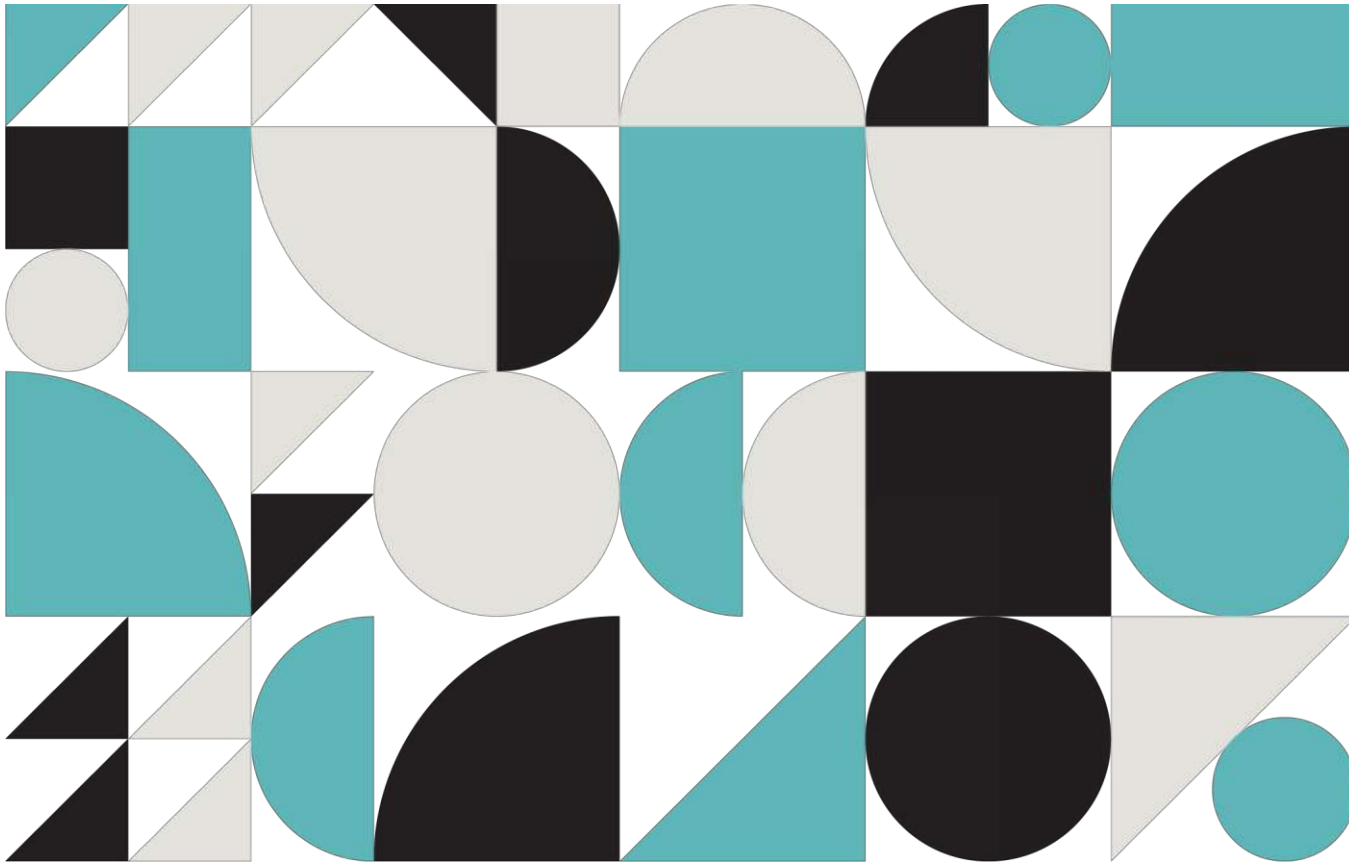


# Planning Proposal

12-14 Waters Road, Neutral Bay

Central Element Pty Ltd

October 2022



### Document status

| Revision | Date       | Name   | Signature  |
|----------|------------|--|--|
| 1        | 22/12/2021 | Daniel Barber, Head of Planning<br>B.Plan (Hons), M.ProDev, CPP MPIA |  |
| 2        | 22/2/2022  | Daniel Barber, Head of Planning<br>B.Plan (Hons), M.ProDev, CPP MPIA |  |
| 3        | 10/6/2022  | Daniel Barber, Head of Planning<br>B.Plan (Hons), M.ProDev, CPP MPIA |  |
| 4        | 19/10/2022 | Daniel Barber, Head of Planning<br>B.Plan (Hons), M.ProDev, CPP MPIA |  |

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# 1. Overview

## 1.1 Introduction

This Planning Proposal has been prepared by Central Element Pty Ltd in relation to the site 12-14 Waters Road, Neutral Bay. The Planning Proposal seeks the following amendments to North Sydney Local Environmental Plan (NSLEP) 2013 in accordance with the Military Road Corridor Planning Study - Stage 1 Future Directions, which was adopted by Council on 22 February 2022 (however rescinded in January 2022 after lodgement of the planning proposal): The planning proposal as amended seeks to amend the North Sydney Local Environmental Plan (2013) to:

- Increase the maximum building height standard from 16m to 22m and enable rooftop communal facilities, plant and vertical circulation to a height of 2m above the height standard; and
- Amend the minimum non-residential FSR standard from 0.5:1 to 1.2:1.

## 1.2 Scope and Format of the Planning Proposal

The Planning Proposal has been prepared in accordance with:

- Section 3.33 of the Environmental Planning and Assessment Act 1979 (the Act); and
- The NSW Department of Planning and Environment's (DP&E) A guide to preparing planning proposals).

Specifically, the planning proposal includes the following information:

- A description of the site in its local and regional context;
- A statement of the objectives or intended outcomes of the proposed instrument; and
- An explanation of the provisions that are to be included in the proposed instrument.

The justification for those provisions and the process for their implementation including

- Whether the proposed instrument will comply with relevant directions under Section 9.1;
- The relationship to the strategic planning framework;
- Environmental, social and economic impacts;
- Any relevant State and Commonwealth interests; and
- Details of the community consultation that is to be undertaken before.

## 1.3 Supporting Plans and Documents

This planning proposal report has been prepared with input from a number of technical and design documents. These documents are included as attachments to this statement and are identified in Table 1 below.

**Table 1. Supporting Documents**

| Appendix | Document                                  | Consultant      |
|----------|---|-----------------|
| A        | Urban Design Package and concept drawings | SJB Architects  |
| B        | Public Domain Works                       | Arcadia         |
| C        | Traffic and Parking Assessment            | TTPP            |
| D        | Local Environmental Plan Maps             | Central Element |
| E        | Letter of Offer                           | Central Element |

## 2. Site Analysis

### 2.1 Site Description

The site is located at 12 and 14 Waters Road, on the corner of Waters Street, Grosvenor Street and Waters Lane, Neutral Bay and is legally described as SP 68360 and Lot 18 in DP 537700. The location of the site is shown in Figure 1 below.



Figure 1: Aerial view of site and locality (Source: SJB Architects)

The site is located on the western side of Waters Road between Grosvenor Street to the north and Grosvenor Lane to the south. The site has an area of 1,627m<sup>2</sup> and is generally rectangular in shape. The site has a 31m frontage to Waters Road, 31m frontage to Waters Lane and a 55m frontage to Grosvenor Street. The site has a fall of 3m from the front south-eastern corner (RL81m AHD) to the rear north-western corner (RL78m AHD).

### 2.2 Context and Locality

The site is located in Neutral Bay within the North Sydney LGA. Neutral Bay is located within 4km of Sydney CBD and 1.8km from North Sydney CBD.

The site is located in the Neutral Bay Town Centre which includes a mixture of shops, restaurants and cafes interspersed with some residential land uses. The site is within walking distance to Woolworths, Grosvenor Street food hub, The Oaks Hotel, Big Bear Shopping Centre and Grosvenor Lane including various smaller scale retailers such as Bourke Street Bakery.

The site is in close proximity to Military Road (i.e. within approximately 80m) which is a public transport route and accommodates the Military Road B-Line and Neutral Bay Bus Junction. The numerous bus routes along Military Road that connect the site to the Northern Beaches, North Sydney CBD and Sydney City CBD.

The local and regional context of the site is shown in Figure 2 and 3 below.

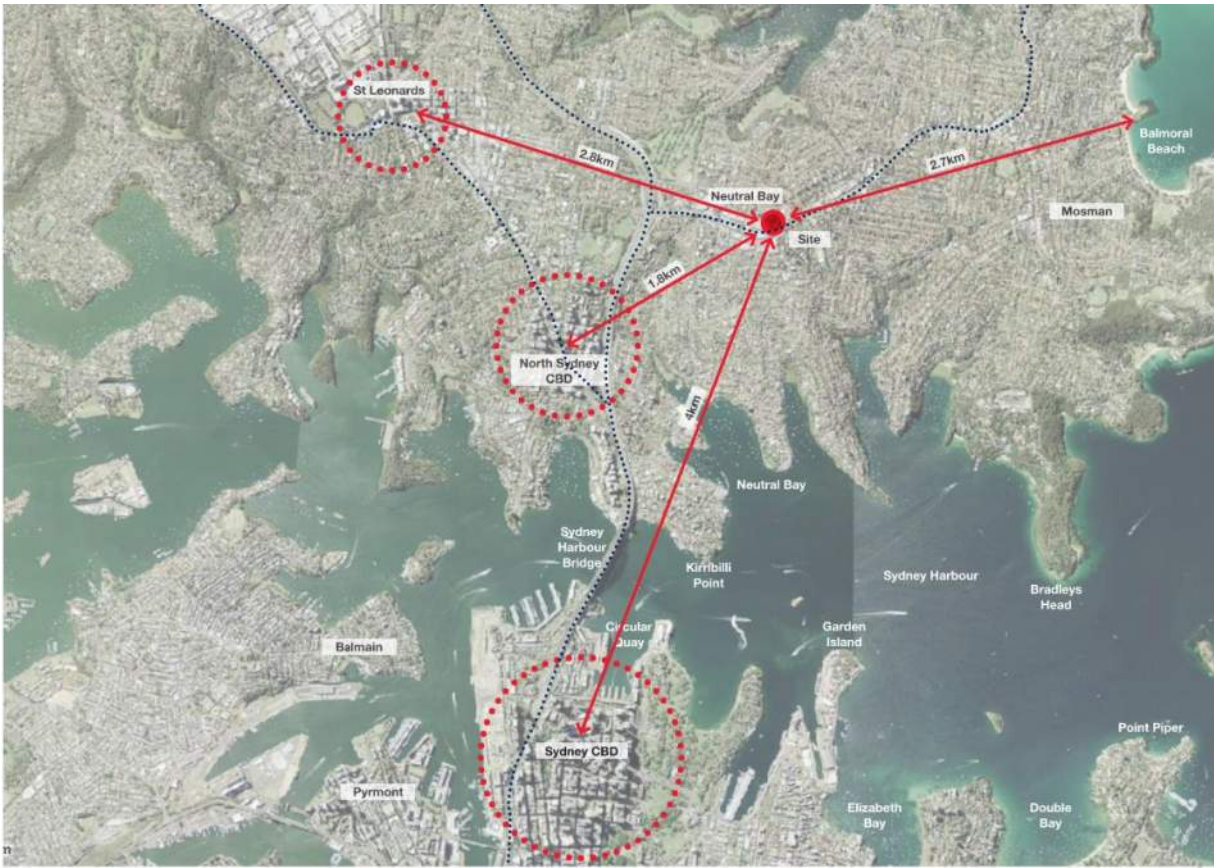


Figure 2: Aerial Regional Contextual Analysis (Source: SJB Architects)

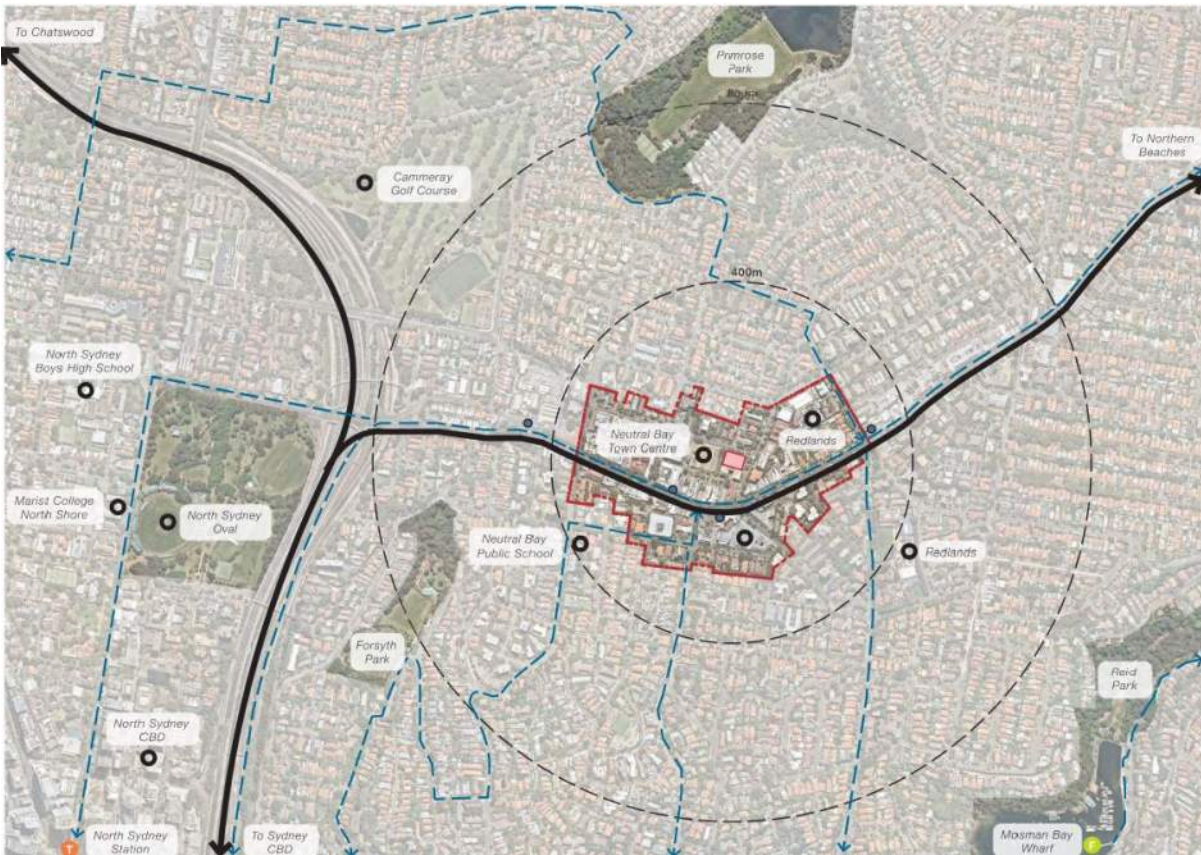


Figure 3: Aerial Local Contextual Analysis (Source: SJB Architects)

## 2.3 Existing Development on the Site

The southern allotment, 12 Waters Road, currently accommodates a four (4) storey concrete frame and brick commercial building. The ground floor includes retail uses (i.e. 2 x cafes / restaurants) while the levels above include commercial suites of various sizes

The northern allotment, 14 Waters Road, accommodates a three (3) storey commercial building including retail floor space addressing the corner of Waters Road and Grosvenor Street.

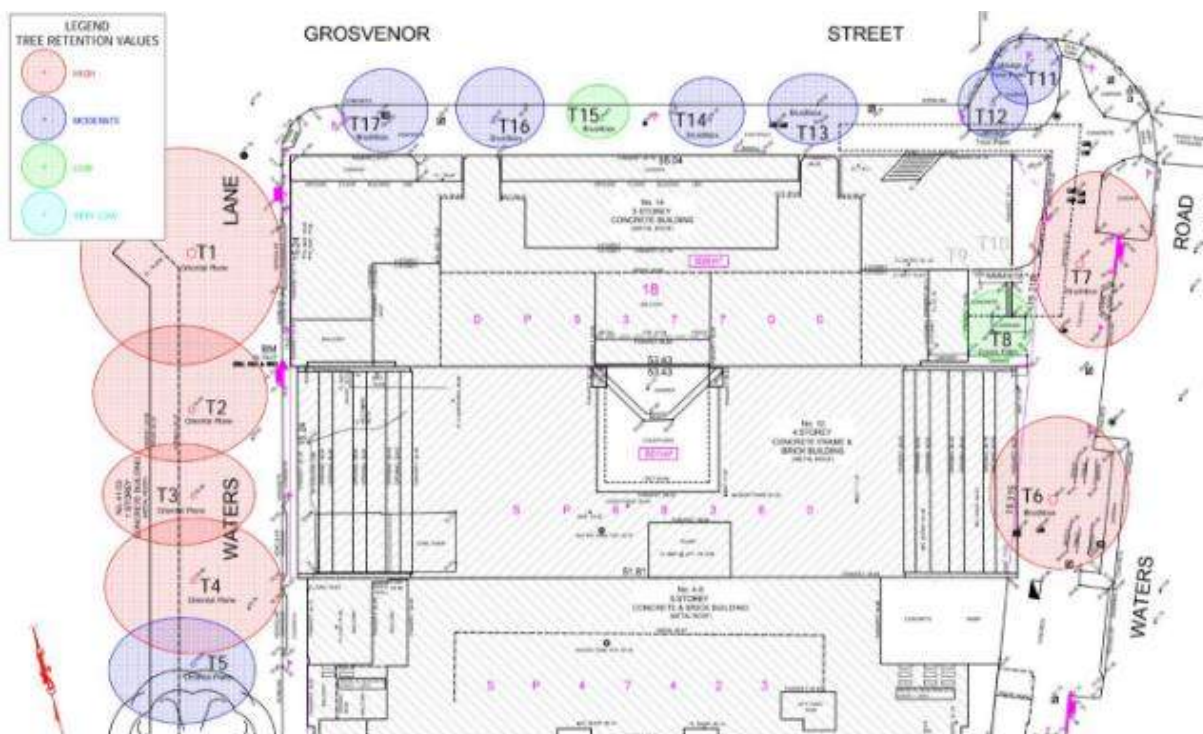
The site has two (2) existing vehicular access points in Waters Lane at the rear which leads to a basement parking at both allotments.

Pedestrian access to the building at 12 Waters Road is provided via a ramp at Waters Road and via steps at Waters Lane.

Pedestrian access to the building at 14 Waters Road is provided via a ramp on Waters Road and stairs and at-grade along Grosvenor Street.

There is one (1) tree located at 14 Waters Road the tree is a *Syagrus romanzoffianum* (Cocos Palm) and is of low retention value as identified in the Tree Impact Assessment Report supporting the DA at Attachment 3.

There are two (2) street trees located in front of the site along Waters Road and seven (7) street trees located in front of the site along Grosvenor Street. There are four (4) trees opposite the site in Waters Lane,



F

Figure 4: Extract from Tree Location Plan – (Source: Tree Impact Assessment Report)

Photographs of the site and existing buildings are shown in Figures 5, 6 and 7.





Figure 5: 12 and 14 Waters Road, Neutral Bay



Figure 6: 14 Waters Road, Neutral Bay (northern elevation)



Figure 7: 12-14 Waters Road, Neutral Bay (view of the western elevation looking south along Waters Lane)

## 2.4 Surrounding Development and Land Uses

The surrounding built environment is primarily mixed use (commercial and residential) in nature. The character and built form of existing development is varied, with buildings of diverse architectural styles and era. The scale of development typically ranges from 2 to 5 storeys, with future development, as outlined in the Military Road Corridor Planning Study, to be in the range of 6 to 12 storeys. The land use and development adjoining the site are described as follows.

