

# Summary of Submissions

PP 2021-7492

Submission Name	Issues Raised	Proponent Response	Department Response
Council Submission			
<p><b>North Sydney Council</b></p>	<p><b>Strategic Merit</b></p> <p>Not consistent with Local Strategic Planning Statement (LSPS), strategy or planning study.</p>	<p>In February 2021, North Sydney Council adopted the Military Road Corridor Planning Study – Stage 1 which supported a height increase on the site, subject to increased commercial floor area and public domain works. In December 2021, Central Element submitted a planning proposal which was consistent with the endorsed study.</p> <p>In addition to its consistency with the study, the planning proposal is consistent with Council’s Local Strategic Planning Statement as it seeks to deliver housing in line with an endorsed planning strategy.</p>	<p><u>Strategic Merit</u></p> <p>On 1 September 2022, the Sydney North Planning Panel (the Panel), determined the proposal had strategic and site-specific merit and should be submitted to the Department of Planning and Environment for Gateway determination once updated to address specific requirements relating to the mapped height.</p> <p>The Panel acknowledged the process for the Military Road Corridor Planning Study (the Study) which was current at the time the proposal was originally lodged and concluded the proposal demonstrated strategic merit by addressing Council’s objectives for achieving appropriate balance between additional height, employment generating opportunities, and additional open space.</p> <p>The Department is satisfied that the issues raised in Council’s submission relating to strategic merit have been sufficiently addressed.</p>
	<p><b>Site Specific Merit</b></p> <p><u>Height</u></p>	<p><u>Height</u></p> <p>Council in their original assessment of the planning proposal</p>	<p><u>Height</u></p> <p>Although the Study has been subsequently rescinded, it identified that the subject site</p>

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	<p>Excessive height to accommodate a 6-storey building and rooftop facilities will result in a visually dominant form.</p> <p>The height at 22m + 2m will set an undesirable precedent and undermine Council's Strategic Planning Study in progress.</p> <p><u>Building depth</u></p> <p>Proposal will facilitate a greater number of dwellings inconsistent with State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development (SEPP 65) Apartment Design Guide (ADG).</p> <p><u>Non-residential FSR</u></p> <p>Plans associated with the planning proposal do not propose any additional non-residential floorspace</p>	<p>recommended the building height standard be reduced from 26m to 24m, which was adopted by Central Element.</p> <p>This was further reduced to 22m, with an additional 2m for rooftop facilities, by the Panel. Noted that other local government areas have adopted a similar 22m maximum building height for six storeys developments within the B4 Mixed Use (now MU1 Mixed Use) zone.</p> <p>The rooftop facilities were a requirement of the 5 storey DA, which was supported by the North Sydney Design Panel, North Sydney Council and the Panel. The proposed concept scheme proposes to increase the height of the building by a single additional level and retains the rooftop facilities.</p> <p><u>Building depth</u></p> <p>The planning proposal is not accompanied by a supporting site specific development control plan. Any future development application for a six storey development would</p>	<p>could accommodate an increase in building height from 5 storeys to 6 storeys. The planning proposal seeks to amend the controls to be consistent with this recommended change (16m to 24m) noting that the mapped height change is to 22m (with a site-specific provision to facilitate an additional 2m for the rooftop space).</p> <p>While the increase in height will facilitate a minor uplift to the currently permissible development standards (and approved development), it is considered that this change will not have significant impacts to the surrounding location.</p> <p>The Department is satisfied that the issues relating to building height have been addressed and that any refinements to the built form can be undertaken as part of a future development application. These matters do not prevent the planning proposal progressing to finalisation.</p> <p><u>Building depth</u></p> <p>Any future residential development on site would be required to demonstrate</p>

