEP 2013 (Site outlined in red) (source: planning proposal 2024)



Figure 2 Proposed Height of Buildings Map, North Sydney LEP 2013 (Site outlined in red) (source: planning proposal 2024)



Figure 5 Current Minimum Non-Residential FSR Map, North Sydney LEP 2013 (Site outlined in red) (source: planning proposal 2024)



Figure 4 Proposed Minimum Non-Residential FSR Map, North Sydney LEP 2013 (Site outlined in red) (source: planning proposal 2024)

## 1.3 Rezoning Review

On 6 September 2023, the Sydney North Planning Panel considered a rezoning review for this planning proposal as Council notified the proponent it will not support the proposed amendment. The Panel determined to support the planning proposal because the proposal has demonstrated strategic and site-specific merit and is consistent with State and Local Strategies.

The Panel made the following recommendations to revise the planning proposal prior to Gateway determination:

- *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 4<sup>th</sup> September 2023.*

The Panel made the following recommendations to revise the site-specific Development Control plan (DCP) prior to public exhibition:

- 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 setbacks to edge 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.*

The Panel's determination and reasons for its decision are provided in **Attachment B**.

The Panel appointed itself as the Planning Proposal Authority (PPA).

The proposal was submitted to the Department for a Gateway determination on 14 February 2024.

## 1.4 Gateway determination

The Gateway determination issued on 22 March 2024 (**Attachment C**) determined that the proposal should proceed subject to the following conditions:

1. Prior to community consultation the planning proposal is to be updated to:
  - a. 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;
  - b. address the consolidated SEPP (Resilience and Hazards) 2021 instead of the now repealed SEPP 55 Remediation of Land;

- c. address SEPP (Sustainable Buildings) 2022;
  - d. update the consistency against SEPP (Housing) 2021 relating to chapter 4 and remove reference to SEPP No 65 – Design Quality of Residential Apartment Development;
  - e. to include an updated timeline based on the issuing of the Gateway determination.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
  - a. the planning proposal is categorised as standard as described in the Local Environmental Plan Making Guideline (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 20 working days; and
  - b. the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in Local Environmental Plan Making Guideline (Department of Planning and Environment, August 2023).
3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the Act:
  - Transport for NSW;
  - Ausgrid;
  - Sydney Water Corporation;
  - NSW Department of Education - Schools Infrastructure NSW; and
  - NSW Health – Northern Sydney Local Health District.

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 working days to comment on the proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge any obligation to conduct a public hearing (for example, in response to a submission or if reclassifying land).

## 1.5 Consistency with Gateway Conditions

A full assessment of the proposal's consistency with the Gateway conditions is contained in **Attachment D**. The Gateway determination required an investigation to providing 5% affordable housing. The proponent's investigation determined that the proposal would not be feasible if they were to provide affordable housing as a part of the proposal.

The determination also required updates to the planning proposal including the assessment of various SEPP's and an update of the proposal's timeline.

The PPA Team is satisfied that the proponent has met the Gateway conditions sufficient to proceed to finalisation.



## 2 Community Consultation

### 2.1 Public Exhibition

On 7 May 2024 the PPA team advised the Panel that the proposal had been satisfactorily amended to meet the Gateway Conditions for public exhibition to commence (**Attachment E**).

In accordance with the Gateway determination, the planning proposal and supporting material were publicly exhibited on the NSW Planning Portal 20 working days, from 13 May to 13 June 2024.

## 3 Submissions

### 3.1 Submissions during exhibition

A total of 94 submissions were received during the exhibition period, including:

- 88 public submissions (**Attachment I**) with 86 unique and 2 duplicate submissions.
- 5 Agency submissions.
- 1 Council submission from North Sydney Council.

Of the public submissions received, 80 objected to the proposal (91%), 7 supported the proposal (8%) and 1 was unclear on their position (1%).

A table outlining the Department and proponent's response to submissions is provided at **Attachment F**.

#### 3.1.1 Submissions supporting the proposal

7 public submissions supporting the proposal were received during exhibition. Issues raised in the supporting submissions included:

- Housing;
- Public space; and
- Revitalisation of the area.

#### 3.1.2 Submissions objecting to and/or raising issues about the proposal

80 public submissions objecting to the proposal were received during exhibition. A detailed response to the key issues raised in these submissions is detailed in section 3.2 of this report, which include:

- Traffic, transport and parking;
- Overshadowing and solar access;
- Character and amenity;
- Building height;
- Bulk and scale; and
- Affordable Housing and the VPA.

