

Exhibition of Planning Proposal at 183-185 Military Road, Neutral Bay (PP-2023-699)

This document answers frequently asked questions about the Planning Proposal at 183-185 Military Road, Neutral Bay.

What is a planning proposal?

A planning proposal (or “PP”) explains the intended effect of a proposed LEP or proposed amendments to an LEP. It describes the intended outcomes and proposed LEP provisions, identifies and addresses the potential impacts that the changes may have and provides justification for making the LEP.

A planning proposal is a key part of the LEP making process because it describes how a new or amended LEP will ‘give effect’ to strategic and site-specific planning outcomes. It is the first step in making the statutory link between strategic plans and planning controls which apply to development.

Note: Any physical development of the land occurs under separate planning processes.

What is an LEP?

An LEP provides a statutory framework for the way land can be developed and used.

An LEP contains land use zones which establish where residential, commercial, recreation and other uses can occur. It has development controls for buildings and land, including controls for maximum building heights, floor space, subdivision and lot size.

LEPs also include provisions which address local matters, hazards and constraints, such as flooding, protection of biodiversity, heritage conservation, or land that is being reserved by the government to build more public infrastructure in the future.

An LEP is made under the Environmental Planning and Assessment Act 1979.

Frequently Asked Questions

What are the Council's, the Sydney North Planning Panel (Panel) and the Departments role in the process?

The Council's role for this planning proposal

This planning proposal originally was submitted to North Sydney Council in April 2023. On 27 November 2023, Council resolved not to support the planning proposal. The proponent subsequently lodged a rezoning review request for the proposal, which resulted in the Sydney North Planning Panel supporting the proposal progression for Gateway determination in May 2024 and appointing itself as the PPA. Council is now considered a key stakeholder and will be consulted as part of the public exhibition.

In light of the planning proposal's progression to public exhibition, Council and the proponent are working on drafting a voluntary planning agreement (VPA) associated with this planning proposal. A draft voluntary planning agreement will be exhibited by Council at a later date. The Panel and the Department of Planning, Housing and Infrastructure do not participate in the development and adoption of these documents.

Sydney North Planning Panel's role for this proposal

The Sydney North Planning Panel acts as the independent body in rezoning reviews within the North Sydney Local Government Area. As Council did not support the progression of the planning proposal, the Panel was requested by the proponent to review the rezoning request.

The Panel determined that the proposal demonstrated strategic and site-specific merit and should proceed to Gateway determination. The Panel was appointed as the PPA and is therefore responsible for preparing the package of planning proposal documents for public exhibition and running the public consultation. The Panel will consider public submissions on the planning proposal prior to making a decision about whether the planning proposal should proceed to finalisation.

The Department's role for this planning proposal

The Department assesses and guides planning proposals through the LEP making process. This includes active management of the planning proposal through the LEP making process, issue resolution, and finalising the LEP (if the Minister is the local planning-making authority).

On 14 January 2025, the planning proposal was submitted to the Department for Gateway determination. An assessment of the proposal was undertaken, and a Gateway

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determination was issued on 11 April 2025 stating the proposal should proceed subject to the conditions, including the public exhibition of the proposal.

A final assessment of the planning proposal will be undertaken by the Department after the public exhibition. At this stage further amendments may be made to respond to matters raised by community members or public authorities. The Department is the local plan-making authority and will determine if the LEP amendment will be made.

What is a Local Plan-Making Authority (LPMA)?

The LPMA is the authority responsible for making the LEP as identified by the Gateway determination. This may be the Minister (or delegate) or the relevant council. The LMPA undertakes the statutory functions in making the LEP.

What is a Planning Proposal Authority (PPA)?

In the planning proposal process, the PPA is responsible for preparing the package of planning proposal documents and submitting them to the Department for a Gateway determination.

A Gateway determination is an approval required before the proposal can proceed to public exhibition. This approval is usually subject to conditions.

The PPA is responsible for satisfying the conditions of the Gateway determination, public exhibition of the planning proposal, and finalisation.

An alternate PPA may be appointed under certain circumstances, where directed by the Minister. As the planning proposal is the result of a rezoning review, the Sydney North Planning Panel is the PPA and the Department will be the Local Plan-Making Authority.

Will the development provide affordable housing?

The landowner expects to enter into a VPA with Council as a mechanism to deliver a minimum 5% affordable housing. The Letter of Offer, VPA and development control plan are currently being finalised and will be publicly notified by Council.

The Department has included a Gateway condition requiring a mechanism to provide affordable housing to be in place prior to Finalisation of the proposal.

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Will the potential traffic and parking impacts of this proposal be considered by the Department?

The Gateway assessment noted that the proposal is supported by a traffic and parking assessment. The assessment indicates that the development will not have a significant impact on the surrounding road network.

As part of the Gateway Assessment, it was recommended that the proposal be forwarded to Transport for NSW for comment. This consultation will be undertaken as part of the public exhibition process and will be considered post-exhibition by the Panel and the Department prior to finalisation.

Will the potential overshadowing impacts of this proposal be considered by the Department?

As noted in the Gateway assessment, the proposal is supported by an Urban Design report which provides a shadow analysis of the surrounding residential properties and the adjacent proposed public plaza.

The report states 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.

Any potential solar access impacts will be considered post-exhibition by the Panel and the Department prior to finalisation.

What will happen next?

All community and agency submissions received including the applicant's response to submission will be reviewed.

Following this review, the Panel will consider a post-exhibition planning recommendations report which will include an analysis of the community and agency submissions.

The Panel will then recommend to the Department (as the LPMA) whether to finalise the proposal and in what form.

The Minister, or the Department as the Minister's delegate, will make the final decision on the planning proposal.