Immediately to the north of the site is Grosvenor Street and on the northern side of Grosvenor Street is a 4 storey residential flat building at 80 Grosvenor Street and a 2 storey residential flat building at 76 Grosvenor Street. Further north, along the western side of Waters Road are 1 and 2 storey residential dwellings.

To the immediate west of the site is Waters Lane, on the western side of Waters Lane at 41-53 Grosvenor Street is a 2 to 3 storey commercial building which accommodates Woolworths and BWS.

To the east, on the opposite side of Water Road, are various mixed-use developments with commercial use on the ground floor and residential above. The developments are 4 to 5 storeys in scale.

To the south, at 4-8 Waters Road, is a 5 storey mixed use building with commercial use on the ground floor and residential above. The building at 4-8 Waters Road abuts the existing building at 12 Waters Road.

Photographs of the of the surrounding development is included within the Urban Design Report prepared by SJB Architects which can be found at Appendix A.

# 3. Background

The Neutral Bay Town Centre Precinct has an extensive planning background which is outlined below. We have demonstrated that we have worked with Council to achieve a good planning outcome for the Precinct. Council's Precinct Planning Study took over 4 years to prepare which has meant significant delays and momentum in the future redevelopment of the Neutral Bay Town Centre Precinct and public domain improvements. We would like to continue to work with the community, North Sydney Council and the Department of Planning, Industry and Environment to ensure that a Planning Proposal is approved which seeks a balance between amenity, public benefits, quality, economic viability and development surety and will create a vibrant sustainable transport orientated mixed-use development.

## 3.1 Military Road Corridor Planning Study – Discussion Paper (Recinded)

On 28 May 2018, Council resolved to prepare a planning study for the Military Road Corridor. The purpose of the planning study was to guide this development pressure, ensure development meets the needs and expectations of the community and deliver public benefits that support any density increases. Neutral Bay Town Centre is the first stage of the draft planning study. Following the significant community input into the survey conducted in mid-2018, two discussion papers have now been prepared for exhibition

1. Objectives & Ideas Paper, examining a range of built form and public benefit options, and
2. Analysis Paper providing an evidence base and impact assessment.

The ideas paper included four potential built form options in relation to the subject site:

- Option 1 - No change, retain maximum 5 storey height standard and 0.5:1 minimum non-residential FSR; or
- Option 2 - Increase the minimum non-residential FSR from 0.5:1 to 1.2:1 and increase the height standard from five (5) to six (6) storeys. Overshadowing impacts are kept to a minimum and 1.5m whole- of-building setback to the laneway to allow for an expanded tree canopy cover; or
- Option 3 - Increase the minimum non-residential FSR from 0.5:1 to 1.2:1 increase the height standard from five (5) to eight (8) storeys a 15m whole-of-building setback to the laneway to allow for an expanded tree canopy cover and substantial community infrastructure delivery; or
- Option 4 - Increase the minimum non-residential FSR from 0.5:1 to 1.2:1 increase the height standard from five (5) to eight (8) storeys. a 15m whole-of-building setback to the laneway to allow for an expanded tree canopy cover and substantial community infrastructure delivery.



Figure 8: Option 1

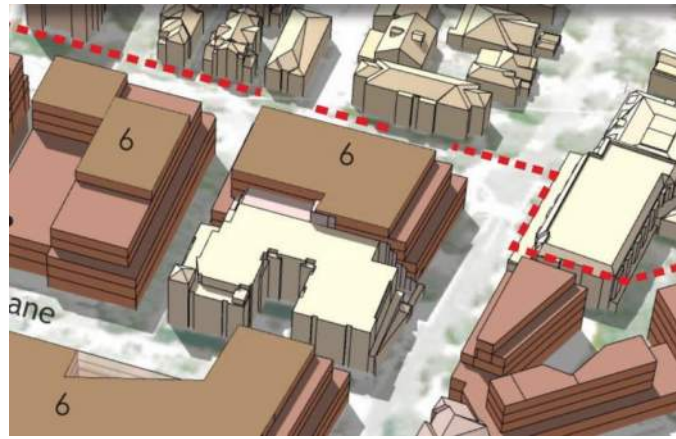


Figure 9: Option 2

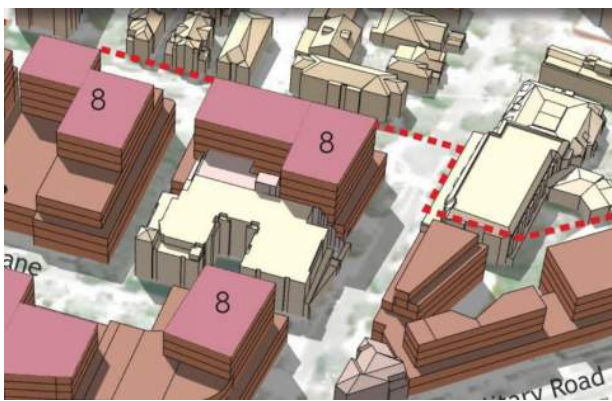


Figure 10: Option 3

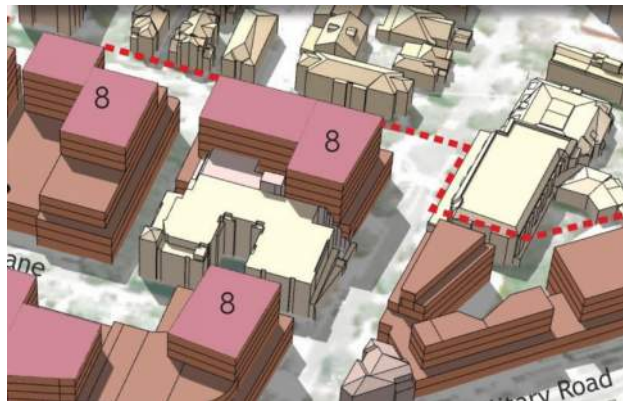


Figure 11: Option 4

### 3.2 Military Road Corridor Planning Study – Stage 1 Future Directions (Recinded)

In 2019 Council prepared a planning study for the Military Road Corridor in response to significant development interest along Military Road.

- Stage 1 focuses on Neutral Bay Town Centre, the area generally located between Ben Boyd Road to the west and Hampden Avenue to the east and is the subject of this consultation; and
- Stage 2 will comprise the remainder of the corridor, including the island bordered by Military Road and Falcon Street, and the Cremorne Town Centre.

The objectives of the planning study were:

- Engage with the community to inform the desired future character of the corridor;
- Develop a vision, structure plan and principles that will manage future development pressure; and
- Ensure tangible public benefits support job and housing growth by identifying necessary public domain upgrades and social infrastructure.

On 22 February 2021, Council resolved to adopt the Military Road Corridor Planning Study: Stage 1 - Future Directions (“the Study”). To give effect to the desired outcomes of the adopted Planning Study, amendments are required to Council’s Local Environmental Plan (LEP) and Development Control Plan (DCP). It should be noted that significant changes to height and floor space associated with the three significant development sites identified in the Study, will be pursued separately.

The Planning Study provided a framework for ongoing discussion with local landowners about the future development of the Centre. The study key aim was to promote managed jobs and housing growth, while maintaining the much-loved village atmosphere of the Neutral Bay Town Centre. Future development will be supported by:

- Public domain improvements including significant new public plazas;
  - A 1,000m<sup>2</sup> new Rangers Road Plaza;
  - A 2,500 m<sup>2</sup> new Grosvenor Lane Plaza; and
  - A 1,000m<sup>2</sup> new Young Street Plaza.
- Relocation of the Grosvenor Lane car park underground;

- A 1,000m<sup>2</sup> community centre with accessible public amenities and family room;
- A 600m<sup>2</sup> creative makers art alley; and
- 28 regional secured commuter bicycle parking spaces.

At the 19 August 2021 Council Meeting, Council staff advised Council of the preparation and progression of a planning proposal and development control plan amendment to give effect to aspects of the Military Road Corridor Planning Study - Stage 1 Future Directions, which was adopted by Council on 22 February 2021.

A key component of the Study is an increase in the general height limit from five storeys to six storeys throughout most of the Neutral Bay Town Centre and a corresponding increase in the non-residential floor space requirements. This related to Option 2 included with the original discussion paper. The rationale for this is that employment floor space is systematically being eroded in the Town Centre as the current controls enabled existing levels of employment floor space to be replaced by residential development. This change to the North Sydney LEP would address that decline. Other changes like built form setbacks, podium height, active street frontages, solar protection and public domain upgrades are required to ensure that new development responds to the aspirations of the Study and to reinforce the village feel of the Town Centre. It was anticipated that these amendments are proposed to be incorporated into the North Sydney DCP.

A Planning Proposal rather than Clause 4.6 Variation Request is the preferred planning pathway to give effect to the one storey height increase upon advice of North Sydney Council. Once prepared the planning proposal must go to the North Sydney Local Planning Panel for advice prior to being reported to Council for determination. This gives rise to an unusual situation in that Council will be considering a Planning Proposal after it has already been publicly ventilated. The purpose of the report was to provide Council with a high-level overview of the Planning Proposal ahead of it being reported to the Local Planning Panel. For completeness, the report also broadly outlined changes that will be required to the North Sydney DCP to ensure that the two planning instruments align with one another. It was proposed to publicly exhibit the North Sydney DCP amendments with the planning proposal concurrently to ensure a high level of clarity and transparency. Given the need to seek a Gateway Determination from the Department of Planning, Industry and Environment, Council advised it is unlikely that such amendments will be exhibited until late 2021 or early 2022.

### 3.3 Military Road Corridor Planning Study – Rescission Motion

At the Council meeting on Monday 24 January 2022 after the planning proposal had been submitted, a rescission motion as put forward to the Military Road Corridor Planning Study - Exhibition Outcomes and Amended Future Direction Report:

*“THAT Council’s resolution relating to item 8.7 passed at the meeting of Council held on 22 February 2021:*

- 1. THAT Council note the submissions received and the issues raised during the exhibition*
- 2. THAT Council adopt the Future Directions Report, as amended, as the strategic development framework for Neutral Bay town centre, with the exception of Site 4.*

*Determination of the Study outcomes for the area known as Site 4 is to be deferred for a site inspection*

- 3. THAT Council note the Future Directions Report will guide future Planning Proposals. Be and is hereby rescinded”*

*THAT the following resolution be passed in lieu thereof*

- “1. THAT Council notes the submissions received and the issues raised during the exhibition*
- 2. THAT Council notes the strong community feedback on the height and scale of the existing report received during the recent election*
- 3. THAT Council does not adopt the Future Directions Report, as amended, as the strategic development framework for the Neutral Bay town centre*
- 4. THAT Council adds to its program and budget, the creation of an updated strategic development framework for the Military Road Corridor including Neutral Bay centre by engaging with the community and stakeholders to prepare a revised recommendation that has a better balance between development height and the provision of additional public open space”*

The Rescission Motion was moved by Councillor Beregi and seconded by Councillor Spenceley. The Rescission Motion as put and Carried. Therefore, the Military Road Corridor Study has been rescinded.

### 3.4 DA No 104/20 – 12 Waters Road, Neutral Bay

On 7 October 2021, DA No 104/20 was determined by the North Sydney Local Planning Panel for demolition of an existing commercial building and the construction of a five storey mixed use/shop top housing development containing three (3) commercial/retail tenancies

and sixteen (16) apartments on the upper levels with a roof top communal area and a part 3/4 level basement with a retail/commercial tenancy, plant areas and car parking for 25 cars.

The Panel met with the Applicant and Council to review Council's comprehensive Assessment Report. The meeting also discussed the detail of the Applicant's 4.6 written request, deferred commencement conditions and communal rooftop facilities. The Panel discussed the inclusion of additional rooftop shade structures to improve the year-round functionality of the communal rooftop facilities, but concluded, the proposed landscaping, once established, and proposed awning to be sufficient.

A computer generated image of the proposed five storey mixed use building at 12 Waters Road is illustrated below:



Figure 12: 12 Waters Road, Neutral Bay (view along Waters Road and Waters Lane) (Source: SJB Architects)

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### 3.5 DA No 92/21 – 12-14 Waters Road, Neutral Bay

On 9 April 2021, a development application was submitted to Council which included a maximum height of six storeys and minimum FSR of 121 based on the Military Road Corridor Planning Study - Stage 1 Future Directions, which was adopted by Council on 22 February 2021 (now rescinded). It was anticipated that the Council led planning proposal to implement the six storey height standard and minimum 121 non-residential FSR would be placed on public exhibition early 2021 and gazetted by late 2021. The Council led planning proposal to amend the North Sydney LEP 2013 had been delayed and Council advised that the proposed six storey would not be supported subject to a Clause 4.6 Variation Request given there was not sufficient certainty given the LEP amendment has yet to be placed on public exhibition notwithstanding the study already been endorsed by Council. Council suggested submitting a planning proposal to amend the height of building standard in accordance with the endorsed Military Road Corridor Planning Study - Stage 1 Future Directions if we wanted to progress approval for a six storey. The architectural drawings were amended to remove the proposed six storey in accordance with Council's advice.

On 27 October 2021, DA No 92/21 was determined by the Sydney North Planning Panel for demolition of existing buildings, excavation, and construction of a five-storey shop top housing (mixed-use) development with apartments on the upper levels, with commercial/retail tenancies below and basement parking.

The Panel met with the Applicant and Council to review Council's comprehensive assessment report. The meeting also discussed the detail of the Applicant's 4.6 written request, deferred commencement conditions and communal rooftop facilities. The Panel discussed the inclusion of additional rooftop shade structures to improve the year-round functionality of the communal rooftop facilities, but concluded, the proposed landscaping, once established, and proposed awning to be sufficient.

Subject to the provisions of Section 4.17 of the Environmental Planning and Assessment Act 1979, deferred commencement was granted, subject to conditions in the notice of determination. The deferred commencement conditions requiring design modifications to the layout of the rooftop areas to provide more suitable communal areas and changes to the design of four (4) apartments on two upper levels to provide additional building separation and to improve access to daylight and natural ventilation within the light well.

A computer generated image of the proposed six storey and five storey mixed use building option at 12-14 Waters Road is illustrated below:



Figure 13: 12-14 Waters Road, Neutral Bay (view to the corner of Waters Road and Grosvenor Street) (Source: SJB Architects)

# 4. Planning Review

## 4.1 North Sydney Local Environmental Plan 2013

The North Sydney LEP 2013 is the principle Environmental Planning Instrument that applies to the site. The existing planning controls that apply to the site are outlined below in Table 2.

**Table 2. Existing controls under the North Sydney LEP 2013**

| Clause                          | Control   |
|---------------------------------|---|
| Zoning                          | B4 Mixed Use  |
| 4.3 Height of Building          | 16m.<br>Notwithstanding this, the approved five storey scheme includes a maximum height of 21.3m and 5.3m height variation to accommodate a communal rooftop terrace, plant, lift overrun and slope of the land.  |
| 4.4 Floor Space Ratio           | Not Applicable  |
| 4.4A Non-residential Floor Area | A minimum non-residential floor space ratio of 0.5:1 applies to the site. The site has an area of 1,627m <sup>2</sup> and accordingly a minimum non-residential gross floor area of 813.5m <sup>2</sup> is required to be provided by a future development. |
| 5.10 Heritage Conservation      | The site is not heritage listed or located in a heritage conservation area.   |

## 4.2 North Sydney Development Control Plan 2013

The North Sydney DCP 2013 builds upon and provides more detailed provisions than the North Sydney LEP 2013. As identified by the North Sydney DCP 2013, the site is located in the North Cremorne Planning Area within the Neutral Bay Town Centre. The Planning Area identifies Neutral Bay to consist of mixed residential and commercial towers. The North Sydney DCP stipulates that future residential development within the Planning Area should accord with the following envisaged built form:

- Residential growth being provided in accordance with Council's Residential Development Strategy, with the growth concentrated within the Mixed-Use zones of the Town Centres located on or in the vicinity of Military Road, and the remainder comprising of multi dwelling housing and residential flat buildings in the surrounding residential areas;
- Residential densities not being increased in foreshore areas and areas of steep terrain;
- Development within the R2 – Low Density Residential zone being of a similar scale to existing characteristic development;
- A wide range of residential types and sizes being distributed throughout the area according to zone; and
- A range of retail and commercial premises, services and facilities being available.

The proposal is located within a mixed-use zone and in accordance with the relevant character area seeks to accommodate high density mixed use residential development that is of a scale commensurate with the surrounding built form. In addition to the criteria of the Lavender Bay Planning Area, a variety of specific DCP development controls apply to the site. The controls which are of most relevance to the building envelope are described in further detail below.

**Table 3. Existing controls under the North Sydney DCP 2013**

| Clause                | Control  |
|-----------------------|--|
| Maximum Podium Height | 2 Storeys  |
| Maximum Storey Height | 5 Storeys  |
| Podium Street Setback | Nil, however 1.5m ground level setback to Waters Lane. |
| Tower Street Setback  | 3m   |



The figures below illustrate the permitted building envelope at the site under the built form controls which apply under the North Sydney LEP and DCP.

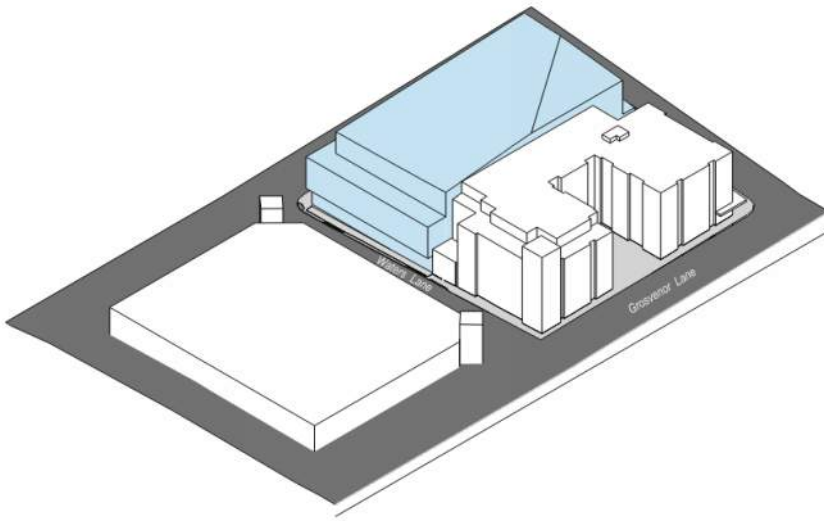


Figure 14. Permitted Building Envelope looking north-east (source: SJB Architects)

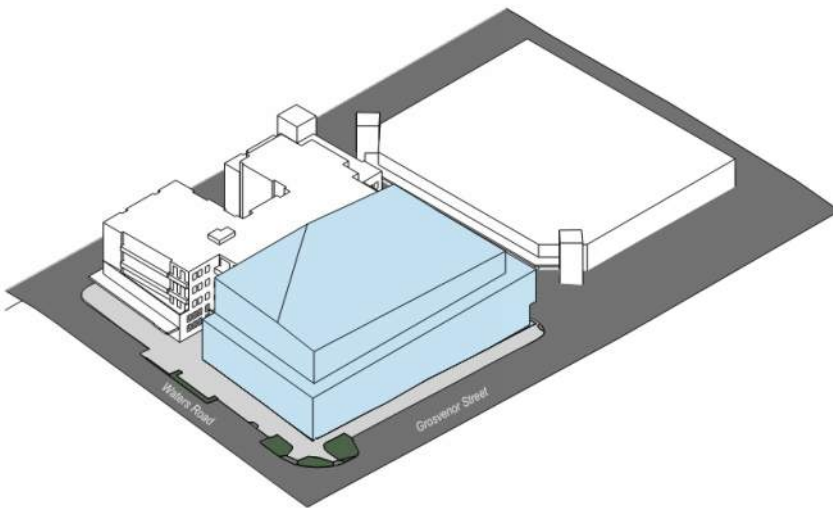


Figure 15. Permitted Building Envelope looking south-west (source: SJB Architects)

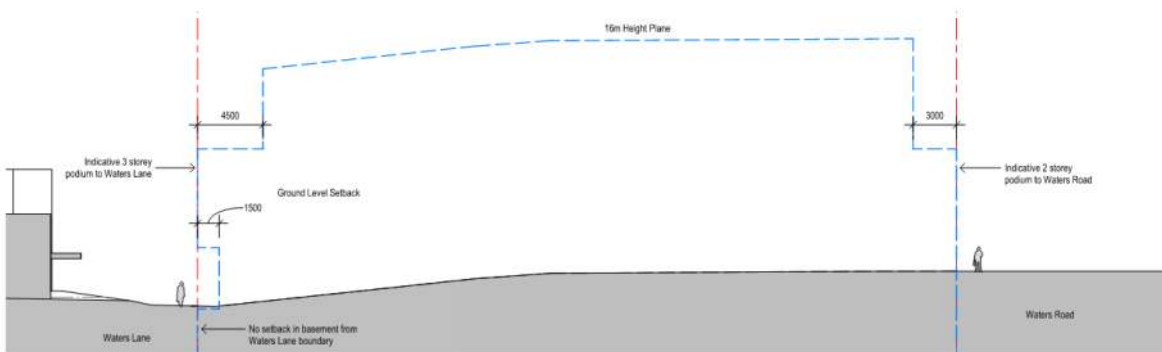


Figure 16. Permitted Building Envelope illustrated in section (source: SJB Architects)

# 5. Concept Proposal

## 5.1 Indicative Concept Scheme

SJB Architects have prepared a revised Design Report and Architectural Concept (Appendix A) to inform this Planning Proposal. The following factors informed the development of the proposed concept design:

- DA No 92/21 approved on for a 5 Storey Mixed Use Building at the site and previous feedback and discussions from Council staff in 2021;
- The Military Road Corridor Planning Study – Stage 1 Future Directions (now rescinded);
- Existing and future development context;
- Public domain presentation;
- Street activation; and
- Residential amenity.

