



IRF25/55

## Gateway determination report – PP-2023-699

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183-185 Military Road, Neutral Bay

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# Acknowledgment of Country

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

## Contents

<b>1</b>	<b>Planning proposal.....</b>	<b>1</b>
1.1	Overview .....	1
1.2	Objectives of planning proposal.....	1
1.3	Explanation of provisions.....	1
1.4	Site description and surrounding area .....	2
1.5	Mapping .....	3
1.6	Background .....	5
1.6.1	Local Strategies.....	5
1.6.2	Subject site and adjoining sites.....	5
<b>2</b>	<b>Need for the planning proposal .....</b>	<b>7</b>
<b>3</b>	<b>Strategic assessment .....</b>	<b>7</b>
3.1	District Plan .....	7
3.2	Local.....	9
3.3	Local planning panel (LPP) recommendation .....	11
3.4	Section 9.1 Ministerial Directions.....	12
3.5	State environmental planning policies (SEPPs) .....	14
<b>4</b>	<b>Site-specific assessment .....</b>	<b>15</b>
4.1	Environmental .....	15
4.2	Social and economic .....	19
4.3	Infrastructure .....	20
<b>5</b>	<b>Consultation.....</b>	<b>20</b>
5.1	Community .....	20
5.2	Agencies .....	21
<b>6</b>	<b>Timeframe .....</b>	<b>21</b>
<b>7</b>	<b>Local plan-making authority .....</b>	<b>21</b>
<b>8</b>	<b>Assessment summary .....</b>	<b>21</b>
<b>9</b>	<b>Recommendation.....</b>	<b>21</b>

**Table 1 Reports and plans supporting the proposal**

Relevant reports and plans
Attachment A – Planning Proposal 20 March 2023 (Revision A)
Attachment B – Sydney North Planning Panel – RR-2023-36 Record of Decision 14 May 2024
Attachment C – North Sydney Local Planning Panel Recommendation 25 October 2023
Attachment D – Traffic and Parking Assessment 23 November 2022
Attachment E – Urban Design Report 14 November 2022
Attachment F – Additional Overshadowing Analysis 29 October 2024
Attachment G – Voluntary Planning Agreement (VPA) Public Benefit Offer 27 March 2023

# 1 Planning proposal

## 1.1 Overview

**Table 2 Planning proposal details**

<b>LGA</b>	<b>North Sydney</b>
<b>PPA</b>	Sydney North Planning Panel
<b>NAME AND ADDRESS</b>	183-185 Military Road, Neutral Bay
<b>NUMBER</b>	PP-2023-699
<b>LEP TO BE AMENDED</b>	North Sydney Local Environmental Plan 2013
<b>DESCRIPTION</b>	Lots A and B, DP322525 and Lot 1 DP34803
<b>RECEIVED</b>	14/01/2025
<b>FILE NO.</b>	IRF25/55
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose and a political donation disclosure is not required
<b>LOBBYIST CODE OF CONDUCT</b>	There have been no meetings or communications with registered lobbyists with respect to this proposal

## 1.2 Objectives of planning proposal

The planning proposal (the proposal) (**Attachment A**) contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are to provide a high-quality mixed-use development near public transport, recreation facilities and services while ensuring appropriate built form within the Neutral Bay Town Centre. The proposal seeks to deliver 44 new residential dwellings including the provision of 5% affordable housing.

The objectives of this planning proposal are clear and adequate.

## 1.3 Explanation of provisions

The planning proposal seeks to amend the North Sydney LEP 2013 per the changes below:

**Table 3 Current and proposed controls**

<b>Control</b>	<b>Current</b>	<b>Proposed</b>
Zone	MU1 Mixed-use	No change
Maximum height of the building	16m	43m
Non-residential floor space	0.5:1	2:1

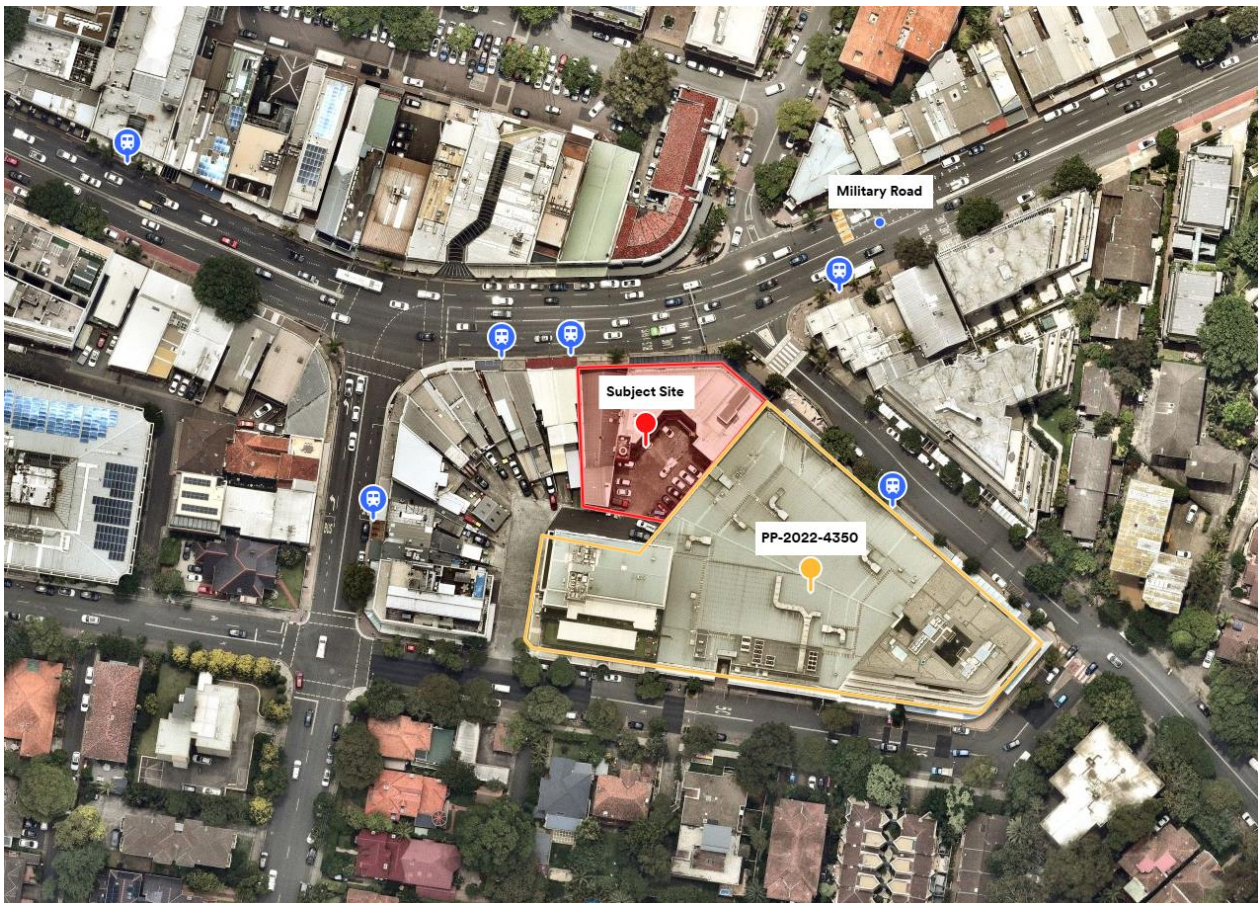
The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

