



IRF22/3738

Gateway determination report – PP-2021-7492

12-14 Waters Road, Neutral Bay

December 22



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Acknowledgment of Country

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

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans	
Attachment A – Updated Planning Proposal following Rezoning Review	
A1	Updated Planning Proposal Report (19 October 2022)
A2	Urban Design Report (December 2021)
A3	Amended Concept Drawings (26 September 2022)
A4	Public Domain Works (December 2021)
A5	Traffic Impact Assessment (21 December 2021)
A6	Draft LEP Maps
A7	Letter of Offer (21 October 2022)
Attachment B1 – Rezoning Review (RR-2022-13) Sydney North Planning Panel Record of Decision (1 September 2022)	
Attachment B2 – Sydney North Planning Panel Record of Decision (13 December 2022)	
Attachment C – Rescinded Military Road Corridor Planning Study	
C1	Stage 1 – Future Directions Post-Exhibition Report (February 2021)
C2	Council Resolution to Rescind Planning Study (24 January 2022)

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	North Sydney
PPA	Sydney North Planning Panel
NAME	12-14 Waters Road, Neutral Bay (42 apartments, 76 jobs)
NUMBER	PP-2021-7492
LEP TO BE AMENDED	North Sydney LEP 2013
ADDRESS	12-14 Waters Road, Neutral Bay
DESCRIPTION	SP 68360 and Lot 18 in DP 537700
RECEIVED	25/10/2022
FILE NO.	IRF22/3738
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

The planning proposal (**Attachment A1**) contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are to amend the planning controls in the North Sydney Local Environmental Plan (LEP) 2013 as they apply to the site at 12-14 Waters Road, Neutral Bay to facilitate a mixed-use development. The changes are appropriate as they are considered to:

- be consistent with Council’s rescinded Military Road Corridor Planning Study, with the Sydney North Planning Panel finding the proposal to have strategic merit given its alignment with this study and Council’s community consultation;
- enable the development of a high performance building with a provision of high quality commercial floorspace;
- contribute to North Sydney’s housing and employment targets;
- contribute to community infrastructure through public domain and associated benefit works;
- provide a monetary contribution to fund future infrastructure works and community services in Neutral Bay. A letter of offer to North Sydney Council accompanies the proposal (**Attachment A7**); and
- deliver residential development in a desirable location that receives ample access to public transport and surrounding amenities.

The objectives of this planning proposal are clear and adequate.

1.3 Explanation of provisions

The site is proposed to be redeveloped to facilitate a mixed-use development at 12-14 Waters Road, Neutral Bay. The planning proposal seeks to amend the North Sydney LEP 2013 by:

- increasing the maximum building height from 16m to 22m;
- with an additional site-specific provision that the development may result in an additional 2m in height (24m total) subject to the height increase relating to community facilities, plant or vertical circulation. The proposed draft wording for this new site-specific clause is:

“4.3A Exceptions to heights 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”;* and

- increasing the minimum non-residential FSR from 0.5:1 to 1.2:1.

The proposed and current changes are summarised in **Table 3**.

Table 3 Current and proposed controls

Control	Current	Proposed
Zone	B4 Mixed Use	B4 Mixed Use
Maximum height of the building	16m	22m
Site-specific clause	N/A	Under 4.3A Exceptions to height of buildings : An additional 2m in height (total 24m), subject to the height increase relating to community facilities, plant or vertical circulation
Minimum non-residential floor space ratio (FSR)	0.5:1	1.2:1
Number of dwellings	N/A	42 apartments
Number of jobs	N/A	76 jobs
Carparking	N/A	105 spaces

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

Council resolved not to support the planning proposal at its meeting of 26 April 2022.

Following Council's resolution, the proponent initiated a rezoning review which was considered by the Sydney North Planning Panel (the Panel) on 31 August 2022. The Panel decided on 1 September 2022 that the proposal should be submitted for a Gateway determination because the proposal has demonstrated strategic and site-specific merit. It is noted this decision made

recommendations that must be addressed prior to Gateway determination, mainly relating to height (**Attachment B**).

The planning proposal is accompanied by a letter of offer for a Voluntary Planning Agreement (VPA) (**Attachment A7**) outlining a monetary contribution to be provided to North Sydney Council. This has been updated between the proponent and Council since the rezoning review and was supported by North Sydney Council at its meeting on 14 November 2022. It is proposed that the letter of offer will be concurrently exhibited with the planning proposal.

The planning proposal considered by Council and the Panel was accompanied by a draft amendment to the North Sydney Development Control Plan (DCP) to guide future development on the site. Following the rezoning review, Council has advised the proponent that a site-specific DCP is not required to be prepared for the site, and an updated document has not been provided in the final planning proposal.

1.4 Site description and surrounding area

The site is located to the north of Military Road in the Neutral Bay Town Centre situated within 4km of the Sydney Central Business District (CBD) and 1.8km from the North Sydney CBD (**Figures 1-2**). This site's close proximity to Military Road of approximately 80m provides a number of bus transportation links along Military Road connecting to the Sydney CBD and North Sydney CBD as well as the Northern Beaches.

The site is a rectangular corner block with a total site area of 1,627m² (**Figure 4**) and is legally known as SP 68360 and Lot 18 in DP 537700. It has 3 frontages with the primary street frontage to Grosvenor Street to the north and secondary street frontages to Waters Road to the east and Waters Lane to the west (**Figure 3**). The topography of the site has a fall of 3m from the front south-eastern corner to the rear north-western corner (**Figure 5**).

Currently, on the site the southern allotment is a 4 storey commercial building including retail uses on the ground floor and various commercial suites above (**Figure 6**). On the northern allotment is a 3 storey commercial building including retail floor space addressing the corner of Waters Road and Grosvenor Street (**Figures 7-8**). Vehicular access is via two access points in Waters Lane leading to basement parking at both allotments.

The site is not listed as a heritage item or within a heritage conservation area and is not in the immediate vicinity of any local heritage items.

To the north, across Grosvenor Street is a 4 storey residential flat building at 80 Grosvenor Street and a 2 storey residential flat building at 76 Grosvenor Street. These properties are currently zoned R4 High Density Residential.

Directly to the south at 4-8 Waters Road is a 5 storey mixed use building with commercial use on the ground floor and residential use above. This building directly adjoins the existing site at 12 Waters Road.

To the east, across Waters Road are various mixed use developments 4-5 storeys in scale with commercial use on the ground floor and residential above. These properties are currently zoned B4 Mixed Use.

To the west, across Waters Lane at 41-53 Grosvenor Street is a 2-3 storey commercial building that accommodates Woolworths and BWS. This site is currently zoned B4 Mixed Use.

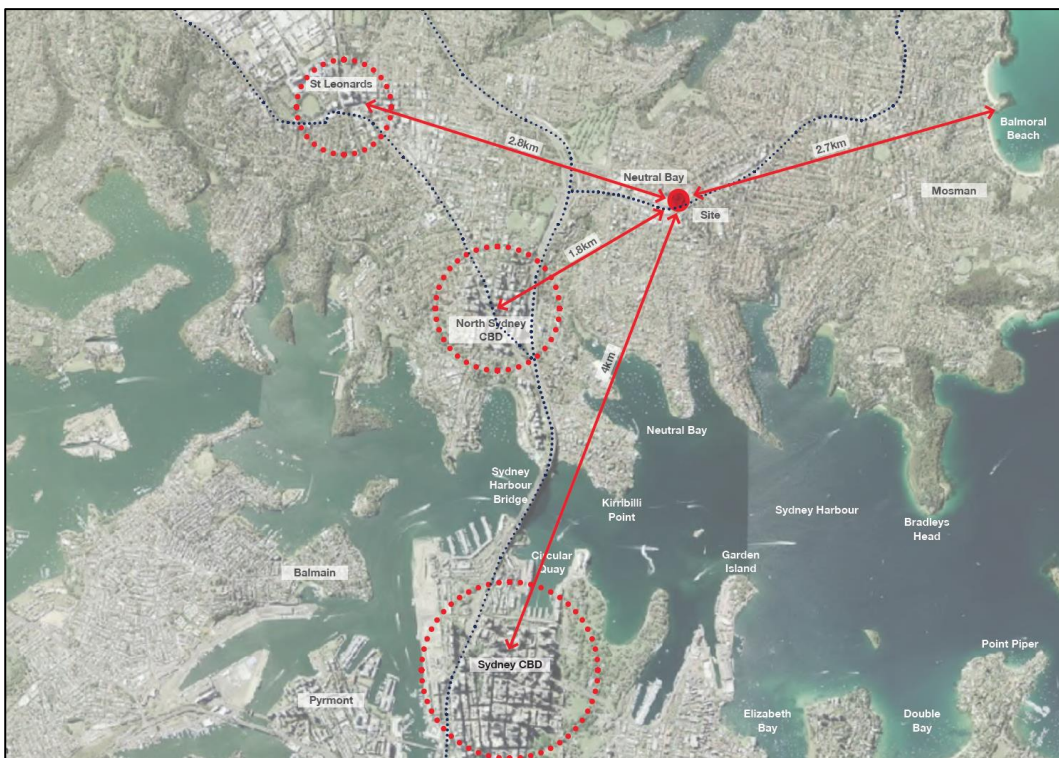


Figure 1 Locality map (source: SJB Architects)

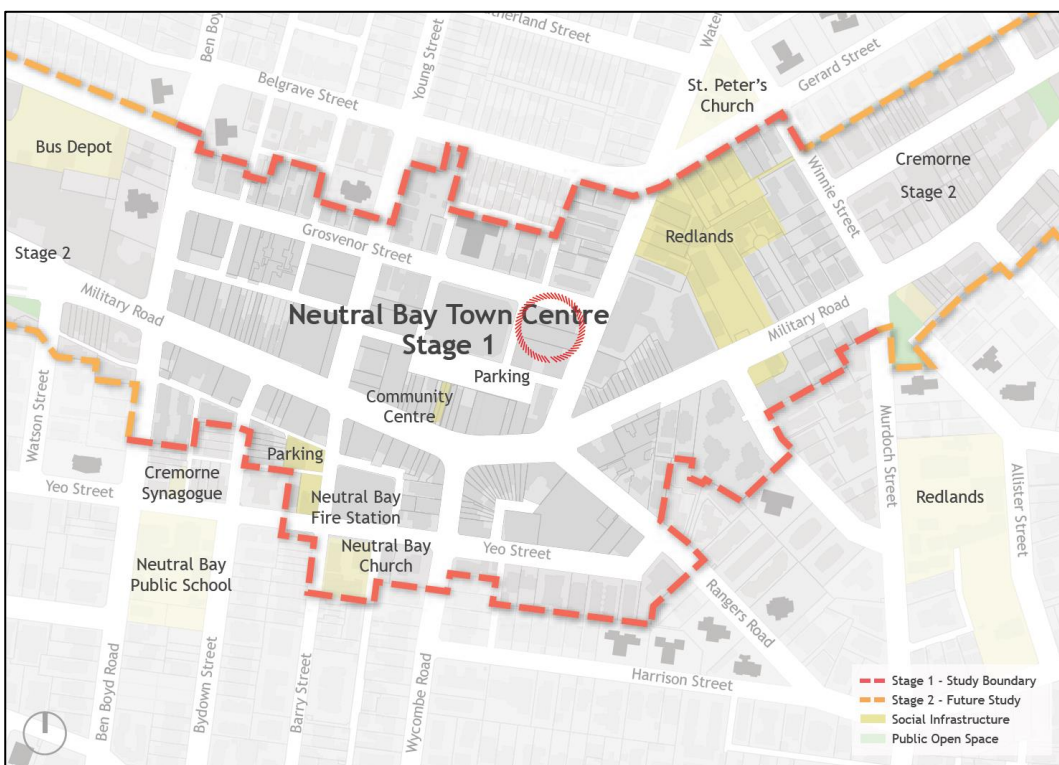


Figure 2 Locality map in context of rescinded Military Road Corridor Planning Study (source: overlay by SJB Architects)



