



NSLPP MEETING HELD ON 13/04/22

Attachments:

1. Planning Proposal
2. Urban Design Report

ADDRESS/WARD: 12-14 Waters Road, Neutral Bay

PROPOSAL No: 2/22

PROPOSAL: To amend North Sydney Local Environmental Plan 2013 at 12-14 Waters Road, Neutral Bay, as follows:

- Increase the maximum height control for the site from 16m to 26m;
- Introduce a minimum 1.2:1 Non-residential Floor Space Ratio Standard.

OWNER: Multiple Owners – See attached owner’s details

APPLICANT: CE Waters Road Pty Ltd

AUTHOR: Jayden Perry, Strategic Planner

DATE OF REPORT: 8 April 2022

DATE LODGED: 29 December 2021

EXECUTIVE SUMMARY

On 29 December 2021, Council received a Planning Proposal to amend North Sydney Local Environmental Plan 2013 (NSLEP 2013) as it relates to land located at 12-14 Waters Road, Neutral Bay. The Planning Proposal seeks to amend North Sydney Local Environmental Plan (NSLEP) 2013 as it applies to the subject site as follows:

- Increase the maximum height control for the site from 16m to 26m;
- Introduce a minimum 1.2:1 Non-residential Floor Space Ratio Standard.

The indicative concept scheme accompanying the Planning Proposal includes a 6-storey mixed use building, comprising approximately 7,312m² Gross Floor Area (GFA), and basement car parking over four basement levels.

The Planning Proposal is accompanied by a draft Voluntary Planning Agreement (VPA) (Attachment 3) offer which proposes to provide:

- A 1.5m wide building setback from Waters Lane with an easement for public access;
- Embellishment of the public domain within the Neutral Bay Town Centre to a value of \$1,925,000.00 (excl. GST) which would include the full length of Waters Lane and either a portion of Grosvenor Street or Grosvenor Plaza (to the agreement of Council).

The Planning Proposal includes a draft site-specific Development Control Plan (DCP) (Attachment 4) which proposed to introduce built form controls to give clarity to the proposed concept scheme.

Having completed an assessment of the Planning Proposal, it is recommended that the Planning Proposal not be supported to proceed to Gateway Determination for the following reason:

- The proposal does not demonstrate strategic merit as it challenges the implementation of Action L1.5 of the *North Sydney Local Strategic Planning Statement* (LSPS). In particular, it seeks to progress a planning proposal that is not endorsed by any planning study. This would result in the haphazard redevelopment of the area and would result in poor outcomes for the Neutral Bay community.
- The proposal does not demonstrate site specific merit due to the following:
 - the height being sought by the proposal is excessive given its stated objectives of achieving a single additional storey; and
 - the proposed underground portion of commercial floor space is of sub-standard quality.

LOCATION MAP



DESCRIPTION OF PROPOSAL

Planning Proposal 2/22 seeks to amend the North Sydney Local Environmental Plan 2013 (NSLEP 2013) as it relates to land located at 12-14 Waters Road, Neutral Bay (the site). The Planning Proposal seeks to amend North Sydney Local Environmental Plan (NSLEP) 2013 as it applies to the subject site as follows:

- Increase the maximum height control for the site from 16m to 26m;
- Introduce a minimum 1.2:1 Non-residential Floor Space Ratio Standard.

The indicative concept scheme accompanying the Planning Proposal includes a 6-storey mixed use building, comprising approximately 7,312m² Gross Floor Area (GFA), and basement car parking over four basement levels.

The Planning Proposal is accompanied by a draft Voluntary Planning Agreement (VPA) offer which proposes to provide:

- A 1.5m wide building setback from Waters Lane with an easement for public access;
- Embellishment of the public domain within the Neutral Bay Town Centre to a value of \$1,925,000.00 (excl. GST) which would include the full length of Waters Lane and either a portion of Grosvenor Street or Grosvenor Plaza (to the agreement of Council).



FIGURE 1: Photomontage of Proposed Development Concept (as seen from the Corner of Waters Road and Grosvenor Street)

Table 1 outlines the applicant’s envisaged built form outcomes.

TABLE 1 – Concept Development Statistics	
Development Aspect	Detail
Building Height (Max)	26m (6 storeys)
Podium Height	
– Waters Road	3 storey
– Grosvenor Street	3 storey
– Waters Lane	3 storey
Setbacks	
– North (Grosvenor Street)	Podium Nil Tower 3m
– East (Waters Road)	Podium Nil Tower 3m
– South	Podium Nil Tower Nil (Note: Proposed concept includes large internal void to the southern boundary)
– West (Waters Lane)	Podium 1.5m Tower 4.5m
Total Commercial GFA	2,046m ²
Total Residential GFA	5,266m ²

PANEL REFERRAL

On 23 February 2018, the Minister for Planning released a Section 9.1 Direction which outlines the instances when a planning proposal must be referred to a Local Planning Panel for advice prior to a council determining whether that planning proposal should be forwarded to the Department of Planning, Industry and Environment (DPIE) for the purposes of seeking a Gateway Determination.

All planning proposals are required to be referred to the Local Planning Panel, unless they meet any of the following exemptions:

- the correction of an obvious error in a local environmental plan;
- matters that are of a consequential, transitional, machinery or other minor nature; or
- matters that Council’s General Manager considers will not have any significant adverse impact on the environment or adjacent land.

The Planning Proposal does not meet any of the exemption criteria and therefore must be referred to the Local Planning Panel for advice prior to Council making any determination on the matter.

BACKGROUND

Military Road Corridor Planning Study Stage 1 – Future Directions Report (MRCPS)

On 22 February 2021, Council adopted the Stage 1 post-exhibition report of the Military Road Corridor Planning Study – Stage 1 Future Directions Report (MRCPS).

The report was the product of three community consultation periods. An initial community survey was run in mid-2018. Two discussion papers were exhibited in mid-2019:

- Objectives and Ideas paper
- Analysis paper

These papers explored a range of changes to planning controls and investigated the public benefits that are achievable through different built form options. The last exhibition in mid-2020 provided input to the draft version of this report. Community feedback helped to shape the preferred planning control changes detailed in the report and the public benefits being sought by the Council through new development.

The aim of the Report was to provide a framework to guide ongoing discussion with local landowners about the future development of the Centre. Its intent was to manage jobs and housing growth, while maintaining the village atmosphere of the Neutral Bay Town Centre whilst leveraging public domain and facilities embellishments and improvements to achieve these outcomes.

The study was supported by the following elements:

- Public domain improvements including significant new public plazas
 - A 1,000m² new Rangers Road Plaza
 - A 2,500 m² new Grosvenor Lane Plaza
 - A 1,000m² new Young Street Plaza
- Relocation of the Grosvenor Lane car park underground
- A 1,000m² community centre with accessible public amenities and family room
- A 600m² creative makers art alley
- 28 regional secured commuter bicycle parking spaces

The most specific direction of the Study relating to the subject site, was the identification of a height uplift of 1 storey (from five to six stories) and a corresponding increase in the non-residential floor space requirements. The rationale for this was to ensure commercial floor space was provided in the centre to arrest the decline of such floor space as new development occurred under the current planning rules. It was intended that more detailed provisions would be outlined in a future amendment to the North Sydney Development Control Plan (NSDCP) 2013. Such draft amendments, however, were rejected by Council at its meeting on 23 August 2021.

At its extraordinary meeting on 24 January 2022, Council resolved to rescind this study:

- 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** 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 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.

Whilst the Planning Proposal at hand has been prepared in response to the MRCPS, it is noted that given the Report has been formally rescinded, it is no longer a consideration in the assessment of this proposal. This is a fundamental consideration and is discussed further below in section 8.4.2.1. Notwithstanding this, the proposal has been assessed against other existing strategic documentation relevant to the site.

Development Applications at the Site

DA 104/20

On 7 October 2020, the North Sydney Local Planning Panel granted development consent for a five storey shop top housing (mixed use) development at No.12 Waters Road only. The approved development comprises sixteen (16) apartments on the upper levels, retail/commercial tenancies on ground and basement levels and basement parking for 25 cars. It is noted that the applicant originally submitted a scheme for a six (6) storey building but was subsequently amended to five (5) storey following the advice from Council Officers.

DA 92/21

On 27 October 2021, the Sydney North Planning Panel granted a deferred commencement consent for a five (5) storey shop top housing (mixed use) development with 36 apartments on the upper levels, with substantial commercial/retail tenancies on the ground and lower ground levels and basement parking for 100 cars. The applicant was required to submit amended plans to demonstrate compliance with the deferred commencement conditions.

Consent was issued on 22 December 2021 following the submission of amended architectural drawings demonstrating compliance with the requirements of the deferred commencement conditions.

Planning Proposal

Planning Proposal 2/22 seeks to amend the North Sydney Local Environmental Plan 2013 (NSLEP 2013) as it relates to land located at 12-14 Waters Road, Neutral Bay (the site). In particular, the Planning Proposal seeks to amend North Sydney Local Environmental Plan (NSLEP) 2013 as it applies to the subject site as follows:

- Increase the maximum height control for the site from 16m to 26m;
- Introduce a minimum 1.2:1 Non-residential Floor Space Ratio Standard.

The indicative concept scheme accompanying the Planning Proposal includes a 6-storey mixed use building, comprising approximately 7,312m² Gross Floor Area (GFA), and basement car parking over four basement levels.

The Planning Proposal is accompanied by a draft Voluntary Planning Agreement (VPA) offer which proposes to provide:

- A 1.5m wide building setback from Waters Lane with an easement for public access;
- Embellishment of the public domain within the Neutral Bay Town Centre to a value of \$1,925,000.00 (excl. GST) which would include the full length of Waters Lane and either a portion of Grosvenor Street or Grosvenor Plaza (to the agreement of Council).

It is noted that, following the receipt of valuation advice, the applicant voluntarily chose to increase the value of the VPA from what was originally lodged.

DETAIL

1. Applicant

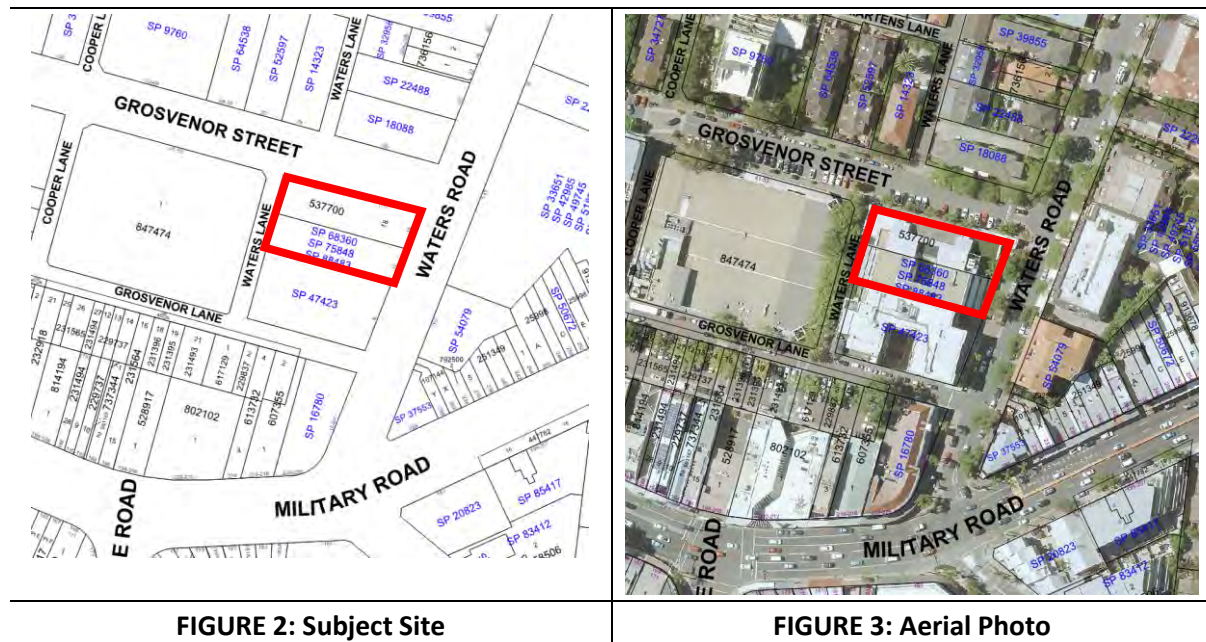
The applicant for the proposal is CE Waters Road Pty. Ltd.

2. Site Description

The subject site comprises two parcels of land located at 12 and 14 Waters Road, Neutral Bay. It is legally described as SP 68360 and Lot 18 in DP 53700.

The site is generally rectangular in shape covering an area of 1,627sqm, with a 31m frontage to Waters Road, a 31m boundary to Waters Lane and 55m frontage to Grosvenor Street.

The land generally falls in a north-westerly direction from its south-eastern corner down to the north-western corner of the site.



The southern allotment (12 Waters Road) currently accommodates a four-storey commercial building. The northern allotment (14 Waters Road) currently accommodates a three-storey commercial building. Vehicular access to the existing buildings is provided from Waters Lane.

3. Local Context

The subject site is located centrally within the Neutral Bay Town Centre, which is a major local commercial centre in the Sydney Metropolitan area. The area is undergoing some change from typically 1-4 storey commercial buildings constructed between the 1960s and 1980s to more contemporary mixed-use developments of up to 5 storeys in height.

Military Road is located approximately 100m walk to the south, which provides regular bus services to the west to North Sydney CBD, and east to Mosman, Manly and beyond.

To the north of the site is Grosvenor Street, and further on the northern side of the street exists a 4-storey residential flat building and 2-storey residential flat building. To the south of the site at 4-8 Waters Road exists a 5-storey mixed use building. To the east of the site across Waters Road exists mixed use developments of 4 to 5 storeys in scale. To the west of the site is Waters Lane, and across the land is a 2 to 3 storey commercial building.

4. Current Planning Provisions

The following subsections identify the relevant planning instruments that apply to the subject site.

4.1 NSLEP 2013

NSLEP 2013 was made on 2 August 2013 through its publication on the NSW legislation website and came into force on the 13 September 2013. The principal planning provisions relating to the subject site are as follows:

- Zoned *B4 Mixed Use* (refer to Figure 4);
- A maximum building height of 16m (refer to Figure 5); and
- A minimum Non-residential Floor Area of 0.5:1.

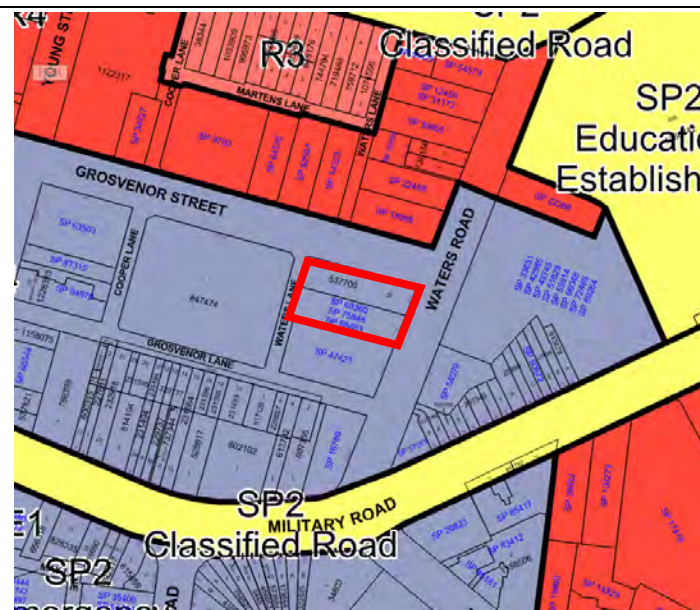


FIGURE 4:
NSLEP 2013 Zoning Map extract

The subject site is zoned *B4 Mixed Use*.

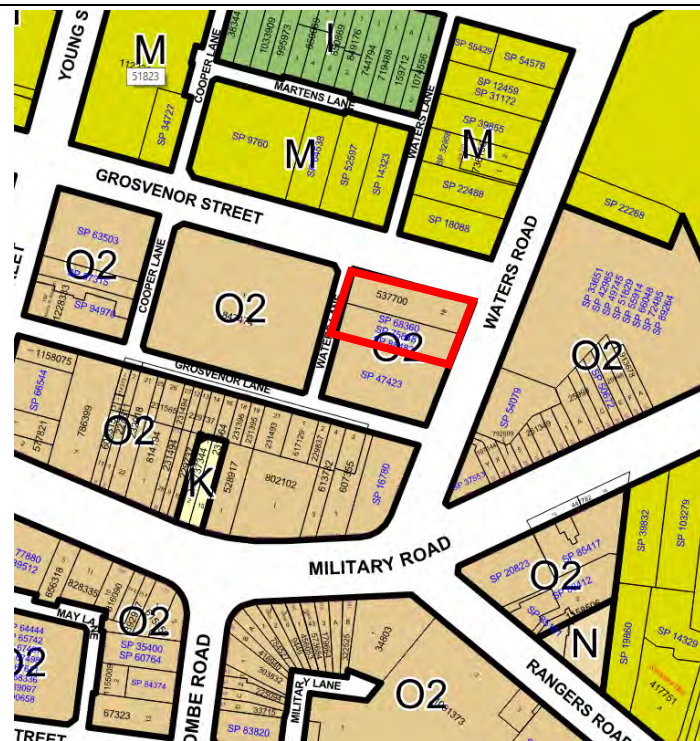


FIGURE 5:
NSLEP 2013 Height of Buildings Map extract

The subject site has a maximum height of 16m.

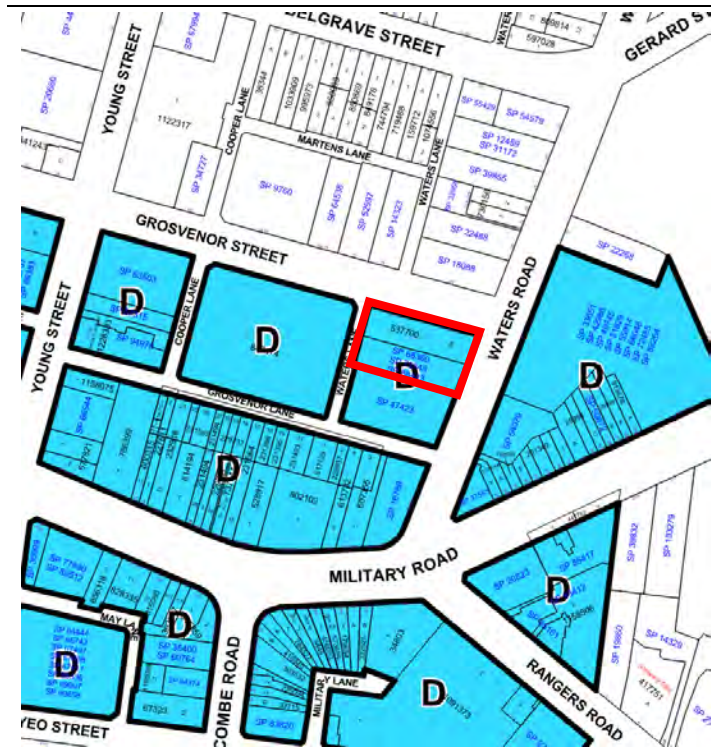


FIGURE 6:
**NSLEP 2013 Non-residential Floor
Space Area Map extract**

The subject site has a minimum Non-residential Floor Space Area of 0.5:1.

5. Mapping Amendments

The Planning Proposal requires a number of mapping amendments which are described below:

- amend the Height of Buildings Map (ref: 5950_COM_HOB_003_010_20211026) to NSLEP 2013 such that a maximum building height for 12-14 Waters Road, Neutral Bay, is increased from 16m to 26m; and
- amend the Non-residential Floor Space Ratio Map (ref: 5950_COM_LCL_003_010_20211026) to NSLEP 2013 such that a minimum Non-residential Floor Space Ratio Map of 1.2:1 applies to 12-14 Waters Road, Neutral Bay.

The applicant's Planning Proposal anticipates that the Maps would be amended similar to those depicted below in Figures 7 and 8 below.

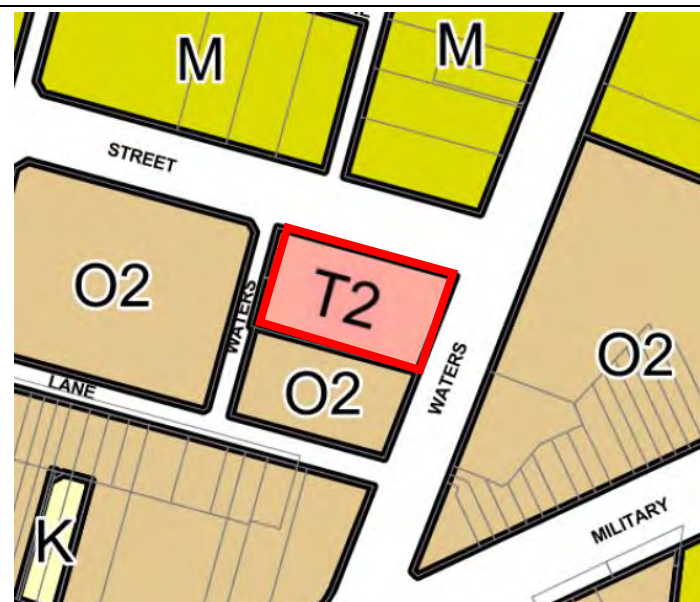


FIGURE 7:
NSLEP 2013 Height of Buildings
Map extract

Land subject to a change in maximum building height.

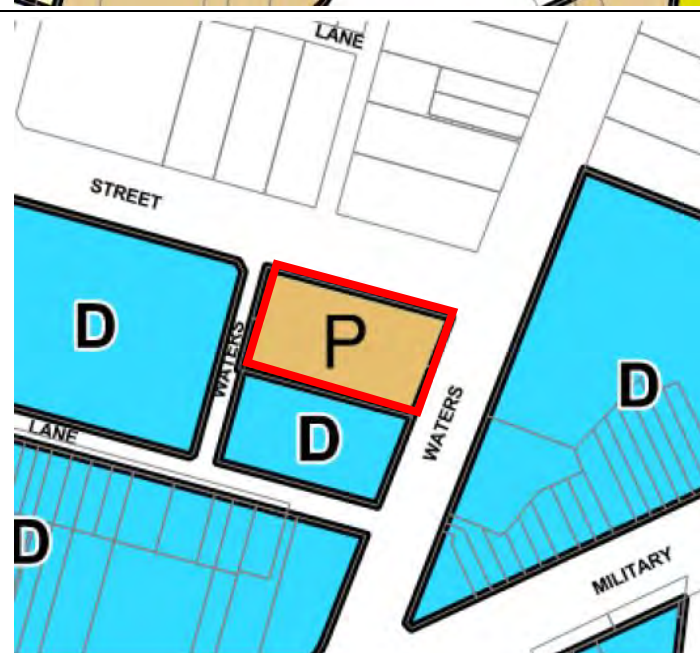


FIGURE 8:
NSLEP 2013 Non-residential Floor
Space Area Map extract

Land subject to a change in minimum non-residential floor space area.

6. Draft Voluntary Planning Agreement (VPA)

The Planning Proposal is accompanied by a draft Voluntary Planning Agreement (VPA) offer which proposes to provide:

- A 1.5m wide building setback from Waters Lane with an easement for public access;
- Embellishment of the public domain within the Neutral Bay Town Centre to a value of \$1,925,000.00 (excl. GST) which would include the full length of Waters Lane and either a portion of Grosvenor Street or Grosvenor Plaza (to the agreement of Council).

In consideration of Planning Proposals and associated offers to enter into Voluntary Planning Agreements (VPA) seeking uplifts to existing development controls, Council typically undertakes an evaluation of the value of the development extent available under the current planning controls and those being sought.

In this instance, consideration has been given to valuation advice provided by the applicant. The laneway easment provided by the applicant will improve the public domain in the immediate vicinity of site and aligns with the broader strategic priorities outlined under the LSPS as relating to the enhancement of the public domain.

In light of the valuation advice provided by the applicant and considering the nature of what is being proposed, it is considered in this instance to constitute a reasonable offer. This is considering the uplift experienced on the site and taking into account the subsequent demand such uplift will have on surrounding local infrastructure. The future site re-development will also be subject to payment of local contributions pursuant to Council's Local Infrastructure Contributions Plan.

Further resolution on the detailed terms of the offer (such as provision of security, timing of payment and other matters) will be required to be negotiated prior to exhibition, should that occur. To allow the community a full appreciation of what is being proposed, should the application progress to a formal public exhibition, it is recommended that any draft VPA be exhibited concurrently with the Planning Proposal.

ASSESSMENT

7. Planning Proposal Structure

The Planning Proposal has been prepared generally in accordance with the requirements of Section 3.33 of the Environmental Planning and Assessment (EP&A) Act 1979 and *Local Environmental Plan Making Guidelines* (DPE 2021). In particular, the Planning Proposal adequately sets out the following:

- A statement of the objectives or intended outcomes of the proposed local environmental plan;
- An explanation of the provisions that are to be included in the proposed local environmental plan;
- Justification for those objectives, outcomes and provisions and the process for their implementation; and
- Details of the community consultation that is to be undertaken on the Planning Proposal.

8. Justification of the Planning Proposal

8.1 Objectives of the Planning Proposal

The objectives and intended outcomes of the Planning Proposal and an explanation of the proposed amendments to NSLEP 2013 to achieve the objectives and intended outcomes are set out on page 28 of the Planning Proposal. An extract is provided below:

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

It is agreed that the Planning Proposal in its current form would facilitate the delivery of a mixed-use building within the Neutral Bay Town Centre, whilst delivering an improved public domain interface in the area.

Notwithstanding this, the proposal is not supported by any Council endorsed planning study. This is in direct contention with Action L1.5 of the LSPS. As such, the proposed amendments to NSLEP 2013 do not achieve the objectives and intended outcomes of the Planning Proposal. This is discussed in more detail in section 8.4.2.1 of this report.

8.2 Alternative Options

The applicant undertook an analysis of alternative options to achieve the objectives and intended outcomes of the proposal. They posed the following questions in the planning proposal report:

- *Why a development application could not be supported without the benefit of a PP?*
- *Why the zoning should be changed in comparison to retaining the B4 zoning?*
- *Why the height limit should or should not be changed?*

The applicant provided answers as to why the alternative approaches were not appropriate in this instance. In consideration of the questions and answers posed by the applicant in their planning proposal report, it is accepted that the applicant has duly explored alternative options for the proposal. The proposed means of amending NSLEP 2013 is considered the most appropriate option to achieve the intent of the Planning Proposal. It is noted however, that development consent has been issued only recently for a five storey development which represents the reasonable economic and orderly development of the site. The additional height proposed relies exclusively on a study that has been formally rescinded by Council. This is discussed in more detail in section 8.4.2.1 below.

8.3 The Need for the Planning Proposal

The Planning Proposal states that its need has risen in response to the Military Road Corridor Planning Study and the North Sydney Local Strategic Planning Statement (LSPS).

The key motivation behind the submission of the Planning Proposal is to maximise the redevelopment potential of 12-14 Waters Road, Neutral Bay. As discussed in section 8.1 of this report, it agreed that the Planning Proposal would facilitate the delivery of a mixed-use building within the Neutral Bay Town Centre, whilst delivering an improved public domain interface in the area. Furthermore, it would generally contribute to achieving the objectives and priorities of LSPS.

Notwithstanding this, the proposal relies exclusively on the MRCPS to justify its progression. This study is no longer relevant following its rescission by Council at its meeting on 24 January 2022. As such, the proposal is not supported by any planning study. This is in direct contention with Action L1.5 of the LSPS.

8.4 Strategic Assessment

8.4.1 Regional / District Plans

8.4.1.1 Greater Sydney Region Plan

In March 2018, the State Government released *A metropolis of three cities – Greater Sydney Region Plan* (Regional Plan). It provides a 40-year vision of Sydney to be a city where people will live within 30 minutes of jobs, education and health facilities, services and great places. The Regional Plan seeks to provide an additional 725,000 homes and 817,000 new jobs by 2036. No targets are set for any of the Districts, of which the North Sydney LGA is part of the North District. District Plans, consistent with the Regional Plan were released at the same time as the Regional Plan. North Sydney is identified as part of a Metropolitan Centre (Harbour CBD – Incorporating North Sydney CBD) which is also identified as part of an Economic Corridor under the Regional Plan.

The Planning Proposal is considered to be generally consistent with the Directions, Objectives, Strategies and Actions of the Regional Plan, in so far that it will provide development opportunities to increase commercial floorspace in a Metropolitan Centre in proximity of high frequency public transport.

8.4.1.2 North District Plan

In March 2018, the NSW Government released the North District Plan (NDP). The North Sydney LGA is located within the North District along with the other LGAs of Hornsby, Ku-ring-gai, Ryde, Hunter Hill, Lane Cove, Willoughby, Mosman and Northern Beaches. The NDP sets the following relevant targets:

- **Employment:** an additional 15,600-21,100 jobs by 2036 in the North Sydney portion of the Harbour CBD; and

- **Housing:** an additional 3,000 dwellings by 2021 for the North Sydney LGA; an additional 25,950 dwellings by 2021 for the North District; and an additional 92,000 dwellings by 2036 for the North District.

The Planning Proposal is considered to be generally consistent with the above Priorities and Actions of the NDP, in so far that it will:

- Provide an opportunity to increase employment floorspace within a Strategic Centre;
- Capitalise on existing infrastructure to promote a “30 minute city”;
- Facilitating future improved pedestrian connectivity across the locality through the provision of a through site link.

8.4.2 Local Strategic Plans

8.4.2.1 North Sydney Local Strategic Planning Statement

The North Sydney Local Strategic Planning Statement (LSPS) was adopted by Council on 25 November 2019, and subsequently assured by the Greater Sydney Commission (GSC) on 20 March 2020.

One of the key roles of the LSPS is to draw together, in one document, the priorities and actions for future land use planning, and present an overall land use vision for the North Sydney LGA for the next 20 years. The LSPS is required to be consistent with the Regional Plan and North District Plan, and provide a clear line-of-sight between the key strategic priorities identified at the regional and district level and the local and neighbourhood level.

The LSPS must be considered as part of the LEP making process (planning proposals) and forms part of the strategic merit test for a Gateway Determination.

The Planning Proposal states that it responding to and is consistent with the following planning priorities contained within the North Sydney Local Strategic Planning Statement (LSPS):

L1.1 – Implement the North Sydney Local Housing Strategy (2019) to achieve the housing directions, objectives and actions of the GSC’s Regional and North District Plans and deliver 0-5 and 6-10 year housing supply targets.

L1.2 – Prepare Planning Studies for the Military Road Corridor and Northern Civic Precinct to examine the potential delivery of housing in the right locations – concentrating growth in and around existing centres, close to public transport, infrastructure, services and facilities.

L1.5 – Council will only support Planning Proposals that are consistent with Council’s endorsed planning studies, that have identified growth being delivered in locations that support the role of centres and have critical infrastructure and services in place to support North Sydney Community.

L3.2 – Continue to prepare and implement precinct-based planning studies to ensure the delivery of growth and development is balanced and well-managed and has a strong focus on placemaking and community benefit. This includes... undertake/implement the Military Road Corridor Planning Study – Stages 1 and 2.

P3.1 – Prepare, finalise and implement the Military Road Corridor Planning Study (Stages 1 and 2) to ensure future development supports the functions of the precinct, and identify public domain and other public benefits to improve the safety, amenity, services and overall appeal and commercial viability of the Neutral Bay and Cremorne local centres.

Of relevance to consideration of the subject Planning Proposal, the LSPS incorporates the outcomes of the MRCPS into the strategic planning framework and directly links its implementation to the planning priorities under the North District Plan and the objectives of the Regional Plan. Given the MRCPS was rescinded by Council at its meeting on 24 January 2022, a number of actions and priorities listed by the applicant are no longer relevant.

The proposal is in direct conflict with Action L1.5 of the LSPS. The action states;

“Council will only support Planning Proposals that are consistent with Council’s endorsed planning studies, that have identified growth being delivered in locations that support the role of centres and have critical infrastructure and services in place to support the North Sydney community.”

This action was put in place to ensure that any proposed increase to development intensity on a site was sufficiently aligned to the broader strategic vision of the area, which takes into consideration the cumulative impacts of such development and ensures that appropriate infrastructure is in place to support any increase to development intensity in an area. This is in line with community expectations and represents good planning practice.

North Sydney Council has a strong and consistent practice of guiding and managing growth on the basis of comprehensive planning studies that are the subject of strong community consultation and technical analysis. This approach has served Council well for many years and it sends a strong message to the development industry that growth is responsibly managed by Council and speculative *ad hoc* planning proposals are not supported without an endorsed framework that foreshadows and guides changes to the prevailing planning controls. It also helps manage community expectations and achieve a level of community engagement in the change process. Action L1.5 of the North Sydney LSPS reinforces this strong commitment to strategic planning as a way of managing growth and change.

Whilst the Planning Proposal seeks to provide worthwhile community benefits in the form of public domain improvements in the locality, such offers cannot be allowed to fundamentally influence the Council’s regulatory responsibilities.

It should be noted that the MRCPS established expectations amongst many stakeholders and Council’s formal rescission of the Study cannot be put aside on an *ad hoc* basis. Other Planning Proposals in the precinct have been and will continue to be lodged and Council’s response to the current proposal will serve as a strong guide to other applicants in the precinct.