A **Gateway Condition** will recommend the identification of the B4 Mixed use zone within the planning proposal be changed to MU1 Mixed use zone to reflect updates to the North Sydney LEP 2013.

## 1.4 Site description and surrounding area

The proposal site applies to the land at 183-185 Military Road, Neutral Bay (**Figure 1**). The site is a predominant corner site that comprises of two amalgamated sites with an area of approximately 1,295 sqm.

The site comprises of a two-storey retail brick building at 183 Military Road, and a three-storey brick building at 185 Military Road that is occupied by retail on the ground floor, and commercial on the two levels above. An open hardstand parking area is located on the site to the rear of the building with access off Military Lane.



**Figure 1 Subject site (source: Department)**

The planning proposal notes that there is currently 1,845sqm of occupied non-residential floor space spread across the two buildings including retail and commercial premises. The proposal does not identify the number of occupancies that are tenanted or the number of jobs existing on site.

The site does not contain any heritage items and is not located in a heritage conservation area.

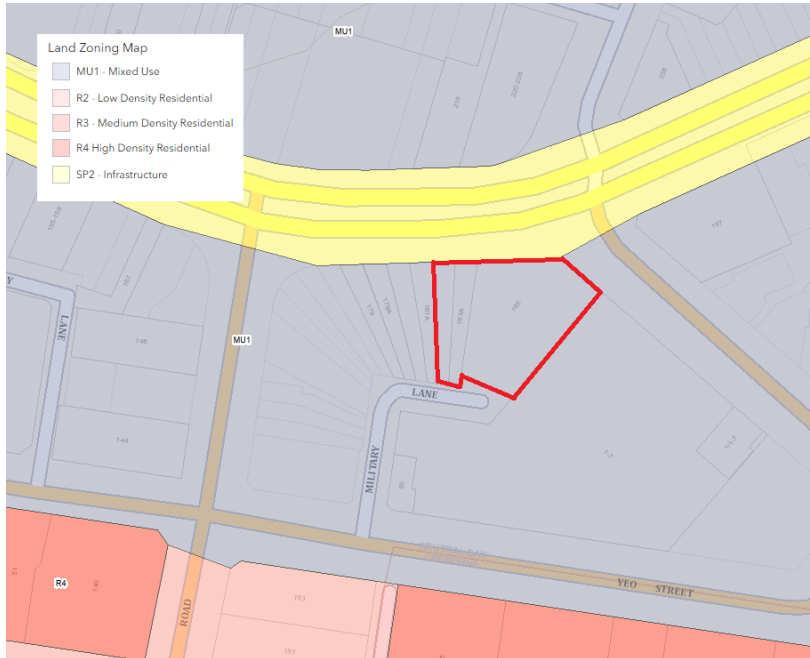
The site is located within the Neutral Bay Town Centre with long-standing mix of retail, commercial and residential land uses to the north, east and west. This includes Woolworths Neutral Bay Village (subject of a recently finalised planning proposal, refer to **Section 0**) which is adjacent to the site.



The site has direct access to bus services along Military Road with a bus stop located directly in front of the site.

## 1.5 Mapping

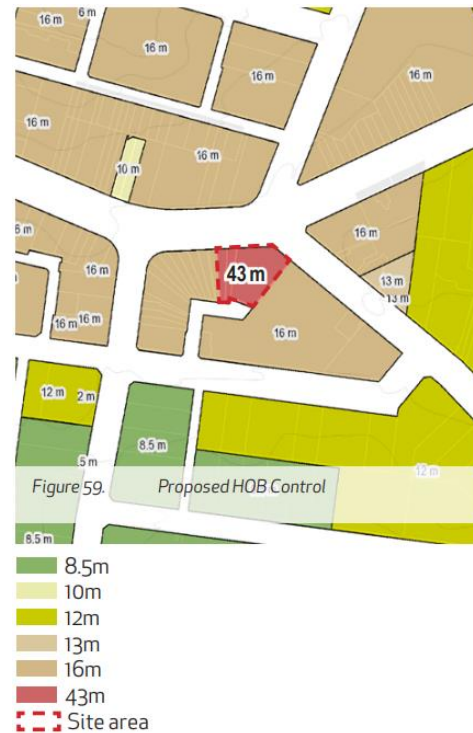
The planning proposal includes mapping showing the proposed changes to the height of buildings and non-residential floor space maps, which are suitable for community consultation.