Figure 3 Locality map (source: SJB Architects)



Figure 4 Site map (source: SJB Architects)

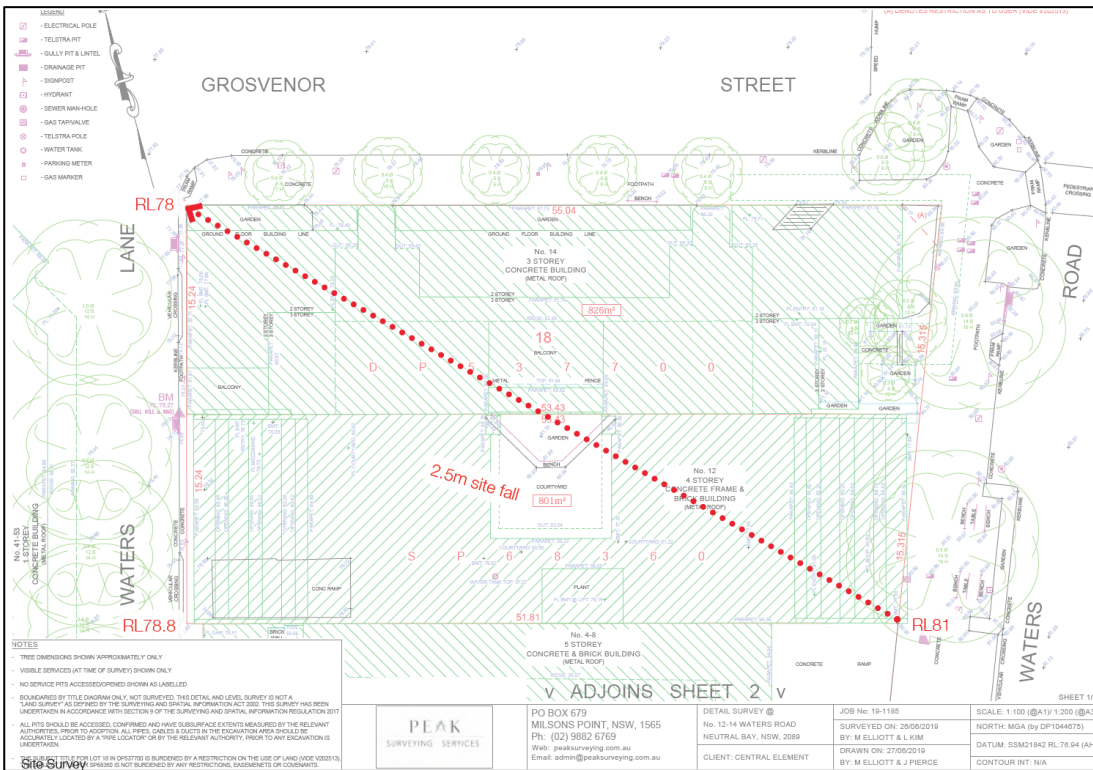


Figure 5 Site topography survey (source: SJB Architects)



Figure 6 View of existing site from Waters Road looking east (source: Central Element)



Figure 7 View of existing site from Grosvenor Street looking south (source: Central Element)



Figure 8 View of western elevation of existing site (source: Central Element)

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the North Sydney LEP 2013 maps, which are suitable for community consultation but should be included in the planning proposal report.

The mapping associated with the North Sydney LEP 2013 indicates the existing site is subject to the following planning provisions:

- B4 Mixed Use zone (**Figure 9**)
- maximum building height of 16m (**Figure 10**)
- minimum non-residential FSR of 0.5:1 (**Figure 11**)

There is no change to the B4 mixed use zoning and there is no applicable FSR control for the site.

The proposed changes to the mapping indicate that the site will be subject to the following planning provisions:

- maximum building height of 22m (**Figure 12**);
- minimum non-residential FSR of 1.2:1 (**Figure 13**); and
- a site-specific clause to refer to new “Area 4” to enable the height to be exceeded by 2m for rooftop facilities as outlined in the draft wording in Section 1.3 of the report (**Figure 12**).

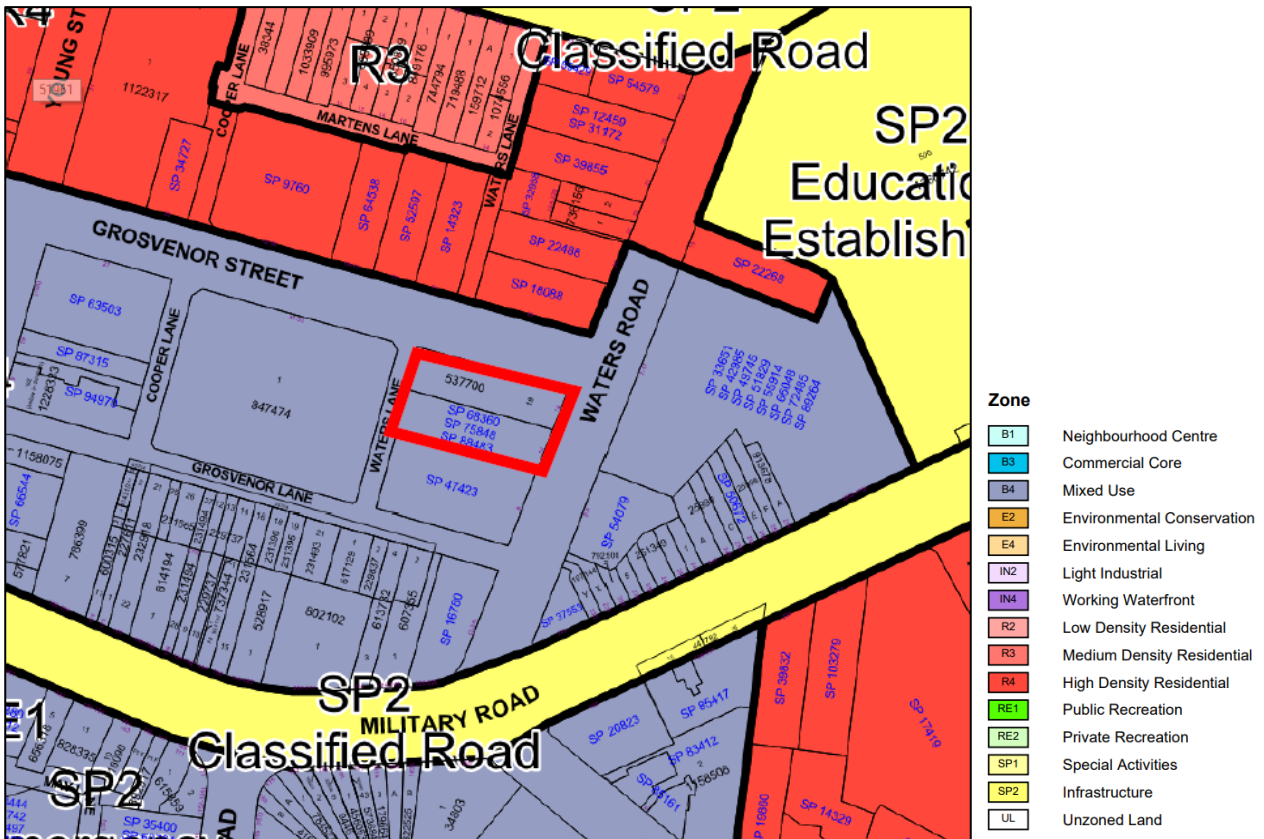


Figure 9 Current land zoning map – B4 Mixed Use (source: Council assessment report)