The strong guidance provided by Council's Study on the scale, height, intensity and impacts of development that may assist in delivering public benefits, is of prime importance. The plan that was previously endorsed but now formally rescinded, tried to strike a balance of both these key drivers, incorporating a range of planning considerations. This is where publicly ventilated and endorsed Council planning studies and strategies are so critically important to ensure certainty for all parties, both in terms of public benefit, but also in built form outcomes and performance.

In the absence of an endorsed planning study and in consideration of the yet to be determined timeframe for the creation of a new strategy, it would be most inappropriate to progress the proposal and subsequently contribute to the ad hoc redevelopment of the area.

As such, for this reason it is considered that the proposal to amend the NSLEP 2013, on balance, is inconsistent with the NSLSPS and should be refused on this basis.

8.4.3 Section 9.1 Ministerial Directions

Section 9.1 of the *Environmental Planning and Assessment Act 1979* enables the Minister for Planning to issue directions regarding the content of planning proposals. There are a number of Section 9.1 Directions that require certain matters to be addressed if they are affected by a planning proposal. Each planning proposal must identify which Section 9.1 Directions are relevant to the proposal and demonstrate how they are consistent with that Direction. The Planning Proposal is considered to be generally consistent with the relevant Section 9.1 Directions.

8.4.4 State Environmental Planning Policies

The submitted documentation (refer to Attachment 1) has adequately demonstrated the proposal's consistency with the relevant State Environmental Planning Policies.

8.4.5 Environmental Impacts

8.4.5.1 Natural Environment

The subject site is located within a highly established urban area of the Neutral Bay Town Centre. There are no known critical habitats, threatened species, populations or ecological communities that will be adversely impacted as a result of the proposal. There does exist a number of mature street trees adjoining the site. The proposed new special area includes hard and soft landscaping and planter areas.

8.4.5.2 Maximum Building Height

The proposal seeks to facilitate the development of a 6 storey building, with the intention of implementing a 26m height limit to facilitate this.

It is considered that an overall height of 26m for a 6 storey building is overly generous. It is noted that Council's current height limit of 16 metres has facilitated the development of 5 storey development throughout the Military Road Corridor. Even though the additional floor level of commercial or retail floor space will be required to be more generously proportioned than a residential level, the Planning Proposal's request to accommodate a change of height from 16 metres to 26 metres is incongruous with the additional height required for a single level of additional floor space. Height is clearly sensitive in this corridor and this proposal is excessive for its intended 6 storey outcome and is therefore rejected.

8.4.5.3 Building Depth

At Waters Lane and Waters Road frontages, the proposed building at 12-14 Waters Road has party walls joining adjacent 8 Waters Road. At the centre of the site, the north-south orientation of units has approximately 21m building depth. As one of the design criteria from ADG, the overall depth of a cross-over or cross-through apartment should not exceed 18m. The proposed cross-ventilated unit depth does not comply with the ADG requirement.

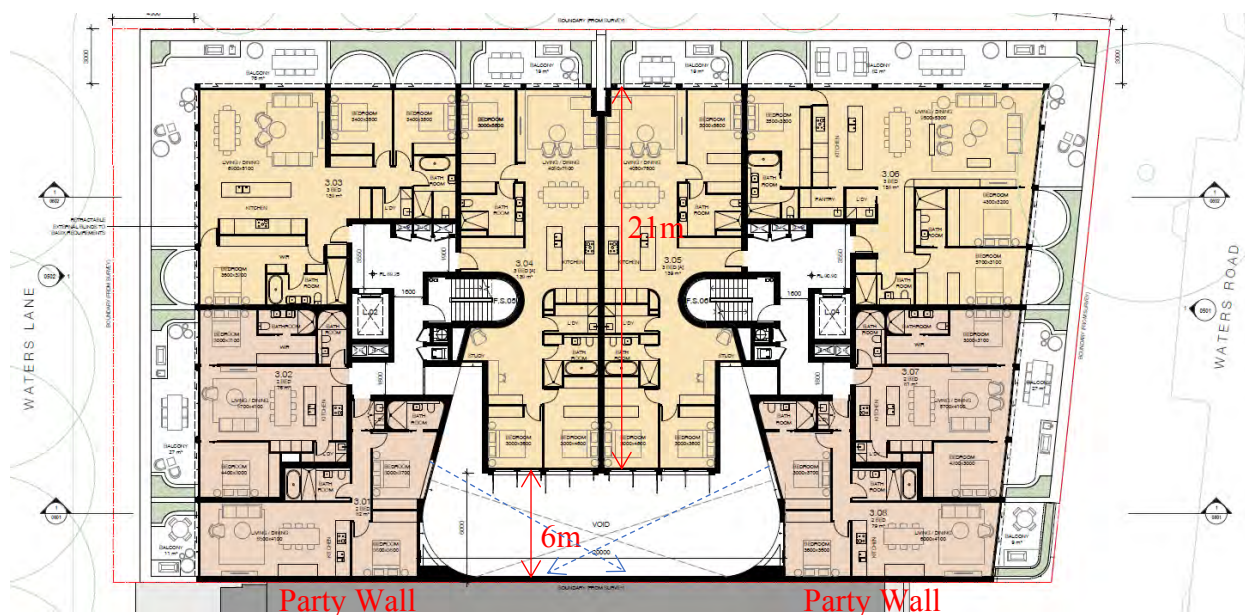


FIGURE 9: Level 3 plan of concept design (Source: SJB 2021 with additions by Council Officer).

A courtyard is proposed at the southern side of the site where the building separations are provided. The proposed building separation to 8 Waters Road property are:

- 6m from Level 1 to Level 3
- 9m from Level 4 to Level 5

The building separations comply with the ADG minimum requirements. However, because the courtyard is facing south with a narrow depth, the yard would be overshadowed all year round except the summer solstice, and essentially functions as a light well to the units facing the yard.

According to the Concept Architectural Drawings, all the rooms facing the yard from Level 1 to Level 3 are proposed as bedrooms. In total there are 8 bedrooms per level facing the yard. Based on the Solar Access diagrams and the in the Urban Design Report, the solar access conditions to these bedrooms are extremely poor at the interface with the yard.

- Level 1- 6 bedrooms have no sunlight, 2 bedrooms have less than 2 hrs solar access
- Level 2- 6 bedrooms have no sunlight, 2 bedrooms have less than 2 hrs solar access
- Level 3- 4 bedrooms have no sunlight, 4 bedrooms have less than 2 hrs solar access

Given that the level of received solar access to units around the courtyard is quite limited, the 6m building separation proposed for Level 1 to Level 3 is insufficient and in general, is not a good design solution.

The visual privacy for the units around the narrow yard is also of concern, especially since all the rooms facing the yard from Level 1 to Level 3 are proposed as bedrooms. To protect privacy, a special window façade treatment is proposed for the central units. However, the extended window frames limit the views to the courtyard, not only from the western and eastern units but also from the centre units.

Should the proposal progress, it is recommended that to comply with ADG cross ventilation requirements, the cross-over unit depth should reduce to a maximum of 18m which would increase building separation to 9m. This would improve visual privacy, natural ventilation, and solar access to the units.

8.4.5.4 Non-residential FSR

According to the Concept Architectural Drawings, 2,046m² non-residential GFA is provided on site which gives 1.26:1 non-residential FSR. It is noted that 1,140m² non-residential GFA is located at the Basement Level.



FIGURE 10: Section plan of concept design with underground commercial area outlined in red (Source: SJB 2021 with additions by Council Officer).

In consideration of the internal amenity of the building's future occupants, below ground areas are less acceptable for as many uses and are typically provided as basement and storage areas due to lack of natural light and ventilation.

The intent of the increased Non-residential Floor Space Area in Neutral Bay is to support local businesses in commercial suites above ground. There is concern that approval of a below ground commercial area would result in an area of sub-par quality and would be inconsistent with the general aims of the LSPS and NSDCP 2013. Furthermore, it is considered that such an area would create a precedent for future proposals.

As such, should the proposal be progressed, the lower-ground commercial area should be reconsidered for at-level or above ground commercial space.

8.4.5.5 Transport, Traffic and Parking

The Planning Proposal is accompanied by a Traffic and Transport Report which concludes that the concept proposal is likely to have a negligible impact on the surrounding road network and performance of key intersections in the locality.

It is considered that it is unlikely that the proposal would create any traffic concerns that are not able to be addressed either post-Gateway or during the development application stage. Other issues can also be resolved further along in the process.

8.4.5.6 Views, Privacy, Visual Bulk and Overshadowing

The applicant has provided a brief analysis of the expected overshadowing and view impacts resulting from the proposal. The resulting impacts are considered to be reasonable or could be appropriately managed at a later stage in the progression of the development. It is noted that a reduction in the overall height from 26m to 24m would assist in reducing any impacts that would result from the proposal.

Were the proposal to progress, existing provisions within the NSDCP 2013 and those proposed under the site-specific DCP would sufficiently act to protect the amenity of surrounding properties and the public domain.

8.4.5.7 Wind Impacts

No formal wind assessment has been provided with the proposal. Given the modest height increase proposed, and in comparison with surrounding development, it is not expected that the proposal would result in significant wind impacts to the surrounding locality.

8.4.6 Social Impacts

The redevelopment site alone has the potential to increase the site's interaction and integration with the surrounding public domain. However, when considered within the context of the existing strategic framework, the redevelopment of the site without a supporting strategic study would likely result in the further fragmentation of public space. As such, it is considered that the proposal is not in the social interest of the community.

8.4.7 Economic Impacts

The proposal would result in a revitalisation of the commercial floorspace on the site. Accordingly, in general terms, increased density on the site is likely to result in positive economic impacts both in construction and ongoing operation that will be of benefit to the local and regional economy. However, any such economic benefit will be minimal within the broader context of the North Sydney LGA.

Accordingly, the proposed increase in development potential, whilst beneficial, is not vital for delivering on North Sydney's employment targets and it is considered that the social and amenity impacts of the proposal would outweigh any economic gain it provides to the area.

8.4.8 Infrastructure

The site is located in proximity to existing and proposed transport infrastructure, including existing road connections and public transport. The site is in a locality that would allow future residents and workers to capitalise on the wide range of infrastructure and services available and planned within the area.

At the development application stage, consultation would be required with utility providers to ensure that sufficient capacity exists in water, sewer, gas, telecommunications and other utility services.

There is likely to be adequate services and infrastructure in the area to accommodate the proposed increases in demand, alternatively the applicant will be required to pay for any upgrades required.

8.5 Strategic and Site Specific Merit Test

DPIE's 'A guide to preparing planning proposals' (2021) includes Assessment Criteria (otherwise known as the 'Strategic and Site Specific Merit Tests') to be considered in the case where the relevant strategy plan does not have Sustainability Criteria. As the North District Plan does not have specific Sustainability Criteria, the Strategic and Site Specific Merit Tests are considered below.

8.5.1 Strategic Merit

The Strategic Merit Test requires consideration of the following:

- a) *Does the proposal:*
 - *Give effect to the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, and/or corridor/precinct plans applying to the site. This includes any draft regional, district or corridor/precinct plans released for public comment or a place strategy for a strategic precinct including any draft place strategy; or*
 - *Demonstrate consistency with the relevant LSPS or strategy that has been endorsed by the Department or required as part of a regional or district plan; or*

- *Respond to a change in circumstances that has not been recognised by the existing planning framework.*

Each of the components of the strategic merit test are discussed in sections 8.4.1 and 8.4.2 above.

8.5.2 Site Specific Merit

The Site Merit Test requires consideration of the following:

- “b) Does the proposal have site-specific merit, having regard to the following?*
- *the natural environment on the site to which the proposal relates and other affected land (including known significant environmental areas, resources or hazards)*
 - *the built environment, social and economic conditions*
 - *existing, approved and likely future uses of land in the vicinity of the land to which the proposal relates; and/or*
 - *services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision*

The site-specific issues associated with the Planning Proposal have been considered in Section 8.4.5. Overall, the Planning Proposal seeks excessive height and proposed commercial area of sub-par quality. These matters need further addressing and as such is generally not considered to have site specific merit. Should be addressed should the proposal progress to gateway determination, the following should be addressed:

- the height being sought by the proposal should be reduced from 26m to 24m to reduce potential impacts; and
- the lower-ground commercial area should be reconsidered for at-level or above ground commercial space.

9. SUBMISSIONS

There are no statutory requirements to publicly exhibit a planning proposal before the issuance of a Gateway Determination.

However, Council sometimes receives submissions in response to planning proposals which have been lodged but not determined for the purposes of seeking a Gateway Determination. The generation of submissions at this stage of the planning process, arise from the community becoming aware of their lodgement through Council’s application tracking webpage.

These submissions are normally considered as part of Council’s assessment report for a planning proposal, to illustrate the level of public interest in the matter before Council makes its determination.

At the time of reporting, one submission had been received. It raised the following concerns:

- *Its principal argument is the Military Road Corridor Planning Study which has been rescinded by Council.*
- *There has already been a substantial breach of the Height Limit incorporated in the approved development, DA 92/21.*
- *The proposed Height Limit is out of character with its environs and is excessive.*
- *A significant proportion of the non – residential space is proposed to be underground.*
- *There is inadequate public benefit being offered in the Voluntary Planning Agreement.*
- *Approval of this Planning Proposal would set an undesirable precedent.*

These concerns have been addressed in the report above.

CONCLUSION

The Planning Proposal seeks to amend North Sydney Local Environmental Plan 2013 at 12-14 Waters Road, Neutral Bay. The Planning Proposal is generally consistent with the relevant requirements under s3.33 of the EP&A Act.

Whilst the Planning Proposal would result in an increase to residential accommodation and revitalised commercial area on the site, on balance it is considered that the issues associated with the proposal outweigh these benefits. The Planning Proposal is not supported for the following reasons:

- The proposal does not demonstrate strategic merit as it challenges the implementation of Action L1.5 of the *North Sydney Local Strategic Planning Statement* (LSPS). In particular, it seeks to progress a planning proposal that is not endorsed by any planning study. This would result in the haphazard redevelopment of the area and would result in poor outcomes for the Neutral Bay community.
- The proposal does not demonstrate site specific merit due to the following:
 - the height being sought by the proposal is excessive; and
 - the proposed underground portion of commercial area is of sub-par quality.

RECOMMENDATION

That the Panel resolves not to support the Planning Proposal being forwarded to the Department of Planning, Industry and Environment seeking a request for a Gateway Determination.

Jayden Perry
STRATEGIC PLANNER

Marcelo Occhiuzzi
MANAGER STRATEGIC PLANNING



Planning Proposal



12-14 Waters Road, Neutral Bay

Prepared by Central Element Pty Ltd

March 2022



Document status

Revision	Date	Name	Signature
1	22/12/2021	Daniel Barber, Planning Manager B.Plan (Hons), M.ProDev, CPP MPIA	
2	22/3/2022	Daniel Barber, Planning Manager B.Plan (Hons), M.ProDev, CPP MPIA	

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1. Overview

1.1 Introduction

This Planning Proposal has been prepared by Central Element Pty Ltd in relation to the site 12-14 Waters Road, Neutral Bay.

The Planning Proposal seeks the following amendments to North Sydney Local Environmental Plan (NSLEP) 2013 in accordance with the Military Road Corridor Planning Study – Stage 1 Future Directions, which was adopted by Council on 22 February 2021 (however rescinded in January 2022 after lodgement of the planning proposal):

- Increase the maximum height of building standard from 16m to 26m (from 5 to 6 storeys); and
- Introduction a minimum 1.2:1 Non-residential Floor Space Ratio Standard.

The Planning Proposal is accompanied by a site-specific Development Control Plan for the precinct which provides controls relating to number of storeys, building setbacks, amalgamations, public domain works and vehicle access points and a number of other consultant documents.

1.2 Scope and Format of the Planning Proposal

The Planning Proposal has been prepared in accordance with:

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

Specifically, the planning proposal includes the following information:

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

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

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

1.3 Supporting Plans and Documents

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

Table 1. Supporting Documents

Appendix	Document	Consultant
A	Urban Design Package	SJB Architects
B	Public Domain Works	Arcadia
C	Traffic and Parking Assessment	TTPP
D	Economic Impact Assessment	Urbis
E	Local Environmental Plan Maps	Central Element
F	Site Specific Development Control Plan	Central Element
G	Letter of Offer	Central Element

H	Concept Architectural Drawings	SJB Architects
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2. Site Analysis

2.1 Site Description

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



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

The site is located on the western side of Waters Road between Grosvenor Street to the north and Grosvenor Lane to the south. The site has an area of 1,627m² and is generally rectangular in shape. The site has a 31m frontage to Waters Road, 31m frontage to Waters Lane and a 55m frontage to Grosvenor Street.

The site has a fall of 3m from the front south-eastern corner (RL81m AHD) to the rear north-western corner (RL78m AHD).

2.2 Context and Locality

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

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

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

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

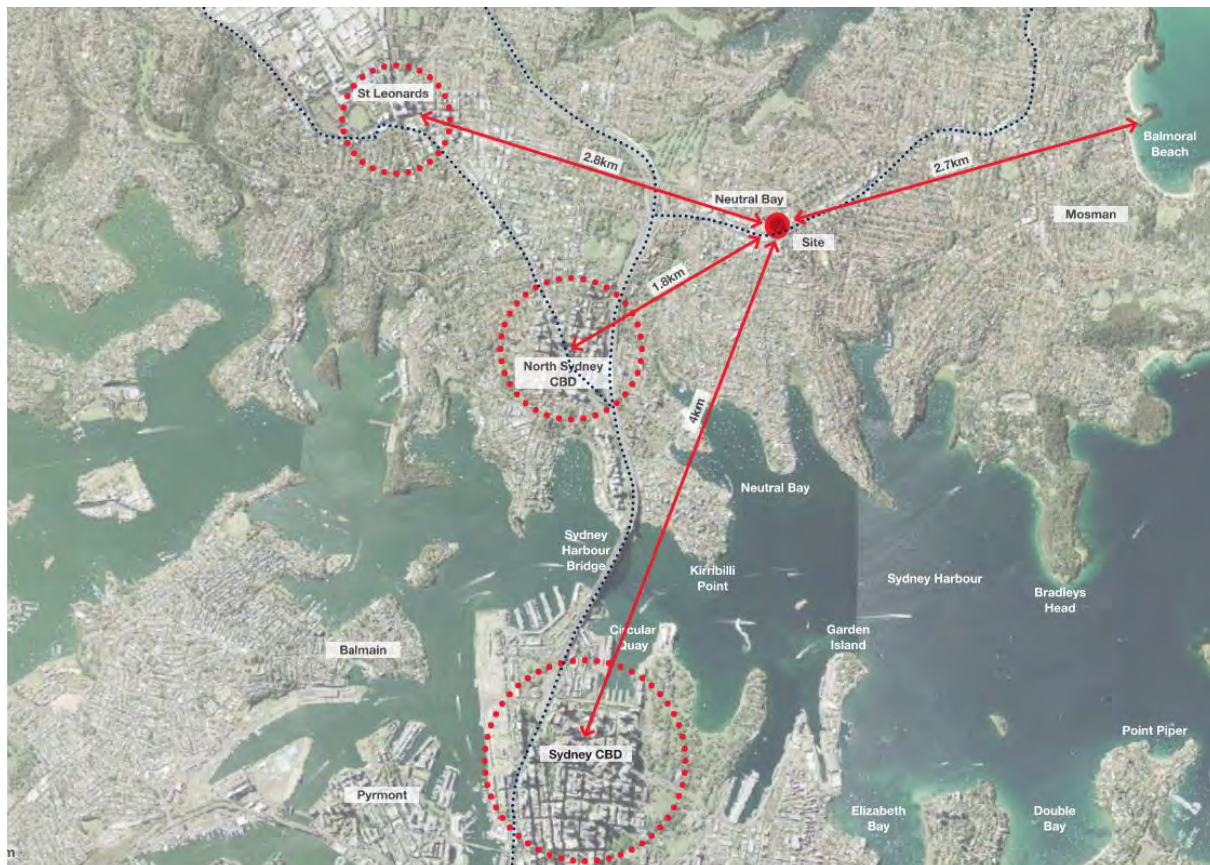


Figure 2: Aerial Regional Contextual Analysis (Source: SJB Architects)

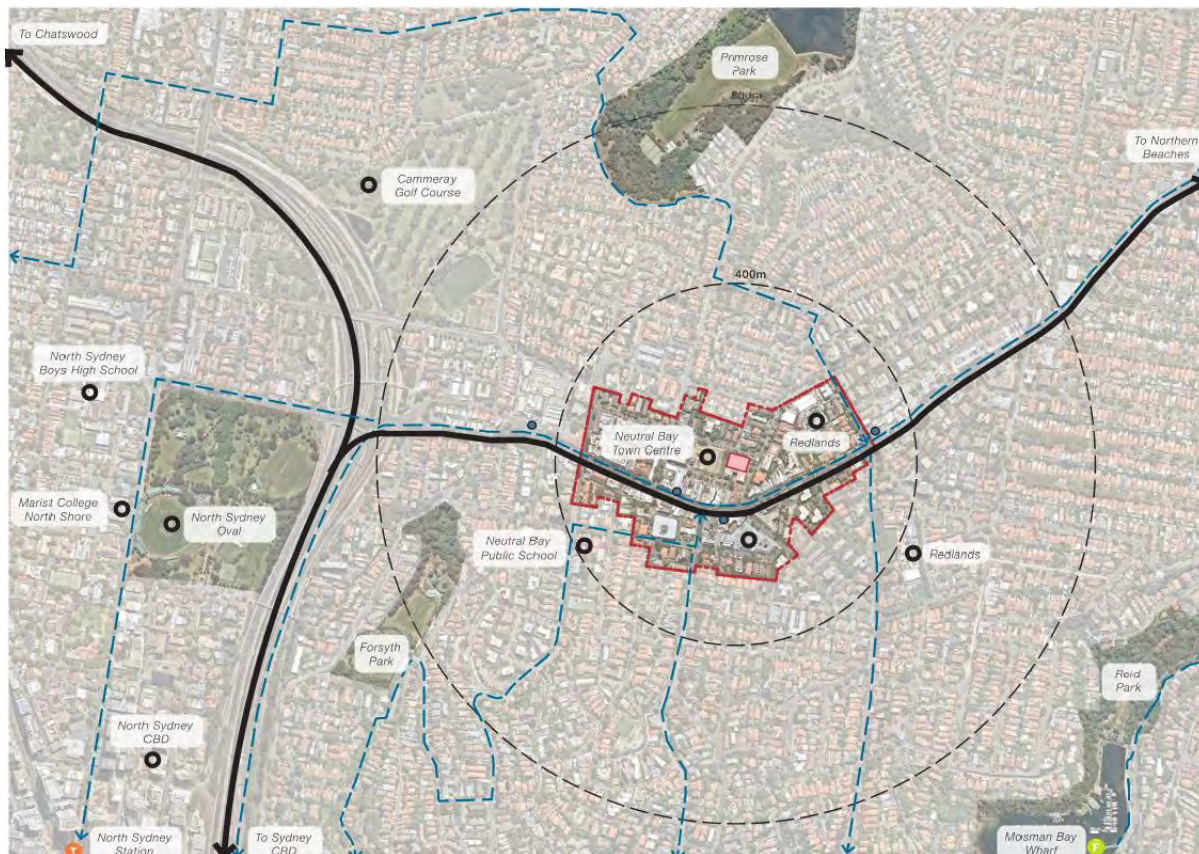


Figure 3: Aerial Local Contextual Analysis (Source: SJB Architects)

2.3 Existing Development on the Site

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

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

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

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

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

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

There are two (2) street trees located in front of the site along Waters Road and seven (7) street trees located in front of the site along Grosvenor Street. There are four (4) trees opposite the site in Waters Lane. The existing trees in the vicinity of the site are identified on the Tree Location Plan at Appendix 5 of the Tree Impact Assessment Report (refer to Figure 4 below),

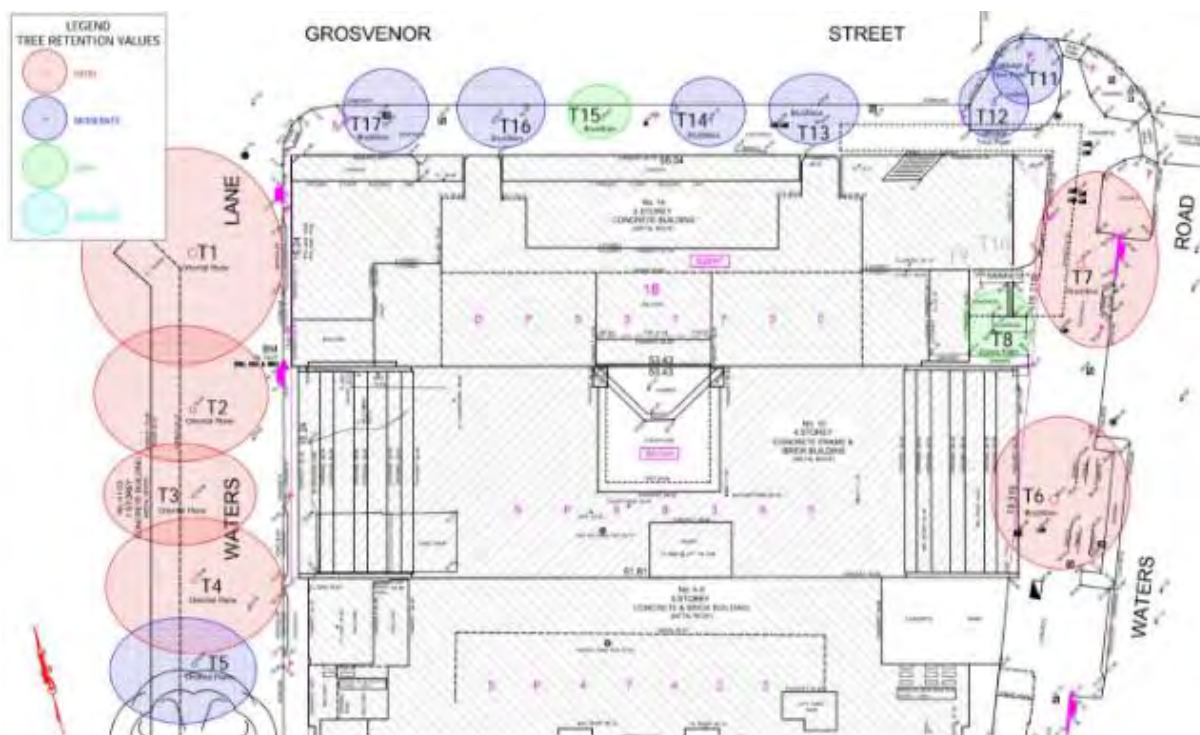


Figure 4: Extract from Tree Location Plan – (Source: Tree Impact Assessment Report)

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



Figure 5: 12 and 14 Waters Road, Neutral Bay



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



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

2.4 Surrounding Development and Land Uses

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

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

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

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

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

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

3. Background

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

3.1 Military Road Corridor Planning Study – Discussion Paper

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

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

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

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



Figure 8: Option 1

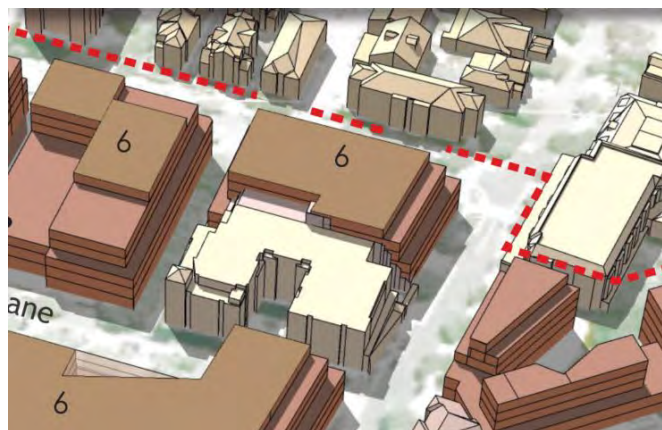


Figure 9: Option 2

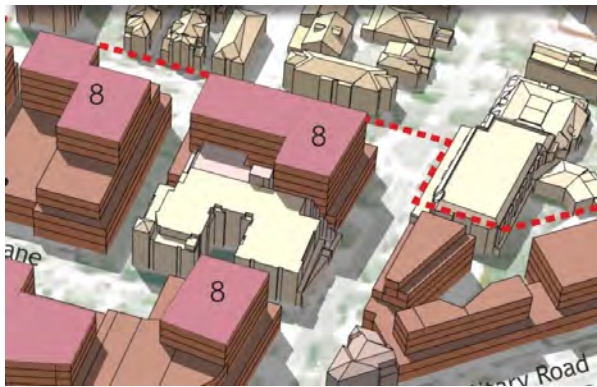


Figure 10: Option 3

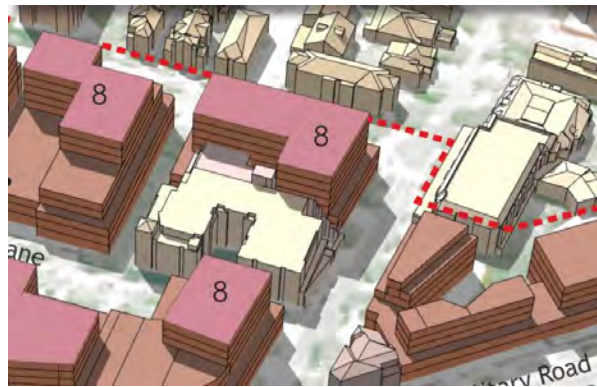


Figure 11: Option 4

3.2 Military Road Corridor Planning Study – Stage 1 Future Directions

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

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

The objectives of the planning study were:

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

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

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

- Public domain improvements including significant new public plazas;
 - A 1,000m² new Rangers Road Plaza
 - A 2,500 m² new Grosvenor Lane Plaza
 - A 1,000m² new Young Street Plaza
- Relocation of the Grosvenor Lane car park underground;
- A 1,000m² community centre with accessible public amenities and family room;
- A 600m² creative makers art alley; and
- 28 regional secured commuter bicycle parking spaces.

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

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

development responds to the aspirations of the Study and to reinforce the village feel of the Town Centre. It was anticipated that these amendments are proposed to be incorporated into the North Sydney DCP.

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

3.3 Recession of Adopted Military Road Corridor Planning Study

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

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

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

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

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

THAT the following resolution be passed in lieu thereof:

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

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

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

On 7 October 2021, DA No 104/20 was determined by the North Sydney Local Planning Panel for demolition of an existing commercial building and the construction of a five-storey mixed use/shop top housing development containing three (3) commercial/retail tenancies and sixteen (16) apartments on the upper levels with a roof top communal area and a part 3/4 level basement with a retail/commercial tenancy, plant areas and car parking for 25 cars.

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

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



Figure 8: 12 Waters Road, Neutral Bay (view along Waters Road and Waters Lane) (Source: SJB Architects)

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

On 9 April 2021, a development application was submitted to Council which included a maximum height of six storeys and minimum FSR of 1.2:1 based on the Military Road Corridor Planning Study – Stage 1 Future Directions, which was adopted by Council on 22 February 2021. It was anticipated that the Council led planning proposal to implement the six storey height standard and minimum 1.2:1 non-residential FSR would be placed on public exhibition early 2021 and gazetted by late 2021. The Council led planning proposal to amend the North Sydney LEP 2013 had been delayed and Council advised that the proposed six storey would not be supported subject to a Clause 4.6 Variation Request given there was not sufficient certainty given the LEP amendment has yet to be placed on public exhibition notwithstanding the study already been endorsed by Council. Council suggested submitting a planning proposal to amend the height of building standard in accordance with the endorsed Military Road Corridor Planning Study – Stage 1 Future Directions if we wanted to progress approval for a six storey. The architectural drawings were amended to remove the proposed six storey in accordance with Council's advice.