**Figure 2 Current zoning map(source: Department)**



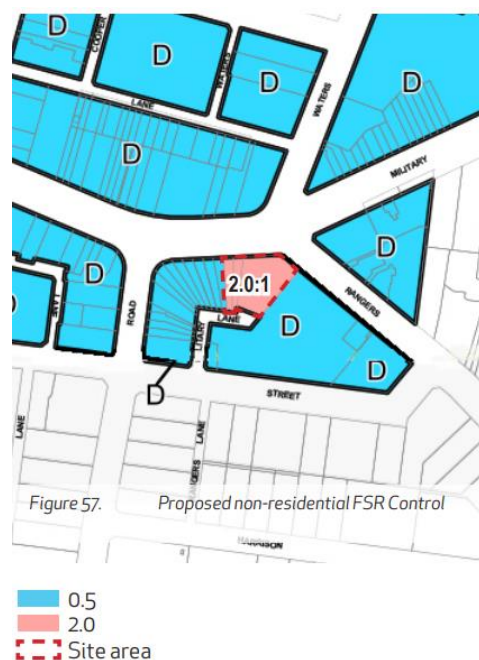
**Figure 3 Current height of building map (source: Department)**



**Figure 4 Proposed height of building map (source: Urban Design Report)**



**Figure 5 Current non-residential floor space ratio map (source: Department)**



**Figure 6 Proposed non-residential floor space ratio map (source: Urban Design Report)**



## 1.6 Background

Planning in the Neutral Bay Town Centre has an extended history dating back to 2020 with the initiation of the Military Road Corridor Strategy. Investigations into the urban renewal of the centre have resulted in a redefined approach including for 183-185 Military Road, Neutral Bay. A brief history of planning within the centre and the site has been provided below noting this has informed the planning proposal.

### 1.6.1 Local Strategies

#### 1.6.1.1 Military Road Corridor Planning Study (MRCPS)

The Military Road Corridor Planning Study (MRCPS), was adopted by Council in February 2021 and sought to promote jobs and housing growth within the centre while maintaining the village atmosphere of the Neutral Bay Town Centre. The study provided a comprehensive framework to guide future development within the centre.

The study identified the site and adjoining 'Woolworths' site at 1-7 Rangers Road, Neutral Bay as 'opportunity Site 3'. The study noted that the redevelopment of 'Site 3' sought to:

- Support local jobs, local shops and housing opportunities
- Create a new public plaza fronting Rangers Road
- Improve pedestrian amenity and access between Rangers Road and Yeo Street
- Deliver a new community facility, bicycle parking and public parking
- Support the village atmosphere

The MRCPS recommended additional residential floor space with a minimum of 2:1 non-residential FSR and a maximum height limit of 12 storeys for the site at 183-185 Military Road, Neutral Bay.

To achieve this outcome, the study provided a range of planning requirements and noted a landowner-initiated planning proposal would be required to amend the North Sydney LEP 2013.

The MRCPS was rescinded by Council on 24 January 2022, in response to ongoing community concerns regarding the building heights, loss of the village atmosphere, traffic impacts and overshadowing.

The planning proposal responds to the MRCPS noting there was not a Council endorsed strategy for the Neutral Bay Town Centre at the time the proposal was submitted to Council on 6 April 2023.

Given the MRCPS has been rescinded by Council, the study cannot be considered in the assessment of strategic merit of this planning proposal.

#### 1.6.1.2 Neutral Bay Village Planning Study (NBVPS)

The Neutral Bay Village Planning Study (NBVPS) was adopted by Council on 27 May 2024 and seeks to guide future growth in Neutral Bay Town Centre while protecting retail and commercial uses and deliver public domain and community infrastructure. The study is an outcome of further consultation with the community following the determination by Council to rescind the MRCPS. Refer to Section 3.2 for assessment of the planning proposal against the NBVPS.

### 1.6.2 Subject site and adjoining sites

#### 1.6.2.1 Existing Development Approval

On 2 October 2019, development consent was issued for the site (DA307/18). The development application was for the demolition of existing structures and construction of a shop top housing development with a communal rooftop terrace and basement car parking.

The development sought to provide 26 apartments over six levels with a total building height of 21.213m (top of life overrun). The development was to include non-residential floorspace at a rate of 1.25:1.

At the time this planning proposal was submitted, the development consent was still applicable, however the Department understands that the consent has since lapsed.

#### 1.6.2.2 Rezoning Review (RR-2023-36) for 183-185 Military Road, Neutral Bay

On 21 December 2023, a rezoning review was lodged with the Department to review PP-2023-699 for 183-185 Military Road, Neutral Bay (this proposal) as Council did not support the proposed amendment. On 14 May 2024, the Sydney North Planning Panel considered the rezoning review.

The Panel resolved that the planning proposal demonstrated strategic and site-specific merit. In making this decision, a summary of the Panel's recommendations is as follows:

- the maximum Height of Building (HOB) is to be set to 44m including all roof structures subject to further detailed modelling relating to overshadowing impacts;
- any amendments to the proposal as a result of this modelling should not result in a reduction of the proposed ground level setbacks to Military Road and splayed setback area to the proposed public plaza; and
- investigate opportunities for the provision of affordable housing as a key public benefit with a target of at least 5% affordable housing per the Greater Sydney Region Plan.

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

In updating the planning proposal in response to the panel's recommendations, it was confirmed that the proposed 12 storey development outcome could be constructed within the 43m maximum HOB including lift overruns. The proposed maximum HOB remains at 43m.

The Panel was satisfied with further updates to the proposal and recommended it be submitted for Gateway Determination.

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

#### 1.6.2.3 Amendment to North Sydney Development Control Plan 2013 for 1-11 Rangers Road, 50 Yeo Street and 183-185 Military Road

On 25 November 2024, Council adopted an amendment to the North Sydney Development Control Plan (NSDCP) 2013 for land at 1-11 Rangers Road, 50 Yeo Street and 183-185 Military Road. The amendment implements the outcomes identified in the NBVPS for these adjoining development sites with regard to setbacks, podium height activation, landscaping, public plaza and massing. A Gateway condition is recommended for the planning proposal to note the endorsed site-specific amendment to NSDCP 2013.

#### 1.6.2.4 Planning proposal at 1-7 Rangers Road and 50 Yeo Street, Neutral Bay

On 14 February 2024 a planning proposal for 1-7 Rangers Road and 50 Yeo Street, Neutral Bay (PP-2022-4350), also referred to as the 'Woolworths' planning proposal, was submitted to the Department for Gateway determination. The Woolworth proposal is located on the site adjacent to 183-185 Military Road (this proposal) and looked to provide 62 dwellings and 143 jobs. This includes the delivery of residential dwellings, retail and commercial floorspaces, a new supermarket as well as public plaza.

The proposal was given Gateway determination on 22 March 2024 and was finalised under North Sydney LEP 2013 (Map Amendment No. 8) on 19 March 2025. A **Gateway condition** is recommended for the planning proposal to reflect the finalisation of this planning proposal.