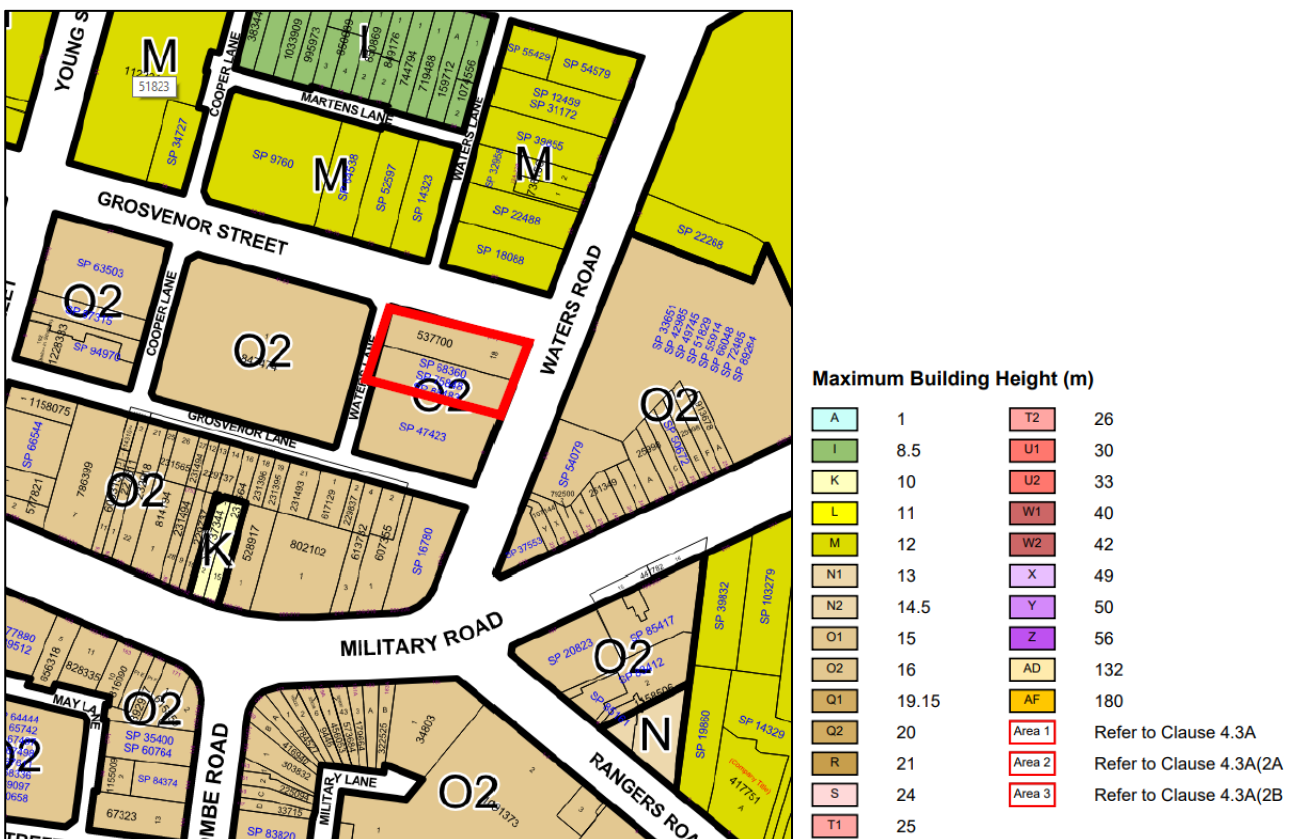


Figure 10 Current maximum building height map with a maximum height of 16m (source: Council assessment report)

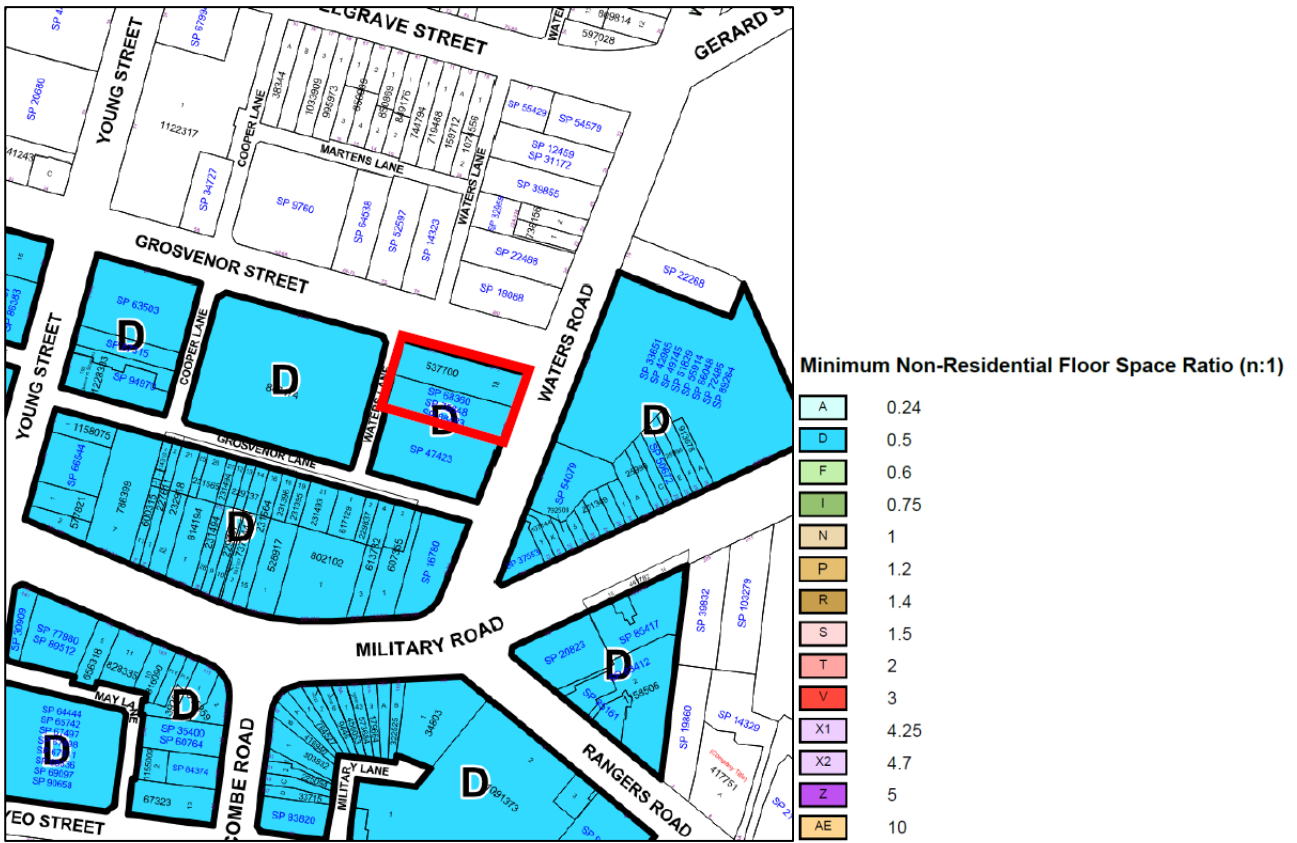


Figure 11 Current minimum non-residential FSR control with a control of 0.5:1 (source: Council assessment report)

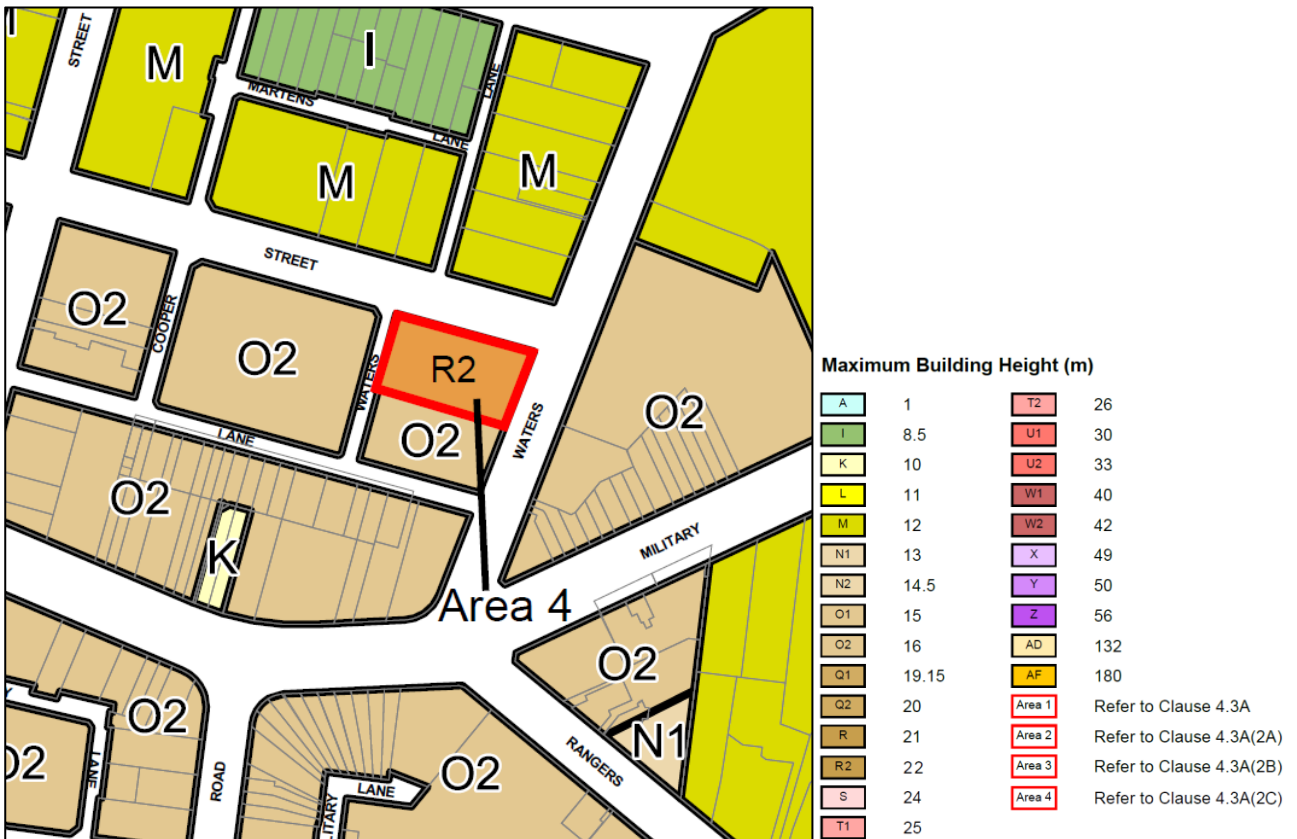


Figure 12 Proposed HOB_003 map with a height of 22m and identification of “Area 4” site-specific clause (source: Central Element)

