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Via email: [alexander.galea@dpie.nsw.gov.au](mailto:alexander.galea@dpie.nsw.gov.au)

JL (CIS)

25 June 2024

Dear Alexander

**RE: Planning Proposal PP-2022-4350 - 1-7 Rangers Road and 50 Yeo Street, Neutral Bay**

I refer to the 1-7 Rangers Road and 50 Yeo Street, Neutral Bay Planning Proposal package, that the Department of Planning, Housing and Infrastructure (DPHI) exhibited between 13 May and 11 June 2024.

Please be advised that at its meeting on 27 May 2024, Council considered a post exhibition report on the *Neutral Bay Village Planning Study* (NBVPS), which provides the strategic planning framework for future development in the Neutral Bay local centre, in accordance with the *North Sydney Local Strategic Planning Statement* (NSC 2020).

Council resolved (in part) that a maximum building height of 6 storeys should apply to the centre, including the subject site, and the inclusion of affordable housing as part of any development be provided and held in perpetuity. The [resolution](#) in full is as follows (emphasis added):

- 1. THAT Council note the submissions made to the public exhibition of the draft planning study.**
- 2. THAT Council reiterates its commitment to maintaining public ownership of public land.**
- 3. THAT Council adopt the Neutral Bay Village Planning Study, as amended, as the strategic development framework for Neutral Bay local centre (Attachment 1) with the following amendment:**
  - I. THAT Council adopt a maximum building height of six storeys by deleting action A5 on page 75 of the study (page 111/525 of the report), amending Figure 7-2 Proposed Building Heights to delete references to eight storeys, and replacing eight storeys with six storeys.**
  - II. THAT consistent with the Probity Plan - Grosvenor Lane Carpark, Council delete figure 7-14 and 7-15 on page 125 of 525 of the report (page 89 of the study)**
  - III. THAT Council support the inclusion of affordable housing in all new developments, with the affordable housing being part of the maximum building height of six storeys**
  - IV. THAT affordable housing remains in perpetuity.**
- 4. THAT Council note the Neutral Bay Village Planning Study will guide future Planning Proposals.**
- 5. THAT Council endorse the preparation and progression of a planning proposal and associated development control plan amendment to give effect to the aspects of the Neutral Bay Village Planning Study outlined in this report.**
- 6. THAT a Councillor briefing be held on the draft amendment to the North Sydney Development Control Plan 2013 (Attachment 5 to this report) as it relates to the redevelopment of land at 1-7 Rangers Road, 50 Yeo Street, and 183-185 Military Road consistent with the desired outcomes of the Neutral Bay Village Planning Study and the associated Planning Proposals.**
- 7. THAT the Councillor briefing include a discussion of the solar impacts of the 12 storeys approved by the Sydney North Planning Panel.**



Accordingly, the adopted NBVPS, as amended, will include the following proposed planning controls for 1-7 Rangers Road and 50 Yeo Street (Site 3B):

- a maximum 21m (6 storey) building height, (reduced from 8 storeys, in accordance with the Council resolution)
- a minimum of 1.5:1 non-residential FSR to provide more opportunities for retail and commercial spaces
- a 1.5m ground level setback along Rangers Road to ensure a consistent street frontage
- a 2-storey podium around the plaza, through-site link and east-west oriented Military, a 3-storey podium heights at Yeo Street and a 4 storey podium at Rangers Road
- a 3m above podium setback at all the street and plaza frontages
- a 3m top floor setback to the building along Yeo Street
- active frontages around the plaza, through-site link, Rangers Road, and the majority of Yeo Street
- retain solar access to a minimum 50% of the plaza area from 10am to 1pm mid-winter June 21
- ensure a minimum of 2 hours of sunlight for 70% of residential dwellings along Yeo Street

The identified public benefits to support the 1-7 Rangers Road and 50 Yeo Street planning proposal are:

- a minimum 750m<sup>2</sup> of a 1,000m<sup>2</sup> public plaza as a shared contribution with 183-185 Military Road
- a 6m wide, open to the sky, north-south pedestrian link, or alternatively, a covered arcade link if it can meet desired urban design outcomes, such as clear sightlines, maximising legibility and wayfinding, and adequate design for building articulation along Yeo Street
- affordable housing (in accordance with the Council resolution).