## 2 Need for the planning proposal

Q1. Is the planning proposal a result of an assured local strategic planning statement, or Department approved local housing strategy, employment strategy or strategic study or report?

The planning proposal is not the result of a Department endorsed local strategic planning statement, strategic study or report.

The planning proposal was prepared in response to the rescinded Military Road Corridor Planning Study. The proposal notes that although the MRCPS is no longer a Council adopted strategy, it remains a strategic planning study that was undertaken by Council and, at the time of preparing the initial planning proposal was the only strategy that focused on the Neutral Bay Town Centre.

The NBVPS was adopted by Council on 27 May 2024 and assessment of the proposal against this local strategy is discussed in further detail in **Section 3.2**.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The planning proposal seeks to implement specific LEP provisions. A planning proposal to amend statutory planning controls is the most appropriate mechanism to facilitate the intended outcome.

## 3 Strategic assessment

### 3.1 District Plan

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

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

The Department is satisfied the planning proposal gives effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*. The following table includes an assessment of the planning proposal against relevant directions and actions.

**Table 5 District Plan assessment**

District Plan Priorities	Justification
<b>2 Infrastructure and Collaboration</b>	
N1 – Planning for a city supported by infrastructure	<p>The planning proposal facilitates increased residential and commercial density in a well located area which will utilise existing and new infrastructure, including regular bus services to the Sydney CBD and North Sydney.</p> <p>The planning proposal is consistent with this priority.</p>

### 3 Liveability

<p>N4 – Fostering healthy, creative, culturally rich and socially connected communities</p>	<p>The planning proposal will enable additional commercial floorspace including active uses at the street level.</p> <p>The proximity of the site to accessible public transport and services will reduce the reliance on private vehicle usage and short trips and encourage walking and cycling.</p> <p>The renewal of the site will contribute to the achieving the overall vision for a vibrant local centre.</p> <p>The planning proposal is consistent with this priority.</p>
<p>N5 – Providing housing supply, choice and affordability, with access to jobs, services and public transport</p>	<p>The proposal will facilitate additional housing in a well-located area providing access to jobs, services including retail and health and public transport.</p> <p>The reference scheme identifies the development will deliver approximately 44 dwellings. The proposal seeks to deliver these dwellings as a mix of 1, 2 and 3 bedroom apartments.</p> <p>The planning proposal includes a provision of 5% affordable housing. The planning proposal has noted this will be provided as a part of a public benefit offer via a Voluntary Planning Agreement (VPA). Refer to <b>Section 4.2</b> for further discussion.</p> <p>The planning proposal is consistent with this priority.</p>
<p>N6 – Creating and renewing great places and local centres, and respecting the District's heritage</p>	<p>The planning proposal is consistent with this priority as it contributes to the renewal of the Neutral Bay Town Centre by providing additional residential accommodation, commercial and retail space. This will enable people to live and work close to existing infrastructure and services.</p> <p>The site is not located within a heritage conservation area and does not contain any locally or state significant heritage items.</p>

#### 4 Productivity

<p>N12 – Delivering integrated land use and transport planning and a 30-minute city</p>	<p>The proposal leverages existing public transport options including regular bus services to the Sydney CBD and North Sydney supporting the '30-minute' city.</p> <p>The planning proposal is consistent with this priority.</p>
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#### 5 Sustainability

<p>N21 - Reducing carbon emissions and managing energy, water and waste efficiently</p>	<p>The proposal will provide development close to existing public transport and other services will decrease the use of private vehicles and reduce emissions.</p> <p>The proposal will be further assessed against BASIX requirements at DA stage.</p> <p>The planning proposal is consistent with this priority.</p>
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## 3.2 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

**Table 6 Local strategic planning assessment**

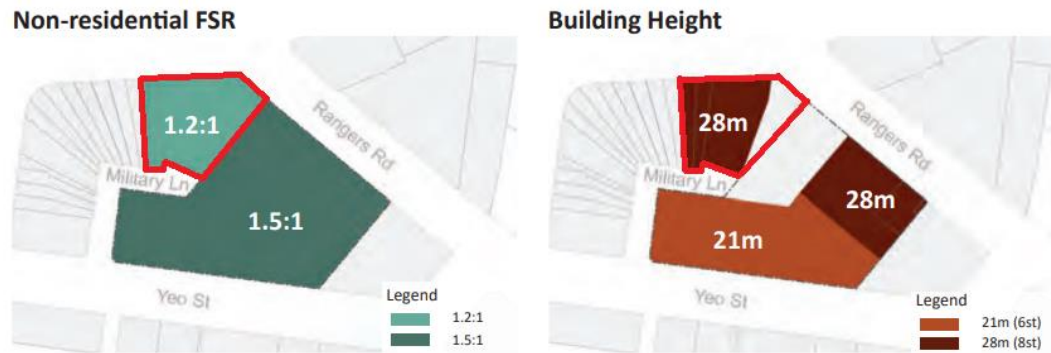
Local Strategies	Justification
Local Strategic Planning Statement (LSPS)	<p>The North Sydney LSPS was endorsed by the former Greater Sydney Commission on 20 March 2020. The LSPS sets the 20-year direction for housing, employment, transport, recreation, environment and infrastructure for the North Sydney LGA.</p> <p>The Department notes the proposal is consistent with the following priorities of the LSPS:</p> <ul style="list-style-type: none"> <li>• Planning Priority L1 <i>Diverse housing options that meet the needs of the North Sydney community</i>: The planning proposal will facilitate additional dwellings on the site. The reference scheme identifies the development will deliver a mix of apartments. Dwelling mix will be considered during the detailed development assessment stage.</li> <li>• Planning Priority P3 <i>Enhance the commercial amenity and viability of North Sydney's local centres</i>: The planning proposal will provide additional non-residential floorspace to facilitate commercial office and retail land uses. This will contribute to the amenity and services available within the Neutral Bay Town Centre.</li> <li>• Planning priority P6 <i>Support walkable centres and a connected and sustainable North Sydney</i>: The proposal provides additional residential accommodation within the Neutral Bay Town Centre and will support the use of public transport, walking and cycling.</li> </ul> <p>The planning proposal is inconsistent with Objective 6 of the LSPS which states the following: “<i>Council will only support Planning Proposals that are consistent with Council’s endorsed planning studies, that have identified growth being delivered in locations that support the role of centres and have critical infrastructure and services in place to support the North Sydney community</i>”. Council has endorsed the NBVPS and the proposal is inconsistent with this study as discussed further below. The inconsistency with the LSPS is justified. See further discussion under Local Housing Strategy below.</p>
Local Housing Strategy	<p>The North Sydney Local Housing Strategy (LHS) aligns with the Greater Sydney Region Plan, North District Plan and outlines the strategic direction for housing in the North Sydney LGA over the next 20 years. By 2036, the population of the LGA is expected to increase by 19,500 representing a 21% growth and predicted to require a further 11,450 dwellings.</p> <p>Planning Approach 1 within the LHS seeks to “<i>Continue Council’s long-term housing approach of concentrating residential density in and around existing centres and relying on the existing capacity of current land use planning controls</i>”. The LHS notes there is additional housing capacity utilising the current planning controls however land zoned for medium – high density residential and mixed use could likely provide additional homes.</p> <p>Planning Approach 3 seeks to “<i>Continue Council’s approach of place-based planning with detailed consultation to seek the best planning outcomes</i>”. Furthermore, Objective 6 (as conditionally amended in the Department’s endorsement of the LHS) states “<i>Council will only support Planning Proposals that are consistent with Council’s endorsed planning studies, that have identified growth being delivered in locations that support the role of</i></p>