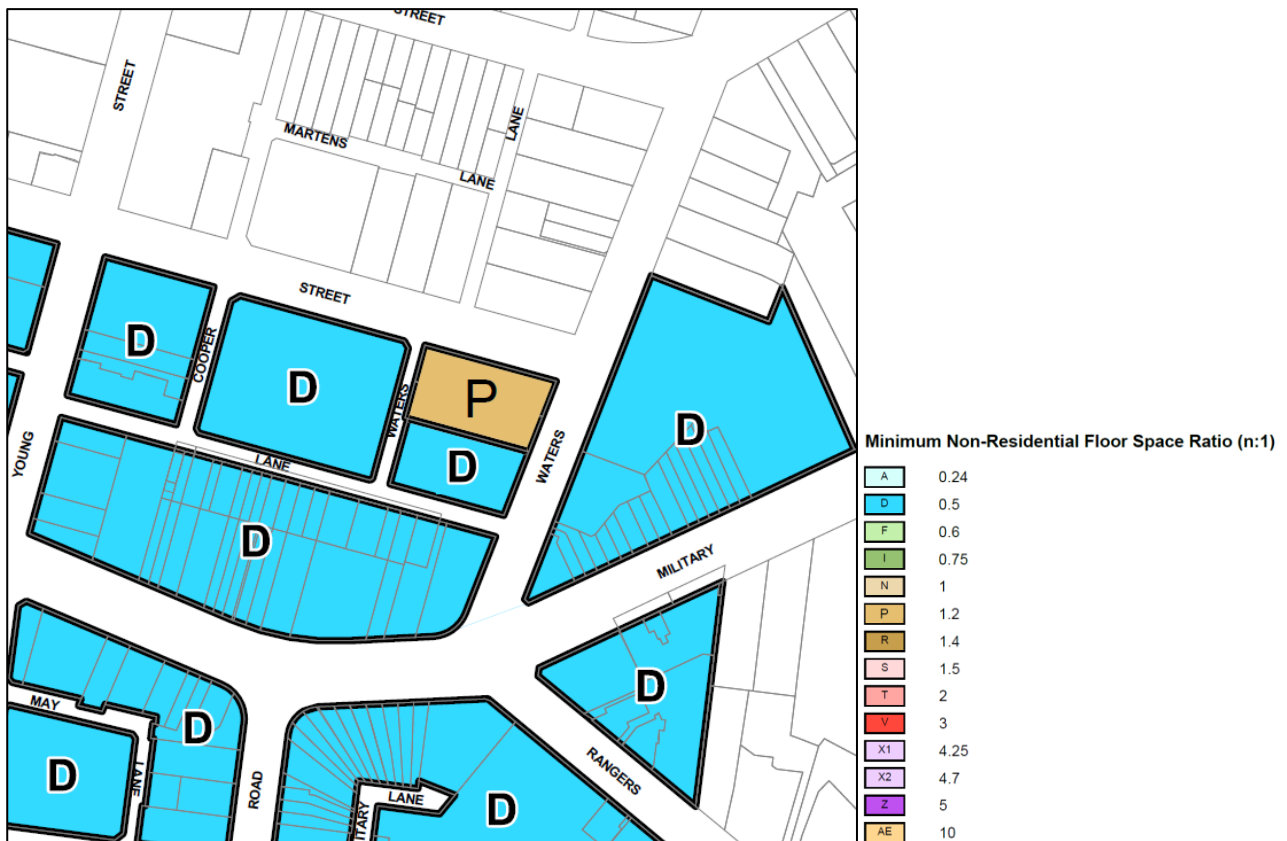


Figure 13 Proposed non-residential FSR map sheet LCL_003 with a new non-residential FSR control of 1.2:1 (source: Central Element)

1.6 Background

Table 4 Background to the planning proposal

Date	Comment
7 October 2020	North Sydney Local Planning Panel granted consent for a 5 storey shop top housing (mixed use) development at 12 Waters Road comprising 16 dwellings.
22 February 2021	Council adopted the Future Directions report for Military Road Corridor Planning Study.
28 October 2021	Deferred commencement consent was granted by the Sydney North Planning Panel for a 5 storey mixed use development on the sites at 12-14 Waters Road Neutral Bay, comprising 36 apartments (DA 92/21).
22 December 2021	Consent was issued on DA 92/21 (as deferred commencement conditions met).
29 December 2021	Original planning proposal lodged with Council.
24 January 2022	Council resolved to rescind the Military Road Corridor Planning Study.
22 March 2022	Updated planning proposal submitted to Council.
April 2022	Construction certificate issued for the approved 5 storey DA. Construction is currently underway.

Date	Comment
13 April 2022	North Sydney Local Planning Panel considered proposal, recommending the proposal not progress to Gateway determination.
26 April 2022	Council resolved not to progress the proposal to Gateway determination.
17 June 2022	Proponent requested a Rezoning Review.
1 September 2022	Sydney North Planning Panel at a rezoning review (RR-2022-13) meeting determined the proposal should be submitted for a Gateway determination.
25 October 2022	Final updated planning proposal was received to reflect the changes recommended by the Sydney North Planning Panel at the rezoning review.
13 December 2022	Panel decision endorsing planning proposal to proceed to Gateway determination.

1.6.1 Military Road Corridor Planning Study

On 28 May 2018, North Sydney Council resolved to prepare a planning study for the Military Road Corridor in order to guide and ensure development meets the needs and expectations of the community, delivering public benefits that support any density increases.

In 2019, Council prepared a planning study in response to this resolution with Stage 1 to focus on Neutral Bay Town Centre and Stage 2 to focus on the remainder of the corridor.

The objectives of the planning study were to:

- 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 post-exhibition report (**Attachment C1**) providing a framework for ongoing discussion with local landowners about the future development of the Centre. It promotes managed jobs and housing growth, while maintaining the much-loved village atmosphere of the Neutral Bay Town Centre.

Key components of the study applicable to this planning proposal were the increases to development controls. In the context of this site, the Study increased the height limit from 5 storeys to 6 storeys and increased the minimum non-residential FSR from 0.5:1 to 1.2:1. These controls are the same as proposed amendments in the planning proposal.

1.6.2 Rescission of Military Road Corridor Planning Study

At an extraordinary Council meeting held on 24 January 2022, North Sydney Council resolved to rescind the Military Road Corridor Planning Study as follows (**Attachment C2**):

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.

Council subsequently **resolved**:

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 (dated 22 February 2021), as amended, as the strategic development framework for the Neutral Bay town centre.
4. **THAT** Council conduct a briefing on the rescission of the Future Directions Report prior to proceeding to Point 5 below.
5. **THAT** Council adds to its program and budget, the creation of an updated strategic development framework for the Military Road Corridor including Neutral Bay town 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.

In response to this resolution, on 23 May 2022 a report was considered by North Sydney Council where it was adopted by exception to resolve:

1. **THAT** Council endorse the scoping framework outlined in this report as the basis to commence work commence a revised planning study for the Neutral Bay Town Centre to guide and manage change and to influence community benefits and public domain improvements.

The report begins this process by presenting a scoping framework that identifies the objectives of the initial study should be retained and committing to ensuring the scale of growth proposed has a better balance between development height and the provision of additional public open space compared with the rescinded study. It is noted that in this report Council states the process to finalise a revised study will be approximately 18 months.

1.6.3 Development Applications and Site Development

The following development applications apply to the sites subject to the proposal:

DA 104/20 – 12 Waters Road, Neutral Bay

On 7 October 2021, DA 104/20 was determined by the North Sydney Local Planning Panel for demolition of an existing building and construction of a 5 storey mixed use / shop top housing development containing 16 apartments with a roof top communal area and a part 3/4 storey basement. This was determined for the land at 12 Waters Road, Neutral Bay.



Figure 14 CGI of proposed development of DA 104/20, viewed along Waters Road and Waters Lane (source: Central Element)

DA 92/21 – 12-14 Waters Road, Neutral Bay

On 9 April 2021, a DA was submitted to Council that proposed a maximum height of 6 storeys and a minimum non-residential FSR of 1.2:1 based on the directions in the Military Road Corridor Study. Council advised this would not be supported subject to a clause 4.6 variation and suggested a planning proposal be submitted to amend the height to the proposed 6 storeys.

On 27 October 2021, DA 92/21 was determined by the Sydney North Planning Panel for demolition of existing buildings, excavation, and construction of a 5 storey mixed use / shop top housing development featuring 36 apartments and basement parking. It is noted this DA has since been modified to amalgamate two apartments, reducing the apartment number to 35 dwellings along with a number of other modifications including improvements to the rooftop areas layout.

In April 2022, a construction certificate was issued for demolition based on this approved 5 storey DA, with construction currently underway.



Figure 15. Proposed 5 storey development of DA 92/21, view to the corner of Waters Road and Grosvenor Street (source: planning proposal)

1.6.4 Rezoning Review (RR-2022-13)

On 17 June 2022, the proponent lodged a rezoning review with the Department as Council notified the proponent it will not support the planning proposal. The Department prepared a briefing report for the Sydney North Planning Panel (the Panel) that determined on 1 September 2022 the planning proposal should be submitted for a Gateway determination as it demonstrated strategic and site-specific merit (**Attachment B**). In summary, the Panel stated:

- the Panel was cognisant of the existing approval on the site for a 5 storey mixed use development with a clause 4.6 variation to a maximum height of 21.3m;
- the Panel recognises the process for the now rescinded planning study and Council's directive for the preparation of a new development framework and strategy;
- the Panel unanimously agreed that the planning proposal has strategic merit given its alignment with Council's planning and community consultation;
- in terms of site-specific merit, the Panel unanimously agreed that the planning proposal needs to be amended to decrease the maximum mapped height of the building from 26m to 22m, with a site-specific provision of 2m for rooftop open space and community facilities;
- recommend reconsideration of floor to ceiling height of the below ground commercial area and ground level void in light of the overall maximum height;
- all documentation, including the site-specific DCP, needs to be adjusted accordingly; and
- the Panel appointed itself as the Principal Planning Authority (PPA) for this planning proposal.

It is noted the documentation in the proponent's rezoning review request presented an amended maximum height of 24m with a site-specific provision of an additional 2m, rather than the 26m in the planning proposal. However, the Panel considered the planning proposal as originally lodged with a 26m maximum height control.

Table 5 Comparison of existing LEP controls with DA's and planning proposal

Control	Current LEP control	DA 104/20 (12 Waters Road)	DA 92/21 (12-14 Waters Road)	Planning Proposal (subject to RR)	Final Revised Planning Proposal
Maximum building height	16m	20.1m	21.3m	26m	22m + site-specific clause to 24m
Minimum non-residential FSR	0.5:1	0.8:1	1.2:1	1.2:1	1.2:1
Waters Lane setback	0m	1.5m	1.5m	1.5m	1.5m
Number of dwellings	N/A	16 apartments	35 apartments	42 apartments	42 apartments
Car parking	N/A	25	92	105	105

1.7 Reference Scheme

The planning proposal is accompanied by an Urban Design Report and Amended Concept Drawings (**Attachments A2-A3**) by SJB Architects that demonstrate the potential built form the proposal can deliver. It is noted the urban design report reflects the proposal considered at rezoning review, with the drawings and sections requiring updating to align with the current height control.

The reference scheme provided demonstrates the additional storey proposed in addition to the current approved DA scheme evident in **Figure 15**. **Figures 16-18** provide the proposed built form scheme.