Secondly, it is noted that the proponent has drafted a site-specific DCP for 1-7 Rangers Road and 50 Yeo Street, which was included in the exhibition package.

The post exhibition report of 27 May 2024 included a site-specific draft amendment to the *North Sydney Development Control Plan* (NSDCP2013) prepared by Council in relation to 1-7 Rangers Road, 50 Yeo Street and the adjacent site 183-185 Military Road. The purpose of the amendment is to coordinate the future development of both sites and a future 1,000m<sup>2</sup> public plaza, that is to be delivered as a shared contribution between the two landowners.

As detailed above, it was resolved that a Councillor briefing be held on the draft amendment to the NSDCP2013 as it relates to the two redevelopments, consistent with the desired outcomes of the NBVPS and the associated Planning Proposals. The Councillor briefing was held on 17 June 2024 and will now be re-reported to Council in coming weeks ahead of a public exhibition period.

### Comment on the proposal

As outlined above, Council's policy position as of 27 May 2024 is that a maximum 6-storey height limit is to apply to the centre. Proposals that exceed 6-storeys are therefore considered inconsistent with Council's *Local Strategic Planning Statement* (Actions L1.5 and L3.2). Notwithstanding, the following comments are provided should the Department form the view that the current 8 and 6 storey proposal be progressed.

Council **supports** the following elements of the updated reference design accompanying the planning proposal:

- the proposed 1.8:1 non-residential FSR
- reduction in floor-to-floor heights to further reduce the overall height of the built form
- addition of a top-level setback to Yeo Street to further reduce the shadow impact
- removal of the 2-storey retail podium on the western boundary attached to 183-185 Military Road



The following issues **should be resolved**:

- 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 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
- 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
- the additional public car parking, 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
- the provision of affordable housing with a target of at least 5% as per the Greater Sydney Region Plan would be considered a public benefit.

## Detail

### **1. Building height map to reflect the updated reference design**

It is noted that the updated reference design has reduced floor to floor heights to further reduce the overall height of the built form. Heights have now lowered such that the 31m and 26m built form envelopes include the lift overruns. This will improve sunlight access to the residential properties along the southern side of Yeo Street.

Recommendations: Should the Department form the view that the current 8 and 6 storey proposal be progressed, the building height map should be adjusted to reflect the updated reference design. 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.

Secondly, in the absence of a formalised agreement to deliver the plaza, it is recommended the portion of the site where the plaza is indicated be assigned a maximum building height of 0m. A site-specific provision may be included to allow for minor exceedances for any awnings, street furniture and the like in the plaza. The provision should ensure lifts and escalators are excluded for the reasons outlined below.

### **2. Escalators and lifts to be relocated to improve safety and amenity of the public space**

The NBVPS identifies the subject site as an opportunity to contribute towards a new plaza to address the acute need for high amenity additional open space in the centre. The future plaza should support a welcoming, open entry from the Rangers Road with clear sightlines through to the southern through site link towards Yeo Street (figure 1).

