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KP (CIS)

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18 April 2023

Dear Harry

**RE: Planning Proposal (PP4/23)- 183-185 Military Road, Neutral Bay -  
Request to amend Planning Proposal**

I refer to your Planning Proposal, lodged on 6 April 2023 for 183-185 Military Road, Neutral Bay. The Planning Proposal seeks to increase the maximum building height control from 16m to 43m (12 storeys) and to increase the non-residential floor space ratio control from 0.5:1 to 2:1 under North Sydney LEP 2013.

Council has conducted a preliminary overview of your proposal and has identified a number of issues that are required to be amended/reviewed before conducting a more comprehensive assessment. You should note that as previously discussed, the proposal is inconsistent with Council's strategic vision for the precinct, as this is yet to be formulated given Council's rescission of the previously adopted planning study for the precinct. Notwithstanding this, there are various fundamental issues that will be required to be reviewed as listed below.

- The 12-storey height proposed will require reduction. As previously indicated, height is a sensitive issue in this precinct. The rejection of the previously adopted planning study was largely predicated on concerns relating to the heights identified in the rescinded study. It is noted that 12 storeys was the maximum height proposed in that study and only applied in 3 locations. The focus of the renewed study, which is currently underway, is as per Council's resolution of 24 January 2022, to *achieve better balance between development height and the provision of additional public open space*.
- The south-eastern façade indicates that the ground floor uses, which will presumably accommodate retail uses (restaurants, cafes and the like), will have a nil setback to the adjoining site. This is problematic as this ground floor will interact and depend on the use of the adjoining site to the south-east. This will require entering into legal access arrangements with the adjoining owner, which cannot be presumed at this stage of the process. This façade will therefore be required to be setback to enable such access.
- Evidence that you have sought to collaborate with the adjoining owner to the south-east in order to pursue a more holistic urban outcome on this key site, particularly in relation to the provision of the plaza and potentially shared basement/vehicular access arrangements.

- Further clarification is required on the proposed community facility. The indicative concept scheme suggests a community facility would occupy the entire floorplate at Level 1, however the VPA letter of offer states the community facility would be limited to 323m<sup>2</sup> in area. Council's rescinded planning study required a community facility to be delivered at site 3 and be a minimum of 1,000m<sup>2</sup> in floor area.
- The setbacks proposed along the southern and western elevations do not appear to comply with ADG minimum building separation requirements.
  - Western Elevation: a 6m setback above 6 storeys is proposed. The ADG requires a minimum 9m setback at 7-8 storeys and a 12m setback 9+ storeys.
  - Southern elevation: a 9m setback above the podium is proposed at the south-eastern corner. The ADG requires a minimum 12m setback 9+ storeys.
- There are inconsistencies throughout the submitted documentation regarding the quantum of commercial floorspace. The proposal seeks a non-residential FSR of 2:1 (2,598m<sup>2</sup>), however the Traffic and Parking Assessment report suggests 2,424m<sup>2</sup> of retail and commercial floor space will be provided, which does not meet the rescinded planning study's non-residential FSR requirements.
- The Urban Design report does not provide sufficient detail to undertake a comprehensive assessment of the proposal, in particular the following is required:
  - schedule of floor areas
  - elevation plans
  - setbacks diagrams
  - landscape concept plans

The accompanying indicative reference scheme must adequately demonstrate what could be achieved on the site if the proposed amendments (and public benefits) were implemented.

- The VPA letter of offer assigns a value of \$6,800,000 to the proposed public benefits which includes 230m<sup>2</sup> of public domain; a 323m<sup>2</sup> community facility; and 14 at-grade public bicycle parking spaces. The proposed public benefits fall short of the specifications within Council's previously endorsed planning study for site 3. Council will need to demonstrate more clearly to the public what the broader public benefits are related to the increased height within the precinct. Additionally, and for the avoidance of future doubt, it should be noted that the proposed public benefits will be in addition to any applicable section 7.11/7.12 local infrastructure contributions to be levied with any future Development Application approval.

If you have any further queries, please contact Katerina Papas on 9936-8385.

Yours sincerely

MARCELO OCCHIUZZI

**MANAGER - STRATEGIC PLANNING**

*This is a computer-generated letter - no signature required.*