Figure 16 North elevation from Grosvenor Street (source: SJB Architects)

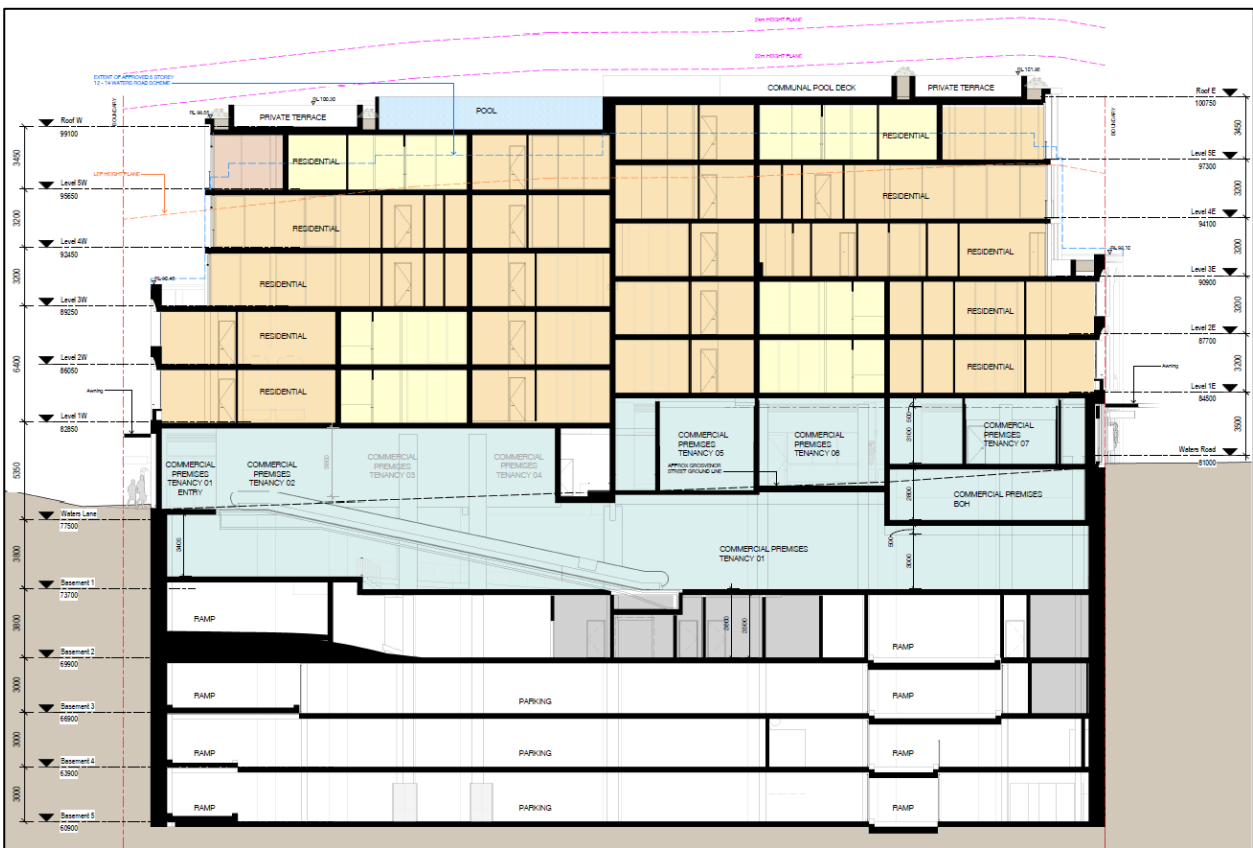


Figure 17 East west section (source: SJB Architects)

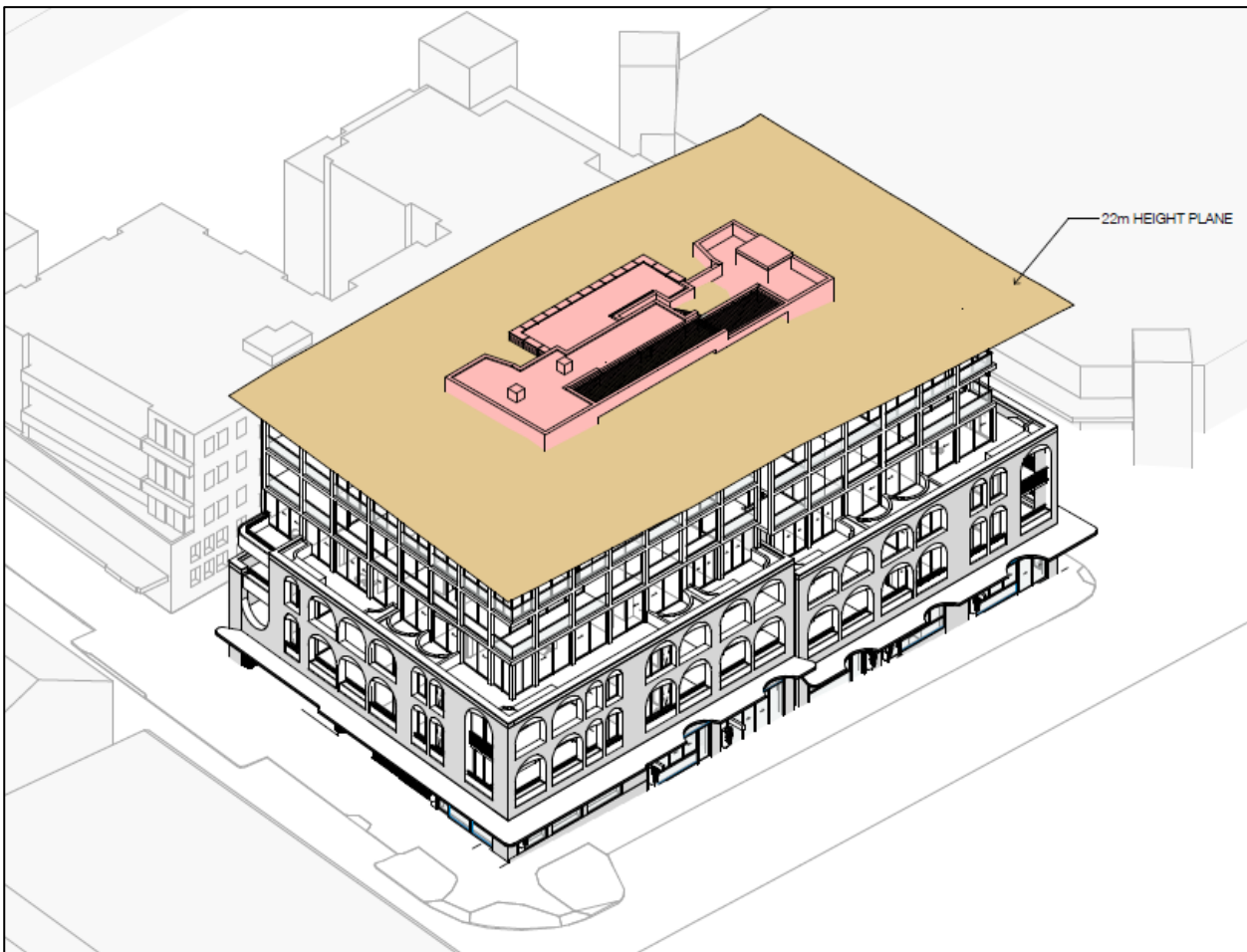


Figure 18 Proportion of built form comprising the site-specific clause (source: SJB Architects)

2 Need for the planning proposal

Given the site's location in the Neutral Bay Town Centre, it was subject to, at the time of writing the first iteration of the planning proposal, the Military Road Corridor Planning Study (**Attachment C1**). The outcome of this study determined the controls of the site should change to accommodate a maximum building height of 6 storeys and a minimum non-residential FSR of 1.2:1. The planning proposal was intended to respond to these controls featured in the plan.

However, given North Sydney Council's rescission of this planning study, the site still maintains its original LEP controls, with the maximum building height not allowing for additional development to take place above the already approved clause 4.6 height variation of 5.3m to 21.3m. The planning proposal is the best means to amend the existing clauses and the current zoning and development standards in the North Sydney LEP 2013 to achieve the objectives and intended outcomes as determined by the Sydney North Planning Panel. The amendments recommended by the panel serve to reduce the concerning impacts identified by Council and have been adequately addressed in the final planning proposal.

3 Strategic assessment

3.1 Regional Plan

The following table provides an assessment of the planning proposal against relevant aspects of the Greater Sydney Regional Plan.

Table 6 Regional Plan assessment

Regional Plan Objectives	Justification
A City Supported by Infrastructure	<p>The proposal will provide increased residential accommodation in a location well serviced by public transport and will encourage usage of existing public transport infrastructure such as the B-Line.</p> <p>The proposal is considered to be consistent with this objective.</p>
A City for People	<p>The proposal aims to achieve benefits to the local community through additional local developer contributions and provision of land dedication and embellishment of Waters Lane. The proposal through a VPA will provide monetary contributions to Council while committing to public domain works (Attachment A7).</p> <p>The proposal is considered to be consistent with this objective.</p>
A City of Great Places	<p>The proposal aims to contribute to the local area through public domain works, an increased setback to Waters Lane compared to the LEP and creating active retail frontages to Waters Road and Grosvenor Street. This is additional to providing a diverse choice of dwellings.</p> <p>The proposal is considered to be consistent with this objective.</p>
A Well-Connected City	<p>The site's location strategically integrates land use and transport and supports the creation of walkable and 30-minute cities. A B-Line bus stop is located within 80m of the site providing transport to strategic centres such as the Sydney CBD.</p> <p>The proposal is considered to be consistent with this objective.</p>
Jobs and Skills for the City	<p>The proposal provides services in close proximity to transport enabling people to access employment easily within the LGA and beyond. The provision of a mixed use redevelopment will preserve the Neutral Bay Town Centre.</p> <p>The proposal is considered to be consistent with this objective.</p>
A City in its Landscape	<p>The proposal aims to incorporate active uses to Grosvenor Street and Waters Road, with public domain upgrades increasing amenity and safety to Waters Lane with the 1.5m setback.</p> <p>The proposal is considered to be consistent with this objective.</p>
Housing the City	<p>The planning proposal will facilitate the provision of high-density residential dwellings with a range of dwelling sizes located above a commercial premises close to existing infrastructure and services. A variety of dwelling types caters to a changing demographic.</p> <p>The proposal is considered to be consistent with this objective.</p>

3.2 District Plan

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

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

The Department is satisfied the planning proposal gives effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*. The following **Table 7** includes an assessment of the planning proposal against the relevant directions and actions.

Table 7 District Plan assessment

District Plan Priorities	Justification
Infrastructure	
N1 Planning for a city supported by infrastructure	The planning proposal is consistent with this priority as it seeks to align increased commercial and residential density with access to existing infrastructure, including close proximity public transport and other community services.
Liveability	
N4 Fostering healthy, creative, culturally rich and socially connected community	The planning proposal will enable increased development generating additional services and residential dwellings close to public transport. This will encourage active transport reducing reliance on private vehicles and short trips. Increased landscaping requirements, public domain works, and the increased width of Waters Lane increases the overall amenity and facilitates a healthy, vibrant LGA.
N5 Providing housing supply, choice and affordability with access to jobs, services and public transport	The planning proposal facilitates 42 new residential dwellings in a variety of sizes in close vicinity to public transport with links to strategic locations and beyond. The site is within 80m of the B-Line and existing jobs and services. It will further facilitate a minimum of 1,952m ² of commercial floor area 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 to provide increased residential dwellings and enable people to live and work in close proximity to existing infrastructure and services. Additional landscaping will enhance the streetscape and increase amenity.
Productivity	
N8 Eastern Economic Corridor is better connected and more competitive	Neutral Bay is well connected to neighbouring strategic centres such as North Sydney CBD and Sydney CBD, enabling increased development in locations such as Neutral Bay providing key employees with accommodation close to employment, maximising the use of public transport assets to reduce the need for additional infrastructure.