A concept design has been prepared which reflect the proposed controls and largely based on the approved DA No 92/21 for a five storey scheme and includes:

- Indicative basement car parking arrangements;
- Ground level street address to Waters Road, Grosvenor Street and Waters Lane;
- Typical floor layouts of the residential apartments above with rooftop communal open space; and
- Opportunities for public domain dedication, improvements on all street frontages.

The key parameters of State Environmental Planning Policy 65 Design Quality of Residential Apartment Development (SEPP 65) have been considered within the concept design including:

- Building separation and setbacks;
- Solar access and cross ventilation;
- Communal open space at the rooftop;
- Apartment and balcony sizes; and
- Ceiling heights.

## 5.2 Design Considerations

The key features of the Preliminary Concept Design are summarised in Table 4 below. Photomontages of the proposal are illustrated at in the urban design report prepared by SJB Architects (Appendix A).

**Table 4. Summary of the key features**

| Element                 | Proposed   |
|-------------------------|--|
| Land use                | Basement Level 1: Specialty Greengrocer<br>Ground Floor: retail uses with retail frontages to Waters Road and Grosvenor Street and vehicle entry to Waters Lane.<br>Levels 1 and 5: Apartments<br>Rooftop: Communal facilities and lift overrun. |
| Indicative yield        | 42 Apartments  |
| Non-residential FSR     | 1.2:1  |
| Maximum building height | 22m (6 Storeys)<br>24m (including vertical circulation, plant & communal area)   |
| Built form              | 3 storey podium with nil setback and 3 storey residential tower with 3m setback to Grosvenor Street and Waters Road.<br>3 storey podium with 1.5m setback and 3 storey residential tower with 4.5m setback to Waters Lane.                       |
| Public domain           | Embellishment of the public domain to Waters Road and Grosvenor Street.  |

| Element | Proposed   |
|---------|--|
|         | Embellishment of a shared lane and dedication of a 1.5m strip of land to Waters Lane via a right of way to the benefit of Council. |

### 5.3 Basement Parking and Services

Parking and building services will be located within the basement level 2 to 4 accessed from Waters Lane. Allowance has been made within the basement design for car, motorcycle and bicycle parking. Detailed design of the car park basement and total overall spaces will be subject to detailed design during the development application stage and will be consistent with the maximum rate of provision within the North Sydney DCP.

### 5.4 Basement Level 1 – Speciality Greengrocer

The basement retail space, perfect for a speciality greengrocer or similar which will take advantage of the generous floor to ceiling heights to create an inviting yet functional space. Carefully designed, the space will allow for flexibility for future configuration to ensure a diverse range of permissible uses can be considered. The space connected to ground level by 2x travelators, will be further serviced by a dedicated goods lift and Back of House strategy, linking the space to the ground level service zones. The speciality greengrocer concept illustrated in the planning proposal is the same as approved under DA No 92/21 for the five storey mixed use building.



Figure 17. Concept proposal for basement level 1 (source: SJB Architects)

### 5.5 Ground Level Retail

Ground level tenancy have been designed to allow for either speciality retail or food and beverage.

Along Grosvenor Street, there are five fine grain retail tenancies which seek to activate the public domain. These tenancies ranging in size, however designed in away to allow some to be amalgamated to provide flexibility for future tenants. Each tenancy designed to also allow for either speciality retail or food and beverage uses.

The North Eastern Corner to Waters Road & Grosvenor Street continues the fine grain language of retail tenancies along ground level. This corner tenancy being the largest of the fine grain being prime for a larger food & beverage tenancy such as a flagship restaurant.

Vehicular access to the basement and carpark via Waters Lane, at grade loading dock and waste collection area accessed from the basement and separate commercial and residential waste storage areas adjacent to loading dock. As detailed in the accompanying Design Report (Appendix A) and illustrated in the figures below of the future ground level retail.



Figure 18. Concept restaurant to Waters Road (source: SJB Architects)



Figure 19. Concept retail to Grosvenor Street (source: SJB Architects)

## 5.6 Apartments

Apartments are located between level 1 to level 5 of the building with between 8-10 apartments accommodated on each level. The apartments are located between two separate cores with residential access from Waters Road and Waters Lane. 32 of the 42 apartments have access to a minimum of 2 hours of direct solar access in midwinter and 30 of the 42 apartments are provided with natural cross ventilation.



Figure 20. Living areas (source: SJB Architect)

## 5.7 Landscaping and Communal Open Space

Landscaping works are detailed in the Landscape Report and Plans prepared by Arcadia and included at Attachment B. Key elements of the landscape design include landscaping at multiple levels. Details of the communal areas are included within the Urban Design Report prepared by SJB Architects and included in Attachment A.

The Landscape Report sets out a Landscape Masterplan based on the following Landscape Vision for the site:

*“Cultivate a sleek and contemporary space that balances sculptural and structural elements, whilst providing both an attractive street presence on three frontages and a neighbourhood destination that ensures a sense of place, community and home.”*

The Level 1 courtyard utilises the building step to create generous soil depths and planting and extensive rooftop landscaped areas. Plant species have been selected to suit the location and climate, maximising the use of native species and the proposal also incorporates landscaping a concept public domain plan which envisages the pedestrianisation of Waters Lane, as well as extensive upgrades to both Grosvenor Street and Waters Road.

A communal rooftop is proposed which will be accessible to all residents and includes a bbq area, seating areas, landscaping and pool. The pool is north facing and includes direct lift access and decked seating areas adjacent with an accessible bathroom and change room. There is also a communal wellness room and garden located at ground level.



Figure 21. Concept communal swimming pool (source: SJB Architects)



Figure 22. Concept communal roof top (source: SJB Architects)

## 5.8 Public Domain – Works In Kind

A public benefit offer prepared by Central Element has been prepared by the proponent for Council and is provided under a separate cover and located at Appendix E. The public benefit offer will be notified under Clause 7.4 of the EP&A Act concurrently with this Planning Proposal. The contributions proposed in the public benefit offer include:

- a) Provision of a 1.5m wide building setback from Waters Lane as generally shown on the Plan at Figure 23. The Setback Area will be established through the registration of a covenant restricting building.
- b) The proposal includes a significant offering of public works around the curtilage of the site at ground level to the existing footpath to Waters Road, Grosvenor Street and Waters Lane;
- c) The proposal includes the embellishment of the full length of Waters Lane to create a shared lane including paving footpath and landscaping; and
- d) A substantial voluntary monetary contribution of \$1,900,000 in addition to section 7.11 contributions towards public domains within the Neutral Bay Town Centre.

The proposal includes a significant offering of public works around the curtilage of the site at ground level. Specifically, the proposal includes detailed landscape concept plans demonstrating comprehensive landscaping and beautification of the three (3) street frontages of the site at ground level on Waters Road, Waters Lane and Grosvenor Street. The works must be completed prior to the issue of the Occupation Certificate for the Development. Details of the proposed concept public domain works are detailed in the Landscape Plan prepared by Arcadia provided in Appendix B.



Figure 23. Land dedication to North Sydney Council (source: SJB Architects)



Figure 24. location of public domain works (source: SJB Architects)



Figure 25. CGI of 5 Storey Scheme based on current DCP (source: Nature Focus Lab)



Figure 26. CGI of 6 storey scheme with additional 1.5m whole of building setback (source: Nature Focus Lab)





Figure 27. Close up CGI of 6 storey scheme with additional 1.5m whole of building setback (source: Nature Focus Lab)

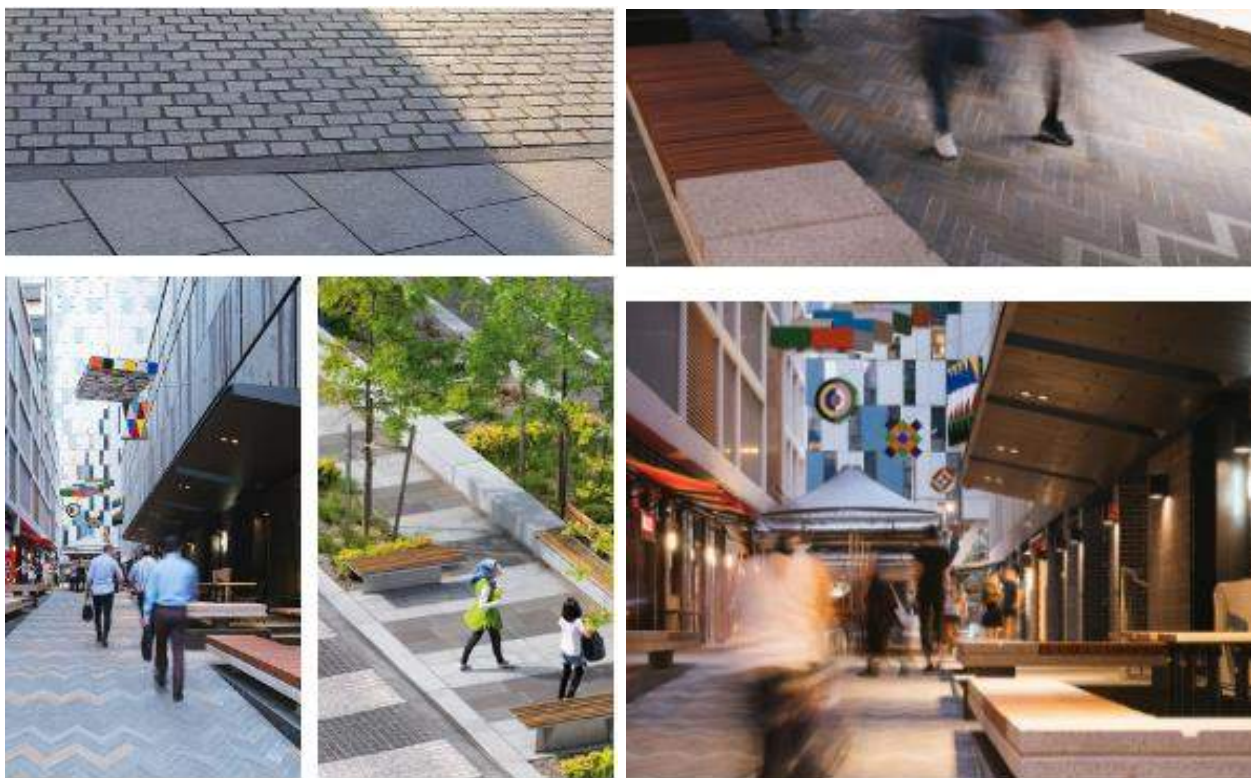


Figure 28. Reference images for Waters Lane (source: Arcadia)



Figure 29. Photo of the existing Grosvenor carpark (source: Arcadia)



Figure 30. Reference images for potential Grosvenor Park partly funded through contributions (source: Arcadia)

## 5.9 Podium and Tower Form

The proposed podium form for the site has been designed based on the key principles of the rescinded Military Road Corridor Planning Study which included:

- A three storey podium height to each street frontage;
- A nil podium setback and 3m tower setback to Waters Road and Grosvenor Street; and
- A 1.5m podium setback and 4.5m tower Setback to Water Lane.

The proposed building form has been based on these key design principles:

- Clearly defined building entry to the residential and commercial lobby;
- A high amenity, fine grain public domain enhanced by paving, street furniture, pedestrian focused lighting, outdoor seating areas and landscaping;
- A podium that provides a distinct human scale at the ground level whilst providing high quality and functional commercial tenancies in the levels above;
- A building form that maximises sunlight to the Waters Lane public domain; and
- A building form which is compliant with the SEPP 65 Apartment Design Criteria.



Figure 31. CGI of future building form viewed from Southern elevation (source: SJB Architects)

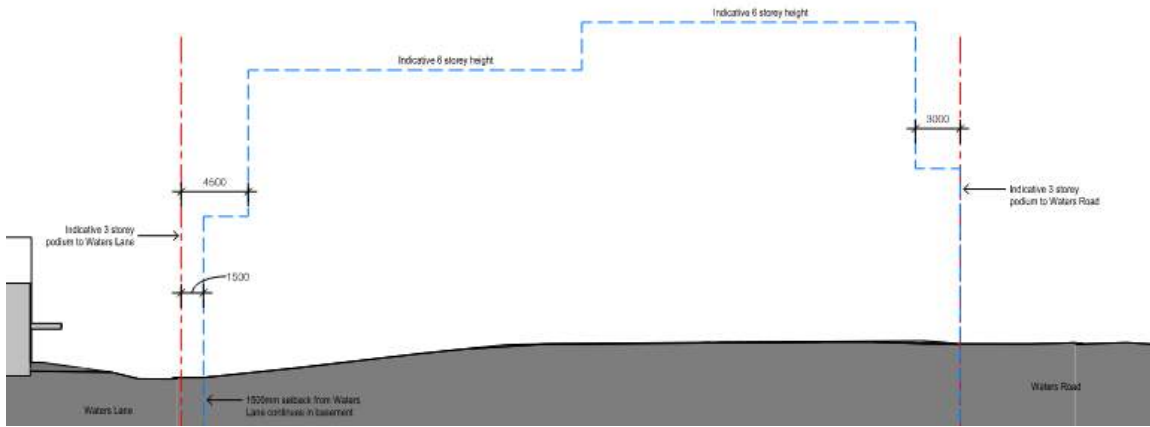


Figure 32. Section of future built form controls (source: SJB Architects)

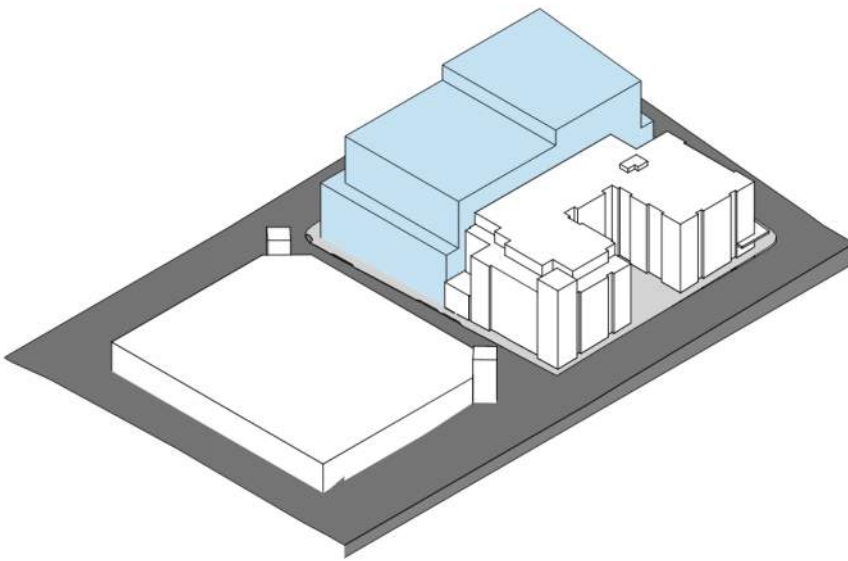


Figure 33. Built form control looking north-east (source: SJB Architects)

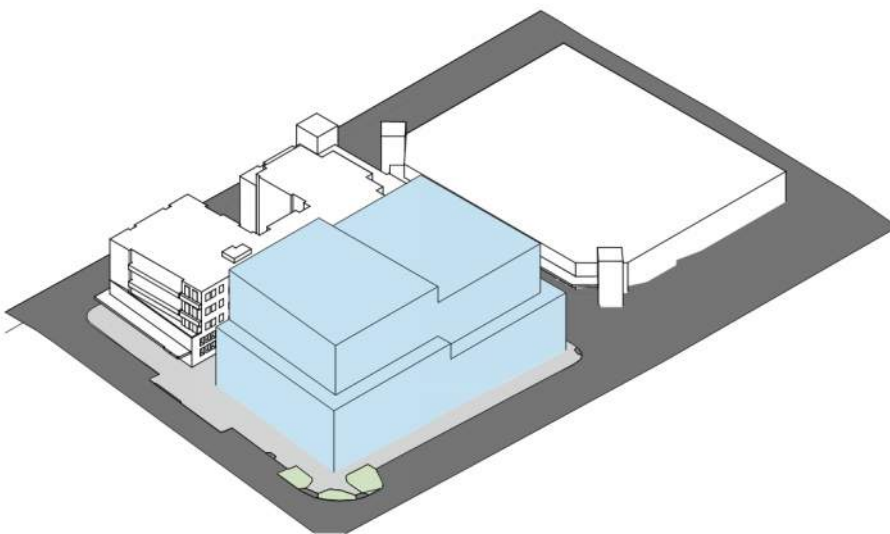


Figure 34. Built form control looking south-west (source: SJB Architects)

# 6. Planning Proposal

## 6.1 Planning Proposal Framework

Planning proposals lodged on the NSW Planning Portal system for council or the relevant PPA assessment on or after 15 December 2021, will be subject to the changes in the rezoning review process as outlined in the new LEP Making Guideline.