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		<p>need to be considered on merit against SEPP 65 and the ADG.</p> <p>The concept architectural drawings demonstrate the proposed additional storey is compliant with the design criteria contained within the ADG.</p> <p><u>Non-residential FSR</u> The site is currently subject to clause 4.4A of the North Sydney Local Environmental Plan (LEP) 2013 which stipulates a minimum non-residential FSR of 0.5:1 is required for the site. The planning proposal includes an amendment to the North Sydney LEP to increase the minimum non-residential FSR to 1.2:1.</p> <p>The proposed increase to the minimum non-residential FSR is consistent with the Military Road Corridor Planning Study – Stage 1 recommendations.</p> <p>The proposed underground portion of commercial floor space is considered suitable amenity for its intended use and commercial floor</p>	<p>consistency with SEPP 65 and the Apartment Design Guide.</p> <p>The Department is satisfied that the issues raised in Council’s submission relating to building depth have been sufficiently addressed at this stage and do not prevent the progression of the planning proposal.</p> <p><u>Non-residential FSR</u> Under the current planning controls, the site is required to provide a non-residential FSR of 0.5:1 or 813.5m<sup>2</sup>.</p> <p>The planning proposal includes a total non-residential FSR of 1.2:1 which equates to approximately 1,954m<sup>2</sup> of commercial/retail floor area.</p> <p>The extent of non-residential floor space incorporated under the approved DA consent (DA92/21) is 1.24:1 which is well in excess of the applicable FSR of 0.5:1 at the time of determination. The non-residential FSR proposed by this planning proposal is aligned with the approved DA and represents a significant increase to the current controls on the site which will secure the non-residential floor space at this rate in perpetuity.</p>

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		area being located within the basement is consistent with previously approved development applications on site.	
	<p><b>Exhibition Process</b></p> <p>The exhibition material and documentation are presented in a confusing and in some cases incorrect manner.</p>	Noted	<p>The Department has worked with Council to address the issues raised regarding the documents and material included on the planning portal.</p> <p>The issues raised by Council do not prevent the progression of the planning proposal.</p>
Agency Submissions.			
<b>Transport for NSW (TfNSW)</b>	<p><b>No objection</b></p> <p>The proposal is expected to generate low traffic volumes within an existing local centre resulting in minimal traffic impacts to the surrounding local and regional transport network</p>	No response provided	<p>The proposed height increase will result in an additional 2 dwellings based on the concept scheme provided.</p> <p>The Traffic Impact Assessment (TTPP Transport Planning) identifies that the proposed concept scheme will provide 11 fewer parking spaces (89) than the currently approved development (101) further reducing traffic impacts.</p> <p>The Department is satisfied that traffic related issues are satisfactorily addressed.</p>

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<b>Ausgrid</b>	<p><b>No objection</b></p> <p>Construction related advisory information provided relating to underground services and cabling.</p>	No response provided.	Noted. Locating and protecting services can be further addressed and assessed at the DA stage.

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Community Submissions				
<b>SUPPORT</b>				
<b>Support proposal</b>	1	Nil. In support of proposal proceeding	Noted.	Noted
<b>OBJECTIONS</b>				
<b>Building height (Precedent)</b>	25 (10)	<ul style="list-style-type: none"> <li>86% of submissions raised concern with the increased building height.</li> <li>The 22m height limit will create amenity issues, including overshadowing and the loss of solar access.</li> </ul>	<p>The approved DA for a 5-storey building with rooftop facilities is under construction includes a 21.3m height, the planning proposal only seeks an additional 2.7m in height.</p> <p>The planning proposal is not considered to set a precedent, Central</p>	<p><u>Amenity impacts</u></p> <p>The existing development approval on the site provides for a 21.3m height limit. The additional height above this level is mostly located in the centre of the building and relates to the service core and small areas of residential floor space (approximately 14m<sup>2</sup>,</p>

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		<ul style="list-style-type: none"> <li>The height changes are not consistent with the character of the Neutral Bay Town Centre.</li> <li>Height is excessive for 1 extra level</li> <li>No additional benefit for the community with extra level (i.e. no increase in affordable housing).</li> </ul>	<p>Element purchased the property 14 Waters Road and submitted the planning proposal following the endorsement of the Military Road Corridor Planning Study by the North Sydney Councillors and Greater Sydney Commission. The planning proposal was submitted based on an endorsed strategy which was later rescinded by the Councillors to establish a “better balance between development height and the provision of additional public open space”, which is considered to be achieved through modest 2.7m height increase and substantial public benefits.</p> <p>The proposal is considered to set a positive precedent by delivery substantial public benefits with only a minor increase in height which maintains the village character of Neutral Bay and providing a balanced approach.</p>	<p>18m<sup>2</sup> and 15m<sup>2</sup>). This area is considered unlikely to adversely impact on solar access or create additional overshadowing.</p> <p><u>Voluntary Planning Agreement</u></p> <p>The planning proposal was accompanied by a Letter of Offer to enter into a Voluntary Planning Agreement (VPA). The proposal for increased height limit and non-residential FSR for the site will enable the delivery of new public infrastructure within Waters Lane. The scheme includes the dedication to Council of a 1.5m wide strip of the site adjoining Waters Lane to create full pedestrianization along Waters Lane. Further contributions toward embellishment of public domain areas within the Neutral Bay Town Centre are also included.</p> <p>The proposed amendments respond to Council's objectives to find an appropriate balance between additional height, employment generating opportunities, and additional open space.</p>
<b>Traffic and Parking</b>	20 (traffic)5 (parking)	<ul style="list-style-type: none"> <li>69% of the submissions raised traffic and 17% raised parking as a negative impact of the project.</li> </ul>	<p>The concept proposal includes 37 apartments. The proposal provides for the maximum amount residential parking permitted under the North</p>	<p>The proposal enables increased commercial and residential development within walking distance to numerous bus routes connecting to North Sydney CBD, Sydney CBD, St</p>