District Plan Priorities	Justification
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 increasing the planning controls to facilitate the provision of 42 dwellings and retail/commercial floorspace leveraging off the proposed and existing public transport options including the B-Line, supporting the 30-minute city.
Sustainability	
N20 Delivering high quality open space	The proposal aims to upgrade and activate the surrounding streets, particularly with an increased width to Waters Lane through additional landscaping and public domain upgrades. The proposal is accompanied by a voluntary contribution to North Sydney Council that can aid in facilitating these public domain upgrades (Attachment A7).
N21 Reducing carbon emissions and managing energy, water and waste efficiency	<p>The proposal provides development close to existing and proposed public transport and other services that will decrease the use of private vehicles, reducing emissions.</p> <p>The proposal notes it has voluntarily been WELL2 Certified to ensure the building has a high level of environmental sustainability and wellbeing.</p>

3.3 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is noted the planning proposal refers to the Military Road Corridor Planning Study, however, as it has been rescinded it is ineligible to be considered in this section.

3.3.1 North Sydney Local Strategic Planning Statement (LSPS)

The North Sydney LSPS was endorsed by the Greater Sydney Commission on 20 March 2020. The LSPS sets the 20-year direction for housing, employment, transport, recreation, environment and infrastructure for the North Sydney LGA.

The consistency of the proposal with the relevant key Local Planning Priorities and Actions of the LSPS is outlined in **Table 8**.

Table 8 North Sydney LSPS assessment

Planning Priority	Justification
Planning priority I1 – Provide infrastructure and assets that support growth and change	The planning proposal is consistent with the LSPS as it is accompanied by a draft letter of offer (Attachment A7) that proposes to provide monetary contributions to Council for the provision of community infrastructure and public domain upgrades within Neutral Bay Town Centre. This is in support of the widening of Waters Lane.
Planning priority I2 – Collaborate with State Government Agencies and the community to deliver new housing, jobs, infrastructure and great places	The reference scheme will provide 42 new residential dwellings and minimum of 1,952m ² of new retail/commercial floor space with increased landscaping and amenity generally consistent with the North District Plan. The planning proposal is consistent with this priority.

Planning Priority	Justification
<p>Planning priority L1 – Diverse housing options that meet the needs of the North Sydney community</p>	<p>North Sydney Council considers the planning proposal to be inconsistent with Action L1.5 of the priority as it seeks to progress a planning proposal that is not endorsed by any planning study given the rescission of the once applicable Military Road Corridor study.</p> <p>It is also acknowledged that the Sydney North Planning Panel determined the proposal to have strategic merit in lieu of the study rescission, unanimously agreeing on the basis of its alignment with Council’s planning and community consultation over the last four years for the local area (Attachment B).</p> <p>The proposal also aims to provide a variety of residential dwellings in an area well serviced by existing and proposed public transport, services, jobs, infrastructure and public open space. There are six additional dwellings proposed in the planning proposal reference scheme to the current approved DA under construction on the site.</p>
<p>Planning priority L2 – Provide a range of community facilities and services to support a healthy, creative, diverse and socially connected North Sydney community</p>	<p>As previously stated, the draft letter of offer proposes monetary contributions to Council for the provision of community infrastructure in Neutral Bay Town Centre. These public benefits include improvements to the streetscape and support the widening of Waters Lane.</p>
<p>Planning priority L3 – Create great places that recognise and preserve North Sydney’s distinct local character and heritage</p>	<p>As previously stated, the Panel found the proposal demonstrated strategic and site specific merit. The proposal aims to rejuvenate the public domain of the site through street activations and public domain upgraded that accompany the addition of a storey on the currently approved DA. This will increase the vibrancy of the streetscape with the proposal not in the immediate vicinity of heritage items.</p>
<p>Planning priority P3 – Enhance the commercial amenity and viability of North Sydney’s local centres</p>	<p>As supported by the Panel, the planning proposal is consistent with this direction increasing the minimum non-residential FSR control for the site with a one storey increase, supported by additional public domain works to assist in rejuvenating the site and Neutral Bay Town Centre.</p>
<p>Planning priority P6 and S2 – Support walkable centres and a connected, vibrant and sustainable North Sydney</p>	<p>The proposal further activates the widening of Waters Lane. The proposal also aims to improve pedestrian amenity through footpaths, improved disability access, improved lighting and activating the streetscape with retail and passive surveillance.</p>
<p>Planning priority S3 – Reduce greenhouse gas emissions, energy, water and waste</p>	<p>The site is well located with access to existing and proposed public transport, reducing reliance on vehicular trips and promoting active transport.</p> <p>The reference scheme proposes to incorporate sustainable features such as water saving, solar initiatives and green roofs in addition to Well2 Certification.</p>

3.3.2 North Sydney Local Housing Strategy (LHS)

The North Sydney LHS, adopted by Council on 25 November 2019 and endorsed by the Department on 10 May 2021, sets out the strategic direction for housing in the North Sydney LGA to 2036.

Council's LHS contains references to the preparation of the Military Road Corridor Planning Study with regards to opportunities for improved community facilities, public domain, placemaking, jobs and housing growth. In the context of this identification of the plan, the proposal is considered to be consistent with the LHS as it aims to contribute to the aims and objectives of improving Neutral Bay as a town centre. The planning proposal will provide an additional 6 dwellings to that approved in DA.

3.3.3 Future Transport Strategy 2056

The Future Transport 2056 Strategy (the Strategy) is a 40 year plan to improve infrastructure to unlock investment with a customer centric focus. The Strategy builds on the Long Term Transport Master Plan and aligns with the Greater Sydney Region Plan to support the 30 minute city for access to jobs, services and infrastructure. It recognises that transport is fundamentally entwined with land use, tourism and economic development.

The planning proposal is generally consistent with the Strategy as it provides development close to high quality reliable existing public transport including the B-Line and improves sustainability by locating jobs and residences close to public transport, reducing the need for private vehicle use. It is noted the planning proposal does not address this strategy.

3.4 Local planning panel (LPP) recommendation

On 13 April 2022, the North Sydney Local Planning Panel considered the planning proposal.

The LPP recommended that the planning proposal not proceed because:

- Council Officer's Report is endorsed by the Panel and for the reasons articulated in the report, the Panel recommends to the Council that this planning proposal not proceed to Gateway;
- it lacks strategic merit and must be considered in the context of a new study for Neutral Bay; and
- an ad hoc zoning is not supported.

3.5 Section 9.1 Ministerial 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 within the directions.

The planning proposal's consistency with the section 9.1 Directions is discussed in **Table 9**.

Table 9 9.1 Ministerial Direction assessment

Directions	Consistent / Not Applicable	Reasons for Consistency or Inconsistency
Planning Systems – Place Based		
1.3 Approval and Referral Requirements	Yes	<p>The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</p> <p>The proposal includes an additional storey above the already approved DA 92/21 and will facilitate an additional 6 apartments.</p> <p>The proponent considers consultation is required with Ausgrid; this will be a condition of the Gateway determination.</p> <p>The proposal states that the addition of 6 apartments is too negligible for referral to other state government authorities, providing a list in the proposal.</p>
1.4 Site-Specific Provisions	No	<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.</p> <p>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. Given the additional height in the form of a site-specific provision, a condition has been attached to require further justification be provided for its inclusion, therefore the planning proposal is inconsistent with this direction. It is noted that similar site-specific provisions in the LEP have been supported to allow for rooftop facilities and lift overruns, therefore the planning proposal should be updated to address this direction.</p>
1.13 Implementation of St Leonards and Crows Nest 2036 Plan	Not Applicable	<p>The site is not within the area of the St Leonards and Crows Nest 2036 Plan. The 2036 plan does not apply to this land in Neutral Bay and is not affected by this direction.</p>

Biodiversity and Conservation

Directions	Consistent / Not Applicable	Reasons for Consistency or Inconsistency
3.2 Heritage Conservation	Not Applicable	<p>The objective of this direction is to conserve items, areas, objects and places of environmental heritage and indigenous significance.</p> <p>The proposal is not considered to be within the vicinity of any heritage items.</p> <p>It is noted the planning proposal incorrectly references that the site is both within and not within the vicinity of heritage items. It is assumed identification of the site as within the vicinity of heritage items is an error and a condition has been included for this to be clarified.</p>

Resilience and Hazards

4.1 Flooding	Not Applicable	<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 the proposed additional storey will not increase the flood risk of the site. 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	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 zone and accommodating an additional level of height will not increase the contamination risk of the land.</p> <p>As part of the approved DA 92/21 North Sydney Council assessed the 5 storey proposal against SEPP (Resilience and Hazards) 2021 and determined that the overall potential for contamination was low and the site was suitable for the intended use of a mixed-use building.</p>

Transport and Infrastructure

5.1 Integrating Land Use and Transport	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.</p> <p>The planning proposal intends to increase the planning controls on the site to provide at least</p>
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Directions	Consistent / Not Applicable	Reasons for Consistency or Inconsistency
		<p>1,925m² of commercial floor area and 42 new dwellings in a location with good access to public transport.</p> <p>The planning proposal is consistent with this direction.</p>
5.3 Development Near Regulated Airports and Defence Airfields	Yes	<p>This direction aims to ensure effective and safe operation of airports and to ensure development is not adversely affected by aircraft noise.</p> <p>The site is not affected by the Obstacle Limitation Surface (OLS) and will not require any consultation with the Civil Aviation Safety Authority (CASA).</p>

Housing

6.1 Residential Zones	Yes	<p>Under this direction, a planning proposal should broaden housing choice, make efficient use of existing infrastructure, reduce consumption of land for housing on the urban fringe and be of good design.</p> <p>The proposal will facilitate redevelopment to provide 42 apartments on a site previously not containing residential dwellings. The progression of the proposed apartment number from DAs to this planning proposal can be seen in Table 5. These dwellings will be located close to existing and proposed services and public transport.</p>
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Industry and Employment

7.1 Business and Industrial Zones	Yes	<p>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.</p> <p>The proposal will increase the minimum non-residential FSR control from 0.5:1 to 1.2:1 to generate 76 ongoing jobs in the ground floor and below ground spaces.</p>
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3.6 State environmental planning policies (SEPPs)

On 1 March 2022, the Department consolidated 45 SEPPs and deemed SEPPs into 11 new thematic SEPPs. The 45 SEPPs were consequently repealed. The provisions contained in the repealed SEPPs have been carried over into the new SEPPs as 'chapters'.

The SEPP consolidation does not substantially change the effect of the repealed SEPPs.