This Planning Proposal has been prepared in accordance with Section 55 of the Environmental Planning & Assessment Act 1979 (EP&A Act), and Local Environmental Plan Making Guideline December 2021 prepared by the NSW Department of Planning and Environment, which requires the following matters to be addressed:

- Part 1- Objectives and intended outcomes - a statement of the objectives of the proposed LEP.
- Part 2- Explanation of provisions an explanation of the provisions that are to be included in the proposed LEP.
- Part 3-Justification of strategic and site specific merit - justification of strategic and potential site-specific merit outcomes, and the process for implementation.
- Part 4- Maps - maps to identify the effect of the planning proposal and the area to which it applies.
- Part 5- Community consultation - details of the community consultation that is to be undertaken on the planning proposal.
- Part 6 - Project timeline - project timeline to detail the anticipated timeframe for the LEP making process in accordance with the benchmarks in this guideline.

The following Section outlines the objectives and intended outcomes and provides an explanation of provisions in order to achieve those outcomes. including relevant mapping. The justification and evaluation of impacts is set out in this report.

## 6.2 Objectives and Intended Outcomes

The objective of this Planning Proposal is to seek amendments to the building height control and minimum non-residential FSR Standard that applies to the site at 12-14 Waters Road, Neutral Bay in order to facilitate a mixed-use shop top housing development commensurate with its location. The intended outcome of the Planning Proposal is to enable a high-quality mixed-use development and public domain improvements to be achieved on the site that complements the building heights within the existing and future built form context.

A summary of the key objectives of this Planning Proposal is provided below:

- Deliver a maximum height standard of six storeys (one additional storey) and a built form outcome consistent with the recommendations of the urban design study included within the rescinded Military Road Corridor Strategy;
- Increase the minimum non-residential FSR Standard from 0.5:1 to 1.2:1 to increase the provision of high quality commercial floorspace in Neutral Bay;
- Provide for a built form that responds to the relevant character statement in the North Sydney DCP 2013 whilst taking into account the existing character for the area;
- Contribute to the achievement of the objectives contained within the North Sydney RDS, LSPS and Housing Strategy;
- Deliver a high quality mixed use development that exhibits design excellence on a site earmarked for high density residential development;
- Enable the development of a high performance building;
- Contribute to community infrastructure in the form of dedication of a 1.5m wide strip of land to Council and embellishment of Waters Lane and public domain to Grosvenor Street and Waters Road;
- Monetary contribution which will fund future infrastructure works and community services in Neutral Bay;
- Maintain solar access to key public spaces including the Future Neutral Bay Town Centre;
- Provide for active frontage to the ground floor retail landscape, improving the vitality of the streetscape and complement existing retail uses; and
- Facilitate the delivery of residential development in a desirable location that receives ample access public transport and surrounding civic amenities.

## 6.3 Explanation of provisions

This section provides an explanation of the provisions proposed to apply to the subject land under the North Sydney LEP 2013.

### 6.3.1 North Sydney LEP 2013

The following provisions outlined are proposed to apply to the site in the North Sydney LEP 2013.

### 6.3.2 Land to which the plan will apply

The Planning Proposal applies to the site known as 12-14 Waters Road and is formally described as SP68360 and Lot 18/DP537700.

### 6.3.3 Height

The North Sydney LEP 2013 nominates a maximum height Standard of 16m under the Building Heights Map. It is proposed to amend the height of building map to introduce a 22m height standard for the site. It is proposed to also include a site-specific clause that the development may result in an additional 2m in height (24m) subject to the height increase relating to community facilities, plant or vertical circulation. The increase of the height Standard will enable a height increase from 5 Storey to 6 Storeys including a communal rooftop terrace, lift overrun and service equipment.

The proposed draft wording of the new site-specific clause is as follows:

#### ***“4.3A Exceptions to height of buildings***

*(2C) Despite clause 4.3, the height of a building on land identified as “Area 4” on the Height of Buildings Map may exceed the maximum height shown for the land on that Map if—*

*(a) the height of the building does not exceed the maximum height by more than 2 metres, and*

*(b) the part of the building that exceeds the maximum height comprises the following—*

*(i) lift overruns and associated structures necessary to provide lift access to communal rooftop space,*

*(ii) balustrades or other safety barriers necessary to ensure the safe use of the space,*

*(iii) roof-top plant or equipment”.*

### 6.3.4 Non-residential FSR

The North Sydney LEP 2013 nominates a minimum non-residential FSR of 0.5:1 under the 4.4A Non-residential floor space ratios Map. It is proposed to include a site-specific clause that the development must include a minimum non-residential FSR of 1.2:1. The purpose of the increase to the minimum non-residential FSR Standard is to increase the provision of high quality commercial floorspace in Neutral Bay.

### 6.3.5 Mapping

This Planning Proposal seeks to amend the following maps of the North Sydney LEP 2013. The revised Height of Building’s map is included below in Figure 35 and illustrates the site is identified as “R2” which translates to a 22m height of building and “Area 4” which enables the height to be exceeded by 2m for rooftop facilities, based on the map legend. The revised minimum non-residential FSR Map is included below in Figure 36 illustrates the site is identified as “P” which translates to a 1.2:1 non-residential floor space ratio based on the map legend.



Figure 35: Amended Maximum Building Height Map

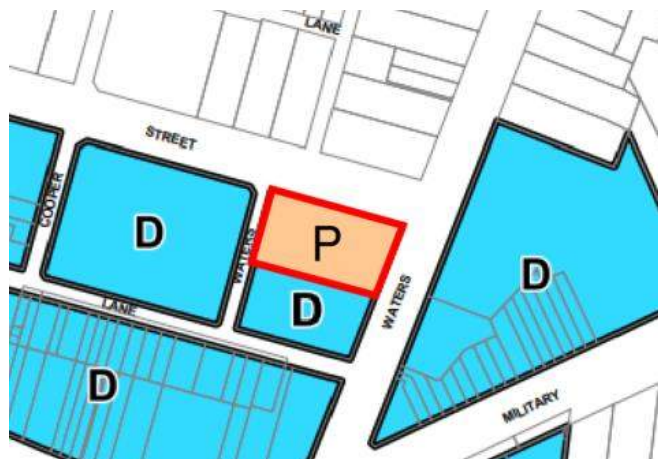


Figure 36: Amended Minimum Non-Residential FSR Map

## 6.4 Justification of Strategic & Site - Specific Merit

The Local Environmental Plan Making Guideline December 2021 stipulates this section of the planning proposal must provide a detailed assessment of the proposal's strategic and site -specific merit to determine whether the planning proposal should be supported. The planning proposal must consider the interaction between these findings and whether the proposal will align with the strategic planning framework and have any environmental, social, or economic impacts. For a planning proposal to proceed through Gateway determination, the Minister (or delegate) must be satisfied that the proposal has strategic and site-specific merit and that identified potential impacts can be readily addressed during the subsequent LEP making.

### 6.4.1 Strategic Merit

It should be noted the guidelines stipulate the achievement of strategic merit is not a yes/no response. Rather, the planning proposal must include a reasonable justification explaining how and why strategic merit is achieved and needs to address all relevant principles, objectives, and actions in the relevant strategic plans. Strategic merit means a proposal has alignment with the NSW strategic planning framework. An assessment of the planning proposal has been provided in relation Question 1 to 7 of section A of the Guidelines which considers the NSW strategic planning framework. This planning proposal demonstrates how the proposed amended LEP will give effect to the strategic planning framework to then ensure that the proposal has strategic merit. The guidelines include a strategic merit assessment framework as identified in the table below.

**Table 5. Strategic and Site-Specific Merit Test**

| Assessment Criteria  | Proponent Response |
|--|--------------------|
| <b>Strategic Merit Test - Does the proposal:</b>   |                    |
| <p>The planning proposal has been designed to be consistent with a number of strategic studies and reports, specifically the Military Road Corridor Planning Study and Draft Future Directions Report for Neutral Bay Town Centre, that set the intent for the future revitalisation of the Neutral Bay town centre. It is important to note that at the time of finalising this Planning Proposal, after some four (4) years working in consultation with the Council and \$250,000 tax payer expense, the newly elected Council made an unexpected decision to rescind the Council's prior endorsement of both these documents, notwithstanding this being a required short term action of both the LSPS and RHS which will no longer be met.</p> <p>Unfortunately, Central Element purchased the property 14 Waters Road and submitted a planning proposal in late 2021 based on the Military Road Corridor Planning Study which was endorsed by Council in February 2021 which included a recommendation for a height increase of one storey and increased commercial floor area.</p> <p>The significantly land holding costs, the extent of work undertaken to date and the advanced nature of the Planning Proposal, Central Element are in a position where they are unable to pause the project to wait for another 24 months while the Council reviews the previously endorsed Study to decide how it wants to proceed. The previously endorsed MRCPS and Future Directions Report provide a clear indication of the Council's and community's desire to see revitalisation and renewal of Neutral Bay town centre and was subject to several technical studies and 4 years of community consultation. This Planning Proposal has been designed to respond to that aspiration and in doing so provides an outcome consistent with the MRCPS, specifically the proposal:</p> <ul style="list-style-type: none"> <li>• The provision of an additional 1.5m whole of building setback to Water Lane which increases the width of the lane including improve pedestrian amenity, winter sunlight and street trees to improve the greening of the centre (results in 180m<sup>2</sup> less residential floor area).</li> <li>• Increase the minimum non-residential FSR Standard from 0.5:1 to 1.2:1 providing to support additional services and local jobs, which are identified as the preferred land uses given the site's strategic location;</li> <li>• Provides a significant public benefit through the delivery of \$1,900,000 towards public domain works in addition to the current DA requirement and broader public domain works; and</li> <li>• Contributes to the wider 'village atmosphere' through an activation street frontage and north aspect alfresco dining providing inviting spaces to encourage people to stay and enjoy the amenities of the town centre and in turn breathe vibrancy and vitality into town centre.</li> </ul> <p>Further, the Planning Proposal aims to give effect to several planning priorities and actions within the LSPS, including the LSPS planning priority to enhance the commercial amenity and viability of Neutral Bay town centre through facilitating a mixed-use development comprising ground floor retail and residential to support the future population.</p> |                    |
| <i>"Give effect to the relevant regional plan outside of the Greater Sydney</i>  | <b>Yes.</b>        |

| Assessment Criteria   | Proponent Response  |
|---|---|
| <p><i>Region, and/ or corridor/precinct plans applying to the site. This includes any draft regional, district or corridor/precinct plans release for public comment or a place strategy for a strategic precinct including any draft place strategy; or”</i></p> | <p><b>The Greater Sydney Region Plan</b></p> <p>The Greater Sydney Region Plan is the overarching strategy for growing and shaping the Greater Sydney Area. It sets a 40-year vision (to 2056) and establishes a 20-year plan to manage growth and change for Greater Sydney in the context of social, economic and environmental matters. The plan was adopted in March 2018 and seeks to reposition Sydney as a metropolis of three cities – the western parkland city, central river city, and the eastern harbour city. In the same vein as the former A Plan for Growing Sydney, the Plan provides 10 high level policy directions supported by 40 objectives that inform the District Plans, Local Plans and Planning Proposals which follow in the planning hierarchy.</p> <p>The proposal is consistent with the following directions under the Plan, which govern growth and development in Sydney as illustrated below:</p> <p><u>A city supported by infrastructure:</u></p> <p>The proposal supports the delivery of higher capacity development in line with the recent infrastructure completion of the B-Line and associated bus priority upgrades undertaken by local and state government (i.e TfNSW).</p> <p><u>A city for the people:</u></p> <p>The proposal supports people to walk, cycle and use public transport through improved pedestrian connections (increased width and embellishment of Waters Lane to create a shared pedestrian lane), end of trip facilities and provision of bicycle parking and maintenance facilities.</p> <p>The proposal shares the uplift with the community as a result of the increased residential floor area, providing a significant public benefit through the delivery of \$1,925,000 towards public domain works in the Neutral Bay Town Centre. The proposal includes activated retail uses at ground level to create a vibrant and safe open space for the community and include opportunities for major artwork and street furniture to promote a great place to stay.</p> <p><u>Housing the city</u></p> <p>The proposal will facilitate 42 residential dwellings comprising a mix of 1, 2 and 3 beds.</p> <p>The development seeks to optimise the site to continue its existing role as a key retail anchor, but now supported by new residential dwellings that will further cement the vibrancy and vitality of Neutral Bay town centre.</p> <p><u>A well-connected city</u></p> <p>The proposal seeks to deliver additional retail, commercial and residential floorspace, and in doing so will connect new jobs to high frequency public transport services. This will take advantage of substantial investment in public transport infrastructure and support the achievement of a ‘30-minute city.’</p> <p><u>Jobs and skills for the city</u></p> <p>The proposal increases the minimum non-residential FSR Standard from 0.5:1 to 1.2:1 which will result in the delivery of a new high quality greengrocer anchor supported by new boutique retail stores, cafes and restaurants, which will create significant new additional jobs in these industries. In addition to this new high quality commercial floorspace will ensure the ongoing role of Neutral Bay as a commercial centre and promote jobs growth in white collar industries.</p> <p><u>A city in its landscape</u></p> <p>The proposal does not affect any protected biodiversity or remnant or significant vegetation. Increased public domain and landscaping will be provided within the site and public domain that will contribute to increased landscaping, greater biodiversity outcomes, and help reduce the urban heat island effect.</p> |



| Assessment Criteria | Proponent Response   |
|---------------------|--|
|                     | <p><u>An efficient city</u></p> <p>A key initiative of the proposal is to deliver a more sustainable development that is presently provide. ESD targets will be set as part of the future detailed development application.</p> <p><u>A resilient city</u></p> <p>The proposal has sought to minimise exposure to natural hazards by ensuring that future development is not affected by flooding. The environmental initiatives implemented through the development will contribute to enhanced environmental outcomes and seek to mitigate impacts related to climate change</p> <p><b>North District Plan</b></p> <p>The North District Plan underpins the Greater Sydney Region Plan and sets the 20-year vision for the District through ‘Planning Priorities’ that are linked to the Region Plan. Under this Plan, this site is strategically located within the Neutral Bay Town Centre of the North District. Key priorities of the District Plan which this Planning. Proposal give effect to are elaborated below.</p> <p><u>N1. Planning for a city supported by infrastructure</u></p> <p>Aligning land use and infrastructure planning ensures that infrastructure is maximised, and that growth and infrastructure provision are aligned. The Planning Proposal will facilitate the future delivery of residential dwellings in a location serviced by the B-line and other bus services. In this regard it is aligned with bus priority infrastructure upgrades delivered by TfNSW.</p> <p>Central Element includes a proposal to share the uplift in land value with the community as a result of the increased residential floor area, providing a significant public benefit through the delivery of \$1,900,000 towards public domain works in the Neutral Bay Town Centre, creating vibrant open space for the community.</p> <p><u>N4. Fostering healthy, creative, culturally rich and socially connected communities</u></p> <p>The site benefits from the Neutral Bay Town Centre services and is within close proximity to open space. The proposed new shared laneway and broader public domain upgrades will improve pedestrian connections in the centre and support social gatherings and foster strong social connections through creating a key place for social gathering. The site is also well connected to local bus routes, cycling links and walkable services to promote a healthy community. The increase in building height enables generous communal facilities and rooftop landscaping which contribute to the wellness and mental wellbeing of residents.</p> <p><u>N5. Providing housing supply, choice and affordability with access to jobs, services and public transport</u></p> <p>The site is strategically positioned to accommodate residential uses, increasing supply within proximity to a local centre and public transport infrastructure. Redevelopment of the site presents the opportunity to deliver and increase housing diversity within the town centre. There is a need to ensure housing supply and choice with greater diversity in housing products to meet the growing needs of the community and future population.</p> <p><u>N6. Creating and renewing great places and local centres, and respecting the District’s heritage</u></p> <p>The proposal will facilitate social cohesion and celebration of community through land dedication creation of a shared laneway and voluntary contribution to broader public domain works. The proposal also include activated uses at ground level with the opportunity to support and enhance the local night time economy, as well as respond to the community’s social and recreational needs.</p> <p><u>N12. Delivering integrated land use and transport planning and a 30-minute city</u></p> <p>The ‘30-minute city’ model is a long-term aspiration for Sydney whereby jobs and services and strategic/ metropolitan centres are accessible within 30 minutes by public transport. This site is in walking distance to local services and is well-placed to benefit the ‘30-minute city’ model, by</p> |

| Assessment Criteria   | Proponent Response  |
|---|---|
|   | <p>providing housing supply and retail opportunity within a highly accessible location and thereby improve access to jobs and services.</p> <p><u>N20. Delivering high quality open space</u></p> <p>The proposal also includes several public benefits including an additional 1.5m setback to the podium and tower to Waters Lane to improve the amenity of the public domain and a voluntary contribution of \$1,900,000 towards public domain works to upgrade Water Lane to a shared laneway and to contribute to other public domain works in the Neutral Bay Town Centre.</p> <p>The increase in building height enables generous communal facilities and rooftop landscaping which contribute to the wellness and mental wellbeing of residents.</p> <p><b>MRCPS: Neutral Bay Town Centre – Future Directions Planning Study (rescinded)</b></p> <p>Despite Council rescinding the Neutral Bay Town Centre - Future Directions Planning Study in January 2022, the MRCPS outlines Council’s intent for key planning control changes to facilitate improved build form outcomes in the interest of the community. The site is identified as a key opportunity site to support taller mixed-use buildings and new open space and community facilities.</p> <p>The proposal includes increasing the building height to six storeys, increasing the minimum non-residential FSR from 0.5:1 to 1.2:1, a 1.5m increase to the building setback to Waters Laneway and embellishment of Waters Lane ensuring full compliance with the MRCPS. In addition to this, Central Element has taken the approach of sharing the uplift in land value with the community through a set agreement monetary amount towards public domain works which is a public benefit in addition to the MRCPS requirements.</p>  |
| <p><i>“Demonstrates consistency with the relevant LSPS or strategy that has been endorsed by the Department or required as part of a regional or district plan”; or</i></p> | <p><b>Yes.</b></p> <p>The Planning Proposal will give effect to Council’s Local Strategic Planning statement, Council’s community strategic plan and the previously endorsed, but just recently rescinded MRCPS and Future Directions Report for Neutral Bay town centre.</p> <p><b>North Sydney Local Strategic Planning Statement (LSPS)</b></p> <p>Council finalised the North Sydney Local Strategic Planning Statement (LSPS) in March 2020. The LSPS outlines the Council's strategic vision for Neutral Bay and was endorsed by the Greater Sydney Commission in March 2020. The following points demonstrate that the planning proposal is consistent with the Council's planning priorities outlined in the LSPS.</p> <p><u>Priority L1- Diverse housing options that meet the needs of the North Sydney community</u></p> <p><i>“L1.1-Implement the North Sydney Local Housing Strategy (2019) to achieve the housing directions. objectives and actions of the GSC's Regional and North District Plans and deliver 0-5 and 6-10 year housing supply targets. (short-term)”</i></p> <p>The short-long term housing targets for the North Sydney Council were on the basis of a modest increase in residential density within Neutral Bay Town Centre in the short term. The site-specific planning proposal contributes toward the delivery of the projected housing targets included with the North Sydney Local Housing Strategy (2019).</p> <p><i>“L1.2- Prepare Planning Studies for the Military Road Corridor and Northern Civic Precinct to examine the potential delivery of housing in the right locations - concentrating growth in and around existing centres. close to public transport infrastructure. services and facilities. (short term)”</i></p> <p><i>“L1.5- 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. (ongoing)”</i></p> <p>A Military Road Corridor Planning Study was prepared and endorsed in February 2021 by Council, which recommended an increase in housing in several locations within the existing centre and a</p> |