#### 3.1.3 Submissions from Agencies and Council

In accordance with the Gateway Determination, the following agencies were consulted:

- NSW Health;
- Ausgrid;
- Sydney Water;
- NSW Department of Education including School Infrastructure; and
- Transport for NSW (TfNSW).

The agency submissions are provided in full at **Attachment H**.

A submission was received from North Sydney Council, (**Attachment G**) which raised multiple concerns with the proposal including:

- Building height map to reflect the updated reference design;
- Escalators and lifts to be relocated to improve safety and amenity of the public space;
- Increase the ground level setback at Rangers Road from 0m to 1.5m; and
- 88 public parking spaces to be removed and, affordable housing considered a public benefit instead.

No issues were raised in the agencies and Council submissions that would preclude the proposal proceeding.

## 3.2 Key Issues from submissions

The key issues raised during community and agency consultation are discussed in detail below, including the proponent's and PPA team's response.

### 3.2.1 Issue – Traffic, transport and parking

#### Community submissions

69% of community submissions raised traffic, transport and parking as an issue. The following concerns were raised by the community in relation to traffic, transport and parking:

- traffic increase on the surrounding streets;
- insufficient public transport;
- lack of parking in the vicinity; and
- too much parking proposed within the development.

#### Council's submission

Council's submission stated that the additional public car parking (88 spaces), which exceeds the car parking provisions under the NSDCP2013, will have adverse impacts on the local road network and is not considered a public benefit.

#### Transport for NSW's submission

On 26 June 2024, TfNSW provided a submission requesting an updated transport and traffic assessment. The proponent submitted a revised Traffic Impact Assessment (TIA) which was submitted to TfNSW for their consideration. A further submission from TfNSW was received on 4 September 2024, which confirmed that TfNSW was now satisfied that the proposal could be finalised but also included feedback on labelling errors within the TIA and advice for a future DA.

#### Proponent response:

The TIA prepared by JMT demonstrates that the proposal will not result in significant traffic

impacts. The proposed development will be supported by sufficient subterranean parking on site. The detailed provision of parking will be sought for approval as part of the future DA and will be consistent with the North Sydney Development Control Plan (NSDCP) parking rates. The provision of the public carpark is no longer sought under the proposal.

#### PPA Team response:

The planning proposal adequately addresses traffic and access issues, as:

- TfNSW have given advice that the planning proposal can be finalised;
- The proposed 88 public car parking spaces (previously included) have 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; and
- The site leverages the existing connectivity and proximity to the Sydney CBD and North Sydney CBD. It is located within 40m of several local and city express bus services.

### 3.2.2 Issue – Overshadowing and solar access

#### Community submissions

67% of community submissions raised overshadowing and solar access as issues for this proposal. The following concerns were raised by the community in relation to overshadowing and solar access:

- insufficient solar access to the dwellings on Yeo Street;
- reduced sky views; and
- overshadowing of the public domain including the proposed public plaza.

#### Council's submission

Council's submission advised that the building height map should be adjusted to reflect the updated reference design and a site-specific provision may be included to accommodate lift overruns. This is to ensure any subsequent development application does not result in excessive overshadowing impact.

#### Proponent response:

Shadow diagrams prepared by Koichi Takada Architects, demonstrate that the proposal, including the public plaza will achieve appropriate levels of solar access and daylight.

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.

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).

#### PPA Team response:

The planning proposal adequately addresses overshadowing and solar access issues, as:

- 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;

- 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;
- 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; and
- The development will be assessed against the requirements of the ADG and DCP when a future DA is lodged.

### 3.2.3 Issue – Character and amenity

#### Community submissions

46% of community submissions raised character and amenity as issues for this proposal. The following concerns were raised by the community in relation to character and amenity:

- The proposed buildings height and density are not in keeping with the character of the area;
- the proposal will remove the ‘village feel’ of the area;
- the proposal is not in keeping with Councils strategic documents;
- limited public open space;
- construction will result in disruption; and
- building height should match the adjoining ‘Muse’ development.