	<p><i>centres and have critical infrastructure and services in place to support the North Sydney community</i>". Council has endorsed the NBVPS and the proposal is inconsistent with this study as discussed further below.</p> <p>Notwithstanding, the Department's conditional endorsement of the Local Housing Strategy states that "Any State Government policy changes that may occur after the approval of the LHS are to prevail in the event of any inconsistency".</p> <p>The NSW Government has committed under the National Housing Accord to deliver 377,000 new well-located homes across the state by 2029. Local, State, and Federal Governments are all signatories to the National Housing Accord and are working together to respond to the national housing crisis. The proposal will contribute to the 5 year housing completion target to help address the housing crisis. The inconsistency with the LHS is justified given the proposal seeks to provide homes in an existing well-located centre.</p> <p>The Department notes that the planning proposal has not been assessed against the LHS. A <b>Gateway Condition</b> will recommend the planning proposal be updated to provide an assessment against the LHS including the additional requirements provided by the Department in the endorsement of the LHS where relevant.</p>
Neutral Bay Village Planning Study	<p>The Neutral Bay Village Planning Study (NBVPS) was adopted by Council on 27 May 2024. The study seeks to guide future growth in Neutral Bay Town Centre while protecting retail and commercial uses and deliver much-needed public domain and community infrastructure. The study is an outcome of further consultation with the community following the resolution of Council to rescind the MRCPS.</p> <p>The NBVPS identifies the proposal site as a key opportunity site, referred to as 'Site 3A'. Site 3A sits within the larger key opportunities of Site 3, which also encompasses the adjoining 'Site 3B' at 1-7 Rangers and 50 Yeo Street, Neutral Bay. For Site 3, the NBVPS seeks to:</p> <ul style="list-style-type: none"> <li>• Support local jobs, local shops and housing opportunities</li> <li>• Create a new public plaza fronting Rangers Road and Military Road</li> <li>• Enhance pedestrian amenities and accessibility between Rangers Road and Yeo Street</li> <li>• Support the village atmosphere</li> </ul>



The NBVPS provides a range of recommended controls for the site, this includes recommended setbacks, podium height, active frontages and solar access which have been implemented through site-specific controls for the site in the NSDCP.

The NBVPS recommends a maximum building height of 28m (8 storeys) and a non-residential FSR of 1.2:1. The planning proposal is inconsistent with the study in this regard.



**Figure 7 Recommended non-residential FSR and maximum HOB (source: Neutral Bay Village Planning Study) (site outlined in red)**

The planning proposal explains that the proposed Height of Building (HOB) of 43m and non-residential Floor Space Ratio (FSR) of 2:1 is appropriate as it aligns with the MRCPS. The planning proposal explains that the MRCPS, although rescinded, was the only Council endorsed planning strategy available at the time this planning proposal was prepared. The Department notes that the NBVPS has since been endorsed by Council and is the relevant local planning strategy for the Neutral Bay Town Centre. It is noted that the NBVPS has not been endorsed by the Department.

A **Gateway Condition** is recommended for the planning proposal be updated to provide an assessment against the NBVPS.

### 3.3 Local planning panel (LPP) recommendation

The North Sydney Local Planning Panel (NSLPP) considered the current planning proposal on 25 October 2023 and recommended that it not be supported for Gateway Determination as it did not demonstrate strategic merit (**Attachment C**).

The NSLPP agreed that the site presents an opportunity within the Neutral Bay Town Centre and notes that following the endorsement of the NBVPS (at the time of NSLPP consideration the NBVPS was not adopted), the planning proposal would be considered appropriate if it has regard to matters such as apartment yield and mix, key worker/affordable housing, car spaces, non-residential floor space and community facilities. The NSLPP noted that it does not oppose an increase in non-residential floor space from a strategic point of view.

However, the panel did not support the proposal given:

- the increase in overall maximum building heights from 16m to 43m in the future context of the centre;
- the imminence of the Neutral Bay Town Centre Planning Study (also known as the Neutral Bay Village Planning Study), noting any planning proposal/spot rezoning would not have strategic merit in terms of the future context of the centre, and would undermine community confidence in the planning process; and

- the Neutral Bay Town Centre Planning Study would guide the site-specific merits of the proposal.