| Assessment Criteria | Proponent Response   |
|---------------------|--|
|                     | <p>height increase from 5 to 6 storeys in relation to the subject site. The subject site specific planning proposal is fully consistent with the Military Road Corridor Planning Study which was later rescinded in January 2022 after lodgement of the planning proposal. Notwithstanding the rescission of the study, the LSPS adopted by the DPIE includes a short term obligation to prepare a Planning Study for the Military Road Corridor which is to examine the potential delivery of housing in the right locations within the existing Neutral Bay Town Centre.</p> <p>With the absence of any planning study, and likelihood of no future strategy or one prepared in the mid-long term, the previously adopted Military Road Corridor Planning Study is considered a guiding document to assess the suitability of the proposal particularly as the proposal only seeks an additional level being the lowest potential height increase for the site.</p> <p><u>Priority L3 - Strengthening social connections through safe and accessible vibrant centres, public domain, villages and streetscapes</u></p> <p><i>“L3.2 - Continue to prepare and implement precinct-based planning studies to ensure the delivery of growth and development is balanced and well managed, and has a strong focus on placemaking and community benefit. This includes:</i></p> <p><i>... undertake/implement the Military Road Corridor Planning Study - Stages 1 and 2 (Short - medium term)”</i></p> <p>The site is currently in poor repair and does not make a positive contribution to the public domain along Waters Road, Grosvenor Street or Waters Lane The planning proposal will facilitate the renewal of the site and significantly improve its relationship to the public domain by activating Grosvenor Street and Waters Road upgrading the existing public domain and by providing residential uses at and above ground level which will provide a strong address to the street and increase the vibrancy of the streetscape. The proposal increases the minimum non-residential FSR for the site from 0.5:1 to 1.2:1 improving the commercial viability and vibrancy of the centre.</p> <p>The increase in height also makes it viable to embellish the length of Waters Lane to create a shared lane and to provide additional voluntary contributions to Council to facilitate public domain improvements. The embellishment of Waters Lane delivers public domain works outlined in the formally adopted Military Road Corridor Planning Study.</p> <p><u>Priority P3 - Enhance the commercial amenity and viability of North Sydney's local centres</u></p> <p><i>“P3.1 - Prepare, finalise and implement the Military Road Corridor Planning Study (Stages 1 and 2 to ensure future development Supports the functions of the precinct, and identify public domain and other public benefits to improve the safety, amenity services and overall appeal and commercial viability of the Neutral Bay and Cremorne local centres, (short - medium term).”</i></p> <p>A Military Road Corridor Planning Study was prepared and endorsed in February 2021 by Council and later rescinded in January 2022. recommended increasing the maximum height standard from 5 to 6 storeys and to minimum non-residential FSR from 0.5:1 to 1.2:1. The increase in non-residential FSR to ensure job retention and contribute to the commercial viability of the local centre.</p> <p>The study also recommended a whole of building setback of 1.5m to Waters Lane for the site which reduces the maximum potential floor area for the site and embellishment of the full length of Water Lane to create a shared laneway with street furniture, landscaping and quality paving. Once commissioned, Waters Lane will play host to market stalls, presentations of public art and numerous other pop-up events and there will be opportunity to further activate existing and future adjoining retail and commercial businesses in accordance with the study.</p> <p>The delivery of a DA based on the current planning controls would fail to achieve the above priority.</p> <p><b>North Sydney Housing Strategy</b></p> <p>It should be noted that North Sydney Council prepared, adopted and had “assured” (by the Greater Sydney Commission) of the Military Road Corridor Planning Strategy. The North Sydney Housing Strategy acknowledges the preparation of the Military Road Planning Study and the North Sydney</p> |

| Assessment Criteria  | Proponent Response   |
|--|--|
|  | <p>Housing Strategy references the Military Road Corridor Study with regard to opportunities for improved community facilities and the public domain, placemaking, modest jobs growth and “varying degrees” of housing growth. The proposal includes one additional storey, being the lowest considered increase in housing growth for the site.</p>   |
| <p><i>“Respond to a change in circumstances that has not been recognised by the existing planning framework”.</i></p>  | <p>Service on the B-line started in late 2017 and it is providing extra services both during the day and into the evening. The B-Line includes a key infrastructure investment and multi-faceted program to improve the capacity and reliability of the bus System relied on by the Neutral Bay Centre to the Sydney CBD and major local health, education and retail destinations at Mona Vale and Brookvale Dee Why. A B-Line bus stop is located within 100m of the site. The moderate increase in density including predominately retail and community facilities is a direct result of the improved connectivity of the centre.</p>   |
| <p><b>Site-Specific Merit Test - Does the proposal give regard and assess impacts to:</b></p>  |  |
| <p><i>“The natural environment on the site to which the proposal relates and other affected land (including known significant environmental areas, resources or hazards)”</i></p>            | <p>The proposed six storey and increase in non-residential FSR will not result in any adverse impacts upon the natural environment. The proposed 1.5m whole of building setback to Waters Lane will enable the provision of street trees and improve the greening of the centre. The proposal does not result in any potential hazard or resources impacts.</p>  |
| <p><i>“Existing uses, approved uses, and likely future uses of land in the vicinity of the land to which the proposal relates.”</i></p>  | <p>The proposal includes the retention of the B4 Mixed Use land use zone and North Sydney Council Military Road Corridor Planning Study has not recommended a change to the land use zoning of any surrounding properties. The proposal includes increasing the minimum non-residential FSR from 0.5:1 to 1.2:1 providing additional services and jobs ensuring the economic viability of the Neutral Bay Town Centre.</p> <p>North Sydney Council prepared an urban design study for the Neutral Bay Town Centre as part of the Military Road Corridor Planning Study and identified that a six-storey building height (one additional storey) would be suitable based on the site context. This is a negligible height increase given the adjoining land to the south includes an existing 5 storey building height (6 storeys recommended under the study) and the study recommended the site 43-51 Grosvenor Street to the west should include a future 6-8 storey height. There is no recommendation for a height increase in relation to the land to the north or east.</p>  |
| <p><i>“Services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision”</i></p> | <p>The proposed additional storey in height provides the catalyst to provide the following Services and infrastructure:</p> <ul style="list-style-type: none"> <li>• Increase the minimum non-residential FSR Standard from 0.5:1 to 1.2:1 providing additional services and jobs for local residents ensure the economic viability of the Neutral Bay Town Centre.</li> <li>• The proposal includes increasing the podium and tower setback 1.5m from Waters Lane (which reduces the potential apartment floor area), which increases the public domain and enable tree planting and increase sunlight to Waters Lane.</li> <li>• The proposal includes a voluntary contribution of \$1,900,000 towards public domain works to upgrade Water Lane to a shared laneway and to contribute to other public domain works in the Neutral Bay Town Centre. The contribution has been calculated as 35% of the increase in land value as a result of the increase in residential floor area permitted at the site by an independent economic consultant (Atlas Economics). This is considered a transparent, fair and equitable approach to ensuring the community benefit from increased infrastructure as a result of the increase in land value.</li> <li>• The proposal facilitates a transport orientated development providing additional jobs and housing within 100m of the recently constructed new B-Line along Military Road which facilities improved connectivity of the centre and ensures utilisation of this infrastructure investment by the NSW Government.</li> </ul> |

| Assessment Criteria | Proponent Response   |
|---------------------|--|
|                     | <ul style="list-style-type: none"> <li>Preliminary traffic investigations in the planning proposal and 5 storey approved DA confirm that there is sufficient capacity within the road network and the indicative yield is likely to have a negligible impact on the road network.</li> <li>The site is serviced by existing utility services and is located to allow incoming residents and workers to capitalise on the existing and planned infrastructure and services within the area and there is sufficient capacity within the existing network to accommodate the proposed additional storey.</li> </ul> |

## 6.5 Section A – Need for a Planning Proposal

### Q1 - Is the planning proposal a result of an endorsed LSPS, strategic study or report?

Neutral Bay is in a period of transformation with current planning controls becoming increasingly outdated as demand for commercial, residential and community facilities intensifies, and the centres increased accessibility as a result of the NSW Governments investment into the new B-Line bus network providing access to commercial centre.

#### 6.5.1 North Sydney Local Strategic Planning Statement

The Local Strategic Planning Statement (LSPS) was adopted by Council on 24 March 2020. It guides future land use planning and development in the North Sydney LGA to 2036. The LSPS guides the content of the North Sydney LEP and the Development Control Plan (DCP).

The consistency of the planning with the relevant planning priorities in the LSPS as outlined in Table 6.

**Table 6. Consistency of the amended planning proposal with the LSPS**

| Planning Priority   | Justification  |
|---|--|
| <i>Planning priority I1 – Provide infrastructure and assets that support growth and change</i>  | The planning proposal is consistent with the LSPS as it is accompanied by a draft VPA that proposes to provide monetary contributions to Council for the provision of community infrastructure and public domain upgrades within Neutral Bay Town Centre. The proposal also includes increasing the width of Waters Lane and public domain upgrades.   |
| <i>Planning priority I2 – Collaborate with State Government Agencies and the community to deliver new housing, jobs, infrastructure and great places.</i> | The reference scheme will provide approximately 42 new residential dwellings and minimum of 1,952m <sup>2</sup> of new retail/commercial floor space with increased landscaping and amenity that is generally consistent with the North District Plan and the rescinded Military Road Corridor Strategy. The planning proposal is consistent with this priority.   |
| <i>Planning priority L1 – Diverse housing options that meet the needs of the North Sydney community</i>   | <p>The planning proposal is consistent with this priority as it will provide a variety of additional residential dwellings in an area well serviced by existing and proposed public transport, services, jobs, infrastructure and public open space.</p> <p>Action L1.1 as a short-term target includes the implement the North Sydney Local Housing Strategy (2019) to achieve the housing directions, objectives and actions of the GSC's Regional and North District Plans and deliver 0-5 and 6-10 year housing supply targets. The proposal will achieve 6 additional dwellings and contribute toward the short term housing targets.</p> <p>Action L1.2 as a short-term target includes the preparation of Planning Studies for the Military Road Corridor to examine the potential delivery of housing in the right locations – concentrating growth in and around existing centres, close to public transport, infrastructure, services and facilities.</p> <p>The proposal has been designed to be consistent with the Military Road Corridor Planning Study, which was endorsed and later rescinded and was subject to four years of community consultation. The proposal is located within the Neutral Bay Town Centre and includes increasing the non-residential FSR from a minimum 0.5:1 to 1.2:1, a modest increase of one storey and substantial public domain upgrades, widening of Waters Lane and within 80m of</p> |

| Planning Priority  | Justification  |
|--|--|
|  | <p>the recently constructed B-Line.</p> <p>Action L1.5 aims for Council to 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.</p> <p>The proposal has been designed to be consistent with the Military Road Corridor Planning Study, which was endorsed and later rescinded and was subject to four years of community consultation. The modest growth of one storey is proposed within the Neutral Bay Local Centre and close to services and within 80m of the recently constructed B-Line.</p>   |
| <p><i>Planning priority L2 – Provide a range of community facilities and services to support a healthy, creative, diverse and socially connected North Sydney community.</i></p> | <p>As previously stated, a draft VPA proposes to provide monetary contributions to Council for the provision of community infrastructure within the Neutral Bay Town Centre. The public benefits include improvements to the streetscape and widening of Waters Lane.</p>  |
| <p><i>Planning priority L3 – Create great places that recognise and preserve North Sydney's distinct local character and heritage</i></p>  | <p>Action L3.1 and L3.2 includes a short-term aim to incorporate placemaking principles in the planning and engagement activities and continue to prepare and implement the Military Road Corridor Planning Study to ensure the delivery of growth and development is balanced and well-managed, and has a strong focus on placemaking and community benefit.</p> <p>The proposal has been designed to be consistent with the Military Road Corridor Planning Study, which was endorsed and later rescinded and was subject to four years of community consultation. The modest growth of one storey is proposed within the Neutral Bay Local Centre, includes substantial streetscape improvements, the widening of Waters Lane and draft VPA including a substantial monetary contribution to Council to fund future placemaking in Neutral Bay.</p> |
| <p><i>Planning Priority P3 Enhance the commercial amenity and viability of North Sydney's local centres.</i></p>   | <p>A short-medium term action of the priority includes prepare, finalise and implement the Military Road Corridor Planning Study (Stages 1 and 2) to ensure future development supports the functions of the precinct, and identify public domain and other public benefits to improve the safety, amenity, services and overall appeal and commercial viability of the Neutral Bay and Cremorne local centres.</p> <p>The proposal is consistent with the Military Road Corridor Planning Study which was endorsed and later rescinded. The proposal includes increasing the non-residential FSR from a minimum 0.5:1 to 1.2:1, a modest increase of one storey and substantial public domain upgrades, widening of Waters Lane and draft VPA of monetary contributions for public domain works to Neutral Bay Town Centre.</p>                       |
| <p><i>Planning Priority P6 and S2 – Support walkable centres and a connected, vibrant and sustainable North Sydney</i></p>   | <p>The VPA will include public benefits including works to upgrade the public domain and widen Waters Lane. Also, to be provided is improved pedestrian amenity with the regrading of footpaths, improved disability access, improved lighting, activating the streetscape with retail and passive surveillance after hours and improved landscaping. This will contribute to make Neutral Bay more pedestrian friendly and walkable.</p>  |
| <p><i>Planning priority S3 – Reduce greenhouse gas emissions, energy, water and waste</i></p>  | <p>The site is well located with access to existing and proposed public transport, reducing the reliance on vehicular trips and promoting active transport.</p> <p>The reference scheme is to incorporate sustainable features such as water saving, solar initiatives and green roofs and Well2 Certification.</p>  |

## 6.5.2 Military Road Corridor Planning Study (Recinded)

On 22 February 2021, Council resolved to adopt the Military Road Corridor Planning Study ('the Study'). To give effect to the desired outcomes of the adopted Study, amendments are required to Council's Local Environmental Plan (LEP) and Development Control Plan

(DCP. It should be noted that significant changes to height and floor space associated with the three significant development sites identified in the Study, will be pursued separately.

A Planning Proposal is required to give effect to the recommended one storey height increase. Once prepared it must go to the North Sydney Local Planning Panel for advice prior to being reported to Council for determination. This gives rise to an unusual situation in that Council will be considering a Planning Proposal after it has already been publicly ventilated.

The Military Road Corridor Planning Study included the following recommended amendments in relation to the subject site:

- Increase the non-residential floor space (FSR) control from 0.51 to 1.2:1. This will effectively require retail uses on the ground level and an additional level of commercial floor area to support long term job growth;
- Increase the maximum height limit from 5 storeys to 6 storeys. The height increase ensures redevelopment is economically viable in relation to the additional setback to Water Lane increased requirement for commercial floor area and extended public domain works;
- A 1.5m whole of building setback to Waters Lane to create space to plant new street trees, widen footpaths to improve the amenity of the public domain; and
- Increase in the podium height from two to three storey to relate to the desired future character of the Neutral Bay Town Centre and site context.

The planning proposal has been designed to be fully consistent with the endorsed Study. The planning proposal puts forward a development control framework that will ensure that future development is considerate of the existing character of the area and facilitates the delivery of land dedication, infrastructure and services to meet the needs and aspirations of the Neutral Bay community.

This planning proposal proposes a preferred direction for Neutral Bay that ensures growth in the Military Road corridor results in a more attractive place for workers, residents and visitors. This is proposed through:

- Increased employment capacity in the Neutral Bay town centre through an increase in the Non-Residential floor space ratio (FSR) and maximum building heights in the North Sydney Council Local Environment Plan 2013 (North Sydney LEP 2013);
- The delivery of a specialist greengrocer at the site enables Neutral Bay to compete with other local centres including Cammeray and Mosman by attracting visitors to the centre. The greengrocer is ideally situated adjoining the future Coles shopping Centre and including adequate parking/loading facilities and the most ideal location in Neutral Bay to minimise traffic congestion;
- In-kind contributions by increasing maximum building height by one storey at the site through this planning proposal results in it being feasible to deliver increased public domain infrastructure including setting back the whole building 1.5m from Waters Lane, land dedication to Waters Lane and embellishment of the public domain to Waters Road, Grosvenor Street and Waters Lane;
- Without changes to the current planning controls there will be a decline in commercial floor space in Neutral Bay town centre and a reduction in local jobs. This will affect businesses and residents, with commercial activity declining and residents being forced to travel further for local work and services; and
- The development decisions made in the next few years will have great influence on the character and amenity of the area. This study, as well as ongoing feedback from residents and businesses, will ensure that future development respects and benefits the local community

Notwithstanding this, in January 2022 the Military Road Corridor Planning Study was rescinded by Council.

It should be noted that North Sydney Council prepared, adopted and had “assured” (by the Greater Sydney Commission) of the Military Road Corridor Planning Strategy. Further, the LSPS acknowledges the preparation of the Military Road Planning Study and the LSPS also references the Local Housing Strategy (LHS). Both these documents contain various references to the Study. The former in particular, references the Military Road Corridor Study with regard to opportunities for improved community facilities and the public domain, placemaking, modest jobs growth and “varying degrees” of housing growth.

It is understood the overwhelming sensitive issue relating to the Military Road Planning Study includes height increases from five storey up to 12 storeys. The current planning proposal is seeking a height increase from five storeys to six storeys and delivers public benefit to the local community. In the absence of any endorsed strategy and Military Road Corridor Study referenced in both the t5PS and LHS the proposal will need to be considered on site individual merit.

### 6.5.3 North Sydney Housing Strategy

It should be noted that North Sydney Council prepared, adopted and had “assured” (by the Greater Sydney Commission) of the Military Road Corridor Planning Study. The North Sydney Housing Strategy acknowledges the preparation of the Military Road Planning Study

and the LSPS. The North Sydney Housing Strategy references the Military Road Corridor Study with regard to opportunities for improved community facilities and the public domain, placemaking, modest jobs growth and “varying degrees” of housing growth.

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

The site is a logical and appropriate place to concentrate future growth within the North Sydney LGA. This is because the site is located within an area designated for future growth. The site is located close to services and public transport infrastructure. The planning proposal and “Option 3” are considered the best means of achieving the objectives and intended outcome of the proposal. The alternative means of achieving the objectives are considered in Table 7.

**Table 7. Option to achieve objectives**

| Option   | Comment  |
|--|--|
| Option 1 - Do Nothing  | Without an amendment to the statutory planning controls, the proposed Design Concept for the site cannot be achieved. This means that the associated public benefits and desired building outcome by Council in its strategic study would be lost.   |
| Option 2 - Clause 4.6 Variation Request to permit building height and VPA fa land dedication   | This option was proposed to Council as part of DA No 92/21 and it was recommended that a site-specific planning proposal be submitted  |
| Option 3 - The Planning Proposal could seek to amend the height of building map to 22m and introduce a site specific provision to enable rooftop facilities to exceed the height standard by 2m. | <p>The following provision should be proposed:</p> <p>Amend the North Sydney 2013 Height of Buildings Map-Sheet HOB_003 to include a maximum building height of 22m and identify the site as “Area 4” and introduce the following clause:</p> <p><b>“4.3A Exceptions to height of buildings</b></p> <p><i>(2C) Despite clause 4.3, the height of a building on land identified as “Area 4” on the Height of Buildings Map may exceed the maximum height shown for the land on that Map if—</i></p> <p><i>(a) the height of the building does not exceed the maximum height by more than 2 metres, and</i></p> <p><i>(b) the part of the building that exceeds the maximum height comprises the following—</i></p> <p><i>(i) lift overruns and associated structures necessary to provide lift access to communal rooftop space,</i></p> <p><i>(ii) balustrades or other safety barriers necessary to ensure the safe use of the space,</i></p> <p><i>(iii) roof-top plant or equipment”.</i></p> |
| Option 4 - Amend the Height of Building to 24m   | This option is considered the most conventional means to give statutory effect to the proposal by increasing the height standard to 24m. This risk to this option, is that an applicant may try to accommodate an additional storey to the rooftop level.  |

**6.6 Section A – Need for a Planning Proposal**

**Q3 - Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?**

The Planning Proposal demonstrates strategic merit through its consistency with the objectives and actions of the applicable strategic plans and policies discussed below.