However, any redundant or outdated provisions of the repealed SEPPs have not been carried over to the new consolidated SEPPs.

The consistency of the planning proposal with the SEPPs is discussed in **Table 10**. It is noted there are significant errors in the planning proposal regarding the SEPPs that appear in parts to refer to previous Gateway determination reports written by the Department. A condition has been included for this to be addressed and focus solely on the subject planning proposal.

Table 10 Assessment of planning proposal against relevant SEPPs

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or 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 contrary to this SEPP.</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.	Not Applicable	<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>
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.</p> <p>The proposed changes to the development controls will facilitate a residential flat building, with no hazardous or offensive development proposed.</p> <p>The proposal does not include any change to land use zoning and seeks to accommodate an additional storey that does not increase the potential risk relating to contamination.</p> <p>The proposal indicates further investigation can be carried out as part of a future DA.</p>

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
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 transitioning to renewable energy.	Not Applicable	The site is in an existing urbanised area and the proposal does not include any provisions contrary to this SEPP.
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 is accompanied by a Traffic and Parking Impact Assessment (Attachment A5) that indicates the development will not have a major impact on the surrounding road network. The proposal recommends during public exhibition that Transport for NSW will be consulted about the proposal and provided the opportunity to include a submission.
SEPP (Housing) 2021	On 26 November 2022, 3 SEPPs relating to transport and infrastructure were consolidated into one SEPP. The consolidated SEPP aims to deliver a sufficient supply of safe, diverse and affordable housing.	Yes	The proposed development controls on the site will facilitate 42 residential dwellings with a mix of 1, 2 and 3 bedroom apartments within close proximity to public transport.
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. The reference scheme has been designed to comply with any future BASIX compliance.
SEPP (Exempt and Complying Development Codes) 2008	The policy aims to provide streamlined assessment processes for development that complies with specified standards.	Not Applicable	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.

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
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. The amended concept design submitted has regard to the principles of SEPP 65. The future development application for shop top housing will require having regard to SEPP 65 and the ADG. This consistency can be further assessed as part of a future DA.

4 Site-specific assessment

4.1 Environmental

The site is fully developed and comprises little vegetation with no known critical habitats, threatened species or ecological communities. The following provides an assessment of the potential environmental impacts associated with the proposal.

4.1.1 Overshadowing Impact

The amended concept drawings (**Attachment A3**) demonstrate the potential overshadowing of the proposed development in addition to the existing overshadowing of 4-8 Waters Road and the existing extent of the approved 5 storey DA. **Figure 19** showcases this across daylight hours. This shadow study indicates the additional proposed storey will not result in any additional overshadowing of the future public plaza (identified in the now rescinded study) between 10am to 3pm.

The planning proposal report retains the overshadowing diagrams relating to the previous iteration of the proposal prior to the rezoning review. This has been conditioned to be updated to reflect the amended concept drawings.

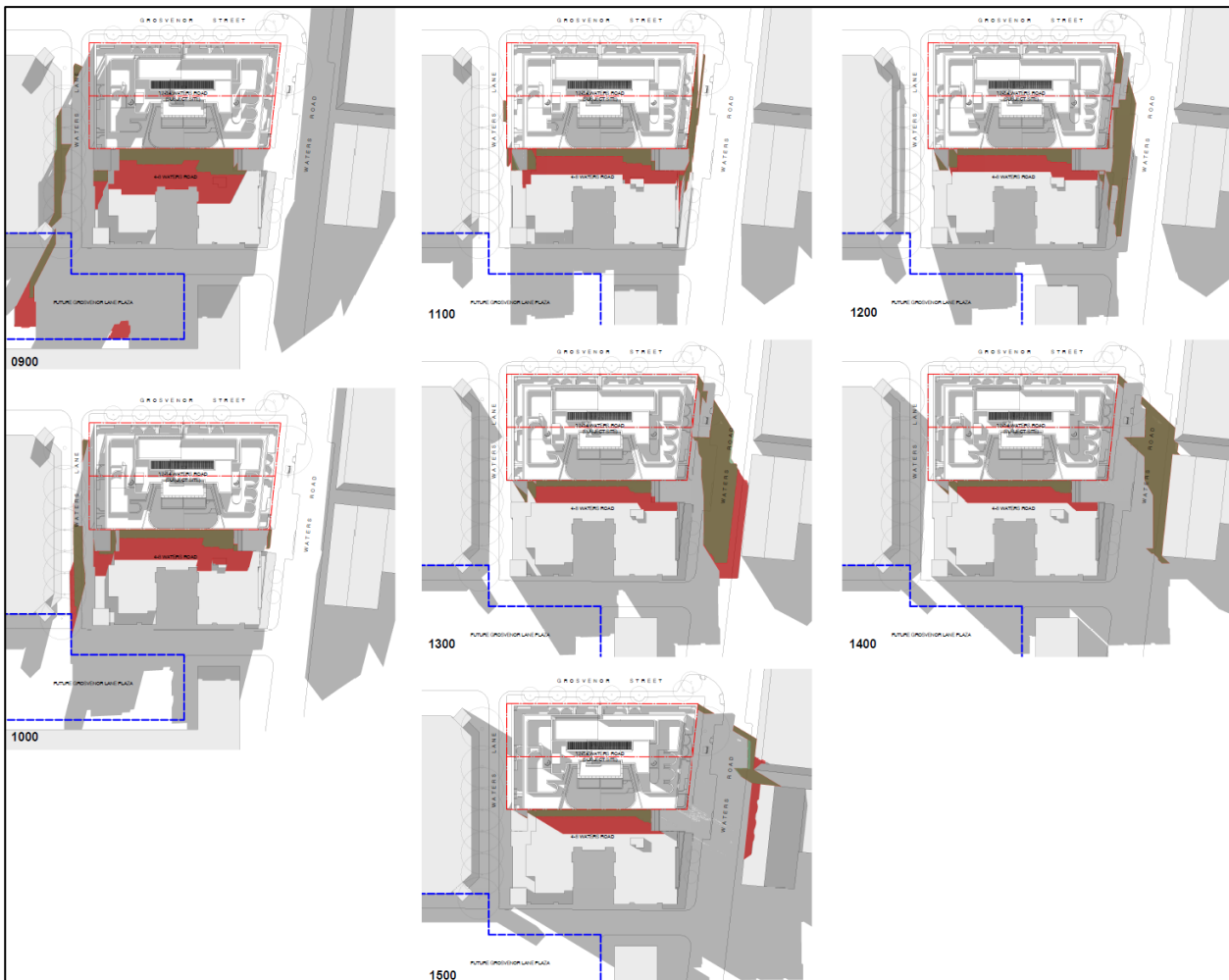


Figure 19 Shadow diagrams for various times on 21 June (source: SJB Architects)

4.1.2 Solar Access and Ventilation

The planning proposal report (**Attachment A1**) states that 32 of the 42 apartments have access to a minimum of 2 hours of direct solar access during midwinter, with 30 of the 42 apartments provided with natural cross ventilation. Detailed solar access and cross ventilation diagrams are available to view in the amended concept drawings (**Attachment A3**). Further assessment of the development concept scheme with regard to ADG will be undertaken at DA stage.

4.1.3 Traffic and Transport Impact

A Transport Impact Assessment (TIA) conducted by The Transport Planning Partnership (TTPP) dated 21 December 2021 (**Attachment A5**) was submitted with the planning proposal. It is noted this did not require updating following the rezoning review recommendations.

The TIA identifies the location within the Neutral Bay Town Centre provides the proposal with excellent access to public and active transport networks.

The TIA confirms that the traffic generation potential of the site and proposed vehicle access arrangements can be satisfactorily accommodated by the existing surrounding road network. There are a large number of bus stops within a 400m walking distance from the site, in particular located along Military Road. While there are no railway stations nearby, these bus transport options provide accessibility in all directions.

The TIA estimates the proposed scheme is expected to generate:

- Residential:
 - 7 vehicles / hour in the weekday AM peak;
 - 5 vehicles / hour in the weekday PM peak;
 - 7 vehicles / hour in weekend midday peak;
- Non-residential:
 - 76 vehicles / hour in the weekday AM peak;
 - 152 vehicles / hour in the weekday PM peak;
 - 144 vehicles / hour in weekend midday peak.

The amended scheme proposes a total of 105 car parking spaces in compliance with Council's current DCP. The allocation of these spaces is detailed in **Table 11** as outlined from the TIA.

Table 11 Assessment of proposed car parking provisions for B4 mixed use zone (source: TTPP)

Land Use	No. of Apartments / GFA (m ²)	DCP Maximum Parking Rate	Maximum DCP Allowable Spaces	Proposed Parking Provision
Residential				
1 bedroom apartment (non adaptable)	4	0.5 space / apartment	2	2
2+ bedroom apartment (non adaptable)	29	1.0 space / apartment	29	29
Adaptable apartments	9	1 adaptable space / adaptable apartment	9	9
Total residential tenant	42		40	40
Residential Visitors		1.0 space / 4 apartments	10	5
Residential car wash		1 car wash for 4+ apartments	1	1
Non-Residential				
Non-residential supermarket	1,449	1 / 25m ²	58	-
Non-residential retail / commercial	524	1 / 60m ²	9	-
Total non-residential			67	60
TOTAL (excludes car wash bay)			117	105

Notes: 1. Visitor parking requirement of 1 space / 4 apartments based on DA approval for DA 104/20. NSDCP does not specify minimum residential visitor parking requirements for B4 zonings.

4.1.4 Built Form and Visual Impact

The planning proposal is accompanied by proposed public domain works (**Attachment A4**) that indicate how the proposal will integrate with the public domain through landscaping and activation. While the letter of offer has been amended to reflect a monetary contribution, the public domain works remain part of the proposal package. These public domain works (**Figure 20**) aim to activate Waters Lane by incorporating the 1.5m whole of building setback established in the Military Road Corridor Planning Study (now rescinded).

A comprehensive view loss analysis was prepared by the proponent in relation to the approved DA 92/21 that identified some minor view loss impacts to 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.

The proposed additional storey will not result in any further view loss impacts on surrounding properties. View loss diagrams have been provided in the proposal (**Figure 21**) indicating the view loss from level 5 of 4-8 Waters Road.

