

Exhibition of Planning Proposal 12-14 Waters Road, Neutral Bay (PP-2021-7492)

The proposal seeks to amend planning controls at 12-14 Waters Road, Neutral Bay, by increasing the maximum building height and the minimum non-residential FSR and introducing a site-specific provision, to facilitate a mixed-use development on the site.

Site description

The site is located at 12-14 Waters Road, Neutral Bay (Lot SP68360 and Lot 18 DP537700) and has an area of 1,627m². The site is a rectangular block with street frontages to Grosvenor Street, Waters Road and Waters Lane.

There are no existing buildings located on the site as demolition occurred in December 2022. To the north of the site is a 4-storey residential flat building at 80 Grosvenor Street. South of the site at 4-8 Waters Road there is a 5-storey mixed-use building with commercial use on the ground floor and residential use above. 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. To the west, across Waters Lane at 41-53 Grosvenor Street is a 2-3 storey commercial building that accommodates a Woolworths and BWS.

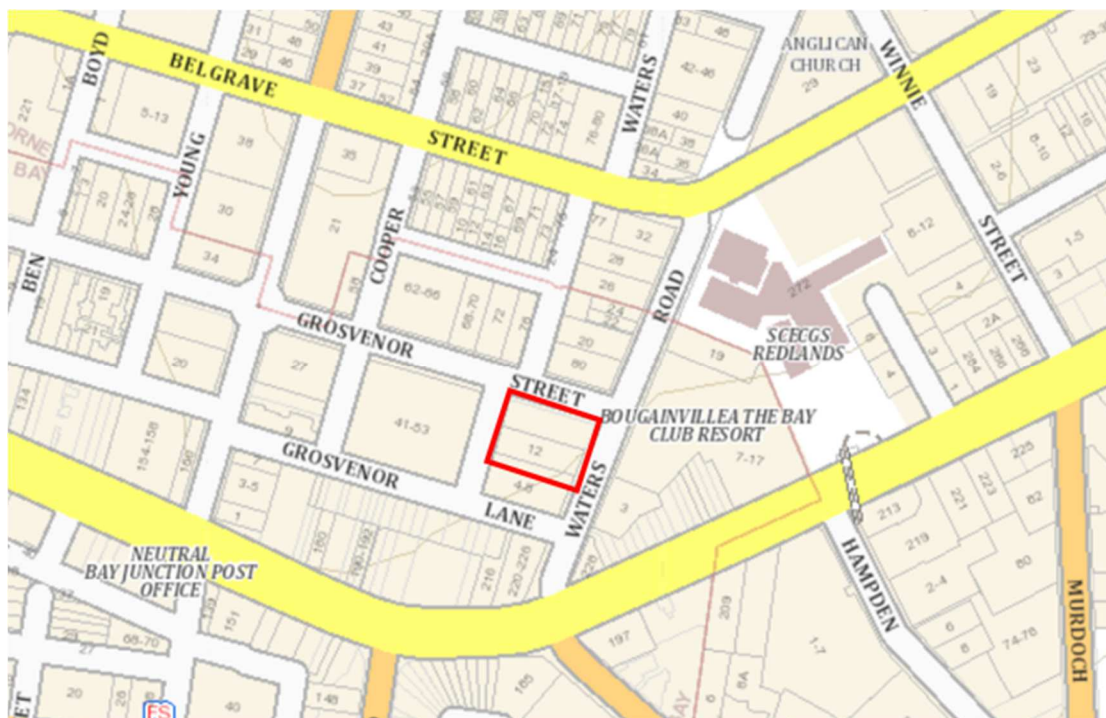


Figure 1 - Subject Site (Source: NSW Spatial Map Viewer)

What is a planning proposal?

A planning proposal (PP) is a document that explains the intended effect (e.g. a proposed land-use or zone change) and sets out the justification for making that argument.

A PP is submitted by a proponent (i.e., a landowner, consultant on their behalf, a company etc.) that requests to amend a local government area's (LGA) Local 'Environmental Plan' (LEP).

It will be used and read by a wide audience including those who are responsible for deciding whether the proposal should proceed, as well as the general community.

It must be concise and written in language that is clear and easy to understand. It must also be technically competent and include an accurate assessment of the likely impacts of the proposal. It should be supported by technical information and investigations where necessary.

What is a LEP?

LEPs guide planning decisions for LGAs through zoning and development controls made under the Environmental Planning and Assessment Act 1979. They provide a local framework for the way land can be developed and used. LEPs are the main planning tool to shape the future of communities by ensuring local development is carried out appropriately.

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

Changes to LEPs are important to maintain up-to-date local planning controls. The LEP making process aims to make sure these changes are strategically aligned and deliver good planning outcomes.

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

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

What does this planning proposal want to do?

As the site is located within the North Sydney Council LGA, it is subject to the development controls of the North Sydney Local Environmental Plan (LEP) 2013. Therefore, this PP seeks to amend this LEP by increasing the maximum building height on the site from 16m to 22m, increasing the minimum non-residential floor space ratio (FSR) from 0.5:1 to 1.2:1 and introducing a site-specific height provision to allow an additional 2m for rooftop facilities.

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

The Council's role for this planning proposal

This PP originally was submitted to North Sydney Council (Council) in December 2021. On 26 April 2022, Council resolved to advise the proponent it did not support the PP. The proponent subsequently lodged a rezoning review request for the proposal, which resulted in the Sydney North

Planning Panel (the Panel) supporting the proposal progression for Gateway determination in September 2022. The Department issued a Gateway determination for the proposal on 23 December 2022, requiring the proposal be placed on public exhibition.

For a detailed explanation of these processes, please refer to the Department's website: <https://www.planning.nsw.gov.au/-/media/Files/DPE/Guidelines/LEP-Making-Guideline.pdf>

Sydney North Planning Panel's role for this proposal

The Sydney North Planning Panel acts as the independent body in rezoning reviews within the North Sydney LGA. Given Council did not support the progression of the PP, the Panel was requested by the proponent to review the rezoning request.

The Panel determined that the proposed demonstrated strategic and site-specific merit and should proceed to Gateway determination. The Panel was appointed as the Planning Proposal Authority, and therefore responsible for preparing the package of PP documents for public exhibition and running public consultation. The Panel will consider all public submissions on the PP prior to deciding about whether the PP has merit and should proceed to being finalised.

The Department's role for this planning proposal

The Department assesses and guides PPs through the LEP making process as the Local Plan-Making Authority (LPMA). This includes active management of the PP through the LEP making process, issue resolution, and finalising the LEP (if the Minister is the LMPA).

On 25 October 2022, the PP was submitted to the Department for Gateway determination. An assessment of the proposal was undertaken, and a Gateway determination was issued on 23 December 2022 stating the proposal should proceed subject to the conditions, including the public exhibition of the proposal.

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

Council exhibition of draft VPA

The proponent (Central Element) expects to enter into a Voluntary Planning Agreement (or "VPA") with Council as a mechanism to provide a monetary contribution for a range of public benefits. The Letter of Offer and VPA are currently being finalised and will be publicly notified by Council.

Additional information about the planning proposal

More information about the proposal and details about how you can get involved can be found on the NSW Planning Portal. Go to <https://www.planningportal.nsw.gov.au/ppr/under-exhibition/planning-proposal-12-14-waters-road-neutral-bay>.

What is a Planning Proposal Authority (PPA)?

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

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

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

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

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

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