### 6.6.1 NSW State Plan 2021

The New South Wales State Plan sets the strategic direction and goals for the NSW Government across a broad range of services and infrastructure. The State Plan nominates one of the key challenges for the State as being the planning challenges that arise from continued population growth. The increased density proposed, and future redevelopment of the site is consistent with the State Plan. This is because the proposal will provide jobs and encourage housing diversity in a location close to nearby services and facilities.

### 6.6.2 Greater Sydney Region Plan (2017)

The Greater Sydney Commission's (GSC) Greater Sydney Region Plan – A Metropolis of Three Cities (GSRP) was released in March 2018 and provides a vision for the growth and development of Greater Sydney by instilling the idea of the 30-minute city where people live no further than 30 minutes from their jobs, education, health facilities, services and great places. North Sydney is located within the Eastern Economic Corridor of the Eastern Harbour City and is identified as a Local Centre.

**Table 8. Consistency of the amended planning proposal against the Regional Plan**

| Regional Plan Objectives           | Justification   |
|------------------------------------|---|
| A City Supported by Infrastructure | The proposed increase to the development controls will facilitate increased density that will leverage off the recently constructed B-Line Bus Service. A B-Line Bus stop is located within 80m of the site and provides transport services to Strategic Centres such as the North Sydney CBD and Sydney CBD. The proposal is considered to be consistent with this objective.  |
| A City for People                  | The proposal will increase the ability to live, work and shop in the Neutral Bay Town Centre and reduce the reliance on private vehicles. Increased requirements for landscaping, embellishment of the public domain, \$1,900,000 in voluntary contributions toward public domain works and increased setback to Waters Lane will result in better local pedestrian connectivity and amenity for residents and visitors.<br><br>The proposal is considered to be consistent with this objective   |
| A City of Great Places             | Providing higher density in certain areas of the Local Government Area (LGA) will protect the existing low density residential areas while providing a more diverse choice of dwellings. This will support a future increase in population, a changing demographic and cater to key workers.<br><br>The proposed public domain enhancements, increased setback to Water Lane and active retail frontages to Waters Road and Grosvenor Street will improve pedestrian amenity.<br><br>The proposal is considered to be consistent with this objective  |
| A Well-Connected City              | A B-Line Bus stop is located within 80m of the site and provides transport services to Strategic Centres such as the North Sydney CBD and Sydney CBD. The proposal will maximise the use of public transport assets will help reduce the need for additional infrastructure and private vehicle usage.<br><br>The proposal is considered to be consistent with this objective   |
| Jobs and Skills for the City       | The provision of services in close proximity to existing and proposed public transport will enable people to access jobs easily within the LGA and other areas.<br><br>The B4 Mixed Use zone will provide additional employment floorspace.<br><br>The increased in the non-residential FSR Standard from 0.5:1 to 1.2:1 will preserve Neutral Bay Town Centre including a high proportion of commercial/retail.<br><br>The proposal is considered to be consistent with this objective   |
| A City in its Landscape            | The proposal is consistent with this objective as it intends to incorporate active uses to Grosvenor Street and Waters Road, upgrades to landscaping including new street trees, pavement and street furniture increasing amenity and safety and increasing the width of Waters Lane.   |
| Housing the City                   | The planning proposal will facilitate the provision of high-density residential dwellings above a commercial premise with a range of dwelling sizes to meet the needs of the community close to existing infrastructure and services.<br><br>A variety of dwelling typologies will cater to a changing demographic in the North Sydney LGA and enable key workers to live close to jobs, transport and services.<br><br>The planning proposal is consistent with this objective as it provides greater density in a location that will preserve the character of the lower density areas of the North Sydney LGA. |

### 6.6.3 North District Plan (2018)

The North Sydney LGA is within the North District and the GSC released the North District Plan on 18 March 2018. The plan contains planning priorities and actions to guide to provide housing close to jobs, services and infrastructure while improving its social, economic and environmental assets.

It identifies the corridor between Sydney CBD and Macquarie Park via the North Sydney CBD, Chatswood and St Leonards, as an 'Economic Corridor.' For the North District, the plan identifies a target of up to 21,000 additional jobs in the North Sydney CBD by 2036 and a target of 3,000 additional dwellings in the North Sydney LGA by 2021.

The planning proposal is consistent with the priorities for infrastructure and collaboration, liveability, productivity, and sustainability in the plan as outlined below. The planning proposal gives effect to the District Plan in accordance with section 3.8 of the Environmental Planning and Assessment Act 1979.

Table 10 includes an assessment of the planning proposal against relevant directions and actions.

**Table 10. Consistency of the amended planning proposal with the North District Plan**

| District Plan Priority   | Justification  |
|--|--|
| <b>Infrastructure</b>  |  |
| N1 Planning for a city supported by infrastructure   | The planning proposal is consistent with this priority, which seeks to align increased commercial and residential density with access to and use of existing and proposed infrastructure, including public transport, cultural, education, health, community and utilities, jobs and services.   |
| <b>Liveability</b>   |  |
| N4 Fostering healthy, creative, culturally rich and socially connected community                                 | The planning proposal will enable increased development to provide additional services and residential dwellings close to proposed and existing public transport. This will encourage active transport reducing the reliance on private vehicle usage and short trips. Increased landscaping requirements, public domain works and increased width of Waters Lane will increase the overall amenity and help to create a healthy, vibrant LGA.   |
| N5 Providing housing supply, choice and affordability with access to jobs, services and public transport         | The planning proposal will facilitate a minimum of 1,952m <sup>2</sup> of commercial floor area and approximately 42 new residential dwellings with a variety of sizes in close vicinity to existing and proposed public transport to various strategic locations and beyond. The site is within 80m of the B-Line and existing jobs and services in the Neutral Bay Town Centre.  |
| N6 Creating and renewing great places and local centres, and respecting the District's heritage                  | The planning proposal is consistent with this priority as it will amend the planning controls in the North Sydney LEP 2013 to provide increased residential dwellings and enable people to live and work in close proximity to existing infrastructure and services and in North Sydney CBD.<br><br>Additional landscaping will enhance the streetscape and increase amenity and safety.<br><br>Increased development in certain areas will preserve the existing local heritage items for the enjoyment of the community. |
| <b>Productivity</b>  |  |
| N8 Eastern Economic Corridor is better connected and more competitive  | Neutral Bay is well-connected to the neighbouring strategic centres of North Sydney CBD and Sydney CBD. Enabling increased development in locations such as this will provide key employees with accommodation close to employment and maximise the use of public transport assets and reduce the need for additional infrastructure.  |
| N12 Delivering integrated land use and transport planning and a 30-minute city                                   | Increased development in Neutral Bay Town Centre is consistent with this priority and the increase to the planning controls will facilitate the provision of 44 dwellings and retail/commercial floorspace to leverage off the proposed and existing public transport options including B-Line supporting the 30-minute city.  |
| <b>Sustainability</b>  |  |
| N20 Delivering high quality open space<br><br>N21 Reducing carbon emissions and managing energy, water and waste | The proposal seeks to upgrade and activate the surrounding streets with an increase in the width of Waters Lane, increased landscaping and upgraded public domain to Waters Lane, Waters Road and Grosvenor Street. The planning proposal also included a voluntary contribution of \$1,900,000 to Council toward local public domain upgrades.<br><br>Providing development close to existing and proposed public transport and other services will   |

| District Plan Priority | Justification   |
|------------------------|---|
| efficiently            | <p>decrease the use of private vehicles and reduce emissions.</p> <p>The current proposal voluntarily has been WELL2 Certified to ensure the building has a high level of environmental sustainability and wellbeing.</p> |

**Q4 - Is the planning proposal consistent with a Council's local strategy or other local strategic plan?**

**6.6.4 Military Road Corridor Planning Study (recinded)**

On 19 February 2018, North Sydney Council resolved to prepare a planning study in response to several redevelopment proposals challenging existing building height controls along the Military Road Corridor. This planning study details a way to manage this future development interest with the interests of the community.

In 2019 Council prepared a planning study for the Military Road Corridor in response to significant development interest along Military Road. The study included the following two stages:

- Stage 1 focuses on Neutral Bay Town Centre, the area generally located between Ben Boyd Road to the west and Hampden Avenue to the east and is the subject of this consultation; and
- Stage 2 will comprise the remainder of the corridor, including the island bordered by Military Rd and Falcon Street, and the Cremorne Town Centre.

The objectives of the planning study were:

- Engage with the community to inform the desired future character of the corridor;
- Develop a vision, structure plan and principles that will manage future development pressure; and
- Ensure tangible public benefits support job and housing growth by identifying necessary public domain upgrades and social infrastructure.

On 22 February 2021, Council resolved to adopt the Military Road Corridor Planning Study: Stage 1 - Future Directions ("the Study"). To give effect to the desired outcomes of the adopted Planning Study, amendments are required to Council's Local Environmental Plan (LEP) and Development Control Plan (DCP). It should be noted that significant changes to height and floor space associated with the three significant development sites identified in the Study, will be pursued separately.

On 19 August 2021, Council staff advised Council of the preparation and progression of a planning proposal and development control plan amendment to give effect to aspects of the Military Road Corridor Planning Study – Stage 1 Future Directions, which was adopted by Council on 22 February 2021.


A key component of the Study is an increase in the general height limit from five storeys to six storeys throughout most of the Neutral Bay Town Centre and a corresponding increase in the non-residential floor space requirements. The rationale for this is that employment floor space is systematically being eroded in the Town Centre as the current controls enabled existing levels of employment floor space to be replaced by residential development. This change to the LEP would address that decline. Other changes like built form setbacks, podium height, active street frontages, solar protection and public domain upgrades are required to ensure that new development responds to the aspirations of the Study and to reinforce the village feel of the Town Centre. It was anticipated that these amendments are proposed to be incorporated into a future DCP in 2022.


The Rescinded Military Road Corridor Planning Study recommended the following changes to the site 12-14 Waters Road:

- Increase the non-residential floor space (FSR) control from 0.5:1 to 1.2:1. This will effectively require retail uses on the ground level and an additional level of commercial floor area to support long term job growth;
- Increase the maximum height limit from 5 storeys to 6 storeys. The height increase ensures redevelopment is economically viable in relation to the additional setback to Water Lane, extensive public domain upgrades and increased requirement for commercial floor area.
- Whole of building setback to Waters Lane to expand the public domain and create space to plant new street trees, widen footpaths to improve the amenity of the public domain.
- Increase in the podium height from two to three storey to relate to the desired future character of the Neutral Bay Town Centre.

The Military Road Corridor Planning Study includes several objectives and design principles which are considered in detailed in the table below and in the Design Report at Appendix A. As noted in the previous section of this report, the study was rescinded by Council in January 2022.

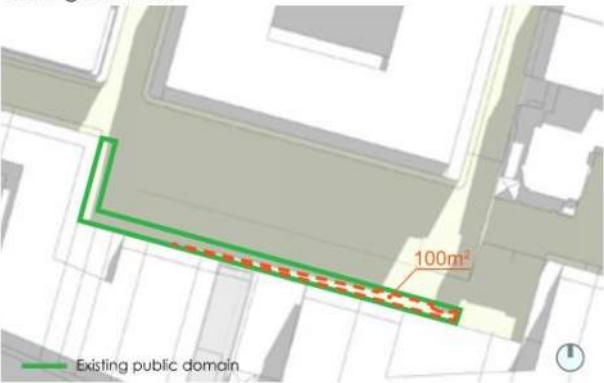


**Table 11. Assessment against the aims, objective & design principles of the Study**

| Objective / Design Principal  | Assessment   | Comply |
|---|--|--------|
| <b>2.2 Public Domain</b>  |  |        |
| <p><b>Aims</b></p> <p>Improvements to the existing public domain in Neutral Bay town centre will be achieved by:</p> <ul style="list-style-type: none"> <li>• <i>Improving the environment for walking, cycling and bus stops to enhance the Neutral Bay village atmosphere, a priority identified in during early engagement in 2018</i></li> <li>• <i>Dedicating space for pedestrian amenity along Military Road, to relieve some of the impacts of increased traffic</i></li> <li>• <i>Prioritising walking and cycling to limit road congestion, a key direction of the North Sydney Council Transport Strategy (2016)</i></li> <li>• <i>Allowing space to walk, rest and socialise which will increase pedestrian amenity, accessibility and safety in Neutral Bay</i></li> </ul> | <p>The proposal improves walking by embellishing the public domain to Waters Road, Grosvenor Street and Water Lane including widening the width of Waters Lane.</p> <p>Increased developer contributions will contribute toward local infrastructure upgrades.</p>   | Yes    |
| <p>The Grosvenor Lane Planning Study (NSC 2015) explores opportunities to revitalise the area and create further open space in Neutral Bay town centre.</p> <p>This planning study builds on that work. It aims to deliver... <i>“Shared zones on Waters Lane and Grosvenor Lane to improve existing public domain”</i></p>  <p>Figure 37. Area of future public domain works (Source: Military Road Corridor Planning Study)</p>  | <p>The proposal included the dedication of a 1.5m strip of land to Council and embellishment of Waters Lane to create a shared zone to improve the existing public domain.</p> <p>The proposal also includes the embellishment of Council public domain to both Waters Road and Grosvenor Street.</p> <p>The proposal additionally include voluntary monetary contributions towards the delivery of public domain works.</p> | Yes    |
| <p><b>Objective</b></p> <p>The objective of the new Waters Lane share way includes:</p> <p><i>“Redirect traffic through Waters Lane and Coopers Lane with sufficient maneuvering space to turn large vehicles”</i></p>  | <p>The Water Lane public domain plan will provide an improved public domain whilst enabling sufficient manoeuvring for large vehicles.</p>   | Yes    |
| <b>3.1 Employment</b>   |  |        |
| <p>This chapter provides the policy basis to:</p> <ul style="list-style-type: none"> <li>• <i>“Retain existing employment character that supports local businesses;</i></li> <li>• <i>Increase local employment capacity to meet future retail and office demand by 2036;</i></li> <li>• <i>Support start-ups and other local businesses;</i></li> <li>• <i>Develop a high level of local street activity and amenity; and</i></li> </ul>   | <p>The planning proposal includes increasing the minimum non-residential FSR from 0.5:1 to 1.2:1 in accordance with the strategy.</p> <p>The increase in commercial FSR will contribute to an increase in local employment capacity to meet future retail and office demand by 2036.</p> <p>The proposal includes the additional non-residential</p>   | Yes    |


| Objective / Design Principal  | Assessment   | Comply |
|---|--|--------|
| <p>• <i>Support greater diversity and amenity of retail uses</i>”.</p> <p><b>Objective</b></p> <p>The objective of the employment controls include:</p> <ul style="list-style-type: none"> <li>• Maintain the existing level of shops and services in the centre.</li> <li>• Ensure new development supports long-term local jobs growth</li> <li>• Increase the non-residential floor space ratio (FSR) in accordance with Fig. 30</li> </ul>  <p>Figure 38. Proposed minimum FSR Standard (Source: Military Road Corridor Planning Study)</p>  | <p>floor area within the basement.</p> <p>The location of the site adjacent to a future large scale supermarket with basement parking, convenient vehicular access and there being a shortage of fresh food produce in Neutral Bay has made the site well suited for speciality green grocer, such as Harris Farm or similar.</p> <p>The inclusion of a speciality green grocer within Neutral Bay will improve the commercial viability of the centre and will enable it to compete commercially with Mosman and Cammeray town centres.</p> <p>The first floor is well suited for a residential use being north facing, the site not being located to a busy main street, and the use provides a transition to the residential zoned land to the north of the site.</p> |        |
| <p><b>Objectives</b></p> <p>Encourage a mix of retail tenancy sizes for a diverse range of users.</p> <p>Support uses that activate the centre during the day, night, and on weekends to make it a more attractive location for commercial operations and additional residential development.</p> <ul style="list-style-type: none"> <li>• Support a mix of small local offices and start-up businesses.</li> <li>• Allow for a variety of retail, restaurants, cafes and outdoor dining at ground level. Office and business.</li> <li>• Space will be provided on the first and second floor and residential above.</li> <li>• Specialty shops that provide active trade should each have shop-front entries that open to a laneway or street.</li> </ul> <p>To meet the new, non-residential FSR requirements development proposals could consider:</p> <ul style="list-style-type: none"> <li>• Smaller floorplates tailored to the town centre with retail spaces at 51-100m<sup>2</sup> and offices at 101-250m<sup>2</sup></li> <li>• Adaptable, flexible spaces.</li> <li>• Inclusion of incubator hubs and coworking spaces.</li> <li>• The ‘pop-up shop’ application on existing and future vacant commercial space to support entrepreneurs and start-up businesses and minimise negative amenity impacts during a redevelopment process.</li> </ul> | <p>The proposal includes fine grade retail to the street level.</p> <p>As discussed in the above section, the site is suited for a speciality Grosvenor Street given the site characteristics and its context. The site is contextually the most appropriate location for a speciality green grocer in Neutral Bay.</p> <p>The site will underpin the commercial viability of the centre and support local business and attract office spaces by making the centre a more attractive destination with a vibrant retail offering.</p>   | Yes    |
| <b>3.2 Transport</b>  |  |        |
| <p><b>Aims</b></p> <p>Designing for pedestrians and increasing the amount of public space to walk, rest and socialise, makes streets accessible and safe for all people. It also makes the town centre more attractive for businesses and residents due to increased pedestrian activity.</p> <p>The streetscape should be visually interesting and include engaging building frontages with continuous awnings to provide shelter. Materials for shared zones will continue across intersections to slow down traffic and enhance perceptions of pedestrian safety.</p> <p>This chapter provides the policy basis to:</p> <ul style="list-style-type: none"> <li>• Support cycling and walking as key modes of transport</li> <li>• Enhance the connectivity and amenity across and along Military Road</li> </ul>   | <p>The proposal includes a continuous awning along Grosvenor Street and Waters Road.</p> <p>An active frontage is proposed along Waters Road and Grosvenor Street.</p> <p>The proposal includes increasing Waters Lane by 1.5m through land dedication which improves pedestrian circulation along the lane.</p> <p>The proposal includes developer contributions which will go toward infrastructure upgrades such as cycle lanes.</p> <p>A loading bay is proposed onsite.</p>   | Yes    |