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

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

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

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



Figure 9: 12-14 Waters Road, Neutral Bay (view to the corner of Waters Road and Grosvenor Street) (Source: SJB Architects)

4. Planning Review

4.1 North Sydney Local Environmental Plan 2013

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

Table 2. Existing controls under the North Sydney LEP 2013

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

4.2 North Sydney Development Control Plan 2013

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

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

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

Table 3. Existing controls under the North Sydney DCP 2013

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

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

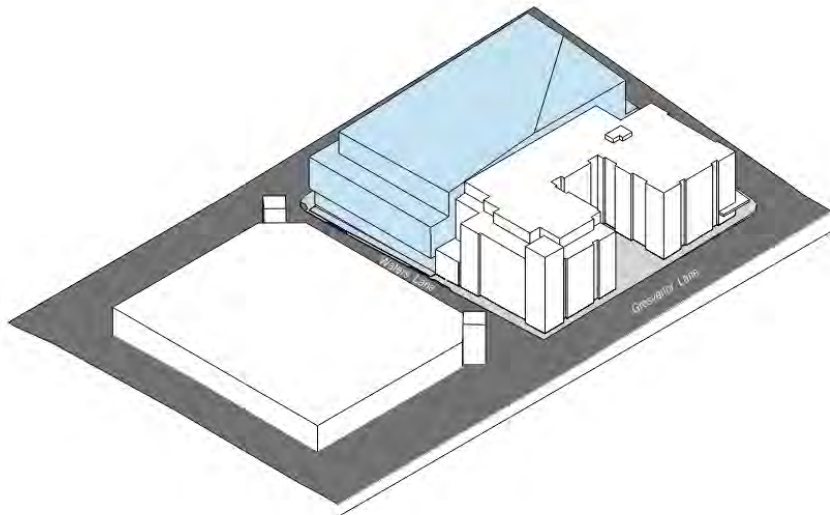


Figure 10. Permitted Building Envelope looking north-east (source: SJB Architects)

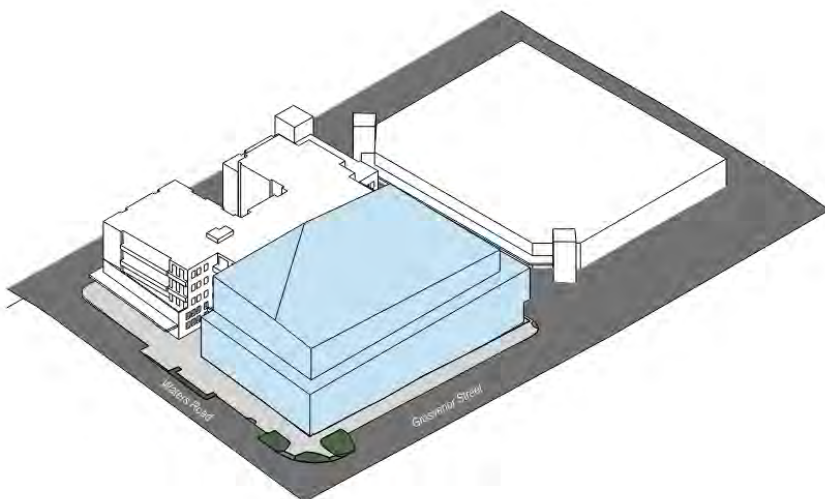


Figure 11. Permitted Building Envelope looking south-west (source: SJB Architects)

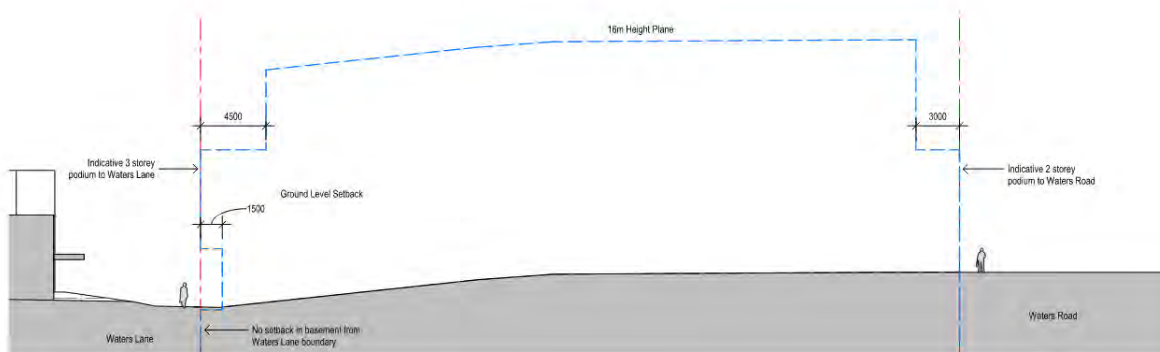


Figure 12. Permitted Building Envelope illustrated in section (source: SJB Architects)

5. Concept Proposal

5.1 Indicative Concept Scheme

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

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

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

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

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

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

5.2 Design Considerations

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

Table 4 Summary of the key features

Element	Proposed
Land use	Basement Level 1: Specialty Greengrocer Ground Floor: retail uses with retail frontages to Waters Road and Grosvenor Street and vehicle entry to Waters Lane. Levels 1 and 5: Apartments Rooftop: Communal facilities and lift overrun.
Indicative yield	36 Apartments
Non-residential FSR	1.2:1
Maximum building height	22m or R.L. 101.2 to 99.55 (excluding lift overrun & communal area) 26m or R.L. 104.25 (including lift overrun & communal area)
Built form	3 storey podium with nil setback and 3 storey residential tower with 3m setback to Grosvenor Street and Waters Road. 3 storey podium with 1.5m setback and 3 storey residential tower with 4.5m setback to Waters Lane.

Element	Proposed
Public domain	<p>Embellishment of the public domain to Waters Road and Grosvenor Street.</p> <p>Embellishment of a shared lane and dedication of a 1.5m strip of land to Waters Lane via a right of way to the benefit of Council.</p>

5.3 Basement Parking and Services

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

5.4 Basement Level 1 – Speciality Greengrocer

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



Figure 13. Concept proposal for basement level 1 (source: SJB Architects)

5.5 Ground Level Retail

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

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

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

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



Figure 14. Concept restaurant to Waters Road (source: SJB Architects)



Figure 15. Concept retail to Grosvenor Street (source: SJB Architects)

5.6 Apartments

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



Figure 16. Concept communal swimming pool (source: SJB Architects)

5.7 Landscaping and Communal Open Space

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

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

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

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

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



Figure 17. Concept communal swimming pool (source: SJB Architects)



Figure 18. Concept communal swimming pool (source: SJB Architects)

5.8 Public Domain – Works In Kind

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

- (a) Provision of a 1.5m wide building setback from Waters Lane as generally shown on the Plan at Figure 17. The Setback Area will be established through the registration of a covenant restricting building or dedicated to North Sydney Council at no cost.
- (b) The proposal includes a significant offering of public works around the curtilage of the site at ground level to the existing footpath to Waters Road, Grosvenor Street and Waters Lane; and
- (c) The proposal includes the embellishment of the full length of Waters Lane to create a shared lane including paving, footpath and landscaping; and
- (d) A voluntary monetary contribution in addition to section 7.11 contributions towards public domains within the Neutral Bay Town Centre.

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

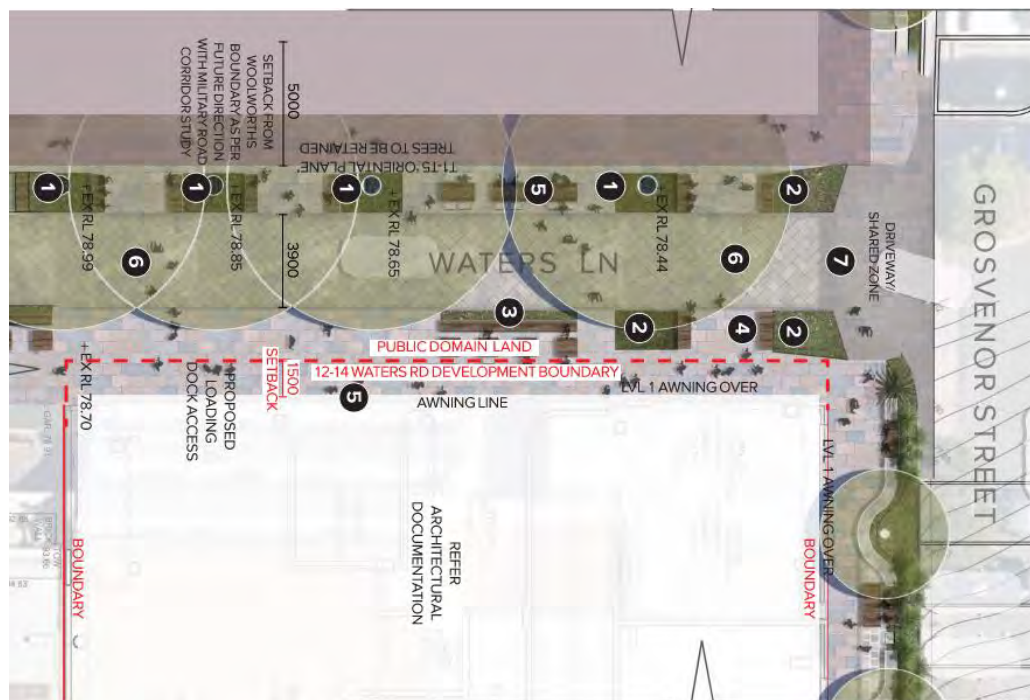


Figure 19. Land dedication to North Sydney Council (source: SJB Architects)

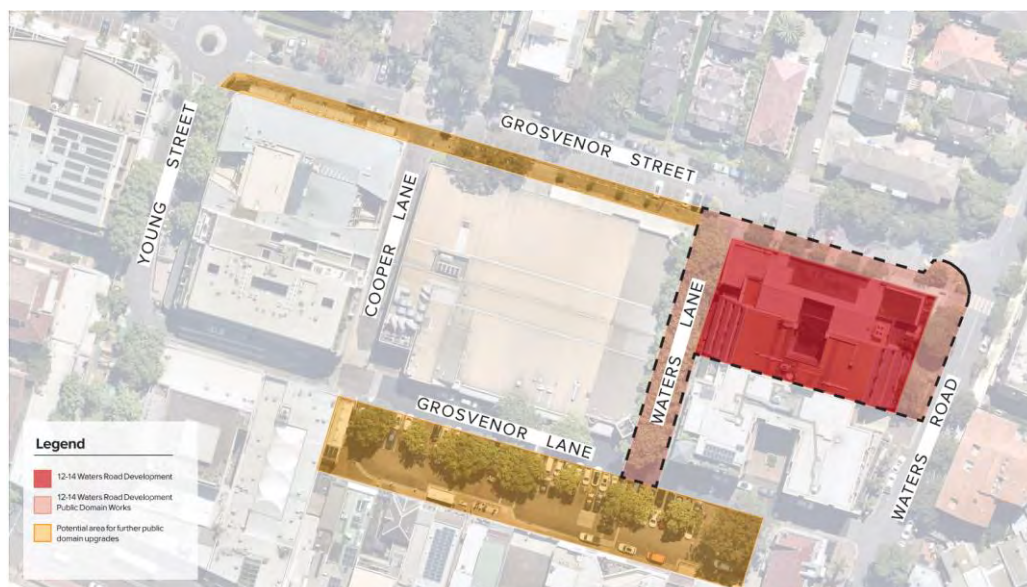


Figure 20. location of public domain works (source: SJB Architects)

The works to public domain specifically includes the following:

- Upgrade & full pedestrianisation of Waters Lane connecting Grosvenor Street & Grosvenor Lane car park is a catalyst to commencing boarder the town centre renewal process.
- Without effecting existing trees, the upgrades will include:
 - Flush garden areas with shrubs & plants
 - Fixed bench & table seating areas
 - Flexible use spaces for events and activities
 - Paving upgrades to the entire lane way creating wide Shared Zone for pedestrians and cars

Once commissioned, Waters Lane will play host to market stalls, presentations of public art and numerous other pop-up events and there will be opportunity to further activate existing and future adjoining retail and commercial businesses.



Figure 21. Proposed works to Water Lane (source: Mogamma)



Figure 22. Reference images for Water Lane (source: Mogamma)

5.9 Podium and Tower Form

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

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

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

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



Figure 23. Photomontage of the proposed podium from the southern side of the building (source: SJB Architects)

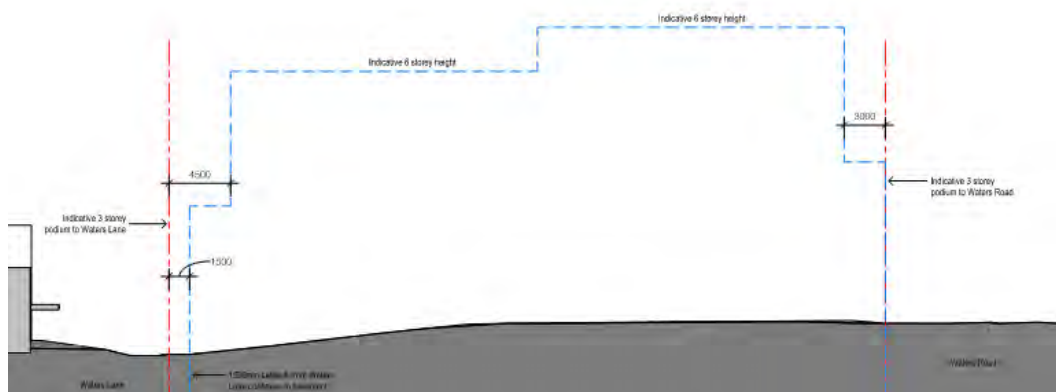


Figure 24. Section of future built form controls (source: SJB Architects)

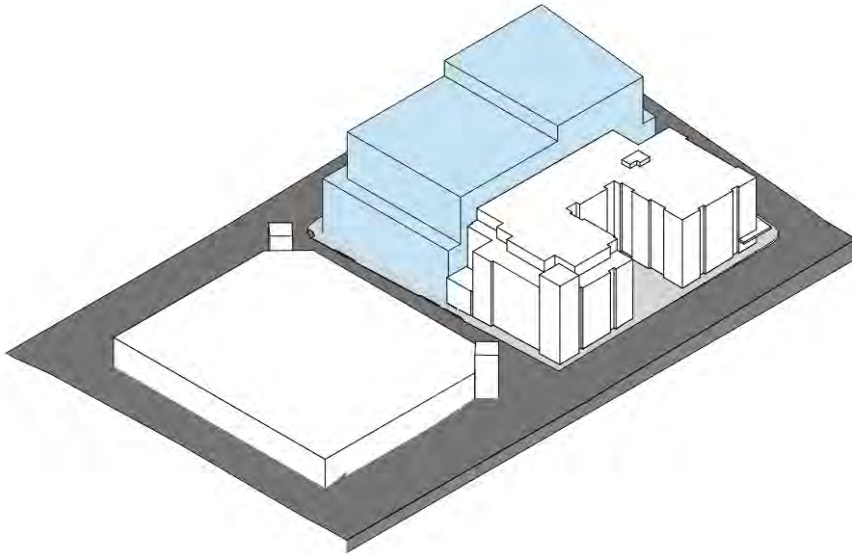


Figure 25. Built form control looking north-east (source: SJB Architects)

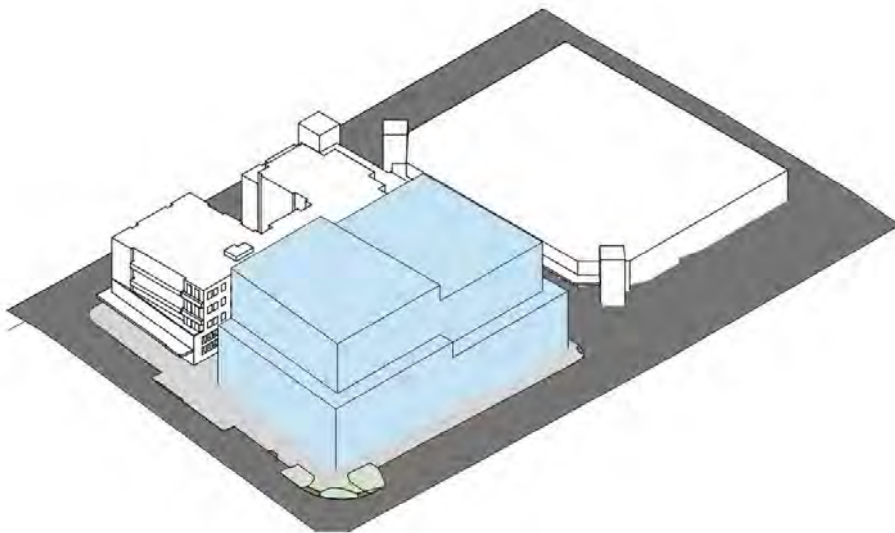


Figure 26. Built form control looking south-west (source: SJB Architects)

6. Planning Proposal Assessment

6.1 Planning Proposal Framework

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

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

A planning proposal must include the following components:

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

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

6.2 Objectives and Intended Outcomes

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

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

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

6.3 Explanation of provisions

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

6.3.1 North Sydney LEP 2013

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

6.3.2 Land to which the plan will apply

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

6.3.3 Height

The North Sydney LEP 2013 nominates a maximum height standard of 16m under the Building Heights Map. It is proposed to include a site-specific clause that the development may result in a building with a height of 26m. The increase of the height Standard will enable a height increase from 5 Storey to 6 Storeys including a communal rooftop terrace, lift overrun and service equipment.

6.3.4 Non-residential FSR

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

6.3.5 Mapping

This Planning Proposal seeks to amend the following maps of the North Sydney LEP 2013. The revised Height of Building's map is included below in Figure 23 and illustrates the site is identified as "T2" which translates to a 26m height of building based on the map legend. The revised minimum non-residential FSR Map is included below in Figure 24 and illustrates the site is identified as "P" which translates to a 1.2:1 non-residential floor space ratio based on the map legend.

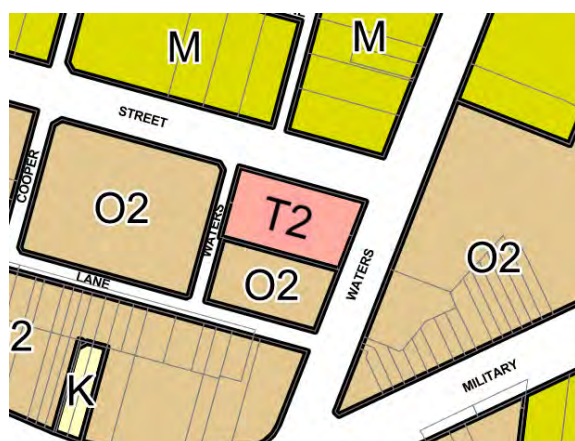


Figure 27: Amended Maximum Building Height Map



Figure 28: Amended Minimum Non-Residential FSR Map

6.4 Justification of Strategic & Site-Specific Merit

The Local Environmental Plan Making Guideline December 2021 stipulates this section of the planning proposal must provide a detailed assessment of the proposal's strategic and site-specific merit to determine whether the planning proposal should be supported. The planning proposal must consider the interaction between these findings and whether the proposal will align with the strategic planning framework and have any environmental, social, or economic impacts.

For a planning proposal to proceed through Gateway determination, the Minister (or delegate) must be satisfied that the proposal has strategic and site-specific merit and that identified potential impacts can be readily addressed during the subsequent LEP making

6.4.1 Strategic merit

It should be noted the guidelines stipulate the achievement of strategic merit is not a yes/no response. Rather, the planning proposal must include a reasonable justification explaining how and why strategic merit is achieved and needs to address all relevant principles, objectives, and actions in the relevant strategic plans.

Strategic merit means a proposal has alignment with the NSW strategic planning framework. An assessment of the planning proposal has been provided in relation Question 1 to 7 of section A of the Guidelines which considers the NSW strategic planning framework. This planning proposal demonstrates how the proposed amended LEP will give effect to the strategic planning framework to then ensure that the proposal has strategic merit

The guidelines include a strategic merit assessment framework as identified in the table below.

Table 5. Strategic Merit Assessment

Consideration	Assessment
Does the proposal:	
<i>"Give effect to the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, and/or corridor/precinct plans applying to the site. This includes any draft regional, district or corridor/precinct plans released for public comment or a place strategy for a strategic precinct including any draft place strategy"</i>	The proposal was fully consistent with the endorsed Military Road Corridor Planning Study February 2021 which was rescinded in its entirety in January 2022. At this stage, there is strategic plan for Neutral Bay notwithstanding being identified within the endorsed Local Strategic Planning Statement (LSPS) and Local Housing Strategy (LHS). Refer to section 6.5 and section 6.5 of this assessment for a detailed assessment.
<i>"Demonstrate consistency with the relevant LSPS or strategy that has been endorsed by the Department or required as part of a regional or district plan".</i>	The North Sydney Local Strategic Planning Statement (LSPS) and Local Housing Strategy (LHS) have both been adopted by the Department which reference the formally adopted Military Road Corridor Planning Study February 2021. The proposal is therefore considered to be fully consistent with both the LSPS and LHS. Direction 53 of the North District Plan which stipulates: <i>"53. Plan for urban development, new centres, better places and employment uses that are integrated with, and optimise opportunities of, the public values and use of Sydney Metro City & Southwest, as well as other city-shaping projects".</i> The B-Line is identified as a city-shaping project within the North District Plan. The proposal includes increasing employment uses at a site which is optimised for patronage on the new B-Line. Refer to section 6.5 and section 6.5 of this assessment for a detailed assessment.
<i>"Respond to a change in circumstances that has not been recognised by the existing planning framework"</i> <i>Factors that lead to responding to a change in circumstances may include, but not exclusively relate to:</i>	Service on the B-line started in late 2017 and it is providing extra services both during the day and into the evening. The B-Line includes a key infrastructure investment and multi-faceted program to improve the capacity and reliability of the bus system relied on by the Neutral Bay Centre to the Sydney CBD and major local health, education and retail destinations at Mona Vale and Brookvale-Dee Why. A B-Line bus stop is located within 100m of the site. The moderate increase in density including predominately retail and community facilities is a direct result of the improved connectivity of the centre.

Consideration	Assessment
<ul style="list-style-type: none"> • Key infrastructure investment or opportunity to plan for future infrastructure unanticipated by the existing strategic planning framework • Response to key Government priorities – Premier’s Priorities, climate change, or a shift in government policy (e.g. NSW Government’s Net Zero Plan) • Changes to population and demographic trends 	

6.4.2 Site-Specific Merit

Site-specific merit of the proposal is considered in detail within Sections 8 to 12 of this assessment and identifies the potential environmental, social, and economic impacts of the proposal and outline proposed mitigation measures and justification. It is demonstrated that the proposal is suitable for the site and the site is suitable for the resultant development.

The guidelines include a strategic merit assessment framework as identified in the table below.

Table 6. Site-Specific Merit Assessment

Consideration	Assessment
Does the proposal give regard and assess impacts to	
<i>“The natural environment on the site to which the proposal relates and other affected land (including known significant environmental areas, resources or hazards)”</i>	The proposed six storey and increase in non-residential FSR will not result in any adverse impacts upon the natural environment. The proposed 1.5m whole of building setback to Waters Lane will enable the provision of street trees and improve the greening of the centre.
<i>“Existing uses, approved uses, and likely future uses of land in the vicinity of the land to which the proposal relates.”</i>	The proposal includes the retention of the B4 Mixed Use land use zone and North Sydney Council Military Road Corridor Planning Study has not recommended a change to the land use zoning of any surrounding properties. North Sydney Council prepared an urban design study for the Neutral Bay Town Centre as part of the Military Road Corridor Planning Study and identified that a six-storey building height (one additional storey) would be suitable based on the site context.
<i>“Services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.”</i>	The proposed additional storey in height provides the catalyst to provide the following public benefits: <ul style="list-style-type: none"> ○ Increase the minimum non-residential FSR Standard from 0.5:1 to 1.2:1 providing additional services and jobs for local residents. ○ Local infrastructure including the embellishment of Waters Lane and a voluntary monetary contribution in addition to Section 7.11 contributions ○ A whole of building setback to Waters Lane by 1.5m and dedication of land to Waters Lane to improve pedestrian amenity and winter sunlight to the laneway.

The matters for consideration when describing, evaluating and justifying a proposal are included below.

6.5 Section A – Need for a Planning Proposal

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

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

6.5.1 Military Road Corridor Planning Study

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

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

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

- Increase the non-residential floor space (FSR) control from 0.5:1 to 1.2:1. This will effectively require retail uses on the ground level and an additional level of commercial floor area to support long term job growth;
- Increase the maximum height limit from 5 storeys to 6 storeys. The height increase ensures redevelopment is economically viable in relation to the additional setback to Water Lane, increased requirement for commercial floor area and extended public domain works;
- A 1.5m whole of building setback to Waters Lane to create space to plant new street trees, widen footpaths to improve the amenity of the public domain; and
- Increase in the podium height from two to three storey to relate to the desired future character of the Neutral Bay Town Centre and site context.

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

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

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

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

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

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

6.5.2 North Sydney Local Strategic Planning Statement

Council finalised the North Sydney Local Strategic Planning Statement (LSPS) in March 2020. The LSPS outlines the Council’s strategic vision for Neutral Bay and was endorsed by the Greater Sydney Commission in March 2020. The following points demonstrate that the planning proposal is consistent with the Council’s planning priorities outlined in the LSPS.

Priority L1 – Diverse housing options that meet the needs of the North Sydney community

“L1.1 – Implement the North Sydney Local Housing Strategy (2019) to achieve the housing directions, objectives and actions of the GSC’s Regional and North District Plans and deliver 0-5 and 6-10 year housing supply targets. (short-long term)”

It is uncertain from reviewing the North Sydney Local Housing Strategy, however it appears that the short-long term housing targets for the North Sydney Council were on the basis of a modest increase in residential density within Neutral Bay Town Centre. The site-specific planning proposal contributes towards the delivery of the projected housing targets included with the North Sydney Local Housing Strategy (2019).

“L1.2 – Prepare Planning Studies for the Military Road Corridor and Northern Civic Precinct to examine the potential delivery of housing in the right locations – concentrating growth in and around existing centres, close to public transport, infrastructure, services and facilities. (short term)”

“L1.5 – Council will only support Planning Proposals that are consistent with Council’s endorsed planning studies, that have identified growth being delivered in locations that support the role of centres and have critical infrastructure and services in place to support the North Sydney community. (ongoing)”

A Military Road Corridor Planning Study was prepared and endorsed in February 2021 by Council, which recommended an increase in housing in several locations within the existing centre and a height increase from 5 to 6 storeys in relation to the subject site. The subject site-specific planning proposal is fully consistent with the Military Road Corridor Planning Study, which was later rescinded in January 2022 after lodgement of the planning proposal. Notwithstanding the rescission of the study, the LSPS adopted by the DPIE includes a short term obligation to prepare a Planning Study for the Military Road Corridor which is to examine the potential delivery of housing in the right locations within the existing Neutral Bay Town Centre.

With the absence of any planning study, the previously adopted Military Road Corridor Planning Study is considered a guiding document to assess the suitability of the proposal, particularly as the proposal only seeks an additional level being the lowest potential height increase for the site.

Priority L3 – Strengthening social connections through safe and accessible vibrant centres, public domain, villages and streetscapes

“L3.2 – Continue to prepare and implement precinct-based planning studies to ensure the delivery of growth and development is balanced and well-managed, and has a strong focus on placemaking and community benefit. This includes:

... undertake/implement the Military Road Corridor Planning Study – Stages 1 and 2 (Short – medium term)”

The site is currently in poor repair and does not make a positive contribution to the public domain along Waters Road, Grosvenor Street or Waters Lane. The planning proposal will facilitate the renewal of the site and significantly improve its relationship to the public domain by activating Grosvenor Street and Waters Road upgrading the existing public domain and by providing residential uses at and above ground level which will provide a strong address to the street and increase the vibrancy of the streetscape. The proposal increases the minimum non-residential FSR for the site from 0.5:1 to 1.2:1 improving the commercial viability and vibrancy of the centre.

The increase in height also makes it viable to embellish the length of Waters Lane to create a shared lane and to provide additional voluntary contributions to Council to facilitate public domain improvements. The embellishment of Waters Lane delivers public domain works outlined in the formally adopted Military Road Corridor Planning Study,

Priority P3 – Enhance the commercial amenity and viability of North Sydney’s local centres

“P3.1 – Prepare, finalise and implement the Military Road Corridor Planning Study (Stages 1 and 2) to ensure future development supports the functions of the precinct, and identify public domain and other public benefits to improve the safety, amenity, services and overall appeal and commercial viability of the Neutral Bay and Cremorne local centres. (short – medium term).”

A Military Road Corridor Planning Study was prepared and endorsed in February 2021 by Council and later rescinded in January 2022, recommended increasing the maximum height standard from 5 to 6 storeys and to minimum non-residential FSR from 0.5:1 to 1.2:1. The increase in non-residential FSR to ensure job retention and contribute to the commercial viability of the local centre.

The study also recommended a whole of building setback of 1.5m to Waters Lane for the site which reduces the maximum potential floor area for the site and embellishment of the full length of Water Lane to create a shared laneway with street furniture, landscaping and quality paving. Once commissioned, Waters Lane will play host to market stalls, presentations of public art and numerous other pop-up events and there will be opportunity to further activate existing and future adjoining retail and commercial businesses in accordance with the study.

6.5.3 North Sydney Housing Strategy

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

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

The site is a logical and appropriate place to concentrate future growth within the North Sydney LGA. This is because the site is located within an area designated for future growth. The site is located close to services and public transport infrastructure. The planning proposal is the best means of achieving the objectives and intended outcome of the proposal. The alternative means of achieving the objectives are considered in Table 5.

Table 7. Option to achieve objectives

Option	Comment
Option 1 - Do Nothing	Without an amendment to the statutory planning controls, the proposed Design Concept for the site cannot be achieved. This means that the associated public benefits and desired building outcome by Council in its strategic study would be lost.
Option 2 - Clause 4.6 Variation Request to permit building height and VPA for land dedication	This option was proposed to Council as part of DA No 92/21 and it was recommended that a site-specific planning proposal be submitted.
Option 3 - The Planning Proposal could seek to implement a site-specific provision in Part 6 of the North Sydney LEP to allow a lift overrun providing access to a communal rooftop	The following provision could be proposed: Amend the North Sydney 2013 Height of Buildings Map-Sheet HOB_003 to include a maximum building height of 22m (RL101.2). Part 6 of the North Sydney 2013 could be amended to include the following clause: 6.19C Development at 12-14 Waters Road <i>(1) This clause applies to land at 12-14 Waters Road, being SP68360 and Lot 18 DP537700.</i> <i>(2) Despite any other provisions of this plan, development for the purposes of a lift overrun, services and private/communal open space at the rooftop can exceed the maximum building height control to a maximum building height of 26m (RL104.25).</i>

Option	Comment
	<p>The purpose of this clause is to limit the height of building to 22m and include a site-specific clause which would permit the proposed roof terrace level above the six storey height.</p> <p>This clause is not considered suitable as Council is seeking to amend the height of building map to accommodate six storeys and promotes communal roof terraces. It would be more appropriate to increase the height of building standard to 26m and include updated DCP provisions to limit the height to six storeys.</p>
Option 4 - Amend the Height of Building and FSR maps	This option is considered the most conventional means to give statutory effect to the proposal. This option allows for the relevant strategic and site-specific merits of the proposal to be considered by Council, the DP&E, local community and relevant agencies.

6.6 Relationship to Strategic Planning Framework

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

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

6.6.1 NSW State Plan 2021

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

6.6.2 Greater Sydney Region Plan (2017)

The Greater Sydney Region Plan (GSRP) continues the themes provided in the previous A Plan for Growth Sydney. The GSRP focuses on providing infrastructure to increase access to services and employment, via the three cities of Sydney. Ten directions have been defined to direct growth within the identified districts. The site is within the North District. The North District Plan was finalised in March 2018. The GSRP housing targets for the North District as follows:

- A 0-5 year target of 25,950; and
- A 20-year target of 92,000.

The Neutral Bay Centre has been identified as a Local Centre and located within the Eastern Economic Corridor.

The proposal is consistent with the objectives of the GSRP for these reasons:

- The proposal optimises the use of infrastructure given its strategic location close to existing B-Line. The proposal's location will encourage usage of existing public transport infrastructure.
- The proponent will collaborate with Government to ensure that the commercial and residential growth provided will benefit the local community. This will be achieved through additional local developer contributions and provision of land dedication and embellishment of Water Lane.
- The proposal provides housing supply through the provision of additional dwellings. The new dwellings will contribute to the short to medium term housing targets for the North District. The proposal focuses on 2 and 3 bedroom apartments to deliver a range of apartment types and sizes to cater for the growing population in Neutral Bay.
- The proposal's strategic location integrates land use and transport and supports the creation walkable and 30-minute cities.
- The proposal will offer upgraded commercial space to revitalise investment and business activity within Neutral Bay. These spaces will support a competitive local centre and supply more jobs.
- The proposal will enhance public open spaces and access around the site through dedication of land and embellishment of Water Lane.
- The proposal will contribute to providing an efficient city. The proposal will promote walkable neighbourhoods and low carbon transport options. The site is near to existing and future public transport, services which will reduce private car use.

6.6.3 North District Plan (2018)

The site is located within North District of Greater Sydney. The revised North District Plan reflects changes to the districts and the broader vision of Sydney as a three-city metropolitan region.

The key targets of North District Plan are below:

- Housing – an additional 92,000 dwellings by 2036;
- North Sydney has a 5-year housing target of 3,000 new dwellings; and
- North Sydney has a baseline job target of 76,000 and an upper level target of 81,500 by 2036.

The proposal is consistent with the North District Plan for these reasons:

- The proposal provides housing near to services, jobs and transport. The proposal delivers more jobs and residential capacity to leverage off the NSW State Government's significant investment in the new B-line;
- The proposal is consistent with the productivity objectives of the plan and will grow jobs in the centre;
- The proposal upgrades older commercial floor space to suit a wider range of businesses and services;
- The mixed-use proposal will deliver an integrated land use and transport outcome which promotes the 30-minute city;
- The proposal will increase housing capacity in Neutral Bay. The proposal will foster liveable healthy communities by ensuring people can live where they can access jobs, transport and services without a car;
- The proposal will contribute to providing services and social infrastructure through a proposed VPA;
- The proposed renewal will contribute to creating a vibrant and active local centre with high quality public spaces. Active retail frontages; and
- The proposal delivers high quality open space by providing opportunities to beautify the site's street frontage, dedication of land to Water lane and embellishment of Waters Lane to create an active shared lane which will contribute to the network of accessible pedestrian spaces.

6.6.4 NSW Long Term Transport Master Plan and the Draft Future Transport 2056 Strategy

The NSW Future Transport 2056 strategy (Future Transport 2056) is the 2018 update of the NSW Long Term Transport Master Plan (the Transport Master Plan). The plan is a 40-year vision for mobility in NSW. Both plans are addressed below.

The NSW Long Term Transport Master Plan

The Transport Master Plan outlines several projects that will impact Sydney. The plan aims to build efficiently on existing transport connections, including those with the Sydney CBD through the Global Economic Corridor. These connections will connect people with jobs and other opportunities which in turn will support productivity and economic growth.