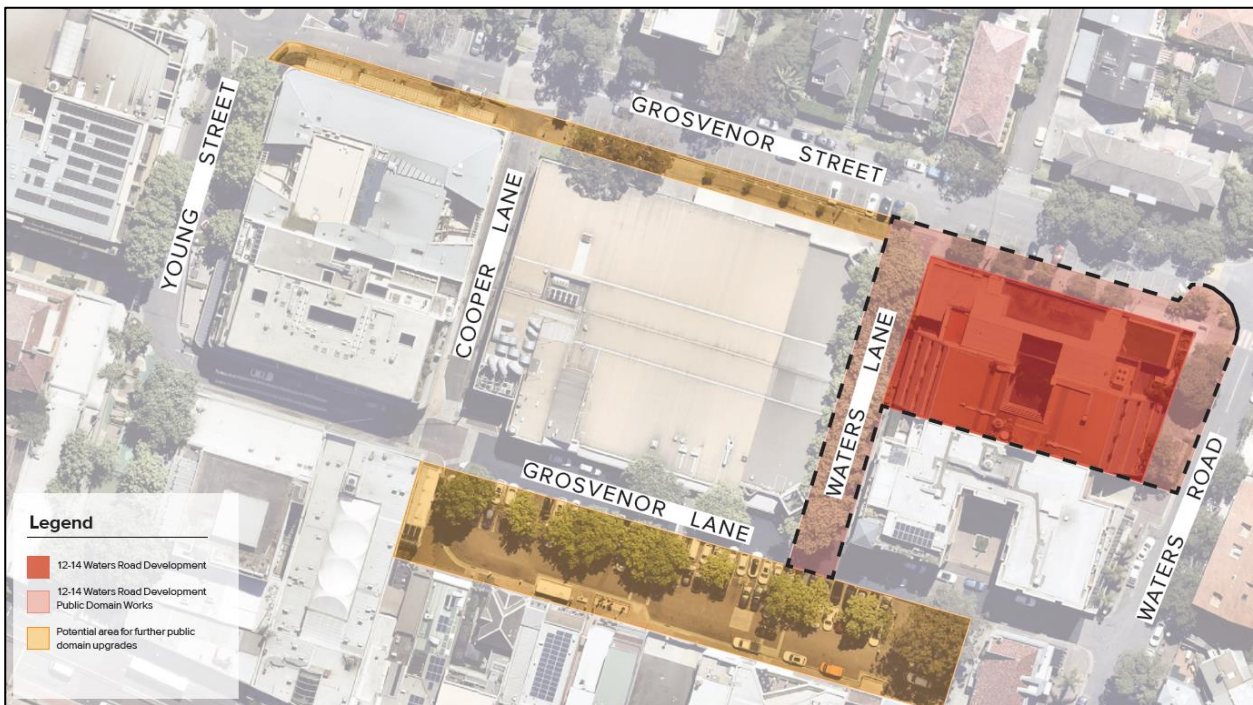


Figure 20 Proposed public domain works (source: Arcadia)

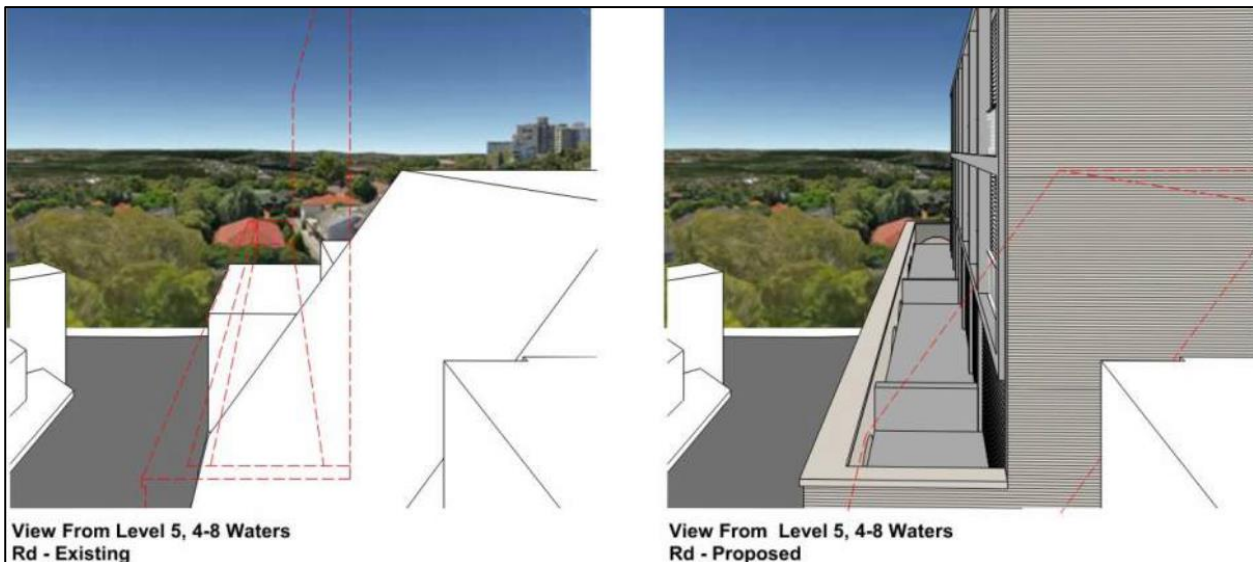


Figure 21 Existing and proposed view from level 5, 4-8 Waters Road (source: SJB Architects)

4.2 Social and economic

The following **Table 12** provides an assessment of the potential social and economic impacts associated with the proposal.

Table 12 Social and economic impact assessment

Social and Economic Impact	Assessment
Social	<p>The proposal will improve the quality of housing options and provide development that is in keeping with the desired future character of the Neutral Bay Town Centre as laid out in the rescinded Council study.</p> <p>The proposal provides increased amenity through greater activation and surveillance of the public domain compared to the current buildings, particularly to Waters Lane. This increased activation will encourage positive uses of the public domain.</p>
Economic	<p>The redevelopment of the site will have a positive economic impact in generating employment for construction. In the longer term the site will offer contemporary new commercial and retail floor space in addition to a specialty greengrocer that assists in generating a positive social and economic impact. The site will achieve a diverse retail offering with greater available choice.</p>

4.3 Infrastructure

The following **Table 13** provides an assessment of the adequacy of infrastructure to service the site and the development resulting from the planning proposal and what infrastructure is proposed in support of the proposal.

Table 13 Infrastructure assessment

Infrastructure	Assessment
Public transport	The site is in an accessible location with ample public transport connections utilising the existing road structure. With a number of travel routes available particularly along Military Road, the proposal aims to capitalise on the B-line bus service located within approximately 80m of the site.

5 Consultation

5.1 Community

The planning proposal provides a timeframe of 28 days for community consultation.

The exhibition period proposed is considered appropriate, and forms to the conditions of the Gateway determination.

5.2 Agencies

The planning proposal recommends two agencies be consulted, with the Department concurring with these recommendations.

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

- Ausgrid; and
- Transport for NSW.

6 Timeframe

The planning proposal provides an indicative project timeline with an anticipated completion date for the LEP amendment by March 2023.

The Department recommends a time frame of 9 months to ensure it is completed in line with its commitment to reduce processing times. It is recommended that if the gateway is supported it also includes conditions requiring council to exhibit and report on the proposal by specified milestone dates.

As such, from the date of the Gateway determination, the planning proposal must be:

- exhibited within 3 months; and
- reported to the Sydney North Planning Panel for a recommendation within 6 months.

The planning proposal is to be amended to provide an updated timeline for completion. It is recommended that a 9 month timeframe is appropriate for this planning proposal from the date of the Gateway determination.

A condition to the above effect is recommended in the Gateway determination.

7 Local plan-making authority

The Sydney North Planning Panel approved the proposal to proceed to Gateway determination.

As the proposal is a result of a rezoning review, the Department will be the local plan-making authority.

8 Assessment summary

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

- it is generally consistent with the Local Housing Strategy, Local Strategic Planning Statement and the Neutral Bay Town Centre – Future Directions Planning Study as determined by the Sydney North Planning Panel;
- it is generally consistent with the actions of the Greater Sydney Region Plan and North District Plan by facilitating additional residential dwellings and maximising public transport patronage;
- the increases to the planning controls on the site will facilitate a minor increase to the already approved development application with no detrimental impacts to the surrounding location; and
- the amended concept scheme will respond to the desired character of the Neutral Bay Town Centre and activate street frontages, particularly along Waters Lane through proposed public domain upgrades.

Based on the assessment outlined in this report, the proposal must be updated before consultation to:

- include an updated timeline based on the issuing of the Gateway determination;
- provide clarity in the proposed number of apartments and include RL's to the top of building structure in all sections and elevations;
- provide improved resolution and clear images and mapping;
- provide further justification for Ministerial Direction 1.4 relating to the site specific provision;
- amend planning proposal errors, repeated sections and incorrect references not applicable to the planning proposal; and
- update to reflect the new letter of offer supported by Council on 14 November 2022.

The Letter of Offer (**Attachment A7**) supported by Council is proposed to be exhibited concurrently with the planning proposal.

9 Recommendation

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

1. Prior to community consultation the planning proposal is to be updated to address the following:
 - update the Urban Design Report and associated reference scheme imagery in the planning proposal report to reflect the height control of 22m (with additional 2m height for rooftop facilities) as approved by the Sydney North Planning Panel, this includes referencing correct overshadowing diagrams in the planning report;
 - include RL's to the proposed top of building structure in all sections and elevations of the Amended Concept Drawings and updated Urban Design Report;
 - clarify the number of proposed apartments in the context of DA 92/21/3 modification to DA 92/2021 that amalgamates apartments 2.07 and 2.08 into one (1) apartment, ensuring this number is consistent across all documentation;
 - consolidate planning proposal assessments against regional, state and local plans to remove duplicate tables and sections;
 - provide further justification for Ministerial Direction 1.4 Site Specific Provisions;
 - revise Ministerial Direction 3.2 Heritage Conservation to rectify errors and remove content not applicable to this proposal;

- amend planning proposal to remove errors and reference to requiring updates to SEPPs as the proposal addresses the current consolidated SEPPs;
 - update planning proposal to reflect the new letter of offer to Council and remove reference to the previous VPA;
 - provide improved resolution and clear images and mapping; and
 - include an updated timeline based on the issuing of the Gateway determination.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
- (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021) and must be made publicly available for a minimum of 28 working days; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, September 2022).

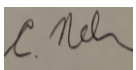
Exhibition must commence within **3 months** following the date of the gateway determination.

The Voluntary Planning Agreement (VPA) Letter of Offer for 12-14 Waters Road, Neutral Bay is to be exhibited at the same time and in the same way as the planning proposal (as far as practicable).

3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the EP&A Act:
- Ausgrid; and
 - Transport for NSW

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.

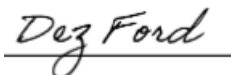
4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
5. The timeframe for completing the LEP is to be **9 months** from the date of the Gateway determination.



20.12.2022

Charlene Nelson

Manager, Place and Infrastructure



23.12.2022

Dez Ford

Acting Director, North District, Metro Central and North

Assessment officer

Matthew Rothwell

Planning Officer, North District, Metro Central and North

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