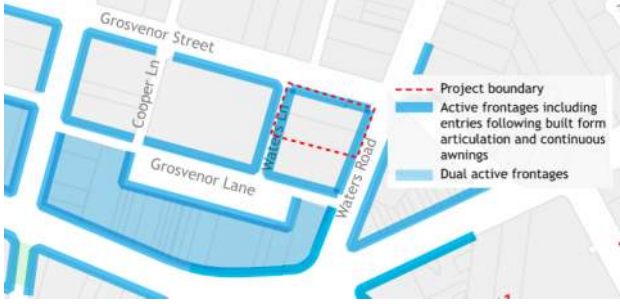
| Objective / Design Principal  | Assessment   | Comply |
|---|--|--------|
| <ul style="list-style-type: none"> <li>Support loading needs of local businesses</li> <li>Maintain access to parking and loading for existing local shops</li> </ul>  |  |        |
| <p><b>Objectives</b></p> <ul style="list-style-type: none"> <li>Improve amenity for alternative modes of transport including walking and cycling.</li> <li>Provide public parking to support local shops.</li> <li>Replace on-street parking with off-street public car parking to free up public domain.</li> <li>Maintain adequate space for loading and services in high pedestrian activity areas.</li> <li>Deliver public domain and local access benefits as described in Chapter 2.2 - Public Domain.</li> <li>Incorporate site access requirements as described in Chapter 3.4.</li> <li>For significant development sites, any private redevelopment proposal will need to demonstrate that satisfactory arrangements have been made to ensure that there is no net increase in traffic generation as a result of the development.</li> </ul>  | <p>The proposal improves the amenity of walking by increasing the width of Waters lane and the embellishment of the public domain and turning Waters Lane to a shared lane.</p> <p>Parking and loading provided onsite to support local businesses.</p>  | Yes    |
| <p><b>Transport Works</b></p> <p>The relevant transport works include:</p> <ul style="list-style-type: none"> <li>Major redevelopment sites will require an internalised loading dock.</li> </ul> <p>Delivering site specific improvements there is an opportunity to update Council's Local Access and Traffic Management Action Plan (2018) and Parking Management Plan. This update may consider:</p> <ul style="list-style-type: none"> <li>Improving intersections for pedestrians on Yeo Street, Waters Road and Military Road and adding a pedestrian crossing with build-outs on Yeo Street at Barry Street.</li> <li>Delivering new shared zones in Bydown Street, Cheal Lane and Grosvenor Lane.</li> <li>Investigating opportunities for footpath widening and kerb build-outs (parklets) that can be used for outdoor dining, street furniture and landscaping</li> <li>Introducing a reduced speed limit across the whole of the study area</li> <li>Maximising pedestrian amenity by providing time-shared, ground-level loading and parking. Loading may occur within set times, for example in the early morning and evening</li> </ul> | <p>The proposal includes an internalised loading dock which is limited to deliveries in the early morning.</p> <p>The proposal includes the delivery of a new shared zone along Waters Lane and widening of Water lane by 1.5m to provide an improved public domain.</p> <p>The proposal also includes the embellishment of the public domain to each street frontage.</p> <p>The proposal includes developer contributions which will contribute toward the improvement intersections, pedestrian crossing and new cycle lanes.</p> | Yes    |
| <b>3.3 Built form</b>   |  |        |
| <p>These strategies aim to:</p> <ul style="list-style-type: none"> <li>Improve the existing built form controls in both the North Sydney Local Environmental Plan 2013 (NSLEP 2013) and the North Sydney Development Control Plan 2013 (NSDCP 2013).</li> <li>Incorporate non-residential floor space ratio (FSR) controls into the NSLEP 2013.</li> <li>Provide guidelines for planning proposals (PP) that outline the outcomes of in-kind public benefit contributions (voluntary planning agreements/VPA). These outcomes and their benefits to Neutral Bay town centre have been discussed in previous chapters.</li> </ul>  | The proposal is consistent with the aim of the strategy.   | Yes    |
| <p><b>Land Use Zoning - Objective</b></p> <p>Retain existing characteristics of the land-uses.</p> <ul style="list-style-type: none"> <li>The zoning of new public domain to public recreation (RE1) will be investigated once firm proposals are tabled</li> <li>No other changes are proposed to the zoning</li> </ul>  | The proposal includes retaining the B4 Mixed Use zoning.   | Yes    |

| Objective / Design Principal   | Assessment  | Comply     |
|--|---|------------|
| <p><b>Building Height</b></p> <p><b>Objectives</b></p> <p>Carefully manage increases in building height on a limited number of locations:</p> <ul style="list-style-type: none"> <li>• to maintain a viable level of employment and residential capacity</li> <li>• in a manner that does not detract from the village character of the centre</li> <li>• that can deliver public benefits identified in this report</li> </ul> <p><b>Design Criteria</b></p> <p>The strategy recommends increasing the maximum building height from 5 storeys to 6 storeys for sites identified in Figure 35 to deliver increased employment floor space</p> <ul style="list-style-type: none"> <li>• Council will consider planning proposals that seek to increase the maximum height limit that applies to sites 1-3, to enable a development up to the maximum number of storeys shown on Figure 31</li> <li>• Retain current height controls for residential areas</li> <li>• Proposed height is subject to solar and setback controls described in this report, the NSDCP and SEPP65</li> <li>• Residential towers should appear slender, maximise above podium habitable facades to all sides and with tower breaks to avoid a continuous wall along Military Road</li> </ul>  <p>Figure 39. Proposed minimum FSR Standard (Source: Military Road Corridor Planning Study)</p> | <p>The increase in height by one storey ensures it is viable to increase the amount of employment floor area onsite and setback the whole building 1.5m from Waters Lane which result in lost residential floor area.</p> <p>The additional level will not detract from the village character of the centre and 1.5m land dedication to Water Lane and public domain embellishments delivers significant public benefits.</p> <p>The proposal includes increasing the building height from five to six storeys.</p> <p>Although the strategy only recommends planning proposals for sites 1-3, a planning proposal is proposed for the site as Central Element is unable to wait for the site 12-14 Waters Road to be subject to a Council led planning proposal.</p> <p>The concept proposal demonstrates the proposal is able to fully comply with the NSDCP and SEPP 65.</p> | <p>Yes</p> |
| <p><b>Protect sunlight to public domain</b></p> <p><b>Objective</b></p> <p>Protect existing solar access to public open space to maintain Neutral Bay's village atmosphere and prevent overshadowing of important existing and future public spaces.</p> <p><b>Design Criteria</b></p> <ul style="list-style-type: none"> <li>• Proposals for sites 1-3 should demonstrate that there is a significant increase in solar access to the surrounding public domain compared to existing controls.</li> <li>• Buildings above 5 storeys should not create additional shadows on May Gibbs Place and the future Barry Street shared zone during winter solstice.</li> <li>• For other sites within the mixed-use zone, development proposals must demonstrate that satisfactory measures have been proposed to protect solar amenity to the following existing and future spaces - Grosvenor Lane Plaza, Rangers Road Plaza &amp; Young Street Plaza.</li> <li>• Maintain a minimum of 2 hours of sunlight to 70% of residential dwellings consistent with the solar provisions of NSDCP 2013 and SEPP65 (ADG).</li> </ul>   | <p>The proposal includes setting back the whole building 1.5m from Waters Lane which enables additional direct winter sunlight access to Waters Lane.</p> <p>The height of the proposal will ensure there will be no additional overshadowing to future public domain area at Grosvenor Lane between 10am to 3pm in accordance with the study. Refer to the design report by SJB for details of the overshadowing analysis.</p>   | <p>Yes</p> |

| Objective / Design Principal  | Assessment   | Comply     |
|---|--|------------|
| <p><b>Existing controls</b></p>  <p>Figure 37 - 100m² of sunlight in public domain areas at Grosvenor Lane on 21 June at 10am</p> <p><b>Proposed controls</b></p>  <p>Figure 38 - 1,300m² of sunlight in existing and new public domain areas at Grosvenor Lane under proposed controls on 21 June at 10am</p> <p>Figure 40. Public Domain overshadowing Control (Source: Military Road Corridor Planning Study)</p>   |  |            |
| <p><b>Whole of building setbacks</b></p> <p><b>Objective</b></p> <p>Refine whole of building setbacks to improve pedestrian amenity.</p> <ul style="list-style-type: none"> <li>• Amend setback requirements in the NSDCP 2013 as per Figure 43</li> <li>• Whole of building setbacks apply to basement structures and upper levels to improve solar/light access and allow for deep soil zones and large tree canopies</li> <li>• Ground floor treatment should match the existing public paving according the NSC Style Guide</li> <li>• Retain existing trees in the setback where possible</li> <li>• Rangers Road plaza setbacks are subject to further design to deliver a new 1,000m2 public space (see Chapter 3.4)</li> </ul>  <p>Figure 41. Building Podium Setbacks (Source: Military Road Corridor</p> | <p>The proposal includes increasing the setback from nil to a 1.5m whole of building setback to Waters Lane for the podium.</p> <p>The proposal includes a nil podium setback to Waters Road and Grosvenor Street.</p> <p>The proposal includes upgrading the public domain to all street frontages and the length of Waters Lane.</p> | <p>Yes</p> |



| Objective / Design Principal   | Assessment  | Comply     |
|--|---|------------|
| <p>Planning Study)</p> <p><b>Above podium setbacks</b></p> <p><b>Objectives</b></p> <p>Manage the scale and bulk of buildings to reinforce the existing village atmosphere and maintain a human scale.</p> <ul style="list-style-type: none"> <li>• Amend the podium height and above podium setback requirements in the NSDCP 2103 as shown in Figure 45</li> <li>• Upper level setbacks should result in: <ul style="list-style-type: none"> <li>• improved solar access</li> <li>• building separation that meets SEPP 65 guidelines</li> <li>• a strong relationship to the surrounding context</li> <li>• a scale that is appropriate to the village atmosphere</li> </ul> </li> <li>• The ground floor setback is outlined on the previous pages and relate to all floors of the podium (no reverse setbacks). The upper level setback is calculated from the edge of the podium and is in addition to a ground floor setback.</li> </ul>  <p>Figure 42. Building Tower Setbacks (Source: Military Road Corridor Planning Study)</p> | <p>The proposed building includes a 3 storey podium and 3m tower setback to Waters Road and Grosvenor Street and a 4.5m building tower setback is proposed to Waters Lane.</p> <p>The proposal increases sunlight access to Water Lane by including a 4.5m tower setback to Waters Lane.</p> <p>The supporting concept proposal drawings are demonstrated to be fully compliant with the SEPP 65 Apartment Design Guide.</p> <p>The proposed six storey scale is considered to be appropriate to maintain the village atmosphere.</p> | <p>Yes</p> |
| <p><b>Active frontages and outdoor dining</b></p> <p>Provide active retail frontages along main pedestrian thoroughfares.</p> <ul style="list-style-type: none"> <li>• Expand outdoor dining in new public domain.</li> <li>• Increase active retail frontages as indicated in Figure 35.</li> <li>• Through-block connections should have active frontages where possible and enhance sight lines to additional commercial uses to create an activated and accessible centre.</li> <li>• Activate Grosvenor Lane by providing dual retail frontages where possible as shown in Figure 35.</li> <li>• Maximise potential outdoor dining spaces on new and improved public domain.</li> <li>• Encourage a level of activation and passive surveillance in all laneways.</li> <li>• Provide and replace fine-grain architectural articulation in new facades through careful choice of materials and providing entries every 4-8m.</li> </ul>  | <p>The proposal includes an active street frontage to Waters Road and Grosvenor Street each with a shop width ranging from 4-8m.</p> <p>Waters Lane will predominantly be a service lane and provide pedestrian access to the residential tower. This is consistent with the study which recommends Waters Lane as a service lane.</p> <p>Apartments to level 1 and above will provide passive surveillance of Waters Lane.</p> <p>Refer to the concept proposal prepared by SJB Architects at Appendix A for details.</p>            | <p>Yes</p> |

| Objective / Design Principal  | Assessment | Comply |
|---|------------|--------|
|  <p>Figure 43. Active Street Frontages (Source: Military Road Corridor Planning Study)</p> |            |        |

**Q5 - Is the planning proposal consistent with applicable State Environmental Planning Policies?**

The proposals consistency with current State Environmental Planning Policies (SEPPs) and Regional Environmental Plans (REPs), which are deemed SEPPs, are summarised in Table 12.

**Table 12. Consistency with SEPPs and REPs**

| SEPPs                                     | Requirement  | Consistent | Reasons for Consistency for Inconsistency  |
|---|--|------------|--|
| SEPP (Biodiversity and Conservation) 2021 | On 1 March 2022, 11 SEPPs relating to biodiversity and conservation were consolidated into one SEPP. The consolidated SEPP aims to reserve, conserve and manage NSW's natural environment and heritage.                | Yes        | <p>The site is within an existing urbanised area of Greater Sydney and not zoned as a conservation area or contain any flora and/or fauna that would require the application of this SEPP.</p> <p>The entire North Sydney LGA is identified as being within the Sydney Harbour Catchment Area. However, the planning proposal is unlikely to have any adverse effect on the water quality of Sydney Harbour or the District's waterways.</p> <p>The proposal does not include any provisions that is contrary to this SEPP. The planning proposal will require updating to address this SEPP and remove reference to the repealed SEPPs.</p>   |
| SEPP (Industry and Employment) 2021       | On 1 March 2022, 2 SEPPs relating to industry and employment were consolidated into one SEPP. The consolidated SEPP aims to support a competitive and resilient economy that is adaptive, innovative and delivers jobs | Yes        | <p>The site is within the North Sydney LGA and not within the Western Sydney employment area.</p> <p>Any proposed advertising and signage for a future development will need to comply with this SEPP.</p> <p>The planning proposal will require updating to address this SEPP and remove reference to the repealed SEPPs.</p>   |
| SEPP (Resilience and Hazards) 2021        | On 1 March 2022, 3 SEPPs relating to resilience and hazards were consolidated into one SEPP. The consolidated SEPP aims to manage risks and build resilience in the face of hazards.                                   | Yes        | <p>The site is not identified as being within coastal use area in the map associated with SEPP (Resilience and Hazards) 2021 (former SEPP (Coastal Management) 2018).</p> <p>The proposed changes to the development controls will facilitate a residential flat building and any hazardous or offensive development is not proposed.</p> <p>The proposal does not include a change to the land use zone and seeks to accommodate an additional level and therefore does not result in any potential increase to potential risk relating to contamination.</p> <p>Further investigation can be carried out as part of a future DA.</p> <p>The planning proposal will require updating to address this SEPP and remove reference to the repealed SEPPs.</p> |
| SEPP (Resources and Energy) 2021          | On 1 March 2022, 3 SEPPs relating to resilience and hazards were consolidated into one SEPP. The consolidated SEPP aims to promote the sustainable use of NSW's resources and  | Yes        | <p>The site is in an existing urbanised area and the proposal does not include any provisions that is contrary to this SEPP.</p> <p>The planning proposal will require updating to address this SEPP and remove reference to the repealed SEPPs.</p>   |

| SEPPs   | Requirement   | Consistent | Reasons for Consistency for Inconsistency   |
|---|---|------------|---|
|   | transitioning to renewable energy.  |            |   |
| SEPP (Transport and Infrastructure) 2021                      | On 1 March 2022, 3 SEPPs relating to transport and infrastructure were consolidated into one SEPP. The consolidated SEPP aims to provide well designed and located transport and infrastructure integrated with land use. | Yes        | The planning proposal has been accompanied by a Traffic and Parking Impact Assessment (TTPA) that indicates that the development will not have a significant impact on the surrounding road network.<br><br>During the public exhibition process Transport for NSW (TfNSW) will be consulted about the proposal and provided the opportunity to include a submission. |
| SEPP (Housing) 2021   | On 26 November 2021, 5 SEPPs were consolidated into one SEPP. The consolidated SEPP aims to deliver a sufficient supply of safe, diverse and affordable housing.  | Yes        | The proposed changes to the development controls on the site will facilitate 42 new residential dwellings with a mix of 1, 2 and 3 bedroom apartments within close proximity to public transport nodes.<br><br>The planning proposal will require updating to address this SEPP and remove reference to the repealed SEPPs.   |
| SEPP (Building Sustainability Index: BASIX) 2004              | This SEPP aims to encourage sustainable residential development through establishing targets for thermal comfort, energy and water use.   | Yes        | Development applications (DAs) for all future residential development will need to comply with the targets established under BASIX.<br><br>The reference scheme has been designed to comply with any future BASIX compliance. Further consideration of this SEPP can occur at a future DA stage.  |
| SEPP (Exempt and Complying Development Codes) 2008            | This policy aims to provide streamlined assessment processes for development that complies with specified standards.  | Yes        | The assessment of the proposed changes to the planning controls and the reference scheme are not carried out under complying development and therefore, this SEPP will not apply.   |
| SEPP 65 – Design Quality of Residential Apartment Development | The aim of this policy is to improve the design quality of residential apartment development in NSW.  | Yes        | The proposal states that it is generally consistent with the principles of this SEPP. A concept design has been submitted which has regard to the principles of SEPP 65. The future development application for shop top housing will be required to have regard to SEPP 65 and the ADG. The consistency can be further assessed as part of a future DA.              |

#### ***Q6 - Is the planning proposal consistent with applicable Ministerial Directions (s9.1 directions)?***

On 1 March 2022, the Section 9.1 Ministerial Directions were renumbered and ordered into thematic framework focus areas.

The planning proposal has been updated to refer to the new numbering, remove any revoked directions and with regard to any updated information contained within the directions. This will be a condition of the Gateway determination. The planning proposal's consistency with the section 9.1 Directions is discussed in Table 13 below.