The Plan recognises that State Government investment in transport will grow and enhance businesses and precincts. The plan includes strategies to improve road capacity, reduce journey times and public transport solutions to promote accessibility across Sydney.

This Planning Proposal is consistent with the objectives of the Transport Master Plan. The proposal provides a high density residential, commercial and community development near train and bus networks. The existing network provides excellent linkages to key nearby employment centres.

The mixed-use proposal is timely given the proposed infrastructure upgrades planned to improve travel times between northern Sydney and the CBD.

Future Transport 2056 Strategy

The Future Transport 2056 outlines the vision for the Greater Sydney mass transit network.

Future Transport 2056 sets six state-wide outcomes to guide investment, policy and reform and service provision. They provide a framework for network planning and investment aimed at supporting transport infrastructure. The locality will significantly benefit from the frequency of transport services and upgraded infrastructure provided by the proposed public transport upgrades. The proposal is consistent with the objectives of the Strategy as it will:

- Improve liveability by ensuring the proposed development will provide residences and jobs close to high quality, reliable public transport; and

- Improve sustainability by locating jobs and residences close to public transport and delivering a through-site link upgrade, the proposed development concept reduces reliance on private motor vehicles and encourages active transport.

Q4 – Is the planning proposal consistent with a Council’s local strategy or other local strategic plan?

6.6.5 Military Road Corridor Planning Study

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

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

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

The objectives of the planning study were:

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

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

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


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


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

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


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



Table 8. Assessment against the aims, objective & design principles of the Study



Objective / Design Principal	Assessment	Comply
2.2 Public Domain		
<p>Aims</p> <p>Improvements to the existing public domain in Neutral Bay town centre will be achieved by:</p> <ul style="list-style-type: none"> • <i>Improving the environment for walking, cycling and bus stops to enhance the Neutral Bay village atmosphere, a priority identified in during early engagement in 2018</i> • <i>Dedicating space for pedestrian amenity along Military Road, to relieve some of the impacts of increased traffic</i> • <i>Prioritising walking and cycling to limit road congestion, a key direction of the North Sydney Council Transport Strategy (2016)</i> • <i>Allowing space to walk, rest and socialise which will increase pedestrian amenity, accessibility and safety in Neutral Bay</i> 	<p>The proposal improves walking by embellishing the public domain to Waters Road, Grosvenor Street and Water Lane including widening the width of Waters Lane.</p> <p>Increased developer contributions will contribute toward local infrastructure upgrades.</p>	Yes
<p>The Grosvenor Lane Planning Study (NSC 2015) explores opportunities to revitalise the area and create further open space in Neutral Bay town centre. This planning study builds on that work. It aims to deliver... <i>“Shared zones on Waters Lane and Grosvenor Lane to improve existing public domain”</i></p>  <p>Figure 29. Area of future public domain works (Source: Military Road Corridor Planning Study)</p>	<p>The proposal included the dedication of a 1.5m strip of land to Council and embellishment of Waters Lane to create a shared zone to improve the existing public domain.</p> <p>The proposal also includes the embellishment of Council public domain to both Waters Road and Grosvenor Street.</p> <p>The proposal additionally include voluntary monetary contributions towards the delivery of public domain works.</p>	Yes
<p>Objective</p> <p>The objective of the new Waters Lane share way includes:</p> <p><i>“Redirect traffic through Waters Lane and Coopers Lane with sufficient maneuvering space to turn large vehicles”</i></p>	<p>The Water Lane public domain plan will provide an improved public domain whilst enabling sufficient manoeuvring for large vehicles.</p>	Yes
3.1 Employment		
<p>This chapter provides the policy basis to:</p> <ul style="list-style-type: none"> • <i>“Retain existing employment character that supports local businesses;</i> • <i>Increase local employment capacity to meet future retail and office demand by 2036;</i> • <i>Support start-ups and other local businesses;</i> • <i>Develop a high level of local street activity and amenity; and</i> • <i>Support greater diversity and amenity of retail uses”.</i> <p>Objective</p>	<p>The planning proposal includes increasing the minimum non-residential FSR from 0.5:1 to 1.2:1 in accordance with the strategy.</p> <p>The increase in commercial FSR will contribute to an increase in local employment capacity to meet future retail and office demand by 2036.</p> <p>The proposal includes the additional non-residential floor area within the basement.</p>	Yes


Objective / Design Principal	Assessment	Comply
<p>The objective of the employment controls include:</p> <ul style="list-style-type: none"> • Maintain the existing level of shops and services in the centre. • Ensure new development supports long-term local jobs growth • Increase the non-residential floor space ratio (FSR) in accordance with Figure 20  <p>Figure 30. Proposed minimum FSR Standard (Source: Military Road Corridor Planning Study)</p>	<p>Central Element undertook a retail investigation and economic impact assessment to determine a strategy for the retail use of the land. The retail assessment can be found at Appendix B.</p> <p>The location of the site adjacent to a future large scale supermarket with basement parking, convenient vehicular access and there being a shortage of fresh food produce in Neutral Bay has made the site well suited for speciality green grocer, such as Harris Farm or similar.</p> <p>The inclusion of a speciality green grocer within Neutral Bay will improve the commercial viability of the centre and will enable it to compete commercially with Mosman and Cammeray town centres.</p> <p>The first floor is well suited for a residential use being north facing, the site not being located to a busy main street, and the use provides a transition to the residential zoned land to the north of the site.</p>	
<p>Objectives</p> <p>Encourage a mix of retail tenancy sizes for a diverse range of users.</p> <p>Support uses that activate the centre during the day, night, and on weekends to make it a more attractive location for commercial operations and additional residential development.</p> <ul style="list-style-type: none"> • Support a mix of small local offices and start-up businesses. • Allow for a variety of retail, restaurants, cafes and outdoor dining at ground level. Office and business. • Space will be provided on the first and second floor and residential above. • Specialty shops that provide active trade should each have shop-front entries that open to a laneway or street. <p>To meet the new, non-residential FSR requirements development proposals could consider:</p> <ul style="list-style-type: none"> • Smaller floorplates tailored to the town centre with retail spaces at 51-100m2 and offices at 101-250m2 • Adaptable, flexible spaces. • Inclusion of incubator hubs and coworking spaces. • The ‘pop-up shop’ application on existing and future vacant commercial space to support entrepreneurs and start-up businesses and minimise negative amenity impacts during a redevelopment process. 	<p>The proposal includes fine grade retail to the street level.</p> <p>As discussed in the above section, the site is suited for a speciality Grosvenor Street given the site characteristics and its context. The site is contextually the most appropriate location for a speciality green grocer in Neutral Bay.</p> <p>The site will underpin the commercial viability of the centre and support local business and attract office spaces by making the centre a more attractive destination with a vibrant retail offering.</p>	<p>Yes</p>
<p>3.2 Transport</p>		
<p>Aims</p> <p>Designing for pedestrians and increasing the amount of public space to walk, rest and socialise, makes streets accessible and safe for all people. It also makes the town centre more attractive for businesses and residents due to increased pedestrian activity.</p> <p>The streetscape should be visually interesting and include engaging building frontages with continuous awnings to provide shelter. Materials for shared zones will continue across intersections to slow down traffic and enhance perceptions of pedestrian safety.</p> <p>This chapter provides the policy basis to:</p> <ul style="list-style-type: none"> • Support cycling and walking as key modes of transport 	<p>The proposal includes a continuous awning along Grosvenor Street and Waters Road.</p> <p>An active frontage is proposed along Waters Road and Grosvenor Street.</p> <p>The proposal includes increasing Waters Lane by 1.5m through land dedication which improves pedestrian circulation along the lane.</p> <p>The proposal includes developer contributions which will go toward infrastructure upgrades such as cycle lanes.</p>	<p>Yes</p>

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

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

Objective / Design Principal	Assessment	Comply
<p>Existing controls</p>  <p>Figure 37 - 100m² of sunlight in public domain areas at Grosvenor Lane on 21 June at 10am</p> <p>Proposed controls</p>  <p>Figure 38 - 1,300m² of sunlight in existing and new public domain areas at Grosvenor Lane under proposed controls on 21 June at 10am</p> <p>Figure 32. Public Domain overshadowing Control (Source: Military Road Corridor Planning Study)</p>		
<p>Whole of building setbacks</p> <p>Objective</p> <p>Refine whole of building setbacks to improve pedestrian amenity.</p> <ul style="list-style-type: none"> • Amend setback requirements in the NSDCP 2013 as per Figure 43 • Whole of building setbacks apply to basement structures and upper levels to improve solar/light access and allow for deep soil zones and large tree canopies • Ground floor treatment should match the existing public paving according the NSC Style Guide • Retain existing trees in the setback where possible • Rangers Road plaza setbacks are subject to further design to deliver a new 1,000m² public space (see Chapter 3.4) 	<p>The proposal includes increasing the setback from nil to a 1.5m whole of building setback to Waters Lane for the podium.</p> <p>The proposal includes a nil podium setback to Waters Road and Grosvenor Street.</p> <p>The proposal includes upgrading the public domain to all street frontages and the length of Waters Lane.</p>	<p>Yes</p>

Objective / Design Principal	Assessment	Comply
 <p>Figure 33. Building Podium Setbacks (Source: Military Road Corridor Planning Study)</p>		
<p>Above podium setbacks</p> <p>Objectives</p> <p>Manage the scale and bulk of buildings to reinforce the existing village atmosphere and maintain a human scale.</p> <ul style="list-style-type: none"> • Amend the podium height and above podium setback requirements in the NSDCP 2103 as shown in Figure 45 • Upper level setbacks should result in: <ul style="list-style-type: none"> • improved solar access • building separation that meets SEPP 65 guidelines • a strong relationship to the surrounding context • a scale that is appropriate to the village atmosphere • The ground floor setback is outlined on the previous pages and relate to all floors of the podium (no reverse setbacks). The upper level setback is calculated from the edge of the podium and is in addition to a ground floor setback.  <p>Figure 34. Building Tower Setbacks (Source: Military Road Corridor Planning Study)</p>	<p>The proposed building includes a 3 storey podium and 3m tower setback to Waters Road and Grosvenor Street and a 4.5m building tower setback is proposed to Waters Lane.</p> <p>The proposal increases sunlight access to Water Lane by including a 4.5m tower setback to Waters Lane.</p> <p>The supporting concept proposal drawings are demonstrated to be fully compliant with the SEPP 65 Apartment Design Guide.</p> <p>The proposed six storey scale is considered to be appropriate to maintain the village atmosphere.</p>	<p>Yes</p>
<p>Active frontages and outdoor dining</p> <p>Provide active retail frontages along main pedestrian thoroughfares.</p> <ul style="list-style-type: none"> • Expand outdoor dining in new public domain. • Increase active retail frontages as indicated in Figure 46. • Through-block connections should have active frontages where possible and enhance sight lines to additional commercial uses to create an activated and accessible centre. • Activate Grosvenor Lane by providing dual retail frontages where possible as shown in Figure 46. • Maximise potential outdoor dining spaces on new and improved public domain. 	<p>The proposal includes an active street frontage to Waters Road and Grosvenor Street each with a shop width ranging from 4-8m.</p> <p>Waters Lane will predominantly be a service lane and provide pedestrian access to the residential tower. This is consistent with the study which recommends Waters Lane as a service lane.</p> <p>Apartments to level 1 and above will provide passive surveillance of Waters Lane.</p>	<p>Yes</p>

Objective / Design Principal	Assessment	Comply
<ul style="list-style-type: none"> Encourage a level of activation and passive surveillance in all laneways. Provide and replace fine-grain architectural articulation in new facades through careful choice of materials and providing entries every 4-8m.  <p>Figure 35. Active Street Frontages (Source: Military Road Corridor Planning Study)</p>	<p>Refer to the concept proposal prepared by SJB Architects at Appendix A for details.</p>	

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

The proposals consistency with current State Environmental Planning Policies (SEPPs) and Regional Environmental Plans (REPs), which are deemed SEPPs, are summarised in Table 7.

Table 9. Consistency with SEPPs and REPs

State Environmental Planning Policy	Assessment
EPP (Koala Habitat Protection) 2020	Not applicable
SEPP (Koala Habitat Protection) 2021	Not applicable
SEPP (Aboriginal Land) 2019	Not applicable
SEPP (Activation Precincts) 2020	Not applicable
SEPP (Concurrences and Consents) 2018	Not applicable
SEPP (Educational Establishments and Child Care Facilities) 2017	Not applicable
SEPP (State and Regional Development) 2011	Not applicable
SEPP (Sydney Drinking Water Catchment) 2011	Not applicable
SEPP (Urban Renewal) 2010	Not applicable
SEPP (Affordable Rental Housing) 2009	Not applicable
SEPP (Western Sydney Parklands) 2009	Not applicable
SEPP (Exempt and Complying Development Codes) 2008	Not applicable
SEPP (Western Sydney Employment Area) 2009	Not applicable
SEPP (Kosciuszko National Park – Alpine Resorts) 2007	Not applicable
SEPP (Infrastructure) 2007	The future development application will trigger a referral to the RMS and Ausgrid.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Not applicable

State Environmental Planning Policy	Assessment
SEPP (Sydney Region Growth Centres) 2006	Not applicable
SEPP (State Significant Precincts) 2005	Not applicable
SEPP (Building Sustainability Index: BASIX) 2004	The BASIX SEPP requires residential development to achieve mandated levels of energy and water efficiency. The proposed development concept has been designed with building massing and orientation to facilitate future BASIX compliance, which will be documented at the development application stage.
SEPP (Housing for Seniors or People with a Disability) 2004	Not applicable
SEPP (Housing) 2021	Not applicable
SEPP (Penrith Lakes Scheme) 1989	Not applicable
SEPP (Kurnell Peninsula) 1989	Not applicable
SEPP No. 19 Bushland in Urban Areas	Not applicable
SEPP No. 21 Caravan Parks	Not applicable
SEPP No. 33 Hazardous and Offensive Development	Not applicable
SEPP No. 36 Manufactured Home Estates	Not applicable
SEPP No. 47 Moore Park Showgrounds Not applicable	Not applicable
SEPP No. 50 Canal Estate Development	Not applicable
SEPP No. 55 Remediation of Land	It is proposed to retain the zoning of the site and the proposed additional storey would not increase the potential risk of contamination in relation to the land.
SEPP No. 64 Advertising and Signage Not applicable	Not applicable
SEPP No. 65 Design Quality of Residential Apartment Development	A concept proposal has been included with the design report prepared by SJB. It is demonstrated the proposal can fully comply with the SEPP 65 and Apartment Design Guide Design Criteria.
SEPP No. 70 Affordable Housing (Revised Schemes)	Not applicable
SEPP Vegetation in Non-Rural Areas	Not applicable
SEPP Coastal Management 2018	Not Applicable
SEPP (Gosford City Centre) 2018	Not Applicable
Draft Environment SEPP	There is no existing vegetation on the site. The site is within an existing urban area and as such will have minimal additional impact on the surrounding natural environment.
Draft SEPP Primary Production and Rural Development	Not applicable
Sydney Regional Environmental Plan No. 8 – Central Coast Plateau Areas	Not applicable
Sydney Regional Environmental Plan No. 9 – Extractive Industry	Not applicable
SREP No. 16 – Walsh Bay Not applicable	Not applicable

State Environmental Planning Policy	Assessment
SREP No. 20 – Hawkesbury-Nepean River	Not applicable
SREP No. 24 – Homebush Bay Area	Not applicable
SREP No. 26 – City West	Not applicable
SREP No. 30 - St Marys	Not applicable
SREP No. 33 – Cooks Cove	Not applicable
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	The site is within the Sydney Harbour Catchment to which this plan applies. The proposal is unlikely to have any additional impact on the water quality of Sydney Harbour as it is within an existing high-density urban environment. Strategies to reduce overall surface runoff and water retention on the site will be considered as part of the detailed design.
Greater Metropolitan REP No. 2 – Georges River Catchment	Not applicable
Willandra Lakes REP No. 1 – World Heritage Property	Not applicable
Murray REP No. 2 – Riverine Land	Not applicable

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

The Planning Proposal's consistency with applicable section 9.1 Ministerial Directions is outlined in Table 8.

Table 10. Consistency with SEPPs and REPs

Ministerial Direction	Assessment
Employment and Resources	
1.1 Business and Industrial Zones (a) encourage employment growth in suitable locations, (b) protect employment land in business and industrial zones, and (c) support the viability of identified strategic centres	The Planning Proposal is consistent with the direction for the following reasons: <ul style="list-style-type: none"> ▪ The proposal includes to increase the minimum non-residential FSR from 0.5:1 to 1.2:1 which will protect and encourage employment growth in Neutral Bay. ▪ The addition of a speciality grocer will support the viability of the Neutral Bay Town Centre and enable it to compete with Mosman and Cammeray town centres.
1.2 Rural Zones Not applicable	Not Applicable.
1.3 Mining, Petroleum Production and Extractive Industries	Not Applicable.
1.4 Oyster Aquaculture Not applicable	Not Applicable.
1.5 Rural Lands	Not Applicable.
Environment and Heritage	
2.1 Environmental Protection Zones	Not applicable
2.2 Coastal Management	Not applicable
2.3 Heritage Conservation	Not applicable
2.4 Recreation Vehicle Areas	Not applicable

Ministerial Direction	Assessment
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable
2.6 Remediation of Contaminated Land	It is proposed to retain the zoning of the site and the proposed additional storey would not increase the potential risk of contamination in relation to the land.
Housing, Infrastructure and Urban Development	
3.1 Residential Zones	<p>The Planning Proposal is consistent with the direction for the following reasons:</p> <ul style="list-style-type: none"> ▪ The proposal provides a mix of dwelling types to meet future population needs. The site is well placed to accommodate high density residential uses. ▪ The proposed mixed-use development will make efficient use of existing services and infrastructure. It will provide sufficient housing to help meet infill housing targets and reduce the need for land release on the metropolitan fringe. ▪ Residential accommodation in this location will have minimal impact on the natural environment or resource lands. This is because the precinct and sites are already developed and are not constrained by natural hazards. The proposal is consistent with the scale supported by Council through its adopted Planning Study.
3.2 Caravan Parks and Manufactured Home Estates	Not applicable
3.4 Integrating Land Use and Transport	<p>The Planning Proposal is consistent with the direction for the following reasons:</p> <ul style="list-style-type: none"> ▪ The proposal to increase density on the B4 mixed use zoned site supports the principle of integrating land use and transport. ▪ The site has excellent access to public transport. It is within 80m of the B-Line Bus Route. ▪ The site's proximity to public transport would provide opportunities for residents and employees to conveniently use public transport thereby reducing private vehicle trip movements. ▪ The proposal would provide additional employment within the North Sydney LGA close to existing services and infrastructure. ▪ The site is close to nearby centres which offer employment and other services. Additional local service provision within walking distance of new dwellings will be incorporated into the future design of the site.
3.5 Development Near Licensed Aerodromes	The site is not close to Sydney Airport however and not affected by an obstacle limitation surface. The proposal does not trigger an aviation safety assessment referral.
3.6 Shooting Ranges	Not applicable
3.7 Reduction in non-hosted short term rental accommodation period	Not applicable
Hazard and Risk	
4.1 Acid Sulphate Soils	<p>There is no mapping of acid sulfate soils (ASS) by Council.</p> <p>Given the location of the site high on a ridge the likelihood of ASS is low. Evidence of recent construction close to the site demonstrate ASS is not a constraint to the future proposed development of the site. Further assessment can be carried out if necessary as part of the development application.</p>

Ministerial Direction	Assessment
4.2 Mine Subsidence and Unstable Land	Not applicable
4.3 Flood Prone Lane	Not applicable
4.4 Planning for Bushfire Protection	Not applicable
Regional Planning	
5.2 Sydney Drinking Water Catchments	Not applicable
5.3 Farm Land of State and Regional Significance on the NSW Far North Coast	Not applicable
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable
5.9 North West Rail Link Corridor Strategy	Not applicable
5.10 Implementation of Regional Plans	The proposal is consistent with this Direction. This proposal outlines an assessment demonstrating the achievement of the objective of this Direction
5.11 Development of Aboriginal Council land	Not applicable
Local Plan Making	
6.1 Approval and Referral Requirements	This is an administrative requirement for Council.
6.2 Reserving Land for Public Purposes	This is an administrative requirement for Council.
6.3 Site Specific Provisions	The proposal is consistent with this direction. It does not seek to impose unnecessarily restrictive site-specific planning controls, rather conventional LEP amendments such as building height and FSR changes to Council maps.
Metropolitan Planning	
7.3 Parramatta Road Corridor Urban Transformation Strategy	Not applicable
7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not applicable
7.5 Implementation of Wilton Priority Growth Area Interim Land use and Infrastructure Implementation Plan	Not applicable
7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable
7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not applicable
7.8 Implementation of Western Sydney Aerotropolis Plan	Not applicable
7.9 Implementation of Bayside West Precincts 2036 Plan	Not applicable
7.10 Implementation of Planning Principles for the Cooks Cove Precinct	Not applicable
7.11 Implementation of St Leonards and Crows Nest 2036 Plan	Not applicable
7.12 Implementation of Greater Macarthur 2040	Not applicable

Ministerial Direction	Assessment
7.13 Implementation of the Pyrmont Peninsula Place Strategy	Not applicable

6.7 Environmental, Social and Economic Impact

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

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

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

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

6.7.1 Overshadowing

An three-dimensional shadow study has been undertaken by SJB Architects. The shadow study has considered the potential future-built form within the future Neutral Bay Town Centre and future public plaza (refer to Figure 36). The Planning Study acknowledges that the future Neutral Bay Town Centre aims to reduce the existing overshadowing impacts created by the existing building at 41-53 Grosvenor Street, Neutral Bay and there is an opportunity to increase winter sunlight access to the future public plaza (refer to figure 37).

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

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

Existing controls



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

Proposed controls



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

Figure 36. Existing and future potential overshadowing impacts to the plaza (Source: Military Road Corridor Planning Study)

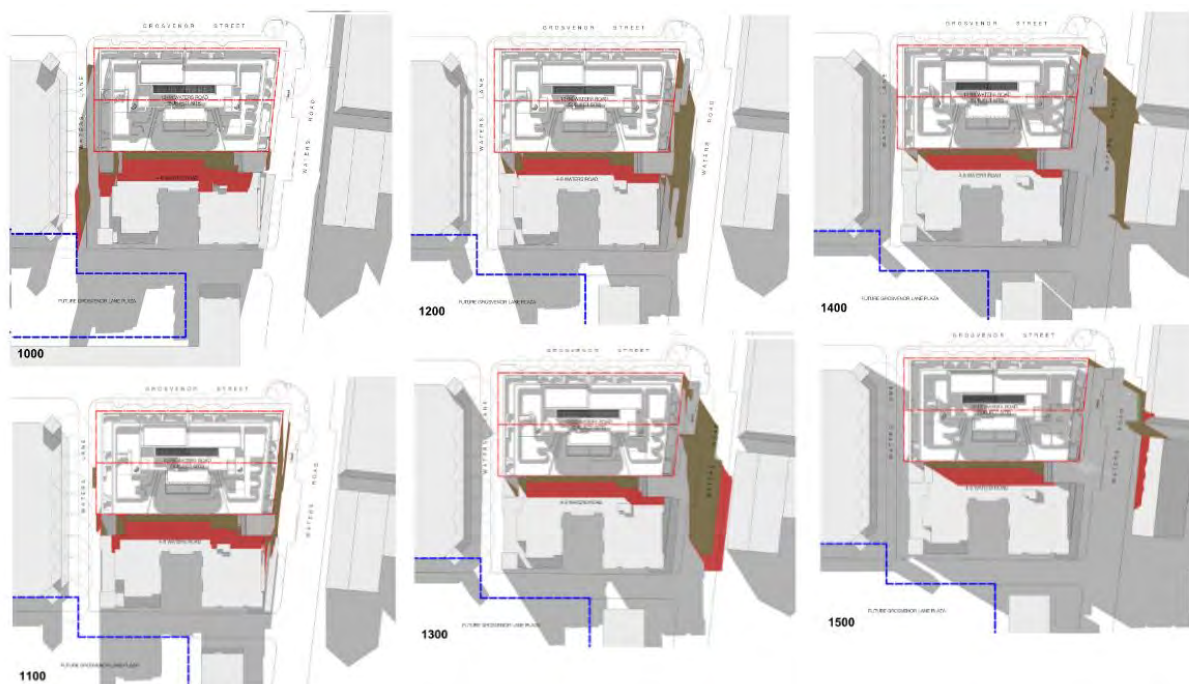


Figure 37. Overshadowing impact between 10am to 2pm (Source: SJB Architects)

6.7.2 View Impacts

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

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

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

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

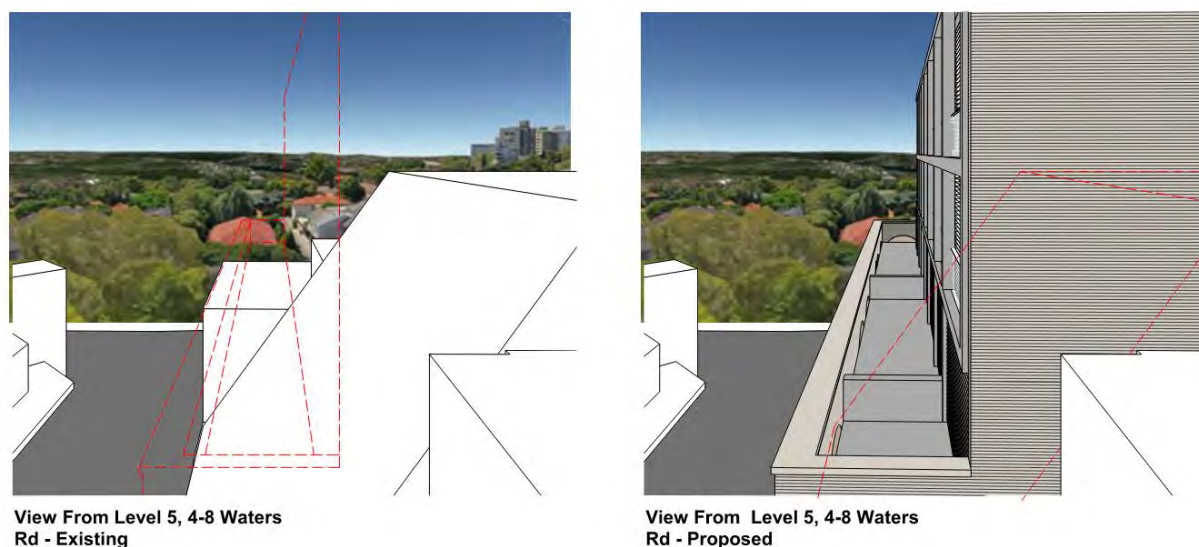


Figure 38. View Loss Diagram (Source: SJB Architects)

6.7.3 Traffic Impacts

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

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

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

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

6.7.4 Waste Management

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

6.7.5 Servicing

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

6.7.6 Sustainability

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

6.7.7 Noise

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

6.7.8 Stormwater

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

6.7.9 Contamination

The proposal includes an additional level and does not change the land zoning and therefore does not increase the risk of contamination. A PSI will be required with a DA relating to the land prepared in accordance with the NEPC National Environment Protection (Assessment of Site Contamination) Measure 1999 and the NSW EPA Guidelines for Consultants Reporting on Contaminated Land and in accordance with the provisions of State Environmental Planning Policy No 55—Remediation of Land to confirm the site can suitably accommodate the mixed-use development.

Q9 – Has the planning proposal adequately addressed any social and economic effects?

6.7.10 Economic and Social Benefits

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

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

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

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

6.7.11 State and Commonwealth Interests

Q10 – Is there adequate public infrastructure for the planning proposal?

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

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

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

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

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

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

7. Mapping

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

- Height of Buildings Map Sheet - HOB_001_010; and
- Non-Residential Floor Space Ratio Map Sheet - LCL_001_010.

The proposed technical mapping changes are provided at **Appendix E**.

8. Project Timeline

It is anticipated that the LEP amendment will be completed within 9-12 months. An indicative project timeframe is provided in the table below.

Table 11. Timetable and Program

Stage	Timeframe
Consideration by North Sydney Council	March 2022
Council determination of Planning Proposal & sent to DPIE	April 2022
Gateway Determination Issued to Council	June 2022
Public exhibition	July 2022
Council Assessment post-exhibition report	August 2022
Council considered	September 2022
Submission to DPIE requesting making of LEP	October 2022
Drafting of LEP and Gazettal	November 2022

9. Conclusion

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

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

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

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



12-14 Waters Road, Neutral Bay

Design Report - Development Application

Prepared for
Central Element

Issued
December 2021

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We create amazing places



At SJB we believe that the future of the city is in generating a rich urban experience through the delivery of density and activity, facilitated by land uses, at various scales, designed for everyone.

Ref: #6339
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Urban Design

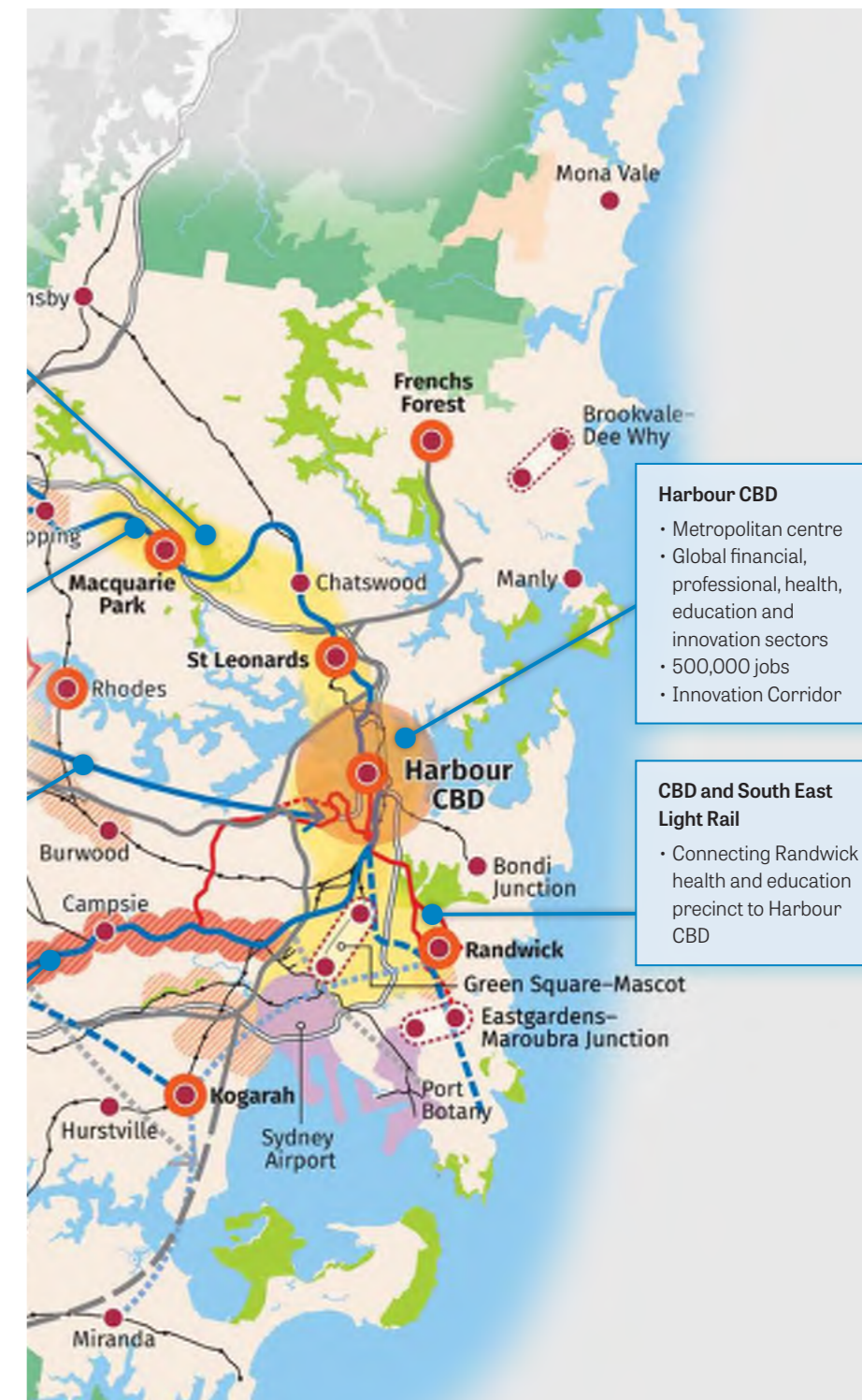
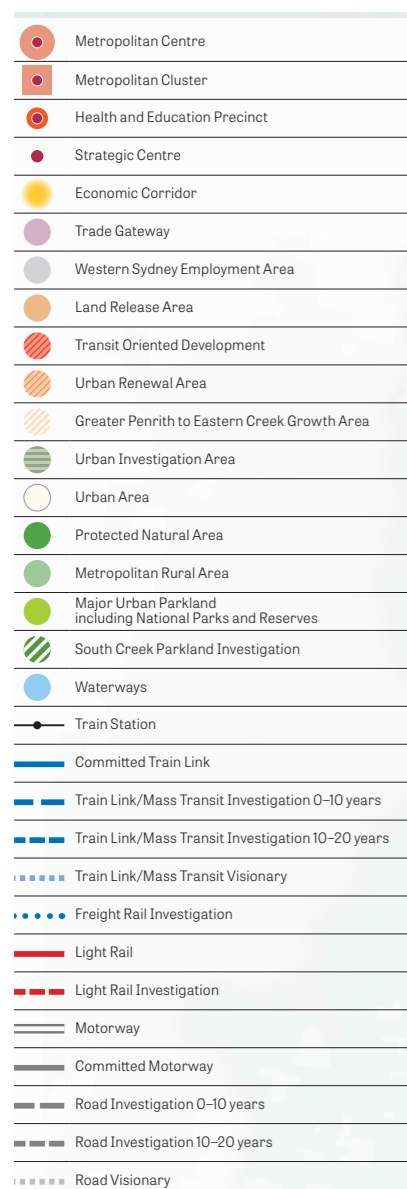
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Urban Design

1.1 Regional Context

Neutral Bay is located within 4km of Sydney CBD and 1.8km from North Sydney CBD, the two centres that form the 'Harbour CBD' Metropolitan Centre, as outlined in the 'Greater Sydney Regional Plan'.