### 3.4 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

**Table 7 9.1 Ministerial Direction assessment**

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
<b>Focus Area 4: Resilience and Hazards</b>		
4.4 Remediation of Contamination Land	Yes	<p>This Direction aims to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered at the planning proposal stage.</p> <p>The proposal has not provided a preliminary site investigation and notes that it does not propose change to the MU1 Mixed Use (previously B4 Mixed Use) zone of the site or the uses that are currently permitted within this zone. It is also noted that the land has been used for commercial purposes and has a low risk of contamination.</p> <p>The planning proposal is consistent with this Direction as the site contamination has been considered.</p>
<b>Focus Area 5: Transport and Infrastructure</b>		
5.1 Integrating Land Use and Transport	Yes	<p>This Direction aims to improve access to housing, jobs and services by walking, cycling and public transport and reducing dependency on private vehicles.</p> <p>The planning proposal facilitates additional homes and commercial floorspace close to public transport options and in proximity to existing jobs and services. This will assist in</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		<p>reducing dependence on private vehicles.</p> <p>The planning proposal is consistent with this Direction.</p> <p>Traffic impact is discussed further in <b>Section 4</b>.</p>

### Focus Area 6: Housing

6.1 Residential Zones	Yes	<p>Under this Direction, a planning proposal must broaden housing choice, make efficient use of existing infrastructure, reduce consumption of land for housing on the urban fringe and be of good design.</p> <p>The planning proposal will facilitate approximately 44 new residential dwellings, including the provision of 5% affordable housing. The additional housing will provide residential development in an established urban area with existing infrastructure and services. The detailed design of the future development will be assessed at development application stage.</p> <p>The planning proposal is consistent with the Direction.</p>
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### Focus Area 7: Industry and Employment

7.1 Employment Zones	Yes	<p>This Direction aims to retain areas and locations of existing business and industrial zones and not reduce the total potential floor space area for employment uses and related public services in the zone.</p> <p>This Direction applies to the MU1 Mixed-use (previously B4 Mixed-use) zone which is an employment zone.</p> <p>The proposal seeks to provide an increase in non-residential</p>
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Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		<p>floorspace from the existing FSR of 0.5:1 to 2:1.</p> <p>The planning proposal is consistent with the Direction.</p>

### 3.5 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in the table below.

**Table 8 Assessment of planning proposal against relevant SEPPs**

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
SEPP (Housing) 2021	Chapter 4 – This chapter aims to improve the design quality of residential apartment development in NSW.	Yes	<p>The planning proposal notes that the proposed development is capable of satisfying the relevant design objectives of the Apartment Design Guide with the exception of deep soil areas.</p> <p>The Department notes that compliance with this SEPP will be further considered during the detailed development assessment stage.</p> <p>The planning proposal addresses SEPP 65 – Design Quality of Residential Apartment buildings. SEPP 65 has since been repealed and apartment design is now considered under Chapter 4 of this SEPP. A <b>Gateway Condition</b> recommends the planning proposal be updated to remove reference to SEPP 65 and provide assessment of the proposal against Chapter 4 of SEPP (Housing) 2021.</p>

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
SEPP (Transport and Infrastructure) 2021	This SEPP aims to provide well designed and located transport and infrastructure integrated with land use.	Yes	<p>The planning proposal is not classified as traffic-generating development under Schedule 3.</p> <p>The Traffic and Parking Assessment (<b>Attachment D</b>) indicates that the development will not have a significant impact on the surrounding road network.</p> <p>However, a <b>Gateway condition</b> is proposed to consult with TfNSW given the proximity of the site to significant road infrastructure.</p> <p>The traffic and parking impacts are discussed further in <b>Section 4</b>.</p>

## 4 Site-specific assessment

### 4.1 Environmental

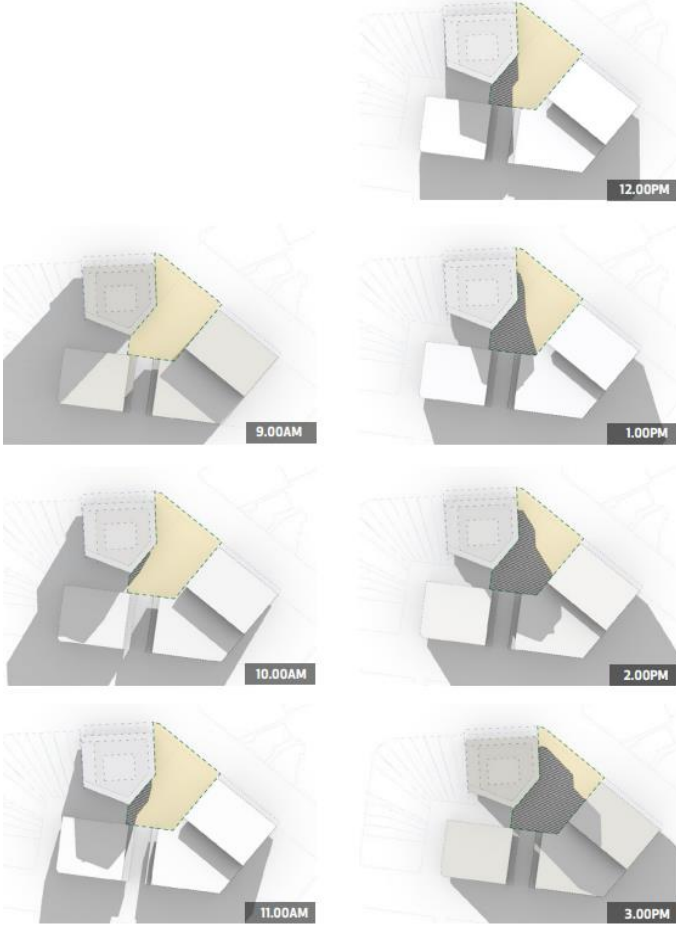
The following table provides an assessment of the potential environmental impacts associated with the proposal.

**Table 9 Environmental impact assessment**

Environmental Impact	Assessment
Building Heights and Densities	<p>The planning proposal is supported by an Urban Design Report (<b>Attachment E</b>) and provides an overview of the potential indicative built form outcomes. The proposal would likely facilitate a 12-storey mixed-use tower with ground and basement retail below a podium comprising commercial and office space with residential uses above (Error! Reference source not found.).</p> <p>The report compares the proposed built form to the MRCPS. The Department notes the MRCPS has been rescinded, Council have since endorsed the NBVPS.</p>