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		<ul style="list-style-type: none"> <li>Insufficient parking proposed</li> <li>Additional traffic on congested local roads</li> </ul>	<p>Sydney DCP. Any additional residential parking would result in a non-compliance with the North Sydney DCP maximum parking control.</p> <p>The proposal is located within the Neutral Bay Town Centre and within 100m of the express B Line bus terminal and additional increase in one storey in height is considered to be suitably serviced by public transport and good access to local services in walking distance.</p>	<p>Leonards, Chatswood and the northern beaches.</p> <p><u>Parking provision</u></p> <p>The approved development (DA92/21) for 35 apartments included 101 car parking spaces (34 residential, 6 visitor, 1 carwash and 60 commercial).</p> <p>The planning proposal indicates a reduced provision of 89 car parking spaces which includes 37 residential, 5 visitor and 47 commercial spaces.</p> <p>The reduced number of parking spaces is less than the maximum rates applicable for this development , and this reduction to car parking is a matter for Council to consider as part of a future development application.</p> <p><u>Traffic generation</u></p> <p>The Traffic Assessment provided with the approved development with 101 car spaces indicated that the surrounding road intersections would operate at the same level of service as the pre-development condition with the exception of the Military Road and Waters Road intersection which would experience 'minimal vehicle delay'.</p>

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				The planning proposal does not seek to provide any additional parking and implies a reduced car parking provision and is supported by a Traffic Impact Assessment (TTPP Transport Planning). The Department is satisfied that the planning proposal will not create any additional adverse impact in terms of traffic generation or congestion on the surrounding road network and intersections.
<b>Amenity</b>	13	<ul style="list-style-type: none"> <li>The proposal does not provide for a high-quality commercial space given that it is underground.</li> <li>Pressure on local amenity, infrastructure and increased pollution (both by humans and vehicles), negative environmental impact and loss of Neutral Bay Village atmosphere</li> <li>Stormwater and flooding issues</li> <li>Privacy, overshadowing, loss of solar access, and noise impacts generated by the</li> </ul>	<p><u>Quality commercial space</u></p> <p>The proposal includes fine grain retail and alfresco dining to the Grosvenor Street frontage to an area which previously included a blank wall and considered to greatly improve the retail quality of the Neutral Bay Town Centre. The ideal location for grocer includes a basement rather than ground level, as this prevents a blank wall being proposed to each street frontage.</p> <p><u>Pollution and public amenity infrastructure</u></p> <p>The additional level is not considered to result in any additional pollution or rubbish. The proposed \$1,900,000 in voluntary contributions can be used to</p>	<p><u>Quality commercial space</u></p> <p>The approved development proposal includes an activated interface containing a supermarket tenancy space with prominent corner exposure to Waters Road and Grosvenor Street at ground level. The site also includes a basement tenancy for a smaller specialty greengrocer which will be linked to the ground level service zones.</p> <p>The planning proposal does not make any change to this approved commercial space and the Department raises no issues with the quality of this space.</p> <p><u>Environmental Impact</u></p> <p>The reference scheme proposes to incorporate sustainable features such as</p>