Neutral Bay is also located along the Economic Corridor that extends from Sydney Airport, to the South, up to Macquarie Park. The strategic centre of St Leonards, which forms part of this economic Corridor, is 2.8km away.

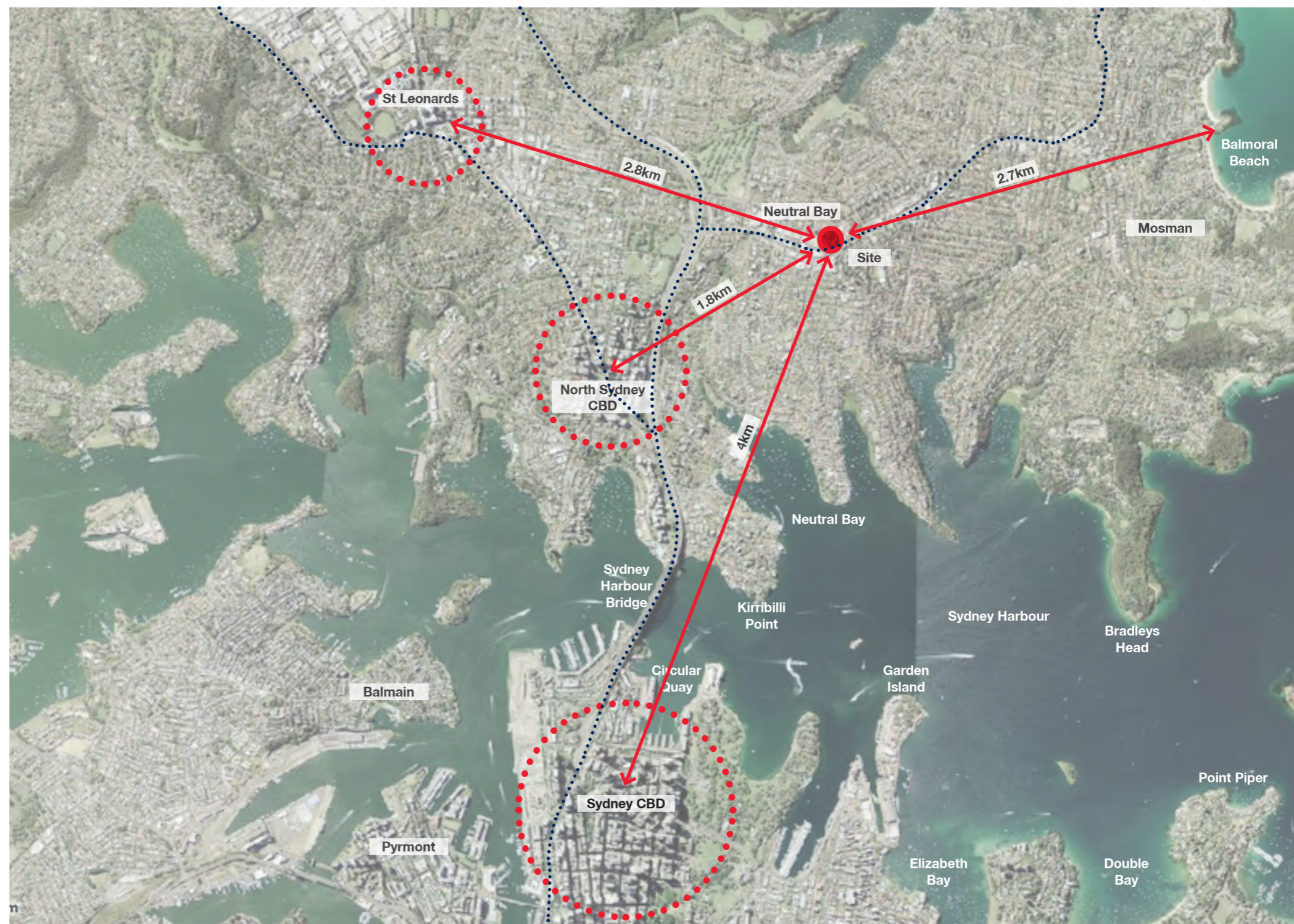


Urban Design

1.1 Regional Context

The site is located in Neutral Bay, within the town centre, forming part of North Sydney Council LGA.

Neutral Bay town centre is located along Military Road, which is an arterial connector between the Northern Beaches and Sydney CBD. Numerous bus routes connect the site in both directions.



Key

- Site
- ⋯ Centre
- ↔ Distance



Urban Design

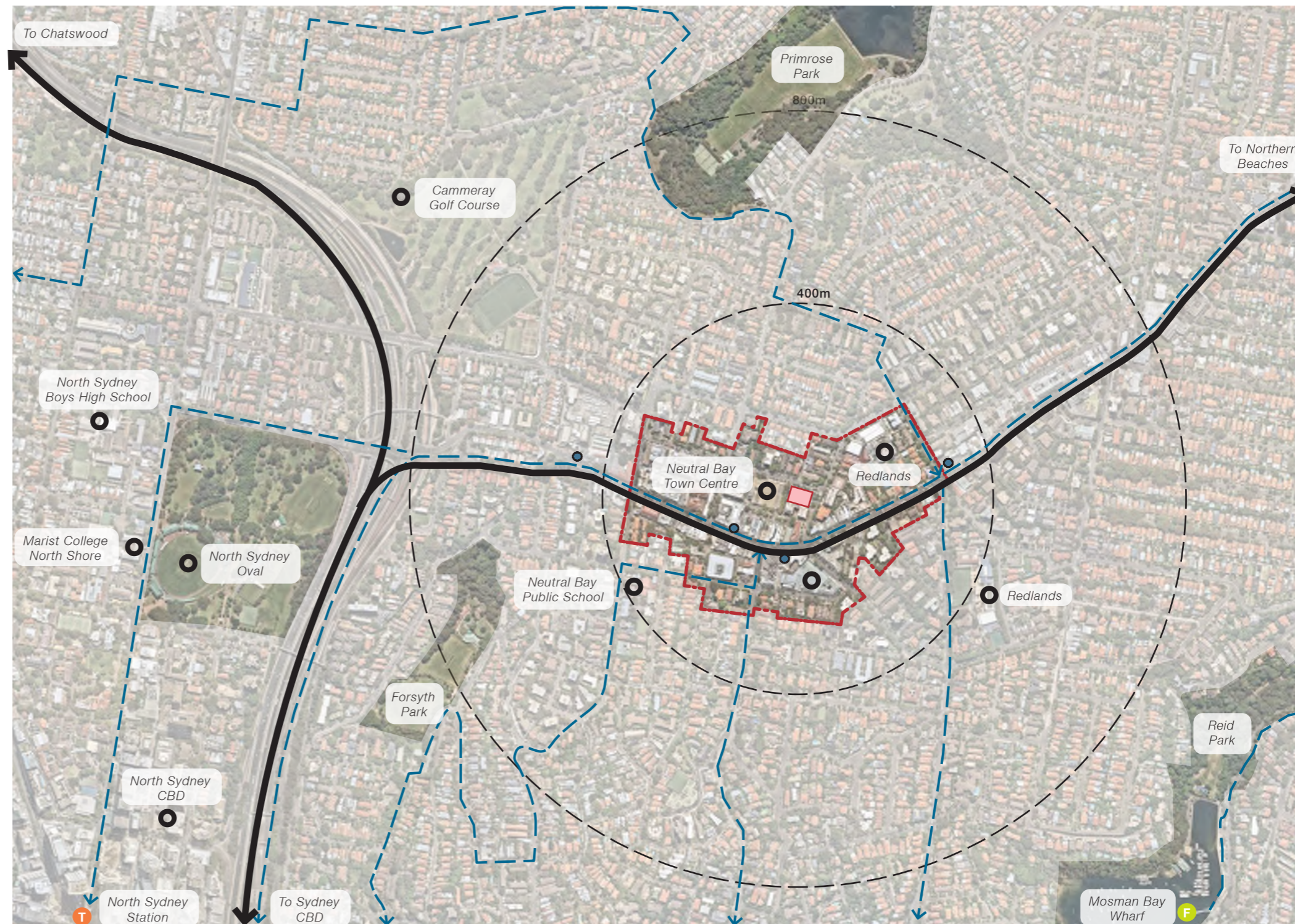
1.2 Local Context

The site is located within Neutral Bay Town Centre, on the North side of Military Road. There are numerous bus routes along Military Road that connect the site to the Northern Beaches, North Sydney CBD and Sydney City CBD. Neutral Bay is also part of the more recent B-Line system, this service provides a frequent connection between Mona Vale and Wynyard. This additional public transport is reflective of the growth in Neutral Bay and Lower North Shore.

There are numerous Schools within close proximity, including Redlands, Neutral Bay Public School and North Sydney Boys High School.

There is connection to Sydney harbour; 1km to the North via Primrose Park, and to the South at Mosman Bay which includes the Ferry wharf at Mosman Bay.

Neutral Bay Town Centre includes a vibrant mix of shops, restaurants and cafes in a village setting.



Key

- Site
- Neutral Bay Town Centre
- Local Amenity
- T Train Station
- F Ferry Stop
- Arterial Route
- Bus Route
- Bus Stop



Urban Design

1.3 Council Controls - LEP



LEP Land Use Zoning

The site is zoned B4 Mixed Use

LEP Floor Space Ratio

The site has no maximum floor space ratio

LEP Height of Building

The site has a maximum building height of 16m

LEP Heritage

The site is not listed as a heritage item

Key

Zone	Description
B1	Neighbourhood Centre
B2	Commercial Core
B4	Mixed Use
E1	Environmental Conservation
E4	Environmental Living
IL1	Light Industrial
IL4	Working Waterfront
R1	Low Density Residential
R2	Medium Density Residential
R3	High Density Residential
SP1	Public Recreation
SP2	Private Recreation
SP3	Special Activities
SP4	Infrastructure
UL	Unzoned Land

Key

L1	0.5
L2	0.65
L3	0.7
L4	0.75
L5	0.8
L6	0.9
N1	1
N2	1.1
N3	1.2
N4	1.25
N5	1.3
N6	1.4
N7	1.5
N8	1.7
N9	1.8
N10	1.9
N11	2
N12	3

Key

A1	1
A2	4
A3	5
A4	9
A5	9.5
A6	11
A7	12
A8	13
A9	14
A10	15
A11	16
A12	18
A13	21
A14	22
A15	24
A16	25
A17	28
A18	31
A19	34
A20	44
A21	47

Key

	Conservation Area - General
	Aboriginal Place of Heritage Significance
	Item - General
	Item - Archaeological

Urban Design

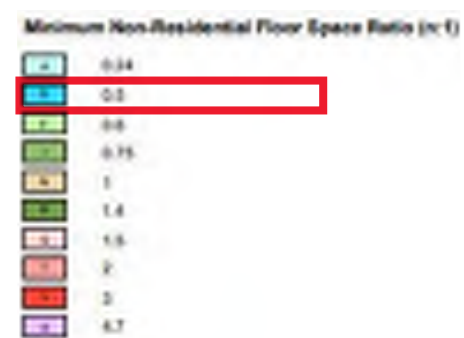
1.3 Council Controls - LEP



LEP Minimum Non Residential Floor Space
The has a 0.5:1 minimum non-residential FSR applicable.

LEP Foreshore Building Line
Not applicable

Key



Key



Urban Design

1.4 Future Context_Military Road Corridor Planning Study

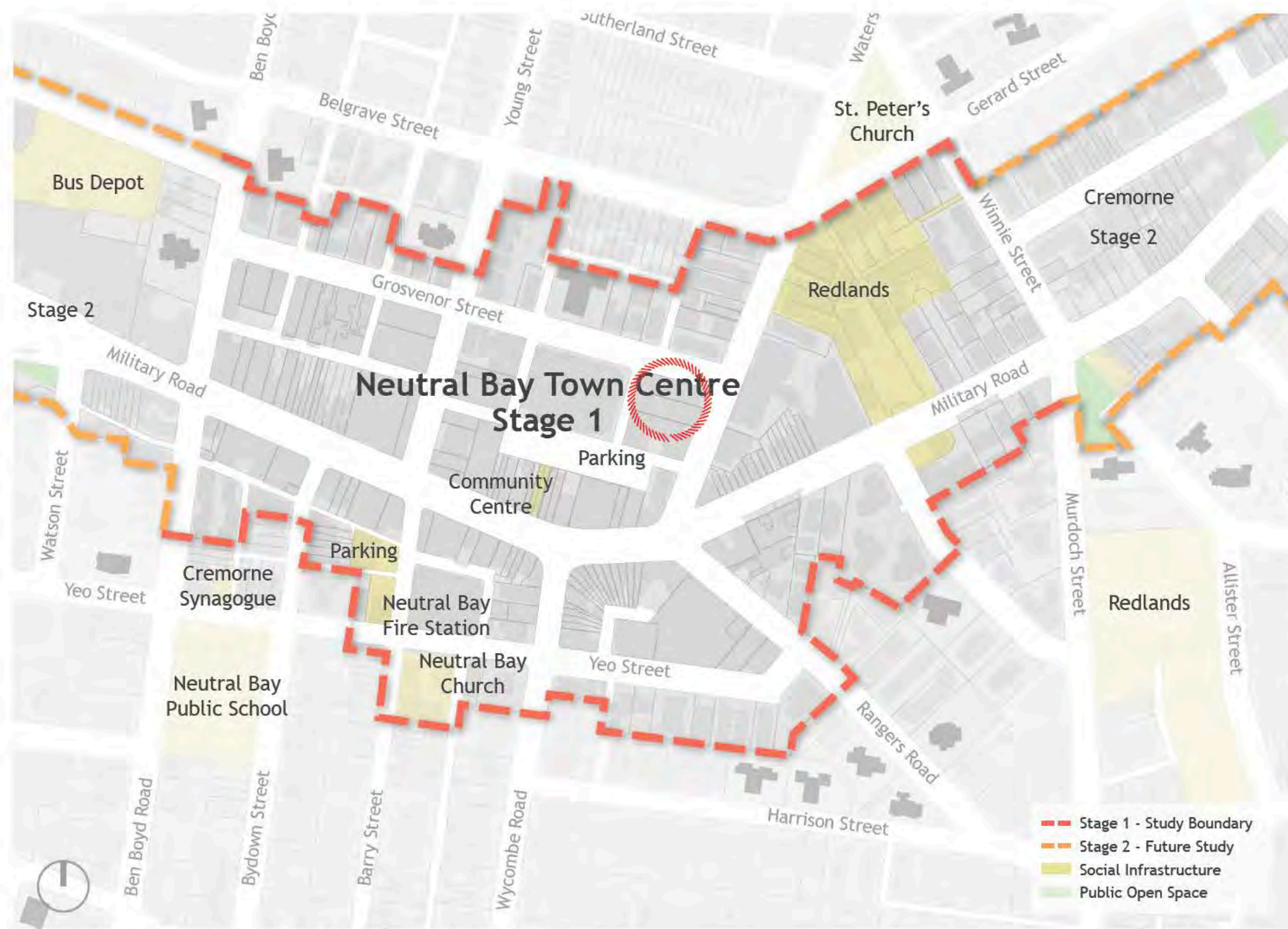
The site is located within Neutral Bay Town Centre, which forms part of the Military Road Corridor Planning Study.

The purpose of the planning study is to create a framework for future development along the Military Road Corridor, specifically in Neutral Bay town centre.

As part of the Military Road Corridor Planning Study a draft Future Directions Paper was released in March 2020. It outlines the following changes for the site;

- Increase the non-residential floor space (FSR) control from 0.5:1 to 1.2:1
- Increase the maximum height limit from 5 storeys to 6 storeys
- Set new building setbacks at key locations along Military Road and near public open space
- Improved public open space including the pedestrianisation of laneways including Waters Lane

The Development Application is based on the Military Road Corridor Planning Study and Future Directions Report as adopted by Council 22nd February 2021.



Source: Military Road Corridor Planning Study Stage 1 - Future Directions Paper

Key

Site Location

- Stage 1 - Study Boundary
- Stage 2 - Future Study
- Social Infrastructure
- Public Open Space

Urban Design

1.5 Future Context_Military Road Corridor Planning Study_Built Form

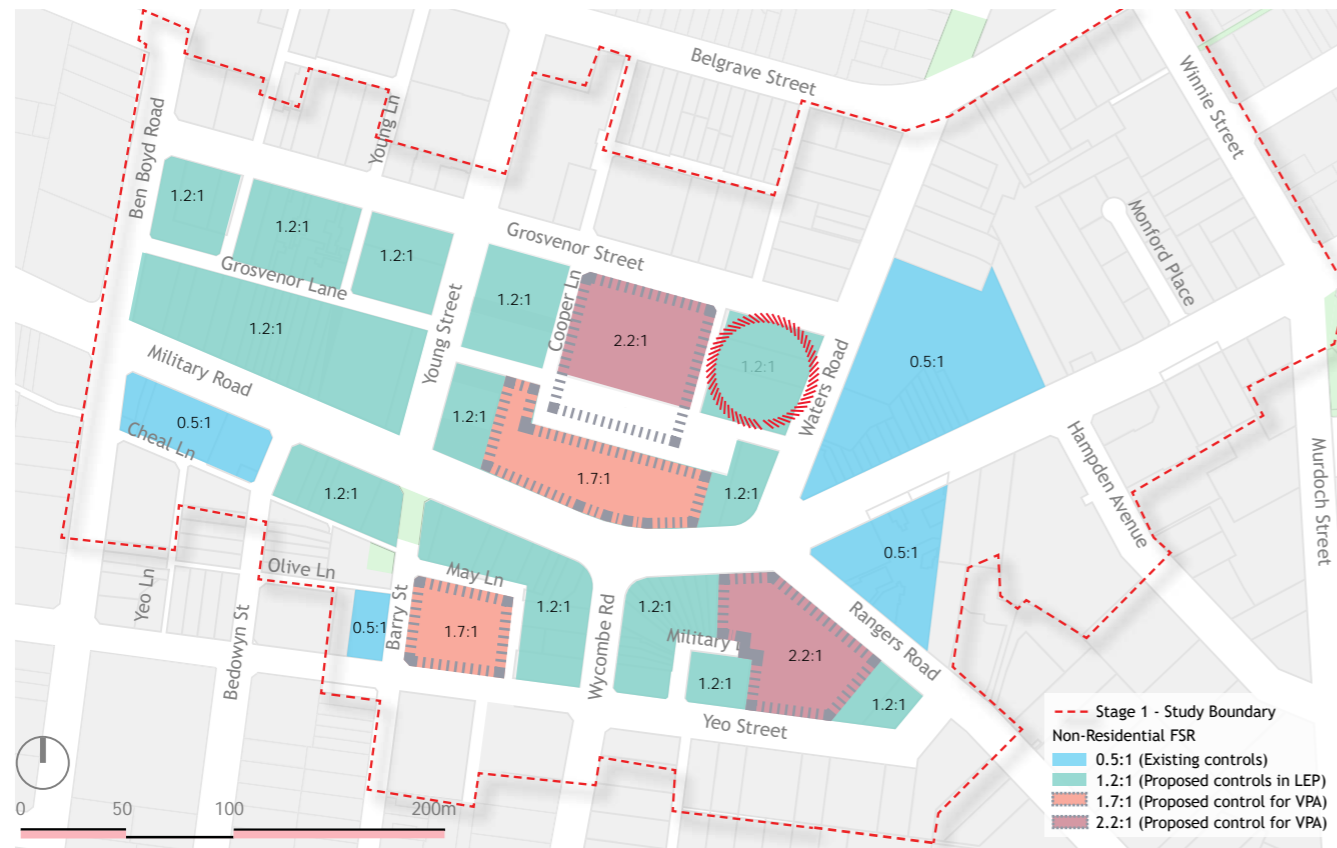


Figure 19 - Proposed minimum increases to non-residential FSR in the NSLEP 2013 and further increases through planning proposals.

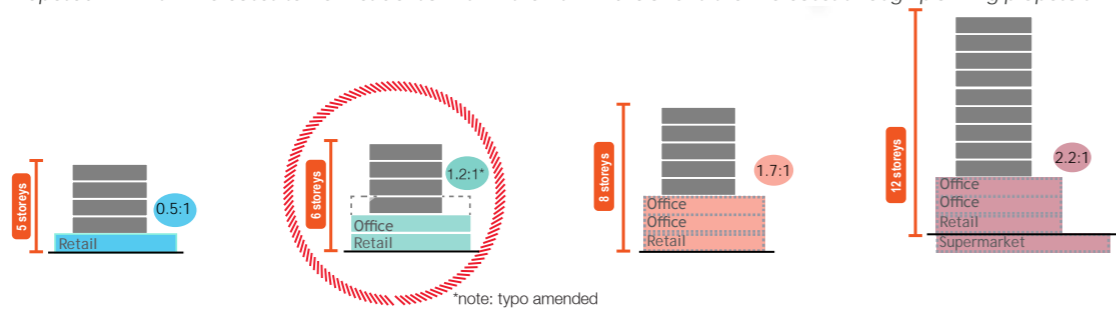


Figure 19 - Increases shown as floor stores.

Source: Military Road Corridor Planning Study Stage 1 - Future Directions Paper

Key

○ Site Location

SJB

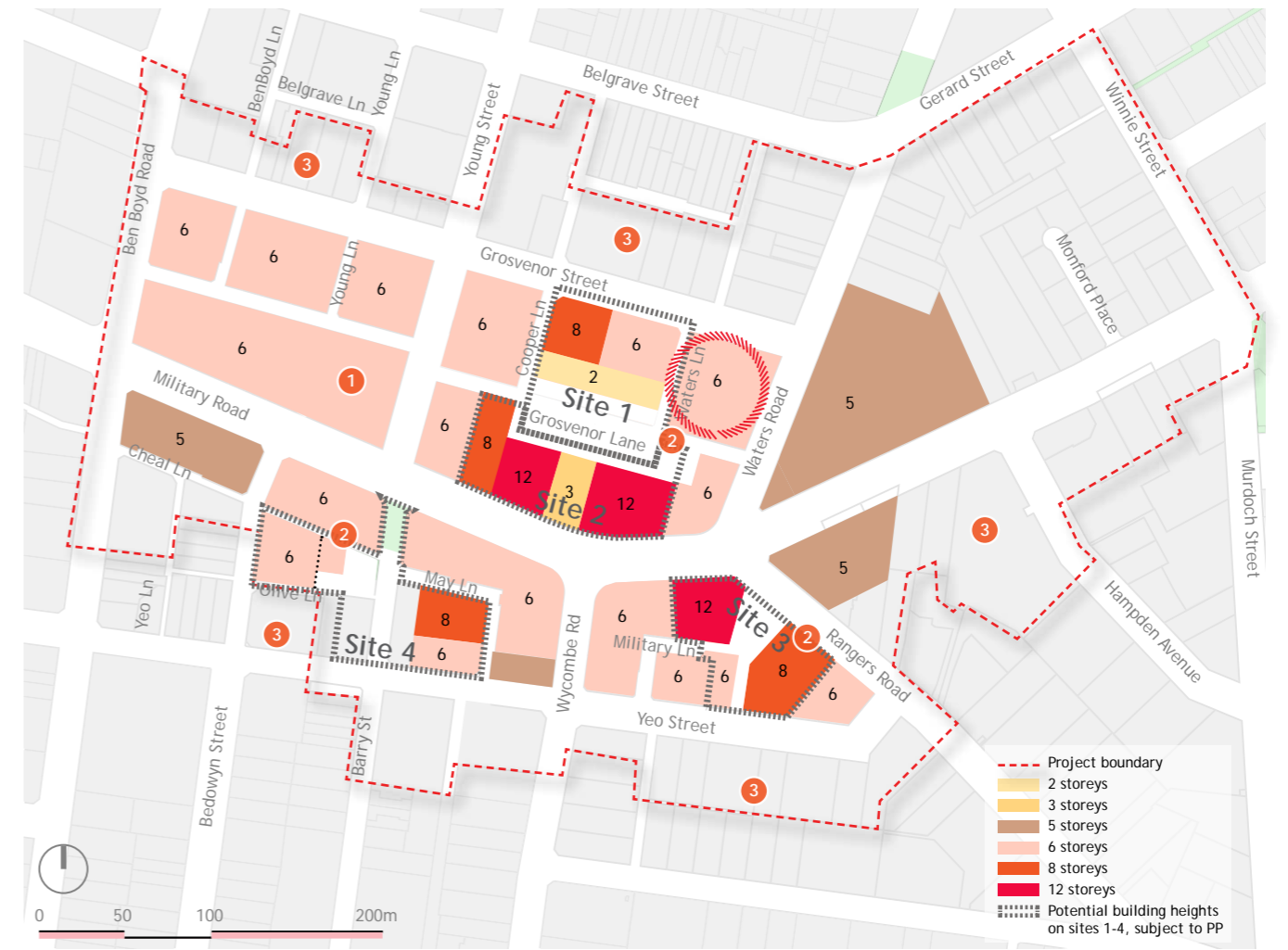


Figure 32 - Proposed new building heights controls (in storeys) in Neutral Bay town centre. The heights within the four outlined sites are subject to planning proposals and negotiations for VPAs or in-kind contributions.

Source: Military Road Corridor Planning Study Stage 1 - Future Directions Paper

10

Urban Design

1.6 Future Context_Military Road Corridor Planning Study_Public Domain

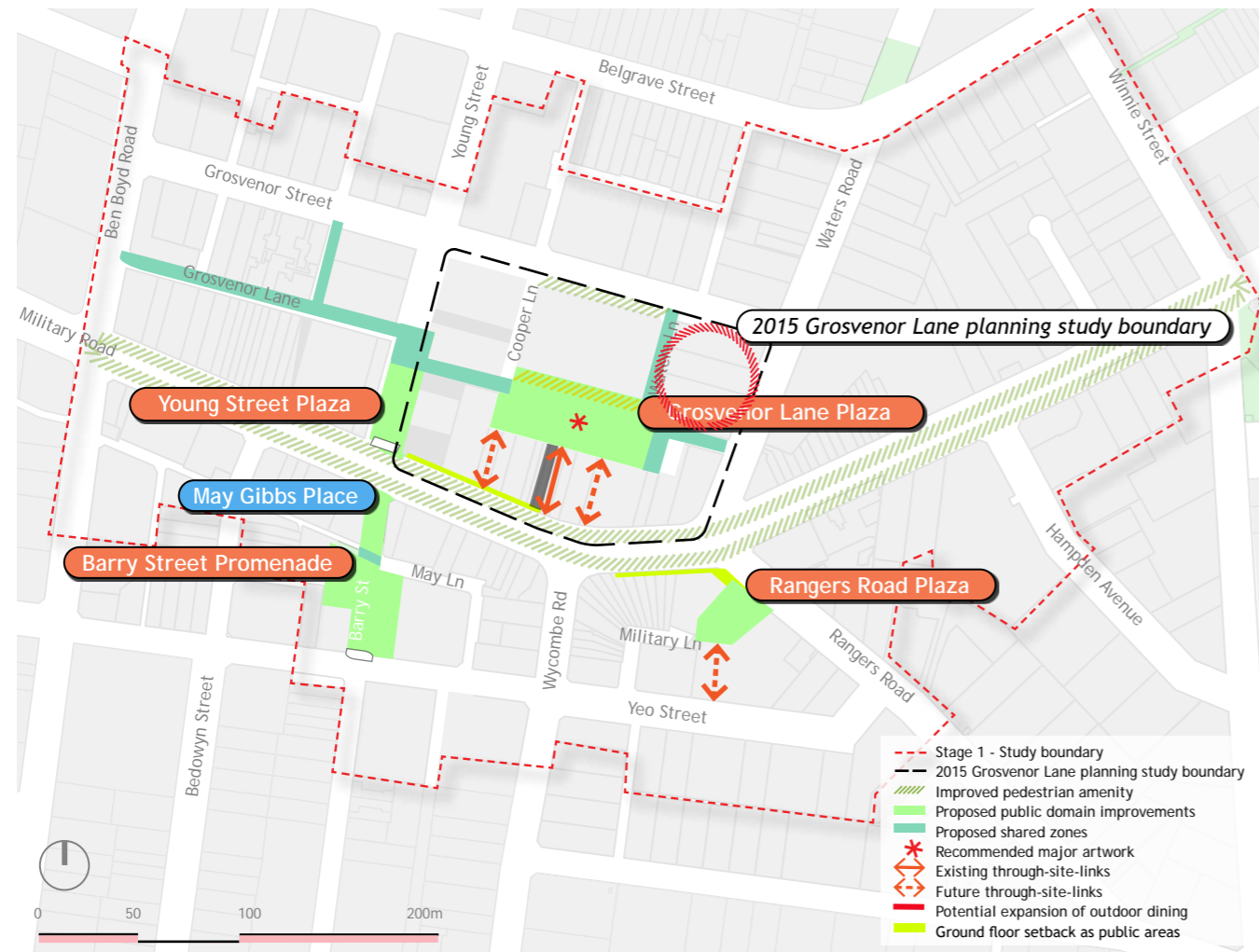


Figure 11 - Proposed public domain strategy for Neutral Bay town centre. This strategy focuses on pedestrian and public domain improvements throughout the town centre including the development of new open space.

Source: Military Road Corridor Planning Study Stage 1 - Future Directions Paper

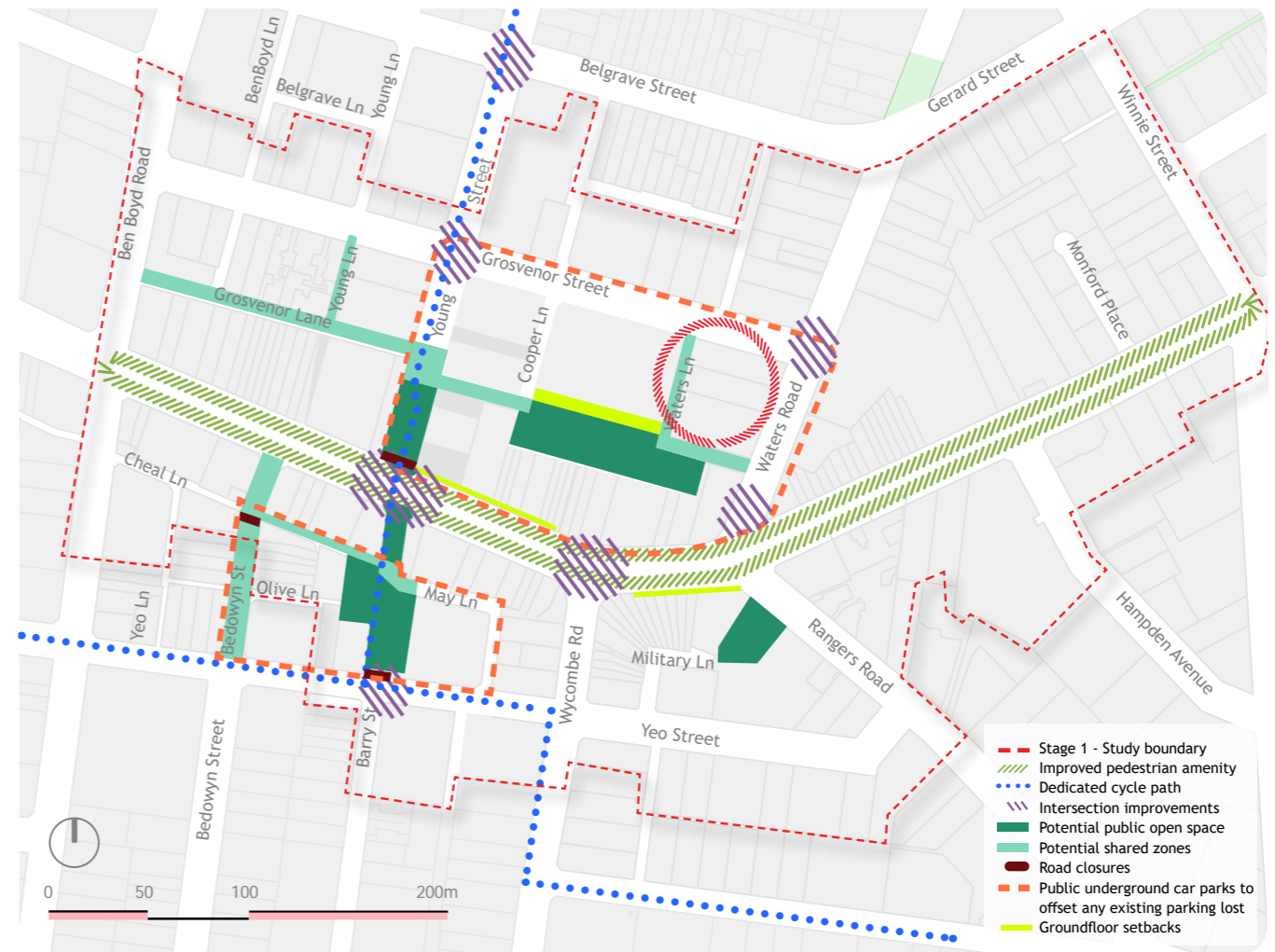


Figure 23 - Future transport improvements, including PP/VPA opportunities, with a focus on pedestrian and active travel that balances the increasing detrimental effects of motorised vehicles in Neutral Bay town centre over the last decades.