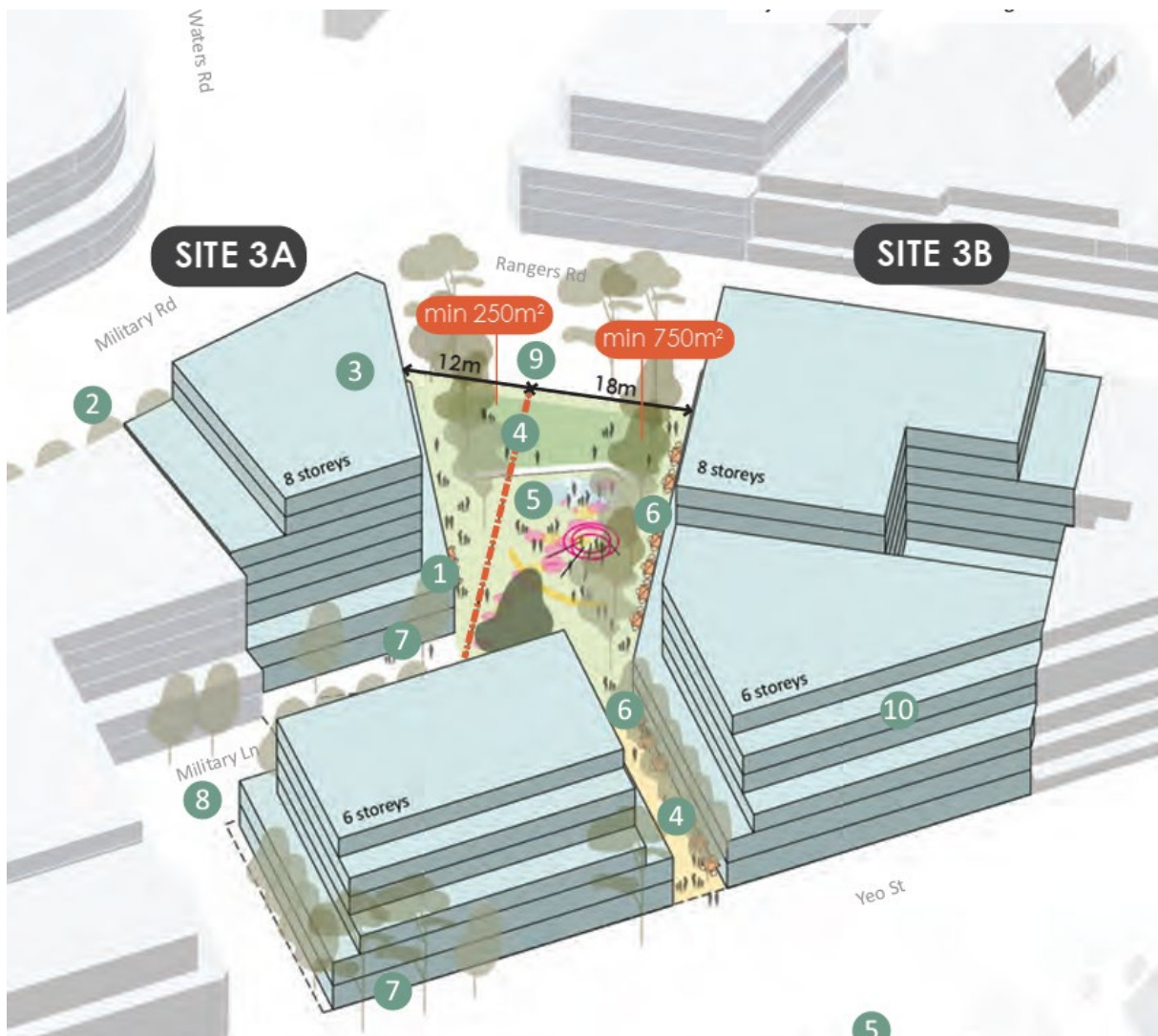
A letter of offer for public benefits submitted with the planning proposal includes a publicly accessible plaza, however the updated reference design is inconsistent with key design outcomes identified in the NBVPS (figure 2). While the updated reference design has removed the proposed two-storey retail strip on the joint boundary with 183-185 Military Road, the design now includes a Woolworths supermarket escalator and a one-level retail shop along that boundary. The proposal also includes two supermarket lifts on the corner of 183-185 Military Road and Rangers Road. The proposed location of the escalator and lifts:

- physically divides the plaza into two parts
- adds clutter and negatively impacts the usability of the space
- creates poor wayfinding at the plaza entry