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		<p>construction of the future development</p>	<p>improve the environmental performance of the public domain.</p> <p><u>Overshadowing</u></p> <p>Detailed overshadowing diagrams have been prepared and included with the planning proposal demonstrating minimal overshadowing to the public domain.</p> <p>A detailed overshadowing study demonstrating the proposed six storeys will not significantly overshadow the apartments to the south and enable compliance with the SEPP 65 ADG is also provided.</p> <p>The planning proposal includes an additional 1.5m whole of building setback greater than anticipated in the DCP (1.5m podium setback and 4.5m tower setback) to improve sunlight access to Waters Lane.</p> <p><u>Construction impacts</u></p> <p>The proposed additional level does not result in any additional bulk excavation and would not significantly increase the length of construction.</p>	<p>water saving, solar initiatives and green roofs in additional to Well2 Certification</p> <p><u>Stormwater and flooding</u></p> <p>The site is currently under construction and is not identified as flood prone land. The proposed additional storey will not increase the flood risk of the site. Any future development application would need to consider Council's Flood Study Plan and clause 5.21 Flood planning of the NSLEP.</p> <p><u>Privacy and Overshadowing</u></p> <p>The overshadowing analysis provided within the Design Report by SJB indicates that there will be no additional overshadowing from the increased building height on future public domain areas within Grosvenor Lane between 10am and 3pm.</p> <p><u>Construction Impacts</u></p> <p>In terms of additional noise impacts, the planning proposal seeks additional height above the existing 16m height limit up to 24m which is 1 additional level (2.7m) above the approved development which is currently under construction.</p> <p>Any additional height facilitated by this planning proposal will be subject to a future</p>

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				development application/ consent through Council. Issues relating to construction noise or pollution would be managed through conditions of consent.
<b>Local character</b>	9	<ul style="list-style-type: none"> <li>31% of submissions were concerned that the project is not consistent with the local character of the area.</li> <li>Height and density will destroy the village atmosphere</li> <li>7 storey building will be out of place.</li> </ul>	<p>The proposal is subject to substantial public benefits which will contribute to a more vibrant centre and improved public domain.</p> <p>The planning proposal was submitted based on a Council and Greater Sydney Commission local planning strategy. The preparation of the Military Road Corridor Planning Strategy was a requirement of the Council endorsed Local Strategic Planning Statement. The strategy was later rescinded by a new incumbent set of Council on the basis of ensuring a <i>“better balance between development height and the provision of additional public open space”</i>.</p> <p>The proposal is considered to set a positive precedent by delivering substantial public benefits with only a minor increase in height which maintains the village character of</p>	<p><u>Village atmosphere</u></p> <p>Community engagement undertaken in the preparation of the Military Road Corridor Planning Strategy identified that the following elements are highly valued by the resident community:</p> <ul style="list-style-type: none"> <li><i>Restaurants, cafes and the local pub which are the most popular places to socialise;</i></li> <li><i>Ease of access to a wide variety of shops and services;</i></li> <li><i>Community feel and village atmosphere; and</i></li> <li><i>Connectivity and proximity to Sydney CBD and North Sydney CBD.</i></li> </ul> <p>Also identified was a significant demand for new community space, in particular for outdoor places where the community can linger, socialise and play.</p> <p>The proposal aims to rejuvenate the public domain of the site through street activations and public domain upgrades (i.e. widening and pedestrianization of Waters Lane) that</p>

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			Neutral Bay and providing a balanced approach.	accompany the addition of a storey on the currently approved DA. The Department supports this proposal as it will increase the vibrancy of the streetscape adjacent to the site and deliver the pedestrian connectivity associated with a 'village atmosphere'.  Upgrades identified to Waters Lane are likely to be realised in the near future subject to the VPA being finalised with Council as the site is currently under construction.
<b>Pedestrian safety</b>	2	<ul style="list-style-type: none"> <li>• Pedestrian safety was a concern within 6% of the submissions.</li> <li>• There is a lot of foot traffic and pram traffic around this area.</li> <li>• Increased traffic and congestion impacts pedestrian safety.</li> </ul>	<p>Pedestrian safety is considered to be improved by replacing a blank wall to Grosvenor Street with alfresco fining and fine grain retail which will activate the streetscape and provide passive surveillance.</p> <p>The proposal includes the embellishment of the footpath to Waters Lane and Grosvenor Street and a 1.5m podium setback to Waters Lane and 4.5m tower setback which will increase the width of the public domain, improve pedestrian amenity and increased natural light to Waters Lane.</p>	<p>The proposed access arrangements include the main vehicular access and egress from Waters Road with a ground level internalised loading dock at the south-west corner of the site from Waters Lane. This access is intended for deliveries only during early morning. The intricacies of managing this area could be subject to conditions of development consent.</p> <p>The Department is satisfied the location of vehicle and loading access into the site and provision of upgraded public domain areas and pedestrianization of Waters Lane provides sufficient pedestrian safety considerations.</p>