Source: Military Road Corridor Planning Study Stage 1 - Future Directions Paper

Key

○ Site Location

Urban Design

1.7 Future Context_Military Road Corridor Planning Study_Setbacks

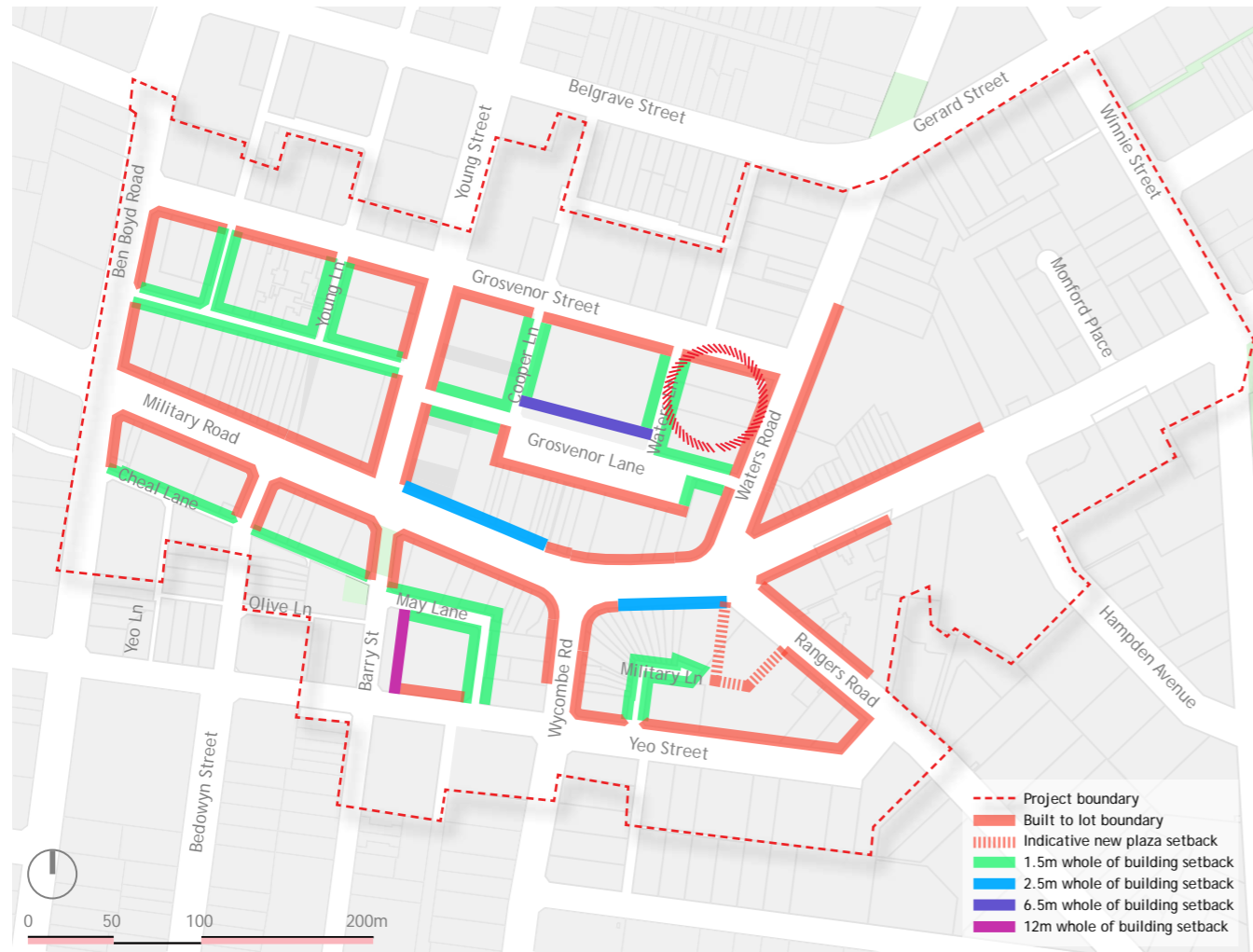


Figure 40 - Proposed minimum whole of building setback requirements. These setbacks will allow for the widening of footpaths and allow for deep soil zones to help rebuild Neutral Bay's tree canopies.

Source: Military Road Corridor Planning Study Stage 1 - Future Directions Paper

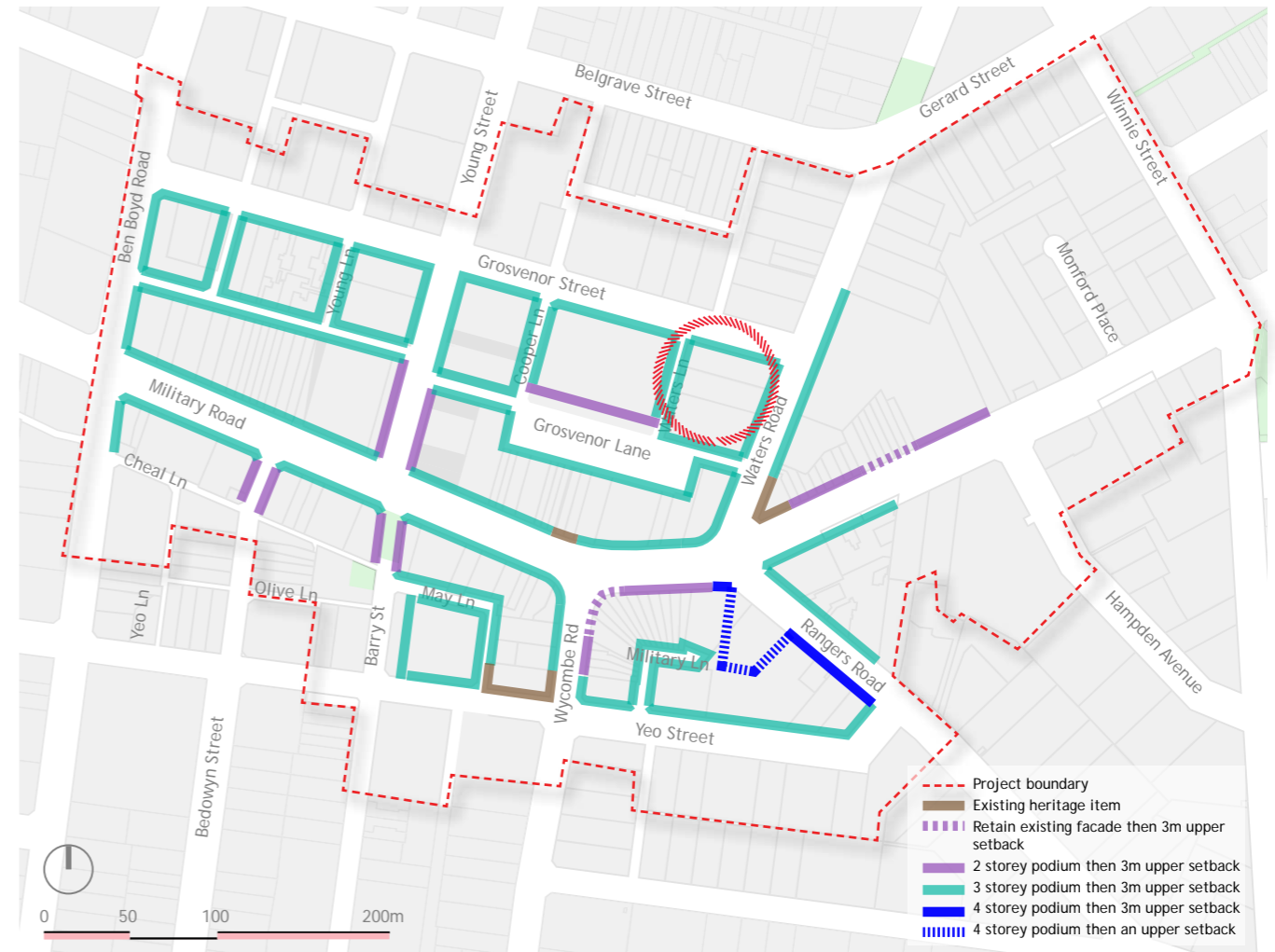


Figure 42 - Proposed above podium setback requirements. These proposed setbacks will reduce the scale and bulk of buildings and maintain a human scale for pedestrians in the town centre and on Military Road.

Source: Military Road Corridor Planning Study Stage 1 - Future Directions Paper

Key

Site Location

Urban Design

1.8 Future Context_Military Road Corridor Planning Study_Active Frontage

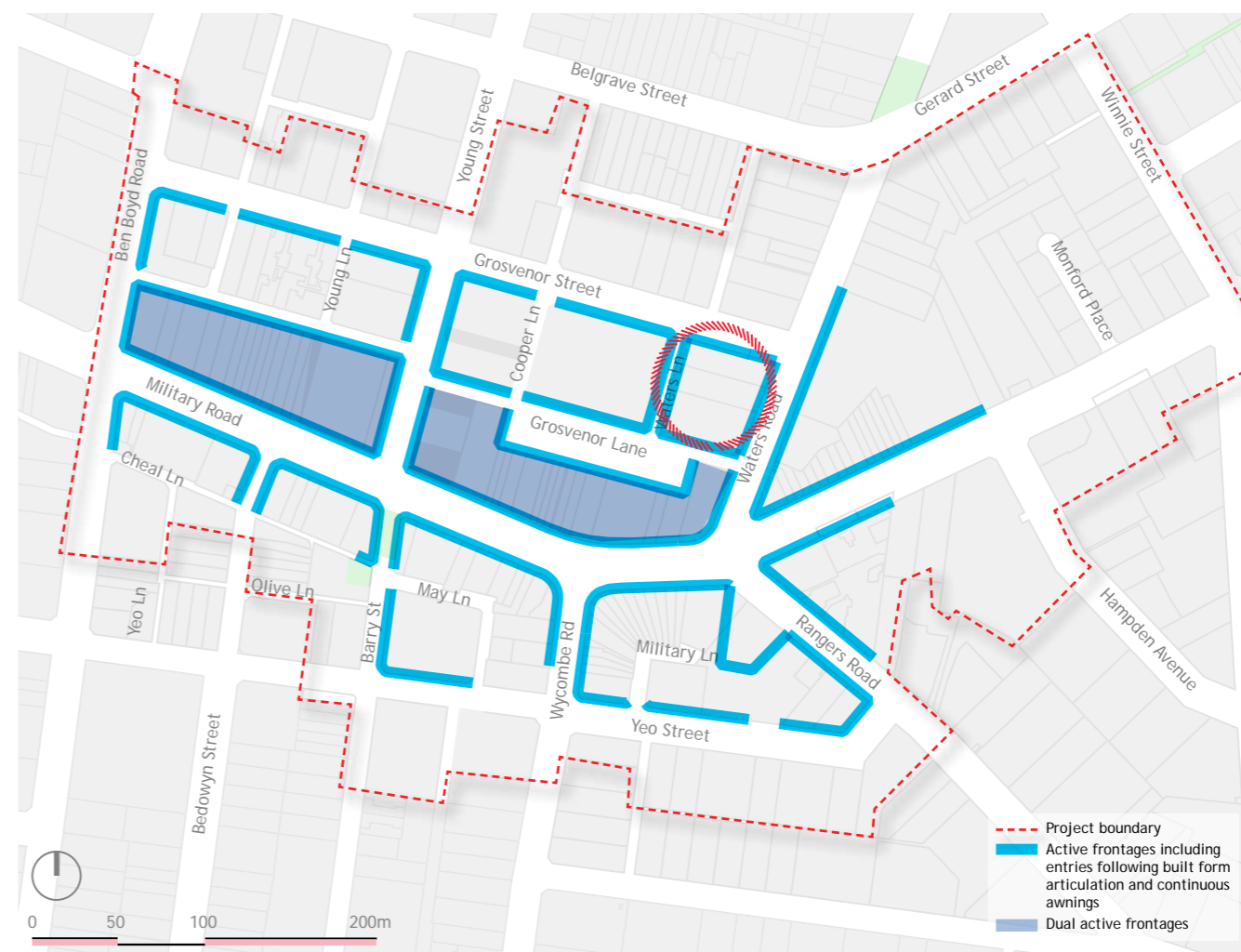


Figure 43 - Proposed requirements for active frontages. Increasing the active frontages in the town centre will increase amenity and safety for pedestrians. It will also provide new opportunities for retail, restaurants and cafes in the area.

Source: Military Road Corridor Planning Study Stage 1 - Future Directions Paper

Key

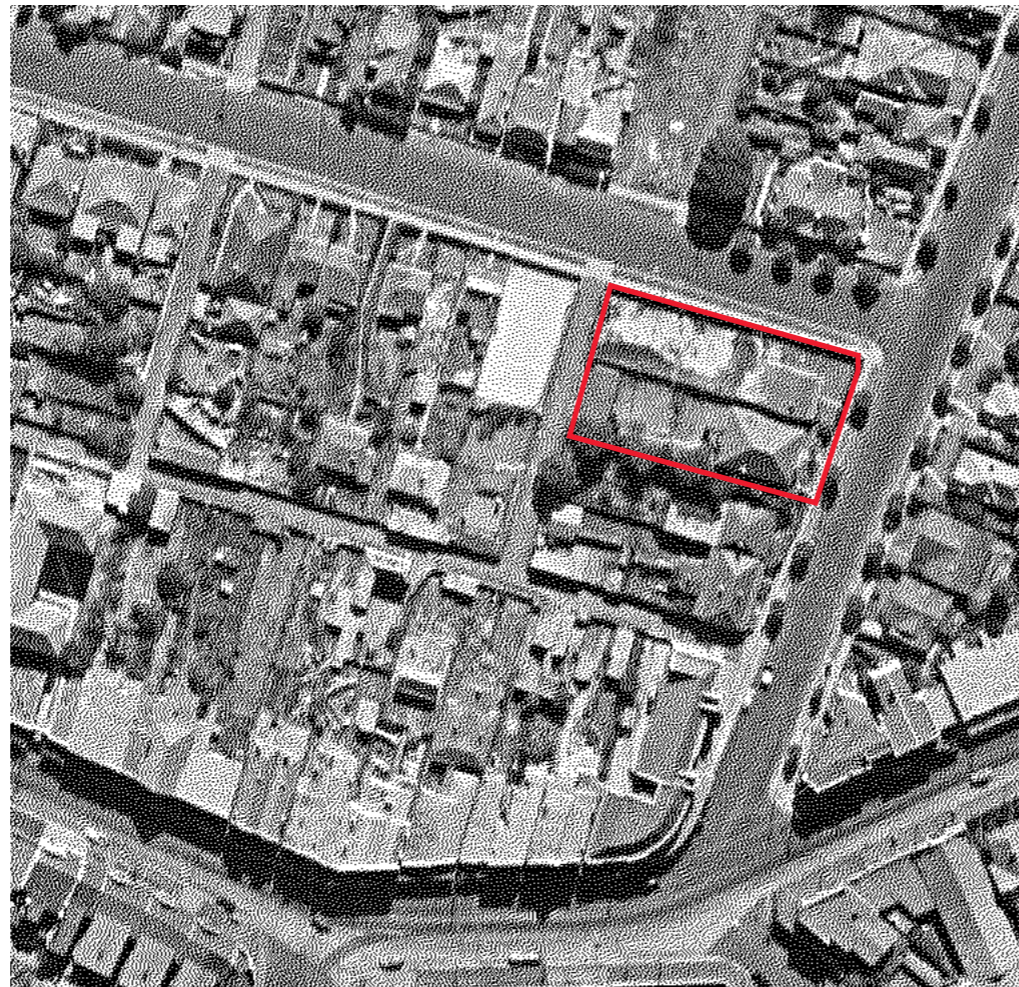
○ Site Location

Site

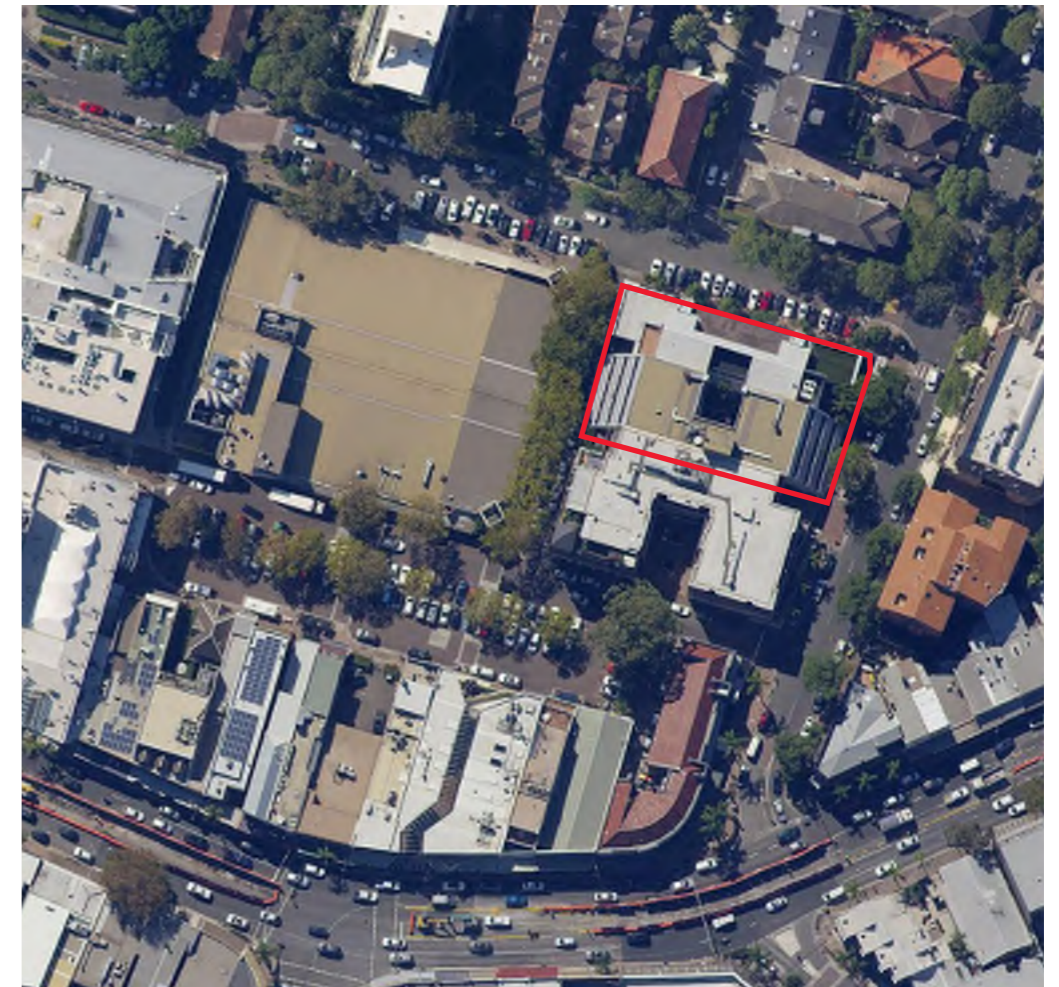
2

Site
2.1 Site - Historical Context

The site has evolved from a suburban subdivision pattern, with single dwellings to being part of the town centre. Lot amalgamation of 12 and 14 Waters Road allows the block to be completed.



1943 Aerial (Source: Six maps)



2020 Aerial (Source: Six maps)

Site

2.2 Site - Town Centre

Neutral Bay Town Centre is characterised by a vibrant mix of shops, restaurants and cafes that includes a series of fine grain lanes that form a pedestrian friendly local town centre.








Food and beverage outlets are focused on the Northern end of Grosvenor Street (East of Young Street), Young Lane, Young Street and Grosvenor Lane (adjacent the carpark). There are also a number of outlets on Waters Lane, between Grosvenor Road and Lane.

There is a large supermarket within the town centre, adjacent the site, and an open air carpark to the South, associated with Grosvenor Lane. This forms a key future site for the area and will be a focal point for the Northern side of the town centre.

The current built form varies between 2 and 5 storeys, with future development, as outlined in the Military Road Corridor Planning Study, to be in the order of 6 - 8 storeys.



Key

-  Site Boundary
-  Building Height
-  Primary Vehicle Connection
-  Laneway Activation + Connection
-  Pedestrian Connection
-  Area Subject to Military Road Corridor Planning Study
-  Key Site



Site

2.3 Site - Environmental








The site is located near Military Road, which is an arterial road and a noise generator.

To the North there are potential views towards Middle Harbour and Sailors Bay.

The orientation of the Waters Road frontage is East, Waters Lane faces West. The longer Southern and Northern boundaries are shared with neighbours, as zero setbacks, making access to daylight challenging.

There is an existing row of mature trees on the adjacent side of Waters Lane, and a single mature tree in front of the site on Waters Road.

Key

-  Site Boundary
-  Views
-  Noise
-  Breeze
-  Town centre
-  Mature Trees
-  Solar Access



Site

2.4 Site - Views



Waters Road Panorama



Waters Lane Panorama

Site

2.5 Site Context - Aerial Image



Site

2.5 Site Context - Aerial Image



Site

2.6 Site Context - Waters Road



Image 1 - View looking North along Waters Road.



Image 2 - View looking South along Waters Road.

Site

2.6 Site Context - Waters Road

Image 1
8 Waters Road



Image 2
12 Waters Road



Image 3
14 Waters Road



Image 4
Waters Road public domain interface with 12 Waters Road



Image 5
Waters Road public domain interface with 8 Waters Road



Image 6
Waters Road public domain interface with 14 Waters Road



Image 7
Interface between 8 Waters Road and 12 Waters Road



Site

2.7 Site Context - Grosvenor Street



Image 1 - Corner of Grosvenor Street and Waters Road.



Image 2 - View looking East along Grosvenor Street

Site

2.7 Site Context - Grosvenor Street

Image 1
14 Waters Road along Grosvenor Street



Image 2
14 Waters Road adjacent Waters Lane



Image 3
14 Waters Road from the Northern end of Waters Lane



Image 4
14 Waters Road viewed from Waters Lane (on the Northern side of Grosvenor Street)



Image 5
Grosvenor Street public domain interface with 14 Waters Road. View looking East.



Image 6
Grosvenor Street public domain interface with 14 Waters Road. View looking West.



Site

2.8 Site Context - Waters Lane



Image 1 -View from Grosvenor Street, looking South down Waters Lane



Image 2 - View looking North along Waters Lane

Site

2.8 Site Context - Waters Lane

Image 1
North end of Waters Lane at intersection with Grosvenor Street.



Image 2
View looking toward the current through site entry of 12 Waters Road.



Image 3
View looking toward the current through site entry of 12 Waters Road.



Image 4
8 Waters Road interface with Waters Lane, including waste holding room.



Image 5
Northern end of Waters Lane, viewed from Grosvenor Street.



Image 6
8 Waters Road interface with Waters Lane, including retail activation at intersection of Grosvenor Lane.



Image 7
Waters Lane, looking South from Grosvenor Street.



Site**2.9 Site Context - Grosvenor Lane**

Image 1 -View from Waters Raod, looking West down Grosvenor Lane



Image 2 - View along Grosvenor Lane

Site

2.9 Site Context - Grosvenor Lane

Image 1
View of Grosvenor Lane and the Southern end of Waters Lane.



Image 2
View of public carpark adjacent Grosvenor Lane.



Image 3
View of public carpark adjacent Grosvenor Lane.



Image 4
Southern facade of supermarket adjacent Grosvenor Lane.



Image 5
New development along Grosvenor Lane.



Image 6
Built form interface with Grosvenor Lane interface.



Image 7
Eastern end of Grosvenor Lane at intersection with Waters Road.



Site

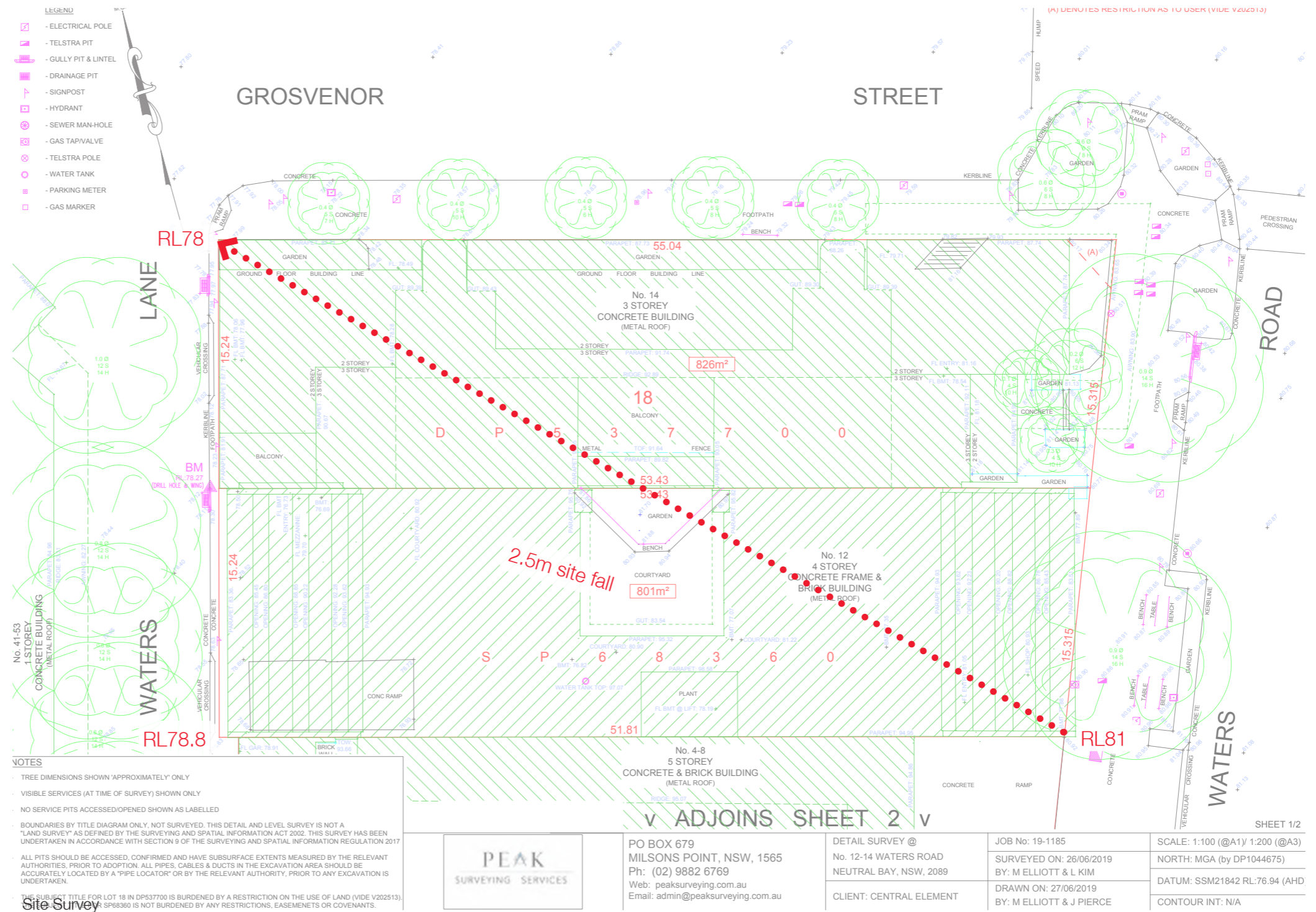
2.10 Site Context - Character



Site

2.11 Site Topography

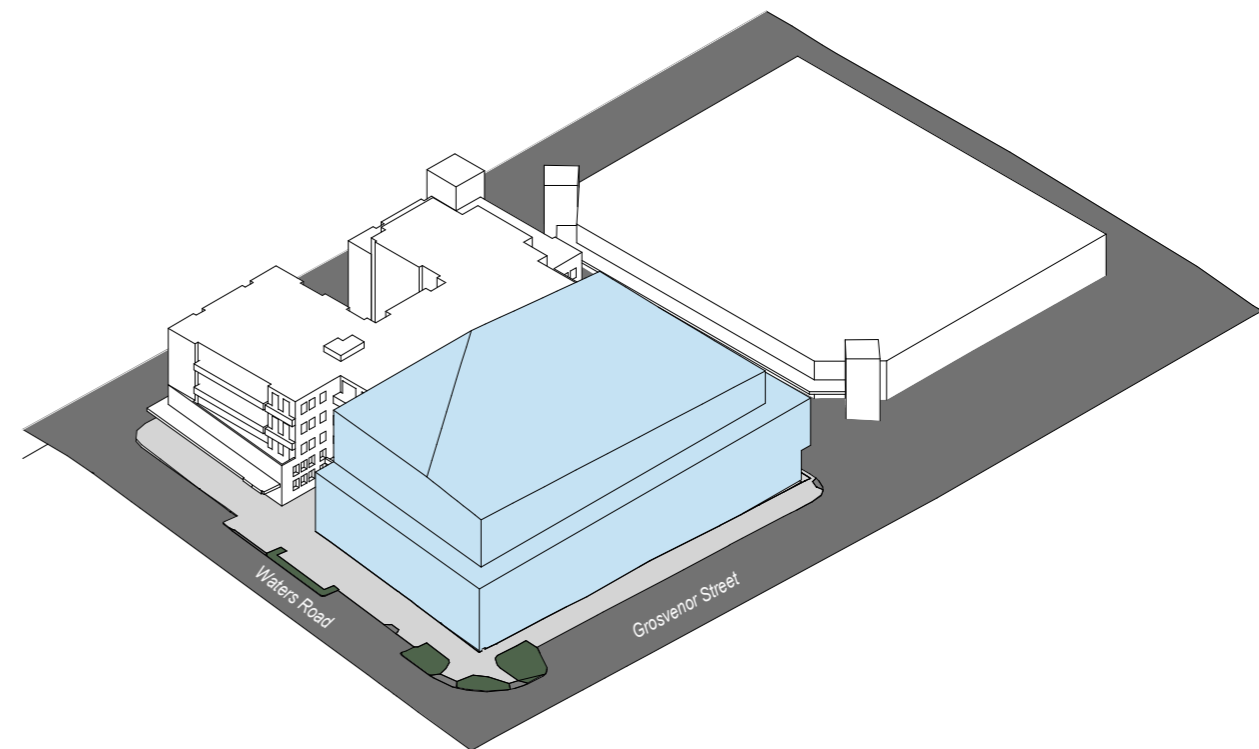
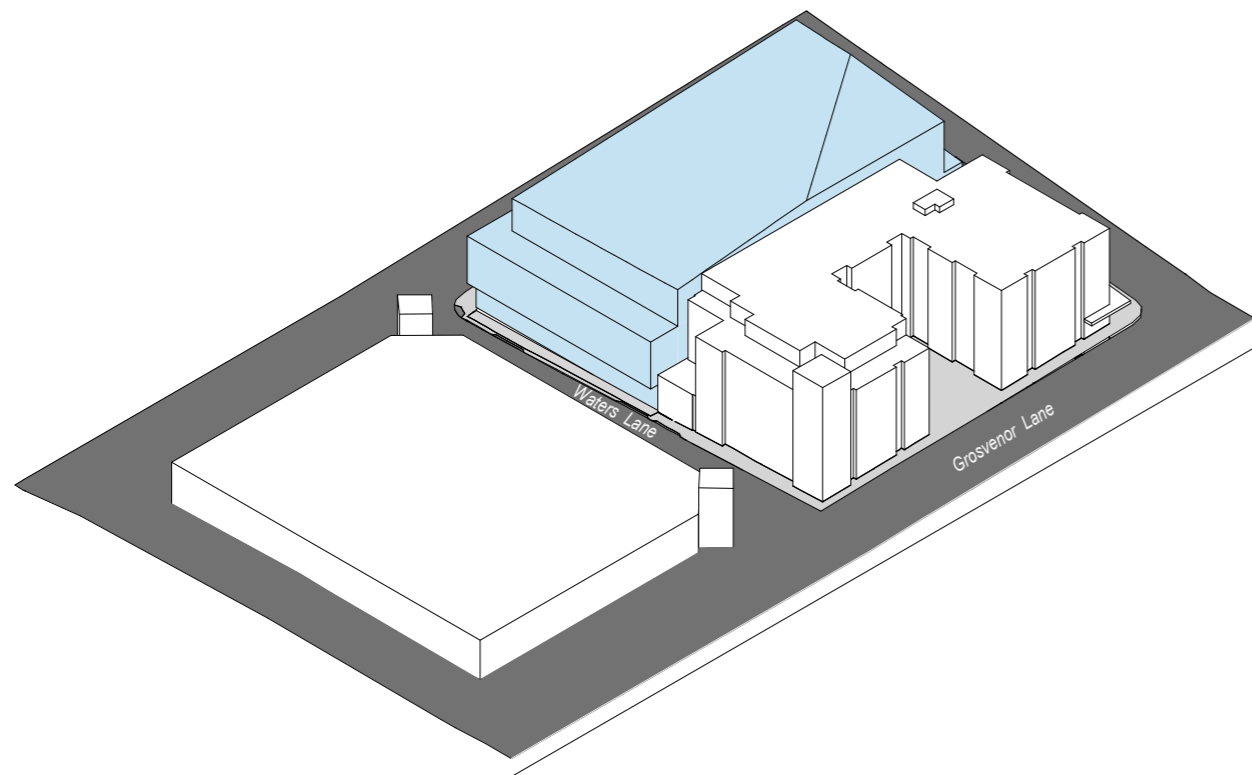
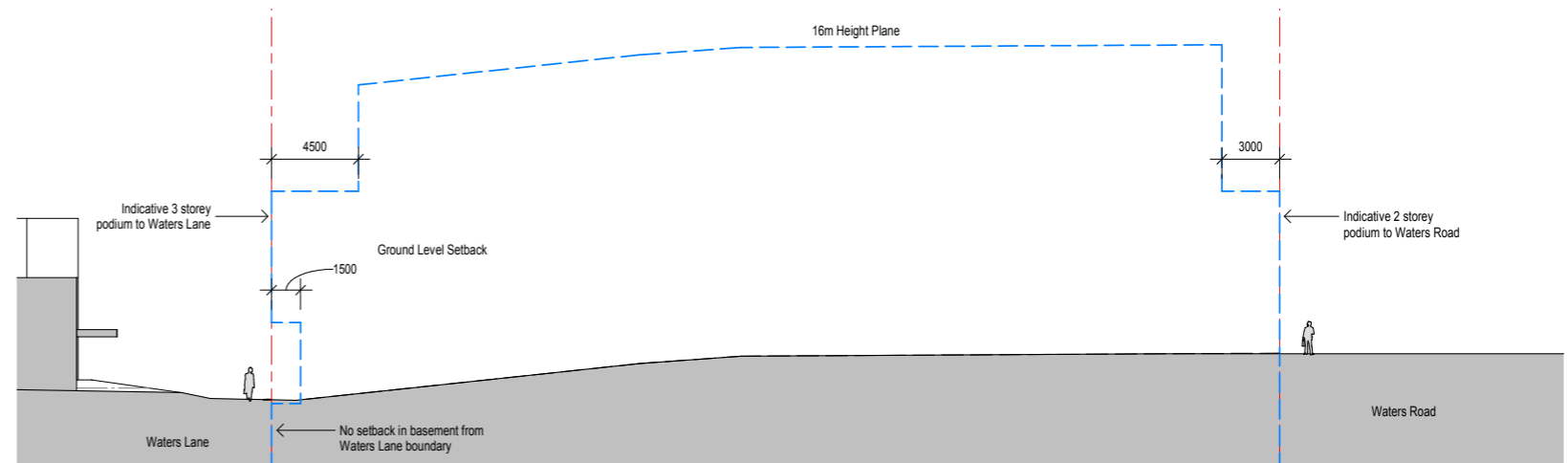
The site falls from a high point on Waters Road, down to the low point on Waters Lane. There is an approximate difference in levels of 3m.