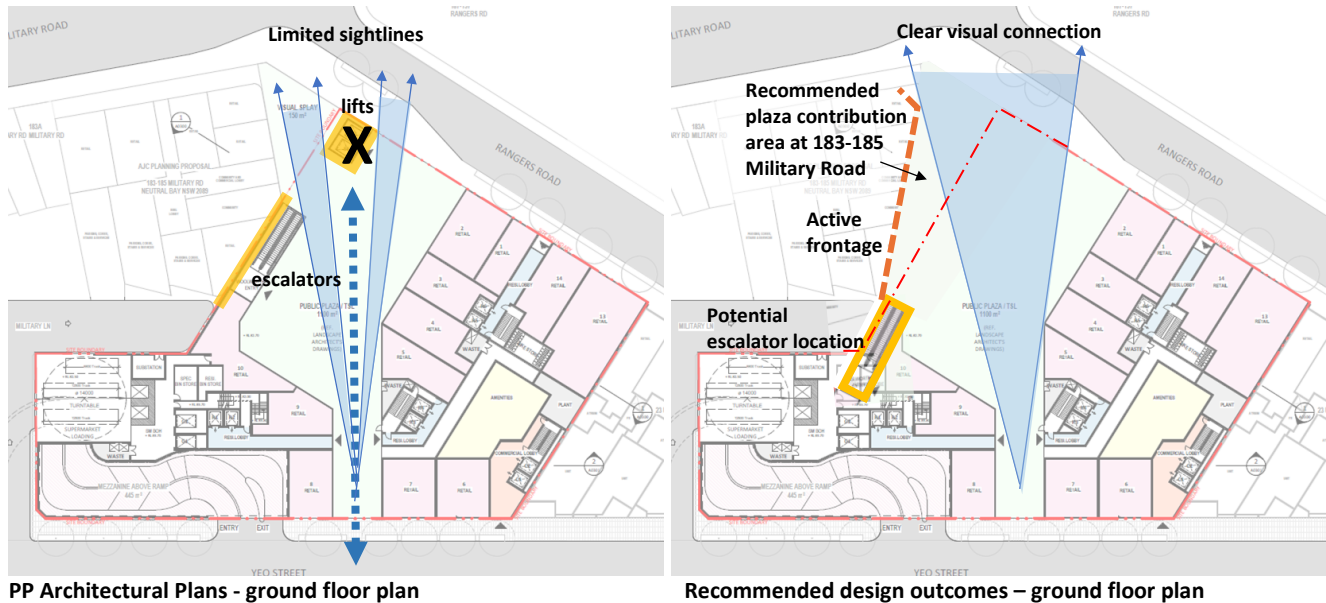
- significantly reduces visibility and legibility of the through site link, creating an unsafe environment particularly if the link is to be enclosed despite Council's strong preference for it to remain open to the sky

**Recommendation:** that the letter of offer is amended so that it confirms the escalators and lifts will be removed from the new public space and integrated into the proposed built form, within the 1-7 Rangers Road and 50 Yeo Street development. Further updates to the reference design should include a ground level layout in accordance with the NBVPS and provides an opportunity for the adjacent site to activate the western side of the plaza, with a clear visual connection across the space.



**Figure 1.** Excerpt from the exhibited Neutral Bay Village Planning Study showing the potential new 1,000m<sup>2</sup> plaza that can be achieved through the coordinated design of the subject site (identified here as 'Site 3B') and adjoining 183-185 Military Road (identified here as 'Site 3A'). Council's adopted study supports a maximum building height of 6 storeys.





**Figure 2.** Comparison of the proponent's updated reference scheme (left) with the NBVPS (right)

### **3. Increase the ground level setback at Rangers Road from 0m to 1.5m**

The updated reference design provides a nil setback to Rangers Road. This will create an inconsistent street frontage with the adjoining, recently developed 9-11 Rangers Road site that provides a 1.5m ground-level setback along Rangers Road, to support outdoor dining along this sunny north-facing location. NSDCP2013 requires a 1.5m ground-level setback along Rangers Road.

**Recommendation:** The reference design includes a 1.5m ground-level setback along Rangers Road to provide a continued activated street frontage with the adjacent site.

### **4. 88 public parking spaces to be removed and affordable housing considered a public benefit instead**

The additional 88 'public' car spaces are over and above Council's maximum parking rates under the NSDCP2013 and are not considered a public benefit. It will result in a significant oversupply of parking on a site close to accessible transport. The Department's proposal (Gateway Determination Report 22 March 2024) for 5% affordable housing as a key public benefit better accords with Council's resolution of 27 May 2024.

**Recommendation:** the provision of affordable housing be included 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.

North Sydney Council respectfully requests the Department seeks changes to the proposal and commitments by the applicant to address the identified issues and inconsistencies raised in this submission.

Yours sincerely

Neal McCarry  
**Manager Strategic Planning**