Environmental Impact	Assessment
	 <p><b>Figure 8 Planning proposal indicative built form (source: Urban Design Report)</b></p> <p>As discussed in <b>Section 3.2</b>, the NBVPS recommends a maximum building height of 28m. This is 15m less than the proposed maximum HOB of 43m. The Department acknowledges the NBVPS reassessed heights within the Neutral Bay Town Centre to ensure appropriate height transition to the surrounding residential areas. The planning proposal has not justified the additional height against the NBVPS.</p> <p>The proposal also includes a non-residential FSR of 2:1. The proposal notes this is in line with the MRCPS however, the Department notes the proposed non-residential FSR is higher than the NBVPS recommended non-residential FSR of 1.2:1. The Department acknowledges the intent of the proposal is to provide more opportunities for retail and commercial space within a central location. However, the planning proposal has not provided justification for the additional non-residential FSR above that recommended in the NBVPS.</p> <p>A <b>Gateway Condition</b> will recommend the planning proposal be updated to provide an assessment of the proposal against the NBVPS.</p>
Overshadowing and Solar Access Impact	<p>The Urban Design Report (<b>Attachment E</b>) provides shadow analysis for the surrounding residential properties and adjacent proposed public plaza. The report notes that the proposal will create a marginal increase in overshadowing to some existing residential properties in this area however will maintain solar access conditions for at least two hours of sunlight between 9:00am and 3:00pm.</p> <p><b>Solar Access to the Public Plaza</b></p> <p>The Urban Design Report considers the impact of solar access on the proposed public plaza that adjoins the proposal site. The plaza is proposed as a part of the concept scheme for the 1-7 Rangers Road and 50 Yeo Street planning proposal and proposed DA 162/24. The analysis shows the plaza will receive more than 50% solar access between 9:00am and 3:00pm in mid-winter (<b>Figure 9</b>). This complies with Council's recently endorsed amendment for '1-11 Rangers Road, 50 Yeo Street and 183-85 Military Road' to the NSDCP 2013 which notes 'at least 50% of the public plaza must be able to receive solar access between 10am and 1pm at the Winter Solstice'.</p>



Environmental Impact	Assessment
	<p>The Department notes that the solar access analysis of the extent of overshadowing on the plaza compares the approved development under DA 307/18, which consent has now lapsed, with the proposed LEP controls for this proposal.</p>  <p><b>Figure 9 Overshadowing impact on proposed public plaza at 1-5 Rangers Road and 50 Yeo Street (source: Urban Design Report) (Proposed public plaza in yellow)</b></p> <p><b>Overshadowing of adjacent properties</b></p> <p>The Urban Design report includes consideration of the overshadowing impact to the proposed development at 50 Yeo Street, which is the subject of PP-2022-4350 finalised in March 2025 under North Sydney LEP (Map Amendment No. 8). The solar access study indicates that overshadowing as a result of this proposal would allow the indicative design for 50 Yeo Street to receive 2 hours of sunlight per day to north facing living areas.</p> <p>The SNPP recommended additional solar access analysis be provided ‘to ensure no further overshadowing of any north facing windows in any residential properties in Yeo Street at mid-winter above and beyond that projected by Council’s rescinded Military Road Corridor Planning Study and the Gateway approval for the neighbouring site at 1-7 Rangers Road and 50 Yeo Street as to be compliant with the Apartment Design Guide’.</p>

Environmental Impact	Assessment
	<p>The proponent provided additional overshadowing analysis (<b>Attachment F</b>) which confirmed that north facing residential windows on Yeo Street will achieve two hours solar access between 9:00am and 3:00pm, this assessment considered the indicative design for 1-7 Rangers Road and 50 Yeo Street as well as this proposal. The study indicates that the cumulative impacts overshadowing for this proposal along with 1-7 Rangers Road and 50 Yeo Street achieve the two hours solar access in line with the Apartment Design Guide.</p> <p>The analysis also indicates the proposal complies with Council's recently endorsed site specific controls within NSDCP 2013 relating to '1-11 Rangers Road, 50 Yeo Street and 183-85 Military Road' which looks to 'ensure that all dwellings in Yeo Street receive a minimum two hours of sunlight to living areas at the winter solstice'.</p> <p>The Department notes that some overshadowing impacts properties to the south of the site, but not residential windows including:</p> <ul style="list-style-type: none"> <li>to the Yeo Street frontage of 153 Wycombe Road from 9am to 10am. This site is currently used for medical purposes; and</li> <li>at 3pm to a limited part of the roof at 65 Yeo Street (apartment complex).</li> </ul> <p>The Department understands that dwellings at 53 and 55 Yeo Street have been recently demolished with a 4-storey residential flat building granted development consent under DA334/2022. The overshadowing impact from the reference scheme does not impact these two lots and therefore it is not necessary to update the solar analysis to consider this recent approval.</p> <p>The Department notes that solar access to the plaza and surrounding development will be further considered during the detailed development assessment stage.</p>
Traffic, Transport and Parking Impact	<p>The planning proposal is supported by a Traffic and Parking Assessment (<b>Attachment D</b>). The report concludes that the proposal will not result in increased traffic volumes. The report has identified that the traffic generation potential under the planning proposal, given the reduced car parking rates adopted, is lower when compared to the approved development consent for the site under DA 307/18 (which consent has now lapsed).</p> <p>The report identifies 36 car spaces to be provided as a part of development for residential accommodation, noting that this is consistent with the maximum parking provisions allowable under the NSDCP 2013.</p> <p>The report also notes that reduced car parking rates are proposed for non-residential uses. The North Sydney DCP has a maximum parking rate of 1 space per 60sqm GFA for non-residential land uses within the Neutral Bay Town Centre. As the reference scheme provides approximately 3,400 sqm of non-residential uses, this could result in 57 car parking spaces on site.</p> <p>The report explains the non-residential uses are intended to serve the community as 'walk up' locations rather than a 'destination' for visitors outside of the surrounding area.</p> <p>The site is located in close proximity to a major bus stop on Military Road with express services and connections to variety of locations including key employment centres such as the Sydney CBD, North Sydney, St Leonards and Chatswood.</p> <p>The report indicates that the area has good pedestrian amenity with quality footpaths close to the site, signalised pedestrian crossings around Military Road and Wycombe</p>

Environmental Impact	Assessment
	<p>Road and a zebra crossing at Yeo Street near Rangers Road. A cycleway network is evolving which will provide a connection between the North Sydney CBD to Mosman via Neutral Bay.</p> <p>A <b>Gateway Condition</b> will recommend consultation with TfNSW given the proximity of the site to significant road infrastructure. It is noted that traffic and parking will be further considered during the detailed development assessment stage.</p>

## 4.2 Social and economic

The following table provides an assessment of the potential social and economic impacts associated with the proposal.