Site

2.12 Envelope - LEP/DCP Envelope

The compliant envelope allows for a 16m height limit. It includes a 0m Southern setback, a 0m podium setback to Waters Road, 1.5m podium setback to Waters Lane, and 3m upper floor setbacks



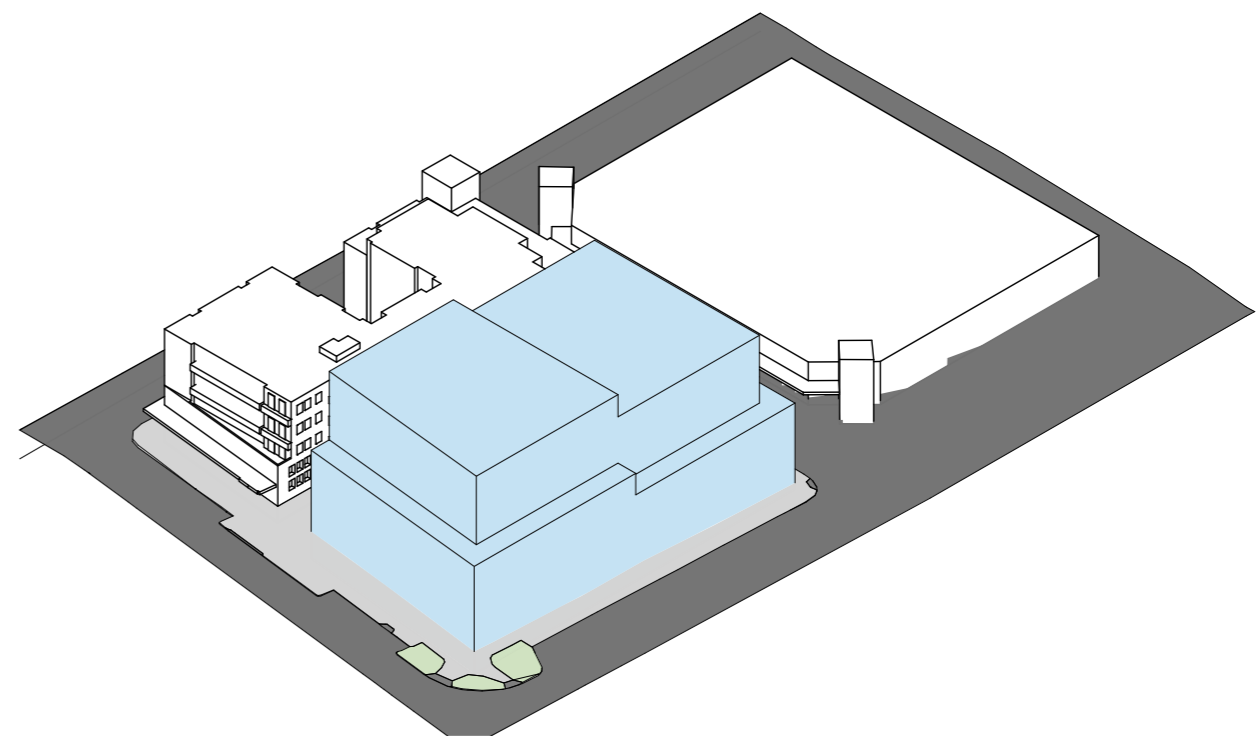
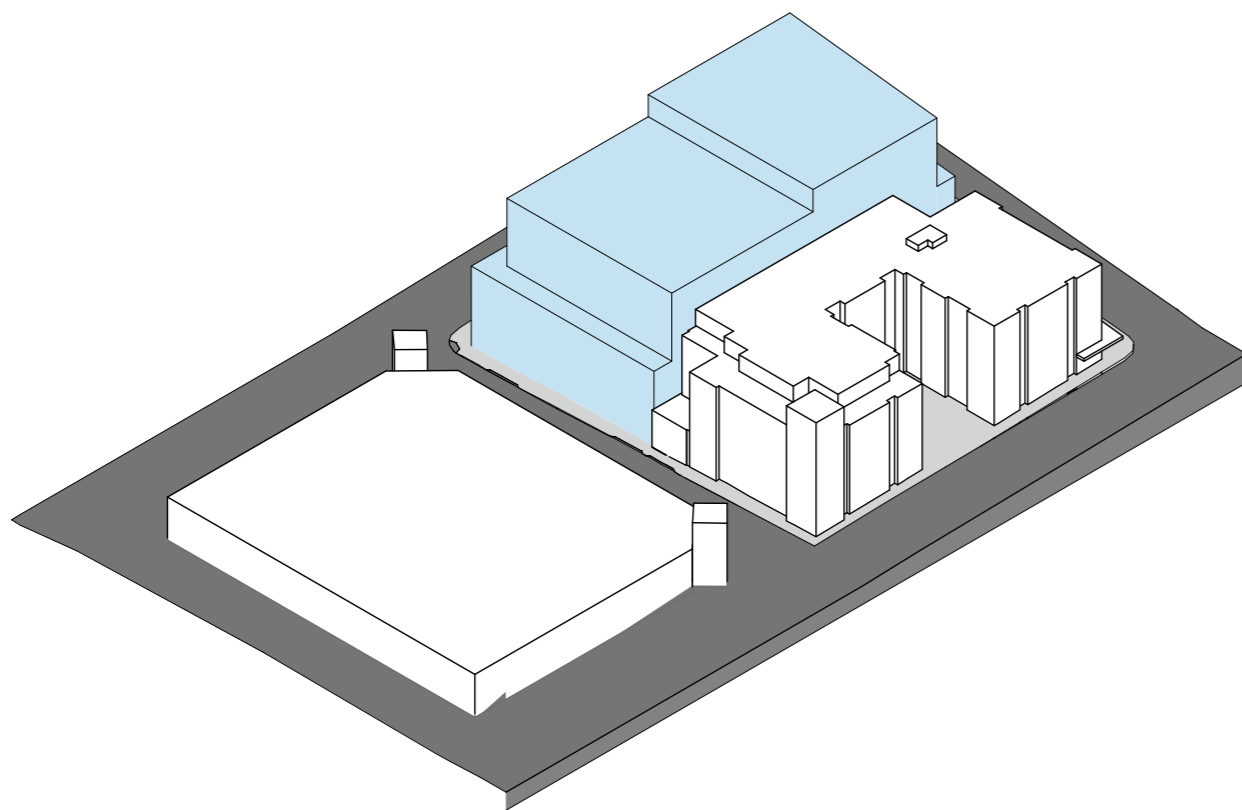
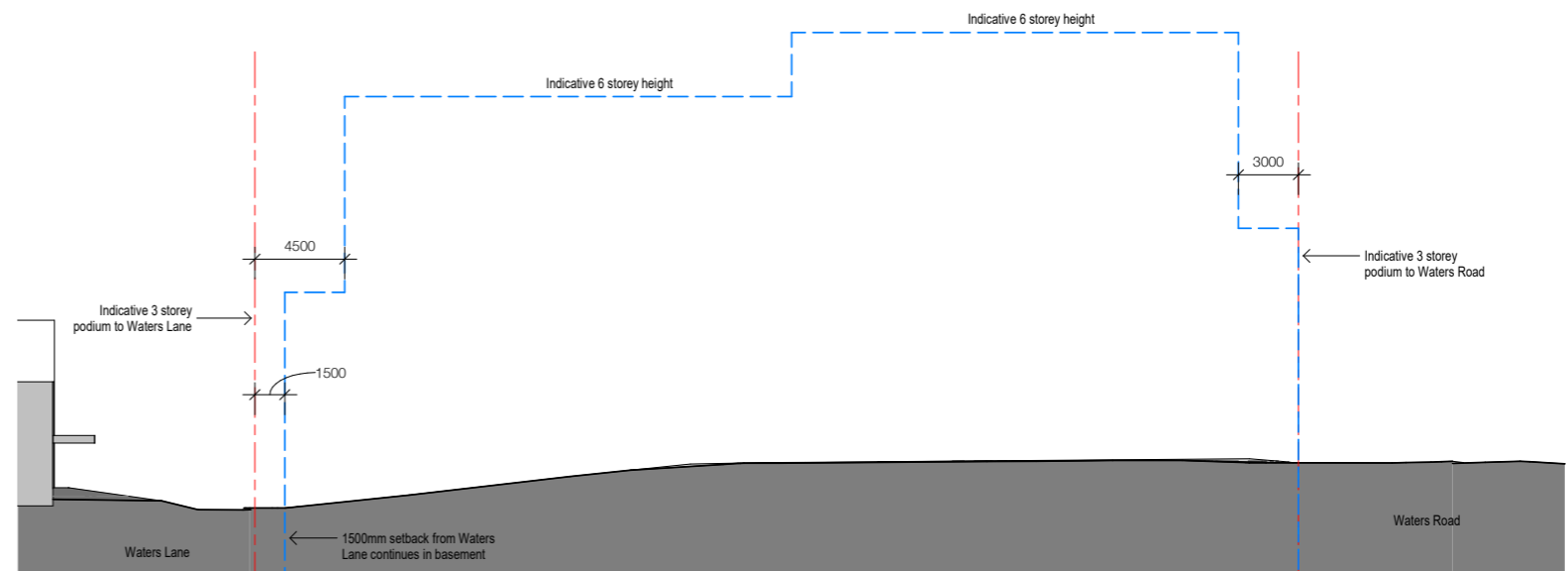
Site

2.13 Envelope - MRC Envelope

The built form is consistent with the setbacks of the Military Road Corridor Strategy, as follows;

- _Waters Road Podium 0m
- _Waters Road Upper 3m
- _Waters Lane Podium 1.5m
- _Waters Lane Upper 4.5m (i.e. 3m from below)
- _Grosvenor Street Podium 0m
- _Grosvenor Street Upper 3m

The scheme is consistent with the allowable built form within the Future Directions Report as adopted by Council 22nd February 2021.



Ideas + Themes

3

Ideas + Themes

3.1 Grounded Base

The podium is scaled to 3 storeys, with zero setback. This provides an appropriate interface to the public domain.

The podium is proposed as a solid brick element, providing a defined edge to the block and town centre.

The materiality references and interacts with the predominantly brick language of the vernacular residential architecture of the locality.

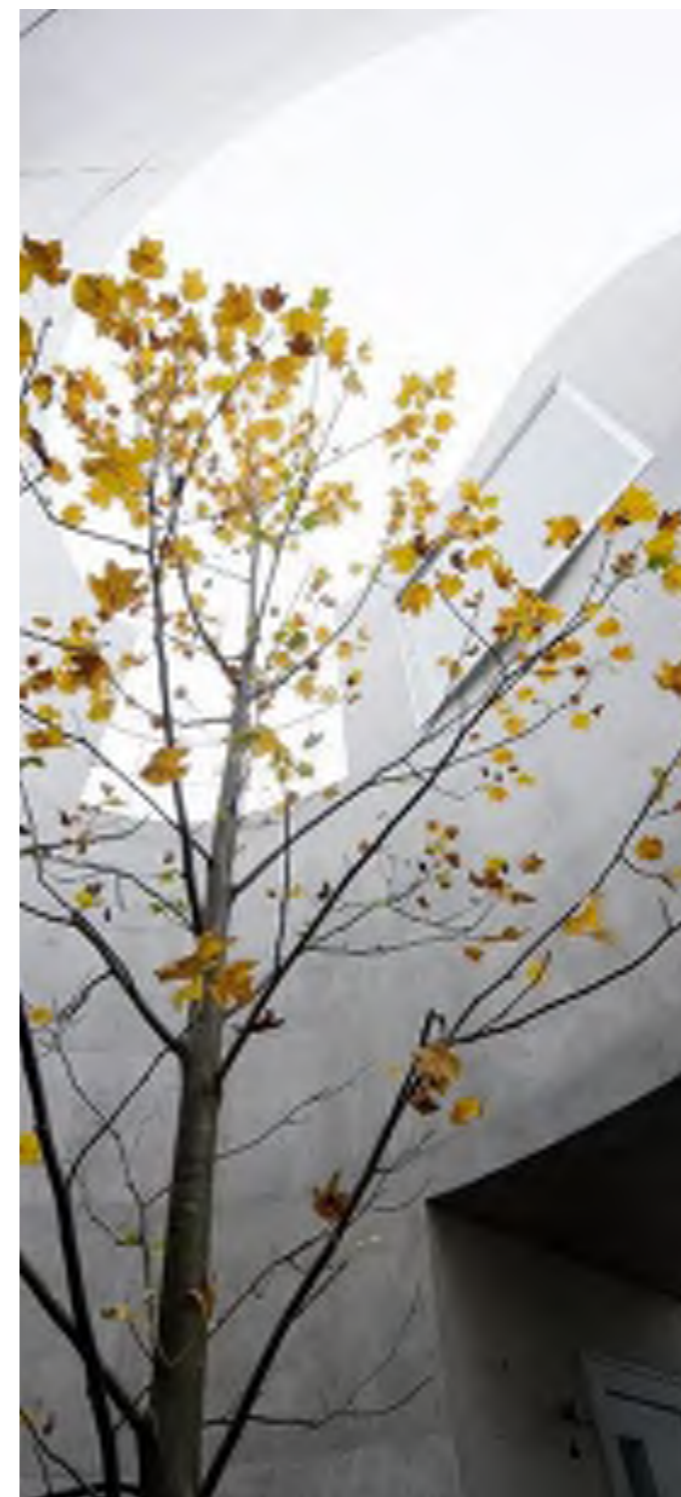
Openings are punctured, providing a series of protected rooms for people in the lower dwellings.



Ideas + Themes

3.2 A Secret Garden

Create a new private courtyard garden, protected and sheltered from the noise and intensity of the town centre urban domain. Verdant. Calm. Peaceful.



Ideas + Themes

3.3 Order + Light Above

The tower is expressed as a 3 storey recessive element floating above the podium, allowing the podium to be the visually dominant element from the public domain.

A refined and elegant framed structure is proposed allowing ample light and amenity to the residential dwellings on the upper floors.

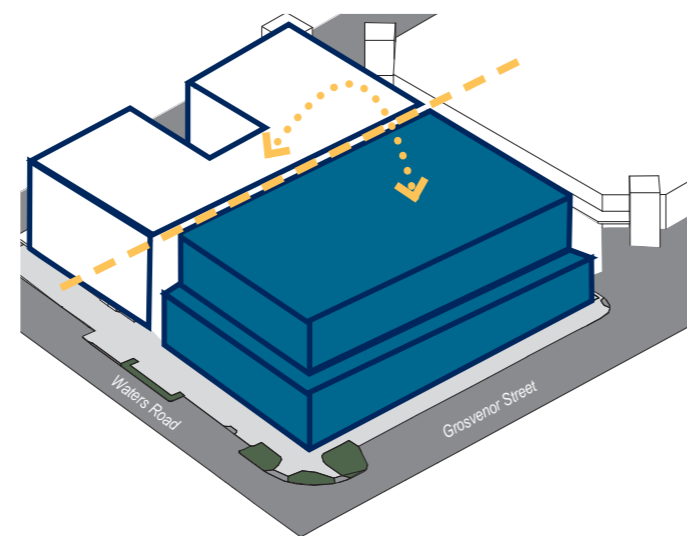


Diagrams

4

Diagrams

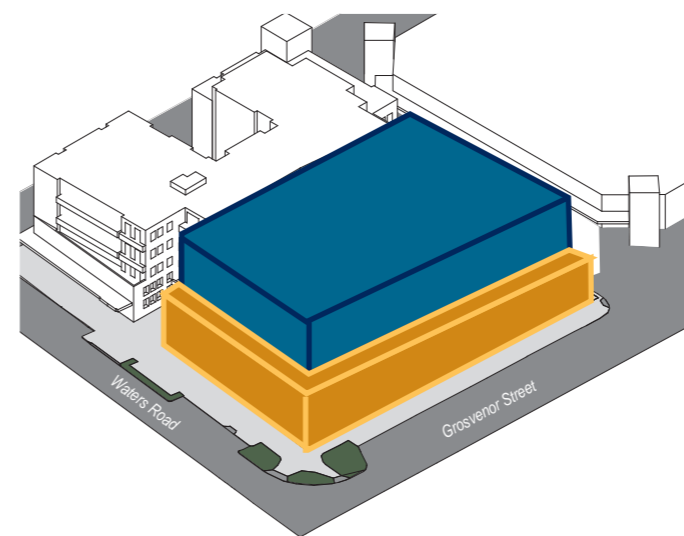
4.1 Urban Design



1 - Complete the Block

The site is located at the corner of the town centre and contributes to half a block. It addresses Waters Road (East), Grosvenor Street (North) and Waters Lane (West).

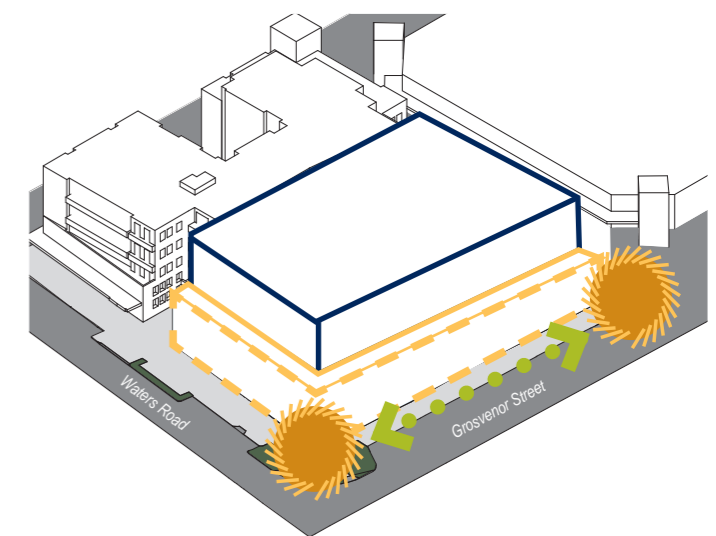
The proposal seeks to complete the block structure with a 'solid' form, thereby re-reinforcing the corner of the town centre.



2 - A Podium + Tower

The built form is expressed with a podium and tower, responding to its context, both current and future, as outlined in the Military Road Corridor Planning Study.

The podium is scaled to 3 storeys, with a zero setback, the tower a 3 storey recessive element.



3 - Activate the Public Domain

Public domain activation is created with retail frontages located at the corners of Waters Lane and Waters Road.

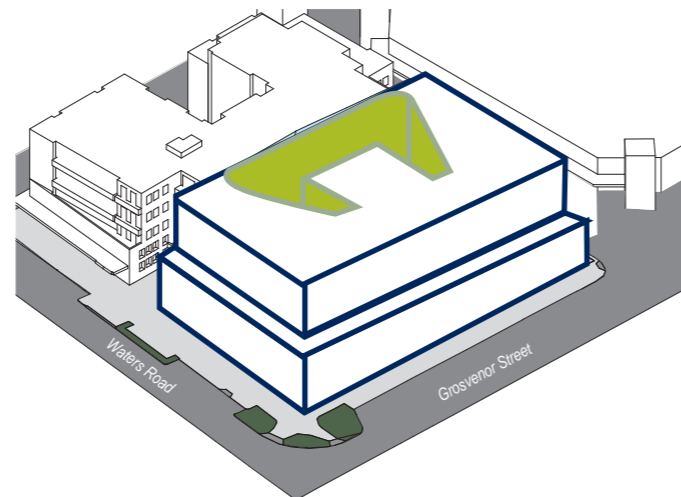
The carpark entry and loading dock are split across Waters Road and Waters Lane in order to allow these 2 frontages to have sufficient length to function effectively.

Between the corners, along Grosvenor Street, a North facing landscaped public domain upgrade is proposed.

A large basement level retail space is added, accessed from the Waters Lane retail space. This provides critical mass to the retail offering at the edge of the town centre.

Diagrams

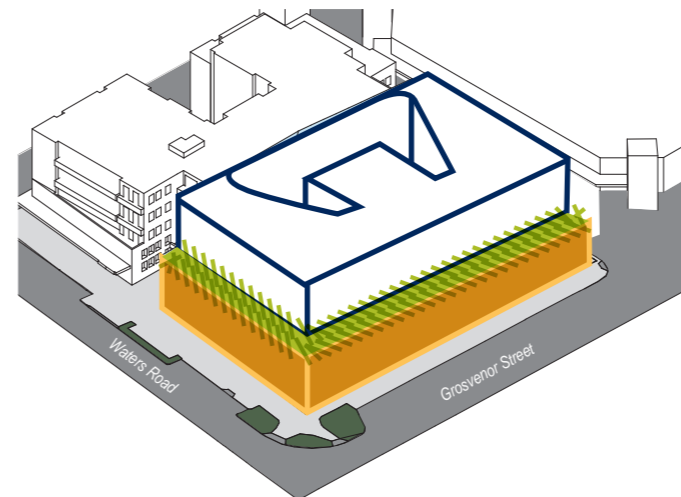
4.2 Architecture



1 - Sculpt a Courtyard

At the centre of the site a courtyard is carved, effectively creating 2 buildings. The geometry of the courtyard promotes amenity to the apartments and common spaces and establishes sight lines.

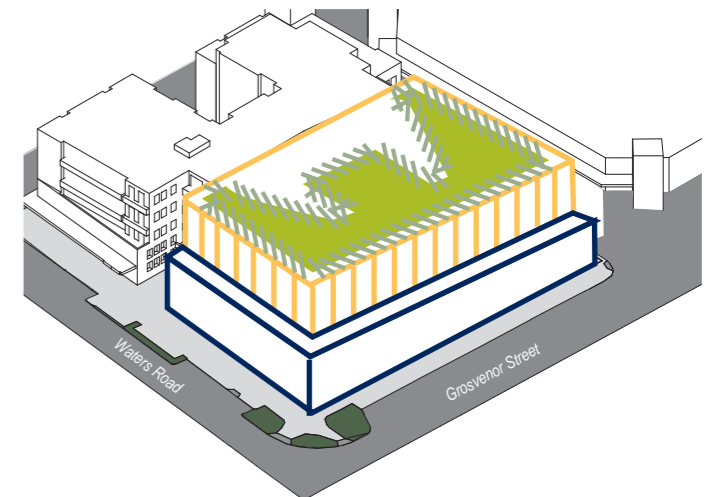
The courtyard becomes a private garden, protected and sheltered from the noise and intensity of the town centre urban domain.



2 - Podium Expression

The podium is scaled to 3 storeys, with a zero setback, providing an edge and interface between the development and public domain.

The podium is proposed as a solid brick element, providing a strong edge to the block and town centre. It references and interacts with the predominantly brick language of the vernacular residential architecture of the locality



3 - Tower Expression

The tower is expressed as a 3 storey recessive element floating above the podium, allowing the podium to be the visually important element from the public domain.

A refined and elegant framed structure is proposed allowing ample light and amenity to the residential dwellings on the upper floors.

On the roof a large green communal open space is proposed.

Site Testing

5

Site Testing

5.1 Test A

Summary

The building is split symmetrically into two forms arranged around a courtyard - bedrooms are positioned facing the courtyard, living rooms along the street boundaries.

The split form results in a dual core arrangement, each lobby servicing approximately 4 apartments.

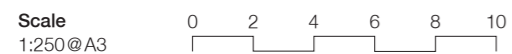
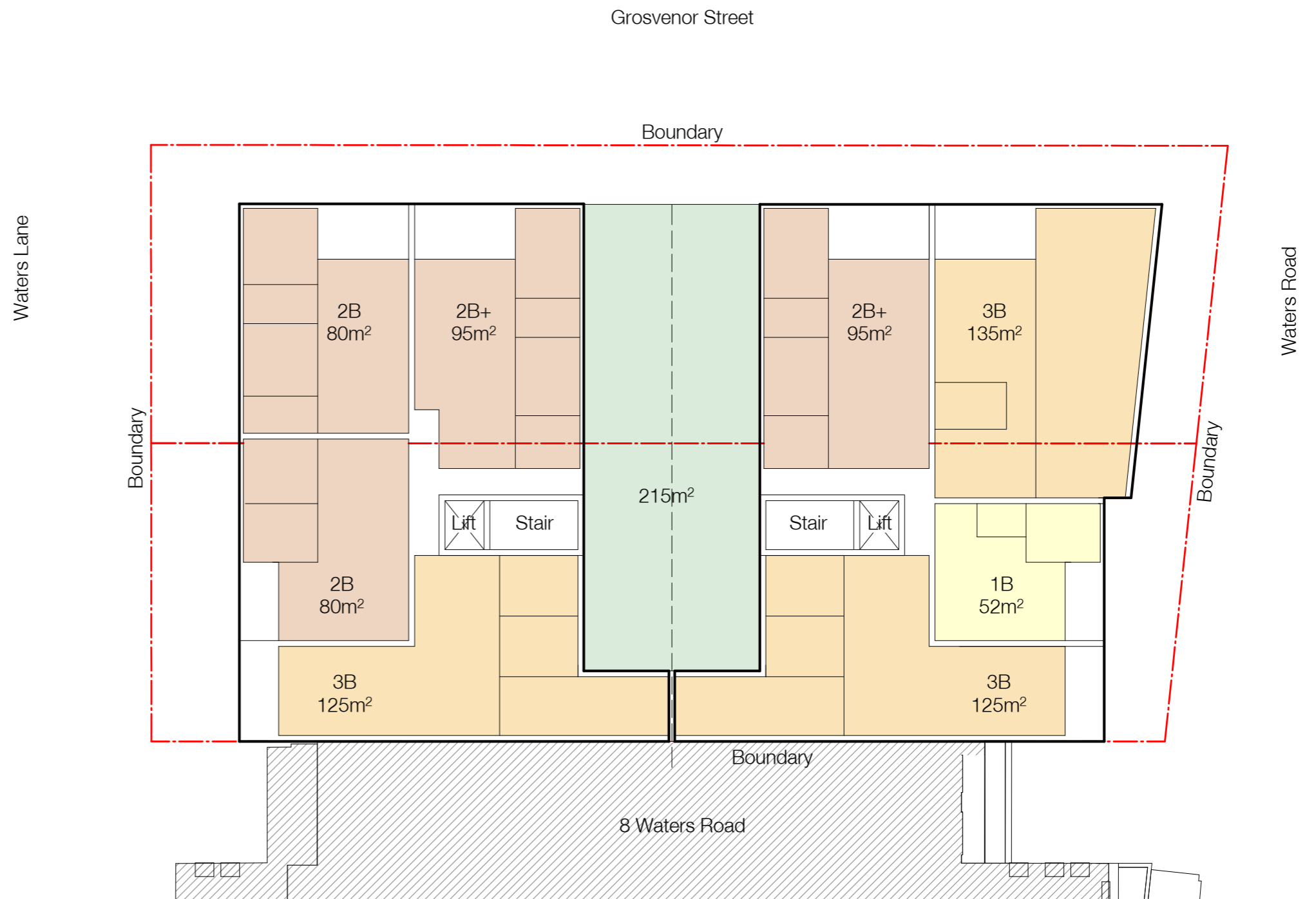
Conclusion

The courtyard erodes the North face of the development, resulting in less living rooms having access to a Northerly aspect, this forces living spaces onto Waters Road and Waters Lane (West).

Due to the layout and location of the courtyard, the 3 bedroom apartments become overly deep, and are located in a less desirable position along the Southern boundary.

Opposing bedrooms in the courtyard have a 9m separation providing complications with privacy and non-compliance with SEPP65 (12m habitable to habitable separation).

Overall the location of the courtyard results in a number of adverse affects on the layout, position and amenity of the residential apartments.



Site Testing

5.2 Test B

Summary

The building is split asymmetrically into two forms arranged around a courtyard - in this scenario 3 bedrooms apartments can be located to the North.

The split form results in a dual core arrangement, each lobby servicing approximately 4-5 apartments.

Conclusion

The courtyard erodes the North facade of the development, resulting in less living rooms having access to a Northerly aspect, this forces living spaces onto Waters Road and Waters Lane (West).

In addition, the asymmetrical layout results in a 1 bedroom apartment being located within the courtyard, a poor outcome.

The 2 bedroom apartments become overly deep and narrow, difficult to plan efficiently.

Opposing bedrooms in the courtyard have a 9m separation providing complications with privacy and non-compliance with SEPP65 (12m habitable to habitable separation).

Overall the location of the courtyard results in a number of adverse affects on the layout, position and amenity of the residential apartments.



Scale 1:250@A3

Site Testing

5.3 Test C

Summary

The building is built to the street frontages and arranged around a central courtyard - in this scenario there is more North facing frontage for residential amenity.

A dual core arrangement is provided to reduce common circulation and allow for additional cross ventilation. Each lobby servicing approximately 3-4 apartments.

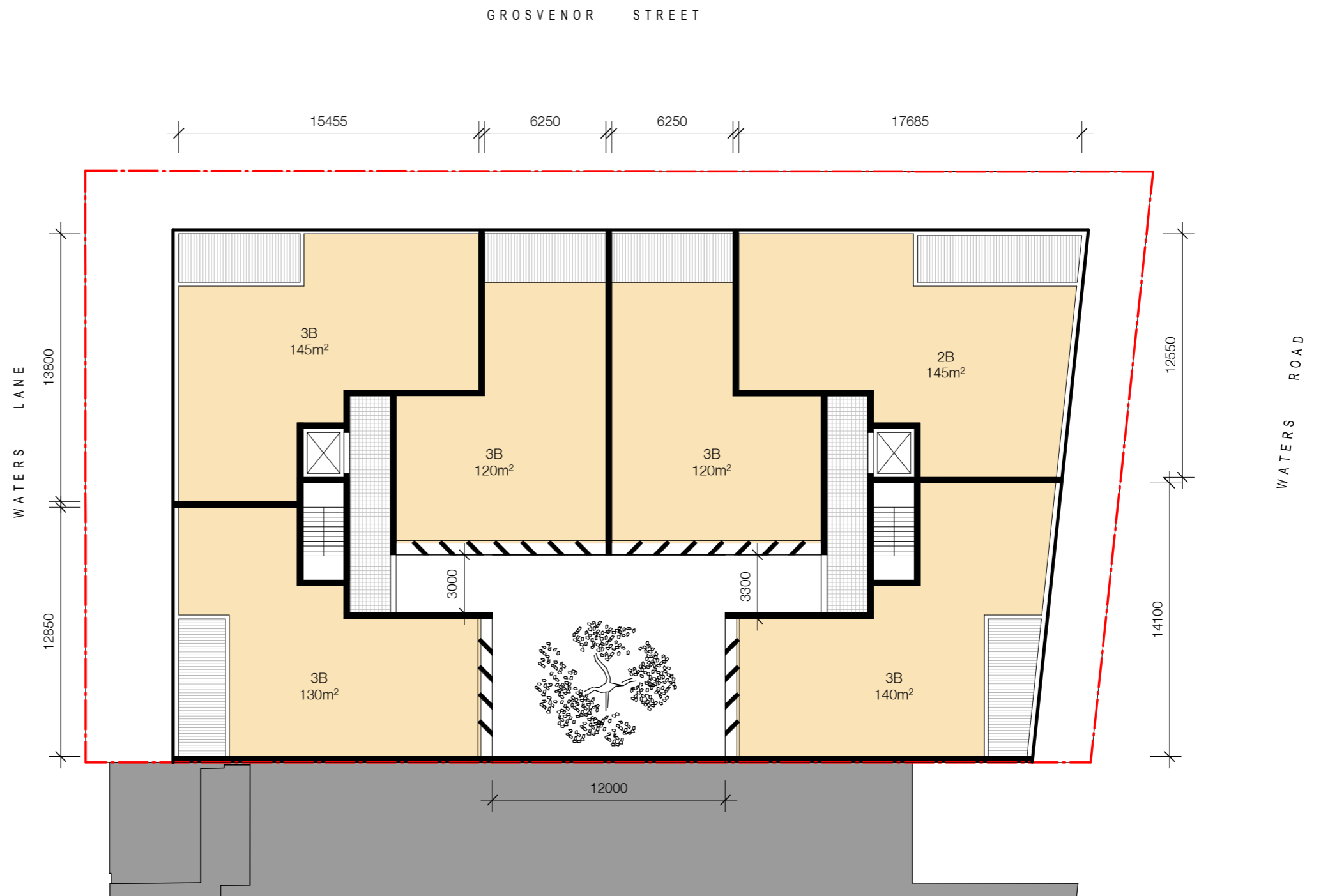
Conclusion

The North facing frontage and dual core arrangement provides good amenity along the street frontages.