#### Council’s submission

Council’s submissions raised the following concerns in relation to character and amenity:

- the proposed 0m setback along Rangers Road should be increased to achieve a 1.5m ground level setback to align with the recently developed 9-11 Rangers Road adjoining the subject site; and
- escalators and lifts should be relocated to improve safety and amenity of the public space. The proposed location of the supermarket escalators and lifts on the western side of the boundary attached to 183-185 Military Road do not align with the proposed plaza boundary under the NBVPS and will adversely affect view lines to the through site link to Yeo St, amenity and functionality of the public space.

#### Proponent response:

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.

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.

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.

It is unlikely that adverse wind impacts will be felt through the proposed through-site link.

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.



The proposal seeks to deliver a highly sustainable building. The detailed ESD commitments will be confirmed as part of the future DA.

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.

The proposed public plaza will provide a new passive recreational space that will serve the visitors, workers and residents of Neutral Bay.

The proposal will facilitate approximately 1,100m<sup>2</sup> of public space through the proposed through-site link and plaza. Further, the proposed public space is anticipated to expand with the future development of 185 Military Road, which envisages an expanded shared public space between the two sites.

#### PPA Team response:

The planning proposal adequately addresses character and amenity issues, as:

- The proposal is supported by a concept scheme that has been informed by the desired future character set out in the rescinded Military Road Corridor Planning Study (MRCPS) and extensive community consultation;
- 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;
- The proposal aims to rejuvenate the public domain of the site through street activations and public domain upgrades;
- The PPA Team supports the proposal as it will increase the vibrancy of the streetscape adjacent to the site and deliver the pedestrian connectivity associated with a 'village atmosphere';
- Council is preparing a draft DCP and is working with the proponent to secure a Voluntary Planning Agreement (VPA). This will secure the delivery of the public plaza and ensure the built form aligns with Council's objectives;
- 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; and
- The proposal remains consistent with the desired future character as set out in the NBVPS.

### 3.2.4 Issue – Building height

#### Community submissions

35% of community submissions raised building height as an issue for this proposal. The community raised the following concerns in relation to the proposed building height:

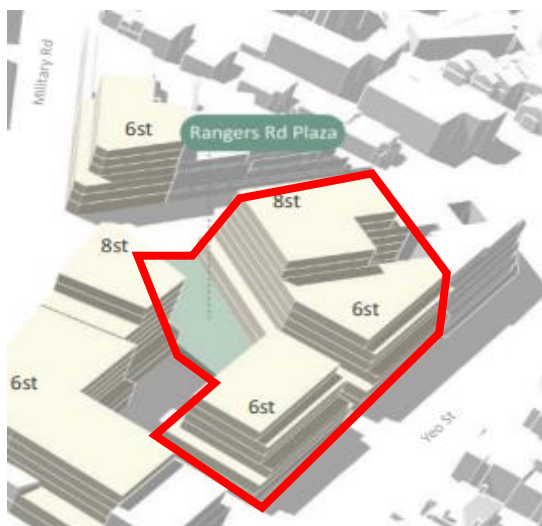
- the proposed building height is not in keeping with the character of the area;
- it will result in overshadowing of the streets and dwellings on Yeo Street; and
- it will set an undesirable precedent.

#### Council's submission

Council's submission stated that the maximum building height map should be amended to reflect the updated reference design with a site-specific provision to accommodate lift overruns and a 0m height limit should apply to the future plaza.

#### Proponent response:

The proposed development achieves a maximum 6 and 8 storey built form (**Figure 6**) 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.



**Figure 6 Building heights envisaged by the NBVPS (source: Neutral Bay Town Centre Planning Study: Draft Report, February 2024)**

#### PPA Team response:

The planning proposal adequately addresses the building height issue as:

- The proposed 6 and 8 storey built form is consistent with the NBVPS;
- The floor-to-floor heights have been reduced to the minimum feasible level in order to reduce the overall building height and increase solar access to dwellings on Yeo Street;
- The delivery of the public plaza can ultimately addressed at the DA stage. The LEP provisions have been justified by the intended built form outcomes for the plaza within the site-specific DCP.
- The proposal has demonstrated consistency with the built form and solar access controls within the ADG; and
- The increase in building height will facilitate the delivery of housing, commercial floor area and a public plaza.

### 3.2.5 Issue – Bulk and scale

#### Community submissions

28% of community submissions raised bulk and scale as an issue for this proposal. The community raised the following concerns in relation to bulk and scale:

- the proposed density is too high, the area will become overcrowded;
- it is an over development of the site; and
- the proposed bulk and scale are not in keeping with character of the area.

#### Proponent response:

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.