**Table 10 Social and economic impact assessment**

Social and Economic Impact	Assessment
Housing	<p>The proposal will facilitate the delivery of housing supply, choice, and diversity. The accompanying reference scheme proposes the redevelopment of the site to facilitate 44 residential dwellings and include a provision for 5% affordable housing. The planning proposal will facilitate housing choice and diversity in an established residential area near infrastructure and services.</p>
Jobs	<p>The proposal will support the delivery of additional jobs during construction and through retail and commercial uses after completion. The planning proposal notes that these uses will increase activation within the Neutral Bay Town Centre and along the Military Road Corridor, adding value to the local economy.</p> <p>The Department notes that the number of jobs existing on site and future proposed through retail and commercial uses have not been identified within the planning proposal. A <b>Gateway Condition</b> will recommend the planning proposal be updated to include the existing number of jobs on site and the proposed number of jobs as a result of development.</p>
Affordable Housing	<p>The North Sydney LEP does not contain any provisions for development to contribute towards affordable housing for this site. However, Council recognises the acute need for affordable housing within their LHS.</p> <p>The Sydney North Planning Panel reviewed the planning proposal on 14 May 2024 (<b>Section Error! Reference source not found.</b>) and recommended that the planning proposal be updated to investigate opportunities for the provision of affordable housing as a key public benefit with a target of at least 5% affordable housing per the Greater Sydney Region Plan.</p> <p>The planning proposal has been updated to include the intent of providing a 5% affordable housing provision to be included in a voluntary planning agreement (VPA), in lieu of providing a community facility on the site. The Department notes Council no longer requires the proposed community facility to be located on this site as per the NBVPS.</p>

The proponent provided a VPA public benefit offer to Council on 23 March 2023 (**Attachment G**), however the Department is unaware of any update to the VPA public benefit offer that includes the provision of affordable housing.

To ensure the affordable housing is delivered, a **Gateway Condition** is recommended for a suitable mechanism to be in place prior to the finalisation of the planning proposal to secure 5% affordable housing on the site.

A **Gateway Condition** will also recommend the planning proposal be updated to include the delivery of 5% affordable housing as an objective of the planning proposal.

## 4.3 Infrastructure

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

**Table 11 Infrastructure assessment**

Infrastructure	Assessment
Public Transport	The site is located on Military Road with frequent bus services to various locations including the Sydney CBD. The planning proposal will be referred to TfNSW for comment.
Utilities	The site is within an established urban area. As the proposal will intensify development on the site, a Gateway condition is recommended to refer the planning proposal to relevant utility providers.
Proposed infrastructure	<p>The planning proposal is accompanied by a Letter of offer to enter a Voluntary Planning Agreement (VPA) (<b>Attachment D</b>) that proposes a range of public benefits including affordable housing, setbacks and a public bike facility. The Department notes the delivery of these public benefits are still to be determined without a mechanism in place.</p> <p>The Department notes that a letter of offer to North Sydney Council on 27 March 2023 does not include the proposed affordable housing and references a community facility that has since been removed from the proposal. The Department is not aware of an updated letter of offer that reflects the changes made to the planning proposal.</p> <p>As outlined earlier in this report, to ensure the affordable housing is delivered, a <b>Gateway Condition</b> is recommended for a suitable mechanism to be in place prior to the finalisation of the planning proposal to secure 5% affordable housing on the site.</p>

## 5 Consultation

### 5.1 Community

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

## 5.2 Agencies

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

- Transport for NSW
- Relevant utility providers

## 6 Timeframe

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category.

For standard planning proposal, the Department recommends an LEP completion date of 2 December 2025 in line with its commitment to reducing processing times and with regard to the benchmark timeframes. A condition to the above effect is recommended in the Gateway determination.

## 7 Local plan-making authority

The Sydney North Planning Panel is the PPA. It is noted the Department will be the local plan-making authority.

## 8 Assessment summary

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

- The planning proposal is generally consistent with the strategic planning framework including the North District Plan.
- The proposal will contribute to the NSW Government's targets under the National Housing Accord.
- The proposal is generally consistent with the relevant section 9.1 Directions.
- The proposal will contribute towards housing targets providing a mix of dwellings including the provision of 5% affordable housing.
- Is generally consistent with relevant SEPPs.
- The proposal has considered the likely environmental, social and economic, and infrastructure impacts.

As discussed in the previous sections 4 and 5, the proposal should be updated to provide an assessment against the Neutral Bay Village Planning Study.

## 9 Recommendation

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

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

1. Prior to exhibition, the planning proposal is to be amended and forwarded to the Minister under s 3.34(6) of the Act with the following changes:
  - (a) Update planning proposal and supporting documents to change identification of zoning from B4 Mixed use to MU1 Mixed use.

- (b) Update planning proposal to acknowledge the endorsed site-specific amendment to the NSDCP 2013 for '1-11 Rangers Road, 50 Yeo Street and 183-185 Military Road, Neutral Bay'.
  - (c) Update planning proposal to acknowledge the finalisation of planning controls for '1-7 Rangers Road and 50 Yeo Street, Neutral Bay'.
  - (d) Update planning proposal to provide an assessment against the Local Housing Strategy (LHS) including the additional requirements provided by the Department in its endorsement of the LHS where relevant.
  - (e) Update planning proposal to include assessment against the Neutral Bay Village Planning study.
  - (f) Update planning proposal and supporting documents to remove assessment against the rescinded Military Road Corridor Planning Study.
  - (g) Update planning proposal to remove reference to SEPP 65 and instead outline assessment of the proposal against Chapter 4 of SEPP (Housing) 2021.
  - (h) Update planning proposal to include the existing number of jobs on site and the proposed number of jobs as a result of development.
  - (i) Update the planning proposal to include the delivery of 5% affordable housing as an objective of the planning proposal.
  - (j) Update planning proposal and associated documents to reflect the removal of the community facility.
  - (k) Update project timeline.
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 (TfNSW)
    - Relevant utility providers

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 Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
  5. Prior to finalisation, a suitable mechanism must be in place to secure 5% affordable housing on the site.

The timeframe for the LEP to be completed is on or before 2 December 2025.





3 April 2025

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11 April 2025

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