**Table 13. Consistency with SEPPs and REPs**

| Direction   | Consistent | Assessment  |
|---|------------|---|
| <b>Planning Systems – Place Based</b>                   |            |   |
| 1.3 Approval and Referral Requirements (previously 6.1) | Yes        | The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.<br><br>Section 3.34(2)(d) of the Act requires consultation with State or Commonwealth public authorities that will or may be adversely affected by the proposed instrument and/or to comply with the requirements of applicable directions of the Minister under section 9 of the Act.<br><br>The proposal includes the addition of a six-storey of residential apartments which increases the number of apartments on the site from 36 to 42. The proposal will not result in any changes to the size of the basement or approved amount of retail under No DA/92/2021.<br><br>Consultation is considered required with Ausgrid to ensure that they are satisfied that the |

| Direction   | Consistent | Assessment   |
|---|------------|--|
|   |            | <p>proposed substation can accommodate the increased demand of six apartments.</p> <p>However, we are of the view the addition of six apartments is too negligible to trigger a referral to the following state government authorities:</p> <ul style="list-style-type: none"> <li>• Transport for NSW (TfNSW);</li> <li>• Sydney Water Corporation;</li> <li>• NSW Department of Education;</li> <li>• NSW Department of Health – Northern Sydney Local Health District;</li> </ul> <p>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 days to comment on the proposal.</p>   |
| 1.4 Site Specific Provisions (previously 6.3)                                 |            | <p>The objective of this direction is to discourage unnecessarily restrictive site-specific planning controls. This includes not imposing any development standards or requirements in addition to those already contained in the principle environmental planning instrument being amended. The proposal intends to introduce site specific provisions in clause 4.4A Non-residential floor space ratios and 4.3A Exceptions to height of buildings. These provisions are not restrictive and the intention is to amend provisions in the current LEP.</p>  |
| 1.13 Implementation of St Leonards and Crows Nest 2036 Plan (previously 7.11) | N/A        | <p>The objective of this direction is to ensure development within the St Leonards and Crows Nest Precinct is consistent with the St Leonards and Crows Nest 2036 Plan.</p> <p>The site is in an area of North Sydney LGA, however it does not apply to this land in Neutral Bay and is not affected by this direction.</p>  |
| <b>Biodiversity and Conservation</b>  |            |  |
| 3.2 Heritage Conservation (previously 2.3)                                    | N/A        | <p>The objective of this Direction is to conserve items, areas, objects and places of environmental heritage and indigenous significance.</p> <p>This direction applies as the site is in the vicinity of local heritage items.</p> <p>The amended proposal is not considered within the vicinity of any heritage items.</p>   |
| <b>Resilience and Hazards</b>   |            |  |
| 4.1 Flooding (previously 4.3)   | N/A        | <p>The objective of this Direction is to ensure the proposal corresponds with flood hazards and includes consideration of the potential flood impacts both on and off the site.</p> <p>The site is not identified as flood prone land and proposed additional storey will not increase the flood risk of the site.</p> <p>Any future development will need to consider Council's Flood Study Plan and clause 5.21 Flood planning.</p>  |
| 4.4 Remediation of Contaminated Land (previously 4.1)                         | Yes        | <p>This Direction was introduced on 17 April 2020 and 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 seeks to retain the B4 Mixed Use land use zone and relates to accommodating an additional level of height and therefore will not increase the contamination risk of the land. Notwithstanding this, North Sydney Council assessed the proposal against SEPP (Resilience and Hazards) 2021 as part of the approved DA No DA/92/2021 relating to a 5 storey mixed use building with basement and determined that the overall potential for contamination was low and the site was suitable for the intended use of a commercial premise and residential accommodation.</p> |
| <b>Transport and Infrastructure</b>   |            |  |
| 5.1 Integrating Land Use and Transport (previously 3.4)                       | Yes        | <p>The key objectives of this Direction are to improve access to housing, jobs and services by walking, cycling and public transport and reducing dependency on private vehicles. The planning proposal intends to increase the planning controls on the site to facilitate at least 1,952m<sup>2</sup> of commercial floor area and approximately 42 new residential dwelling close to existing and proposed public transport. The site has excellent access to public transport and within 80m of the recently constructed B-Line Bus Route.</p> <p>The planning proposal is consistent with this direction.</p>   |
| 5.3 Development Near Regulated Airports and                                   | Yes        | <p>This Direction aims at ensuring the effective and safe operation of airports and to ensure development is not adversely affected by aircraft noise.</p>   |

| Direction  | Consistent | Assessment  |
|--|------------|---|
| Defence Airfields (previously 5.3)                 |            | The site is not affected by the Obstacle Limitation Surface (OLS).<br><br>In accordance with regulation of the Civil Aviation Safety Regulations 1998, Civil Aviation Safety Authority (CASA) is to be notified of buildings or structures that will have a height of 100m or more above ground level. As such consultation will not be required with CASA.   |
| <b>Housing</b>                                     |            |   |
| 6.1 Residential Zones (previously 3.1)             | Yes        | 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. The proposal will facilitate redevelopment to provide approximately 42 residential dwellings in an urban area located close to existing and proposed services and public transport.   |
| <b>Industry and Employment</b>                     |            |   |
| 7.1 Business and Industrial Zones (previously 1.1) | Yes        | This direction refers to retaining areas and locations of existing business and industrial zones and not reducing the total potential floor space area for employment uses in business zones, or for industrial uses in industrial zones.<br><br>The site is rezoned B4 Mixed Use which permits commercial premises and residential accommodation.<br><br>The site is currently subject to a 0.5:1 minimum non-residential FSR development standard. A minimum 1.2:1 non-residential FSR development standard is proposed to be introduced as part of the planning proposal which will increase the minimum proportion of the non-residential floor area within the business zone by 240%.<br><br>It is estimated that the proposed ground level food and drink premises and below ground shops will generate 76 ongoing full time jobs compared to just 32 ongoing full time jobs under a 0.5:1 minimum non-residential FSR. |

## 6.7 Environmental, Social and Economic Impact

### ***Q7 - Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats will be adversely affected as a result of the proposal?***

The site is fully developed and comprises little vegetation. There are no known critical habitats; threatened species or ecological communities located on the site and therefore the likelihood of any negative impacts is minimal.

### ***Q8 - Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?***

The site is free of major constraints. There are no likely environmental effects associated with the future development of the land that cannot be suitably mitigated through further design development. Preliminary investigations have been undertaken as outlined below.

#### 6.7.1 Overshadowing

An three-dimensional shadow study has been undertaken by SJB Architects. The shadow study has considered the potential future-built form within the future Neutral Bay Town Centre and future public plaza (refer to Figure 33)

The Planning Study acknowledges that the future Neutral Bay Town Centre aims to reduce the existing overshadowing impacts created by the existing building at 41-53 Grosvenor Street, Neutral Bay and there is an opportunity to increase winter sunlight access to the future public plaza (refer to figure 44).

The submitted shadow analysis demonstrates that the orientation of the site means that some overshadowing of the public domain and buildings to the south is unavoidable with the built form anticipated by the Planning Study and the SJB concept proposal. However, as demonstrated in the shadow study the proposed additional storey will not result in any additional overshadowing of the future public plaza between 10am to 3pm and is fully compliant with the North Sydney Council Military Road Corridor Planning Study (recinded).

The proposal includes a 1.5m whole of building setback to Waters Lane in addition to the current North Sydney DCP built form controls which will increase of the amount of sunlight access to the future shared Waters Lane between 9am to midday in midwinter. Therefore, overall improving winter sunaccess to the public domain.

Existing controls

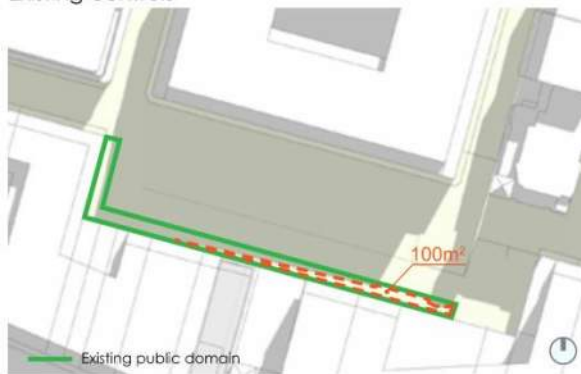


Figure 37 - 100m² of sunlight in public domain areas at Grosvenor Lane on 21 June at 10am

Proposed controls



Figure 38 - 1,300m² of sunlight in existing and new public domain areas at Grosvenor Lane under proposed controls on 21 June at 10am

Figure 44. Existing and future potential overshadowing impacts to the plaza (Source: Military Road Corridor Planning Study)

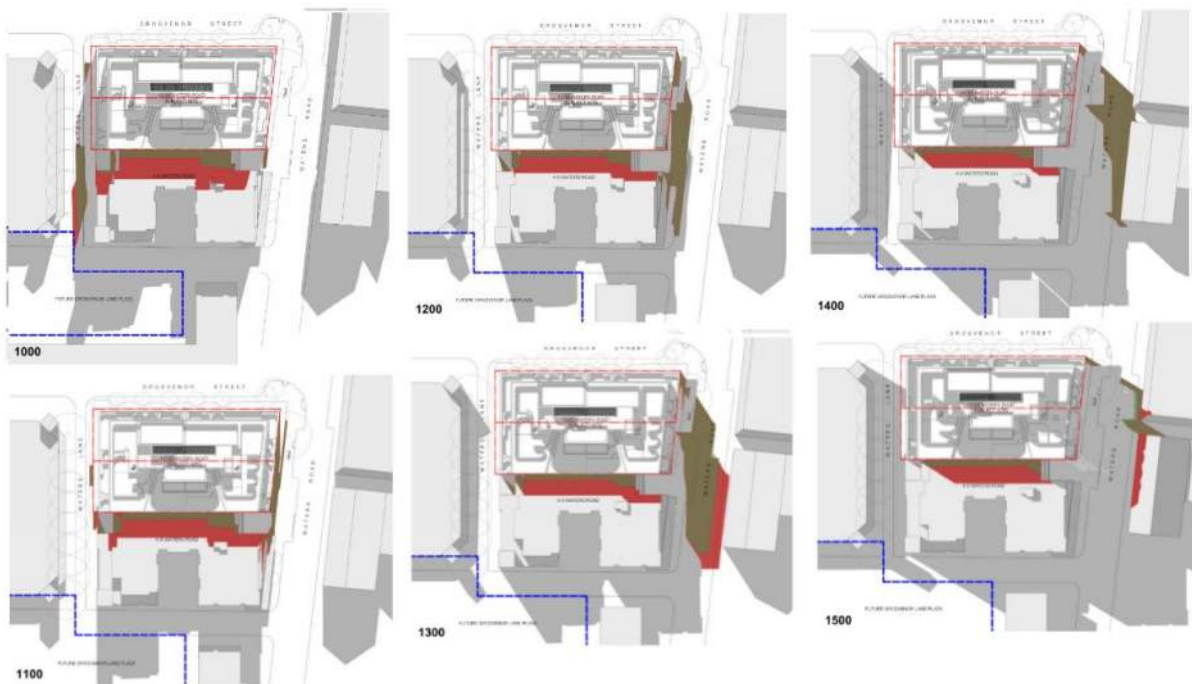


Figure 45. Overshadowing impact between 10am to 2pm (Source: SJB Architects)

### 6.7.2 View Impacts

The approved DA No 92/21 for a five storey mixed-use residential apartment building at 12-14 Waters Road, Neutral Bay resulted in some minor view loss impacts from the following properties:

- North-West facing Unit, Level 3, 4-8 Waters Road;
- North-West facing Unit, Level 4, 4-8 Waters Road; and
- Unit 79, Level 5, 4-8 Waters Road.

A comprehensive View Loss Analysis was prepared by Central Element in relation to the above mentioned properties as part of the DA with consideration with the general principle of determining a fair and equitable sharing of views and impact on neighbours was laid out by Senior Commissioner Roseth SC in "Tenacity Consulting v Warringah Council (2004) NSWLEC 140". North Sydney Council and the Sydney North Planning Panel concluded the extent of view loss was fair and equitable.

The proposed additional level will not result in any additional view loss impacts upon surrounding properties as evident in the view loss diagram provided below. Given the adjoining building at 4-8 Waters Road including the residential flat building at 3 Waters Road and 7-17 Waters Road are only four to five storeys in height the proposed six storey will not result in any view impacts from these properties.

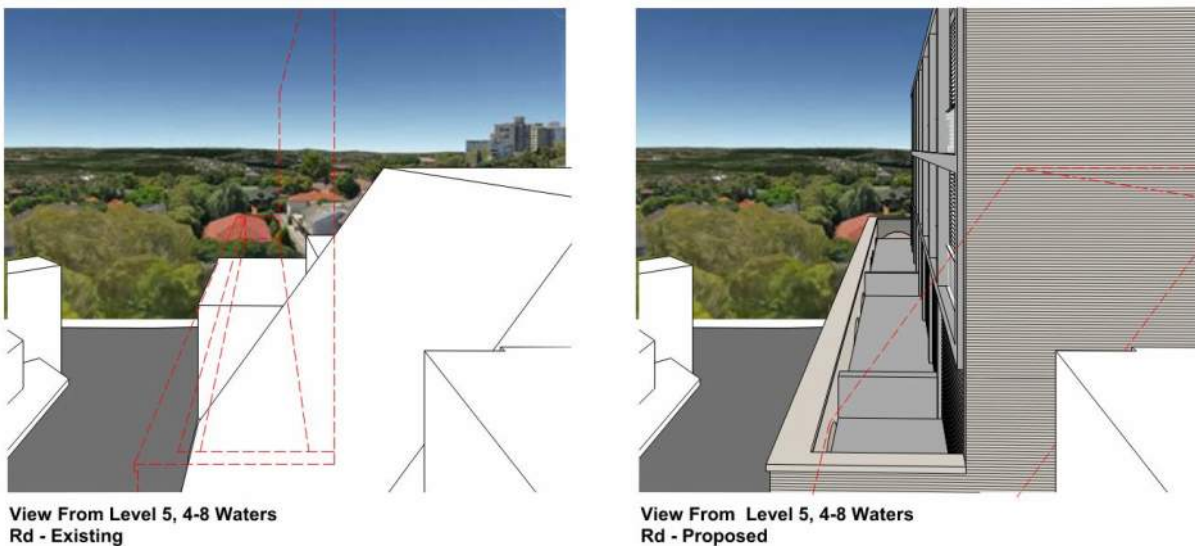


Figure 46. View Loss Diagram (Source: SJB Architects)

### 6.7.3 Traffic Impacts

A Transport Impact Assessment (TIA) has been undertaken by the The Transport Planning Partnership (TTPP) in relation to the proposal. This assessment is included at Appendix C. The TTPP has reviewed the existing conditions of the site including travel behaviour, public transport, road network, parking and traffic volumes. TTPP provided a preliminary assessment of the design concept including a review of the proposed parking provision in relation to the controls within the North Sydney DCP 2013. The TTPP also reviews the servicing arrangements and traffic generation on the site.

The TTPP notes that the site's location being within the Neutral bay Town Centre, opposite a supermarket and close to the B-Line Bus stop will not generate significant parking demand. TTPP states that the proposed parking provision is consistent with the requirements of the North Sydney DCP 2013. The TPP also confirms that the proposed servicing arrangements are acceptable given the low frequency of service vehicles and that deliveries can take place out of hours. This will minimise potential conflicts with other vehicles and pedestrians.

The TTPP has assessed the potential traffic generation. Whilst there will be a net increase in traffic generation when compared to current conditions, this increase was assessed to be negligible. The TTPP does not envisage any adverse impacts to the performance of surrounding intersections and therefore the surrounding road network is expected to operate at current levels.

The TTPP concludes that the proposal is supportable on traffic related considerations.

### 6.7.4 Waste Management

An operational waste management plan will be provided with the future develop proposal. The proposed additional level will not significantly increase the demand for waste management services for the land.

### 6.7.5 Servicing

The addition of a single level is not considered to trigger the requirement for capacity testing to determine the suitability of existing service and utility infrastructure and any upgrades required.

### 6.7.6 Sustainability

The concept design has been prepared with building massing and orientation to facilitate future BASIX compliance. BASIX will be addressed at the detailed development application stage. The development will be required to meet and where possible exceed the NCC energy efficiency requirements of Part J of the BCA.

### 6.7.7 Noise

The proposed additional level will not result in any significant additional noise impacts. An acoustic report considering the acoustic amenity of the future apartment and neighbouring properties must be considered within the future development approval.

### 6.7.8 Stormwater

The proposed additional level and will not impact upon stormwater flows or detention at the site. A stormwater management plan prepared by a Hydraulic Engineer will be required to support a future development approval.

### 6.7.9 Contamination

The proposal will retain the B4 Mixed Use land use zone and relates to accommodating an additional level of height and therefore will not increase the contamination risk of the land. Notwithstanding this, North Sydney Council assessed the proposal against SEPP (Resilience and Hazards) 2021 as part of the approved DA No DA/92/2021 relating to a 5 storey mixed use building with basement and determined that the overall potential for contamination was low and the site was suitable for the intended use of a commercial premise and residential accommodation. The future amending DA for a six storey will need to give consideration to the provisions of State Environmental Planning Policy No 55—Remediation of Land to confirm the site can suitably accommodate the mixed-use development.

### ***Q9 - Has the planning proposal adequately addressed any social and economic effects?***

#### 6.7.10 Economic and Social Benefits

To determine whether the proposal adequately addresses economic effects, it is important to understand the current market conditions and how the proposal responds. Through realising economic benefits, a positive social on-flow effect will also occur with the public benefiting through job creation and public domain upgrades.

The proposal will not give rise to any adverse social impacts. The proposal will have a positive social impact, improving the quality of housing stock in the locality and providing development that is in keeping with the desired future character of the area. The proposal provides greater activation and surveillance of the public domain, compared to the current arrangement of buildings on the site, with the provision of greater opportunities for the surveillance of Waters Road, Waters Lane and Grosvenor Street. Increased activation and surveillance along streets assist in discouraging and reducing opportunities for antisocial behaviour.

Significant positive economic impacts are expected as a result of the proposed development. In the short term, the proposal will have a positive economic impact by providing construction employment while in the long term the proposal will generate employment opportunities through the significant offering of contemporary new commercial and retail floor space associated with the lower three levels of the development.

The proposal for a speciality green grocer to be located in the basement will be both a positive social and economic impact, stimulating further business activity in the locality and providing local residents with a more diverse retail offering and greater choice.

#### 6.7.11 State and Commonwealth Interests

### ***Q10 - Is there adequate public infrastructure for the planning proposal?***

The site is served by existing utility services. The site is located to allow incoming residents and workers to capitalise on the wide range of infrastructure and services existing and planned within the area. It will reinforce existing investment in public transport infrastructure, through increased patronage of the recently built B-line bus stop on Military Road.

A range of established services are available within proximity of the site, including health, education and emergency services networks.

### ***Q11 - What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?***

No consultation with State or Commonwealth authorities has been carried out to date on the Planning Proposal.

The Gateway Determination will advise the public authorities to be consulted as part of the Planning Proposal process. Any issues raised will be incorporated into this Planning Proposal following consultation in the public exhibition period.

In accordance with the Gateway Determination, public exhibition of the planning proposal is required for a minimum of 28 days. North Sydney Council must comply with the notice requirements for public exhibition of planning proposals in Section 5.5.2 of A guide to preparing local environmental plans.



# 7. Mapping

The Planning Proposal seeks to amend the following NSLEP 2013 Maps:

- Height of Buildings Map Sheet - HOB\_001\_010; and
- Non-Residential Floor Space Ratio Map Sheet - LCL\_001\_010.

The proposed technical mapping changes are provided at Appendix D.

## 8. Project Timeline

It is anticipated that the LEP amendment will be completed within 6 months. An indicative project timeframe is provided in the table below.

**Table 14. Timetable and Program**

| Stage                                       | Timeframe     |
|---|---------------|
| Gateway Determination                       | October 2022  |
| Public exhibition                           | November 2022 |
| DPIE Assessment post-exhibition report      | December 2022 |
| Panel Determination                         | January 2023  |
| Submission to DPIE requesting making of LEP | February 2023 |
| Drafting of LEP and Gazettal                | March 2023    |

# 9. Conclusion

The Planning Proposal seeks an amendment to the North Sydney Local Environmental Plan 2013. The amendment will allow for a high-density mixed-use development at 12-14 Waters Road, Neutral Bay. The Planning Proposal has been prepared in accordance with Section 3.33 of the Environmental Planning and Assessment Act 1979 and the relevant DPI&E guidelines.

The planning proposal report provides strategic and site-specific justification for the LEP amendments. The proposed Concept Design has been informed by a detailed site analysis and pre-lodgement engagements with Council endorsed Military Road Corridor Planning Study. The proposed amendments to the North Sydney LEP 2013 will achieve an appropriate development outcome for the following reasons:

- The proposal achieves an appropriate built form and scale outcome consistent with the objectives of local planning policy. The proposal is also consistent with both the existing and emerging scale of the Neutral Bay Town Centre;
- The proposal will positively contribute to the State planning strategic goals. These goals include increasing employment and housing densities in centres with access to existing and planned public transport;
- The proposal will deliver a range of benefits for the community, including:
  - Direct and indirect jobs during the construction phase.
  - Ongoing employment from the retail and commercial uses proposed for the site and creation of an active frontage to Grosvenor Street and Water Road.
  - Growth of employment from the current uses that are consistent with the new direction and forecast need for retail and commercial uses.
  - The embellishment of the streetscape to create an active street frontage.
  - A draft Voluntary Planning Agreement including a \$1,900,000 monetary contribution to Council for public domain works.
  - An additional 1.5m whole of building setback along Waters Lane to improve pedestrian circulation, to encourage active street frontages at ground level, to improve the amenity of the public domain and increase winter sunlight access.
- The site has good access to services and public transport. The proposal will achieve environmental benefits by encouraging more trips within and outside of the centre without cars.
- The Planning Proposal supports the State government's objective to increase densities in major centres where there is good access to public transport and facilities.
- The Planning Proposal provides renewal of lower grade commercial office space which will allow for a greater mix of both retail and commercial uses.
- The residential component of the proposal capitalises on the site's location close to amenities, services and public transport.
- The proposal will ensure a development with significant economic and community benefit. The proposal has demonstrated both strategic and site-specific merit and as such warrants Council's support.

Overall, the proposal includes significant public benefits that will facilitate the development of a high-quality mixed-use development.