The proposed building heights and built form have been carefully considered to respond to future growth projections outlined in the NBVPS.

#### PPA Team response:

The planning proposal adequately addresses the bulk and scale issue as:

- The proposed building heights and scale for the site have been determined through a detailed assessment of site-specific opportunities, limitations and the strategic context of the locality that was undertaken to prepare the NBVPS;
- Despite the lack of a maximum FSR control, Council's DCP (exhibited from 26 August 2024 to Monday 23 September 2024) and the ADG provide setbacks, building separation and building depths that must be achieved;
- The concept scheme demonstrates compliance with the required planning 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; and
- The PPA Team is satisfied that given the ADG and a DCP will apply to the site, the specific assessment against these requirements will be undertaken as part of any future DA process once a resolved detailed design is submitted.

### 3.2.6 Issue – Affordable housing and Voluntary Planning Agreement

#### Community submissions

15% of community submissions raised affordable housing and the VPA as issues for this proposal. Community submissions suggested that the development should include affordable housing as a part of a VPA.

#### Council's submission

Council's submission requested that affordable housing with a target of at least 5% as per the Greater Sydney Region Plan should be considered as a part of a public benefit.

#### Proponent Response:

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.

The provision of essential worker housing is not a matter for this planning proposal to address. The proposal will contribute to providing additional housing supply and choice in the market.

The proposal will facilitate substantial public benefits through the provision of approximately 1,100m<sup>2</sup> 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 shared public space between the two sites.

#### PPA Team Response:

The planning proposal adequately addresses the affordable house and VPA issues as:

- 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;
- The proponent has investigated the feasibility of providing affordable housing prior to public exhibition. It was determined that the proposal would not be financially feasible if affordable housing was included. Further, there is no requirement within the North Sydney LEP to provide affordable housing; and
- The details of the VPA are to be finalised between the proponent and Council.

## 4 Next Steps

The Department is the Local Plan-Making Authority (LPMA) for this planning proposal.

The Panel's decision and the final planning proposal will be submitted to the Department through the NSW Planning Portal for finalisation.

The Department will prepare a finalisation report in accordance with the LEP Making Guidelines (August 2023) and will determine whether to make the LEP, with or without variation. The Department may defer the inclusion of a matter in the proposed LEP or not make the LEP.

In accordance with section 3.36(1) of the EP&A Act, the Department will organise drafting of the LEP and finalisation of maps and will consult the Panel on any draft instrument.

## 5 Recommendation

Based on this post-exhibition report, it is recommended that the Sydney North Planning Panel determine that the planning proposal should be submitted to the Department for finalisation.

The planning proposal is considered suitable for finalisation because:

- The proposal demonstrates strategic and site specific merit;
- The conditions of the Gateway determination have been met; and
- Agency and community consultation has occurred in accordance with the Gateway determination.



## 5.1 Attachments

**Attachment A** – Planning Proposal and attachments (8 April 2024)

**Attachment A1** – Architectural Plans

**Attachment A2** – Urban Design Report

**Attachment A3** – Transport Impact Assessment

**Attachment A4** – Social and Economic Report

**Attachment A5** – Public Benefit Offer

**Attachment A6** – LEP Mapping

**Attachment A7** – Draft Site-specific Development Control Plan

**Attachment A8** – Preliminary Site Investigation

**Attachment A9** – Woolworths Neutral Bay Community Survey Report

**Attachment B** – Rezoning Review Record of Decision (September 2023)

**Attachment B1** – Pre-Gateway Record of Decision (18 December 2024)

**Attachment C** – Gateway Determination (22 March 2024)

**Attachment D** – Assessment Against Gateway Determination

**Attachment E** – Authorisation of exhibition (7 May 2024)

**Attachment F** – Summary of community submissions and responses

**Attachment G** – Council submission

**Attachment H** – Agency submissions

**Attachment I** – Community submissions (redacted)

**Attachment J** – Proponent response to community submissions

**Attachment K** – Proponent response to agency submissions



\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
22/10/2024 (Date)

Murray Jay

Manager, Planning Proposal Authority



\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
23/10/24 (Date)

Louise McMahon

Director, Planning Proposal Authority

Assessment officer

Timothy Coorey

Planning Officer, Planning Proposal Authority

9585 6566

should ensure that the information upon which they rely is up to date and to check the currency of the information with the appropriate departmental officer or the user's independent adviser.