The contiguous floor plate allows for flexibility in apartment planning, with all living rooms located along the frontages, which is preferred.

Typically opposing bedrooms in the courtyard have a 12m separation providing compliance with SEPP65 (12m habitable to habitable separation). There are small areas of non-compliance with SEPP65 separation.

Overall the location of the courtyard results in a good outcome, however the shape and arrangement of the courtyard feels unnecessary rigid and potentially too intense.



Scale 1:250@A3

Site Testing

5.4 Test D

Summary

The building is built to the Northern street frontage and then setback from the Southern boundary on Waters Street and Waters Lane. At the centre of the site it is built with a zero setback.

A dual core arrangement (with split level stair) is provided to reduce common circulation. Each lobby servicing approximately 3-4 apartments.

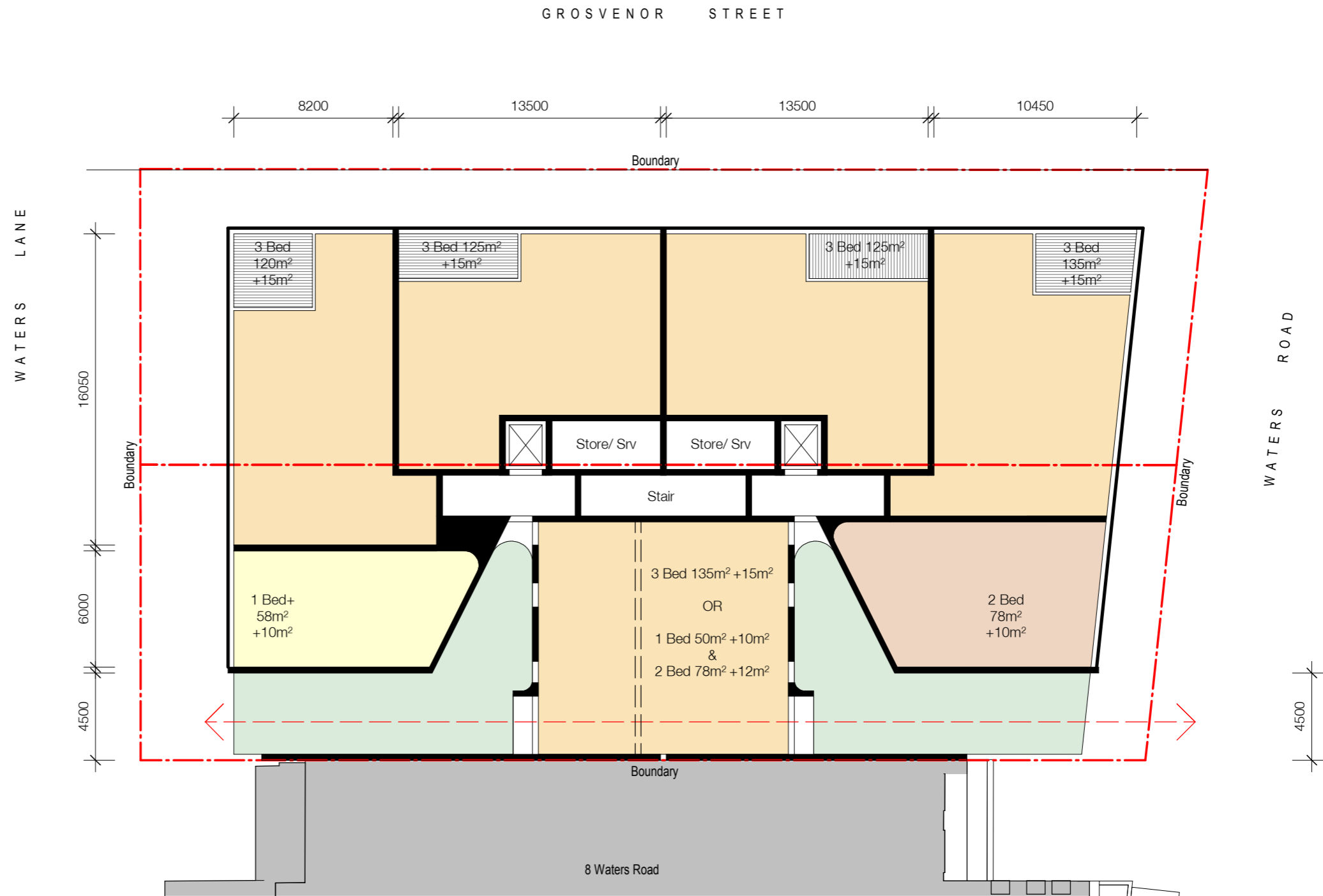
Conclusion

The North facing frontage and dual core arrangement provides good amenity along the street frontages.

The contiguous floor plate allows for flexibility in apartment planning, with all living rooms located along the frontages, which is preferred.

The courtyards allow for a reduction in opposing bedrooms providing compliance with SEPP65 (12m habitable to habitable separation).

Overall the residential apartment/s located on the southern boundary (living rooms away from street boundaries) would have poor amenity (light and view). The central stair and lifts have a poor impact on the retail areas and result in deep residential lobby spaces on ground floor.



Scale 1:250@A3

Site Testing

5.5 Test - Preferred

Summary

The building is built to the street frontages and arranged around a central courtyard - in this scenario there is more North facing frontage for residential amenity.

A dual core arrangement is provided to reduce common circulation and allow for additional cross ventilation. Each lobby servicing approximately 3-5 apartments.

Conclusion

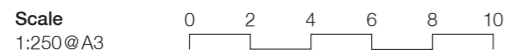
The North facing frontage and dual core arrangement provides good amenity along the street frontages.

The contiguous floor plate allows for flexibility in apartment planning, with all living rooms located along the frontages, which is preferred.

All 3 bedroom apartments can be located along the primary North facing frontage and the central through apartments are a compliant depth, with 6m separation to the Southern boundary (green wall).

Opposing bedrooms in the courtyard have 20m separation achieving higher compliance with SEPP65 (12m habitable separation).

Overall the location of the courtyard results in a positive outcome, with the sculpted shape and arrangement providing good outlook and privacy to bedrooms.



Proposed Scheme

6

Proposed Scheme



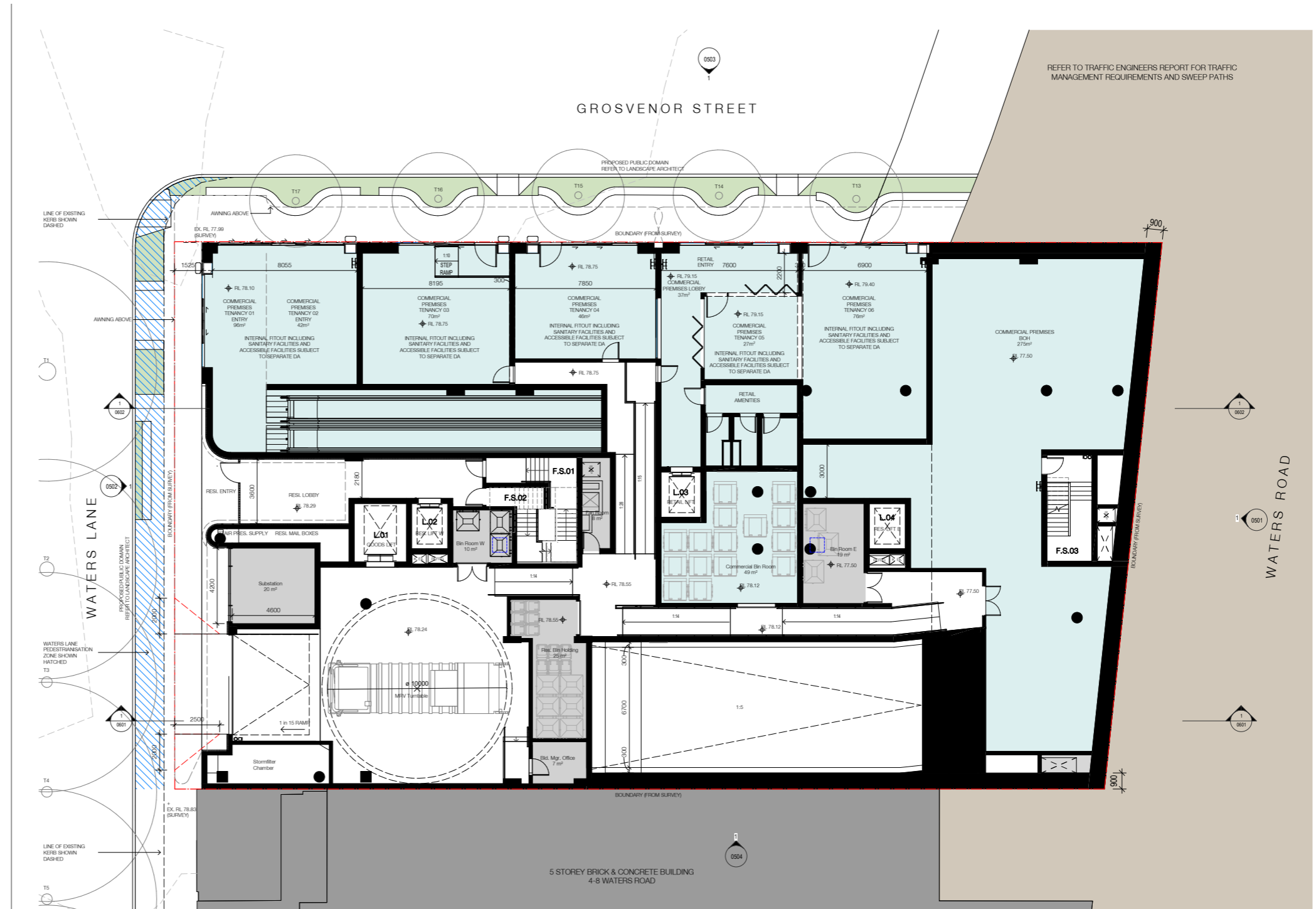
Proposed Scheme

6.1 Ground Floor Plan - Waters Lane

Ground Floor Layout_Waters Lane

The lower ground floor layout consists of the following key elements;

- A retail space with entry from the corner of Waters Lane and Grosvenor Street. The retail space addresses and activates both Waters Lane and Grosvenor Street.
- A residential lobby with access from Waters Lane, to the South a solid element buffers it from the service zones.
- A waste holding area, with direct access to Waters Lane for council pick up as required by the DCP.
- Services zones that include the substation and loading dock (servicing the retail areas). The Waste holding room, substation and loading dock are combined into an integrated architectural element.



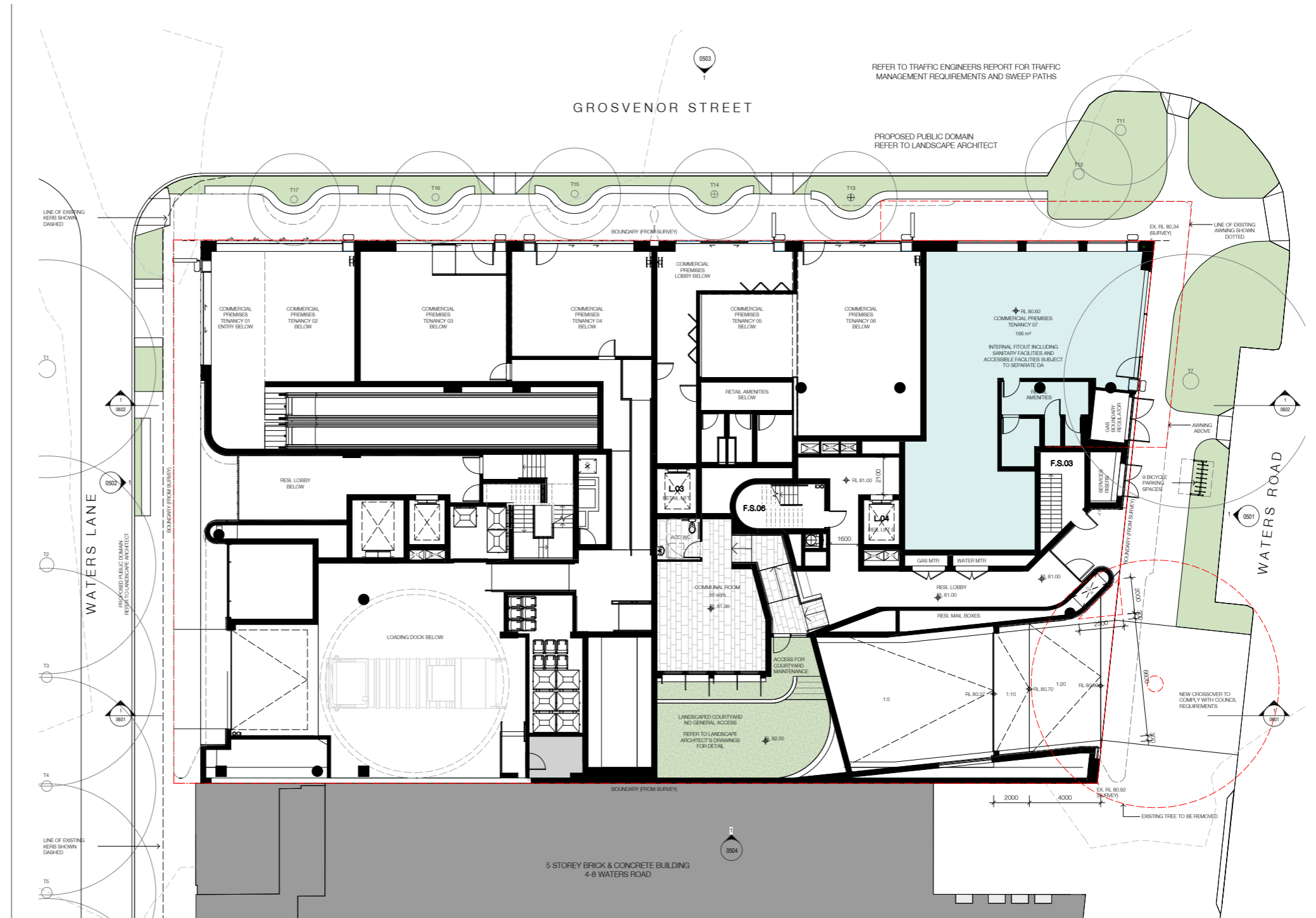
Proposed Scheme

6.2 Ground Floor Plan - Water Road

Ground Floor Layout_ Waters Road

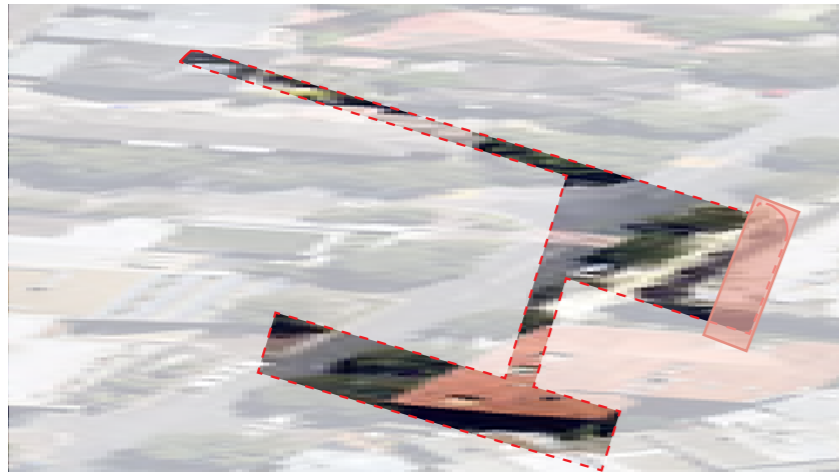
The upper ground floor layout consists of the following key elements;

- A retail space with entry from the corner of Waters Road and Grosvenor Street. The retail space addresses and activates both Waters Road and Grosvenor Street.
- A residential lobby with access from Waters Road - to the South a solid element buffers it from the carpark entry.
- A landscaped courtyard
_Measuring approximately 20m x 6m the sculpted courtyard is positioned on Ground Floor & Level 1. It provides a space that connects the building into a unified whole and provides amenity to both lobby and residential apartments.



Proposed Scheme

6.3 Public Domain Concept



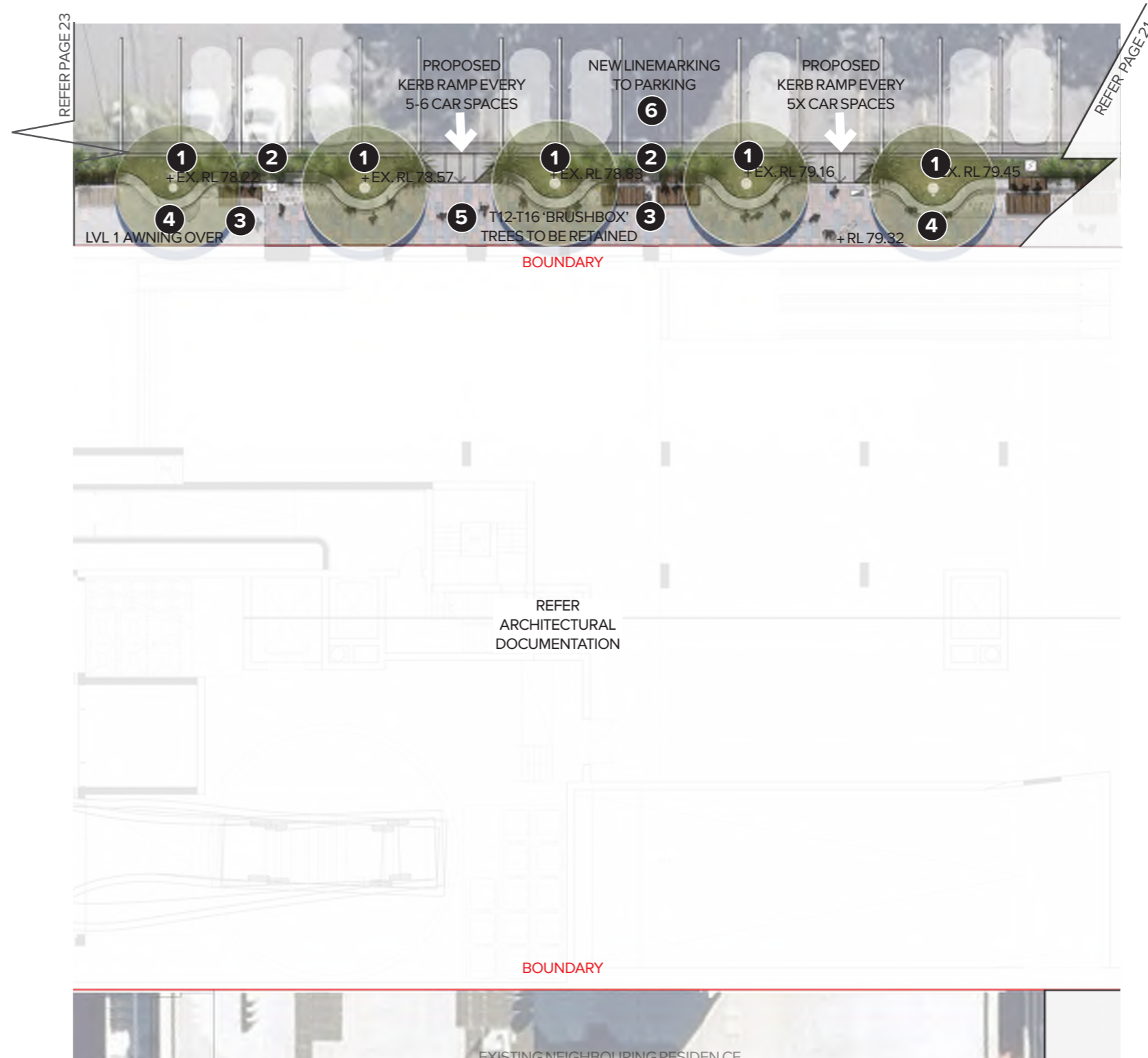
Legend

- 1 Proposed street tree planting to Waters Rd with feature uplighting in garden under
- 2 Landscape buffer with mass shrubs, accent plants & groundcovers to screen pedestrians from the road
- 3 Intermittant bench seating
- 4 Footpath: 200x400x60mm precast concrete pavers with a honed finish in stretcher bond*
- 5 4x fixed bike racks
- 6 *As per North Sydney Council's Public Domain Style Manual & Design Codes



Proposed Scheme

6.3 Public Domain Concept



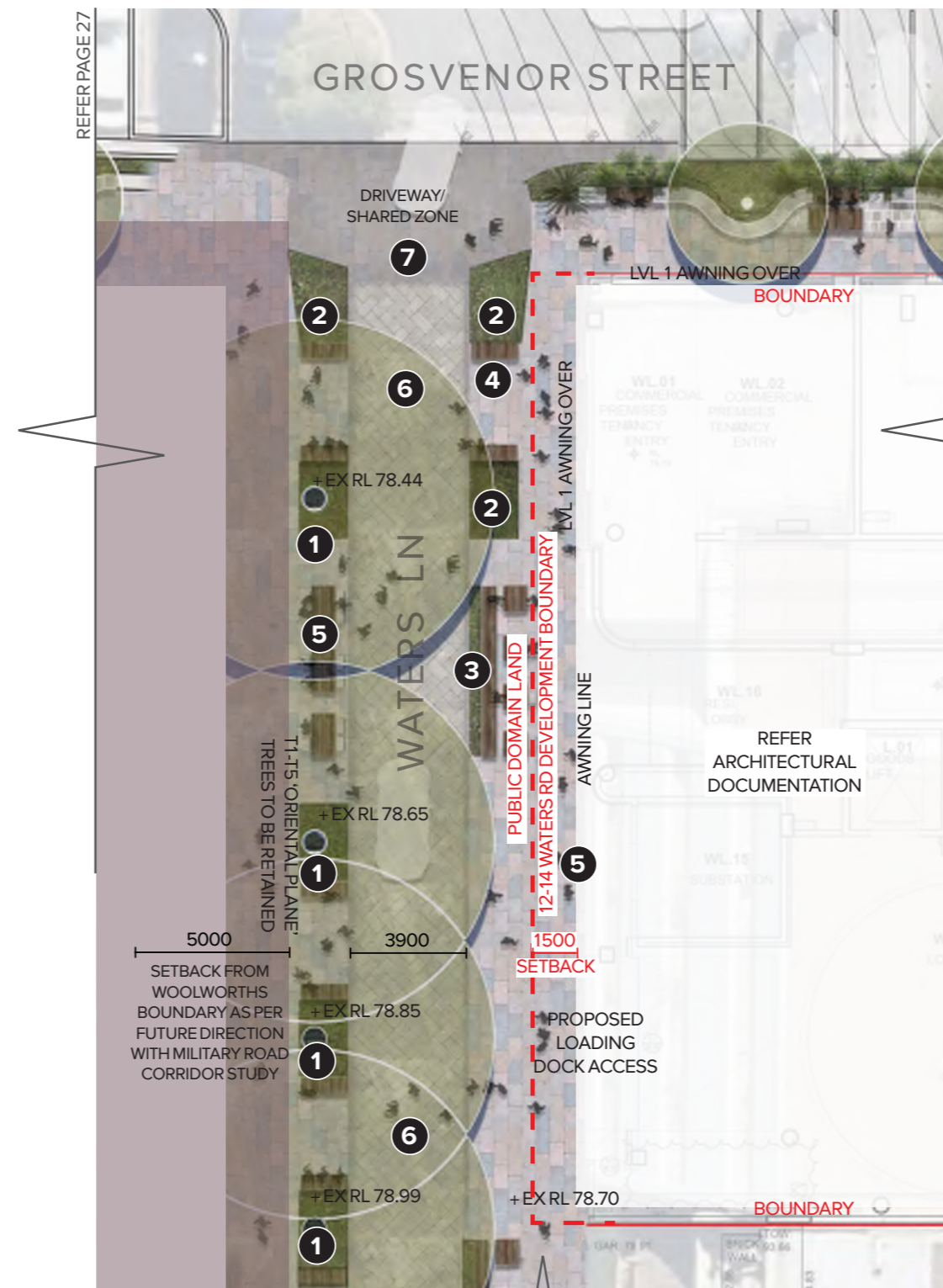
Legend

- 1 Existing trees to be retained. New feature uplighting to be installed in new garden under
- 2 Landscape buffer with mass shrubs, accent plants & groundcovers to screen pedestrians from the road
- 3 Fixed bench & table seating
- 4 Continuous curved bench seating, that acts as protective garden edge
- 5 Footpath: 200x400x60mm precast concrete pavers with a honed finish in stretcher bond*
- 6 Feedback requested from council on carparking layout but not received upon lodgement

*As per North Sydney Council's Public Domain Style Manual & Design Codes

Proposed Scheme

6.3 Public Domain Concept

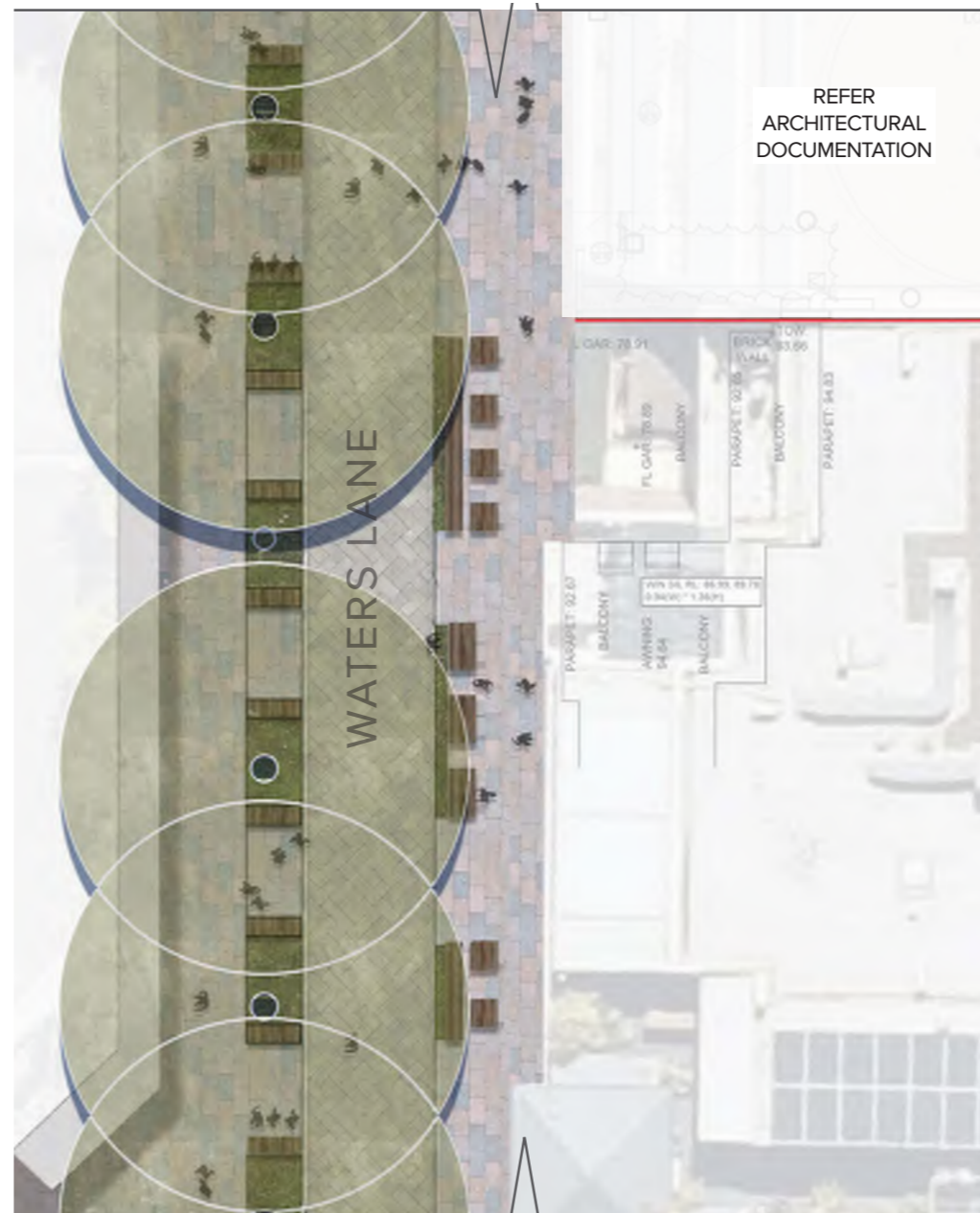
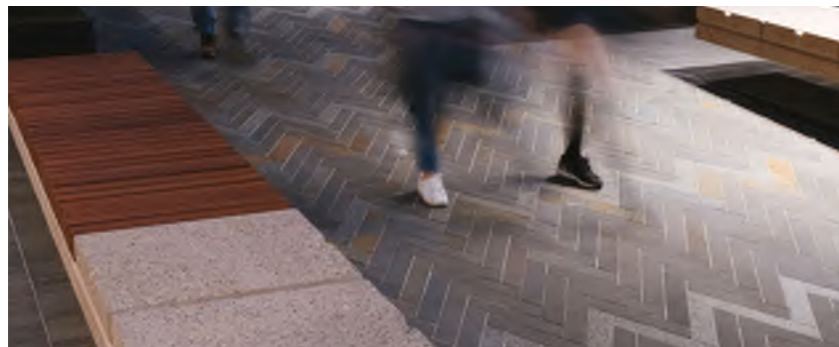
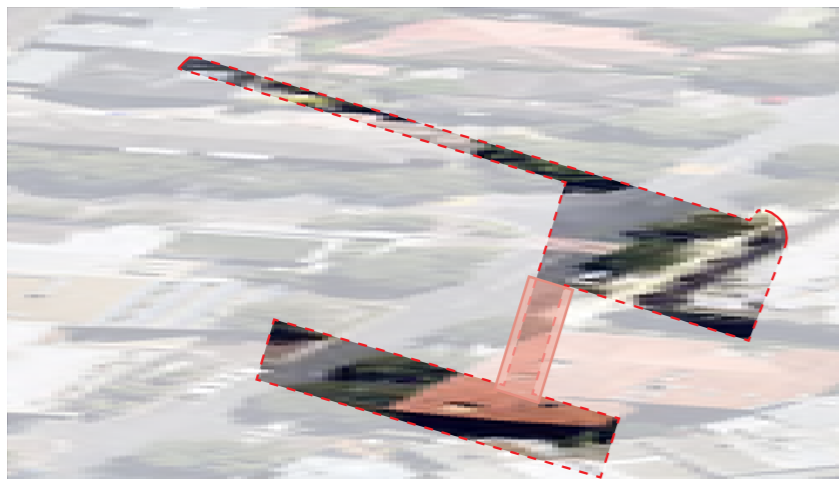


- 1** Existing trees to be retained. Paving to widen around root structure to allow planting with new garden edge. New edge to be pinned structure with no footings to avoid impact on existing root system, as per Arborist's advice. Existing levels to be retained.
- 2** Flush garden areas with mass shrubs, accent plants & groundcovers to strengthen vehicular edge, and buffer traffic noise and views to retail frontages
- 3** Fixed bench & table seating
- 4** Fixed bench seating
- 5** Footpath: 200x400x60mm precast concrete pavers with a honed finish in stretcher bond*
- 6** Shared zone: 80 x 113 x 225mm 'Charcoal' (dark grey) coloured interlocking concrete pavers with standard finish*. Existing laneway to be raised to fall flush with existing pathways and to avoid impacting existing tree root systems as per Arborists advice.
- 7** Cross over: 200 x 200 x 80mm paver in stretcher bond*

*As per North Sydney Council's Public Domain Style Manual & Design Codes

Proposed Scheme

6.3 Public Domain Concept



REFER PAGE 27

- 1 Existing trees to be retained. Paving to widen around root structure to allow planting with new garden edge. New edge to be pinned structure with no footings to avoid impact on existing root system, as per Arborist's advice. Existing levels to be retained.
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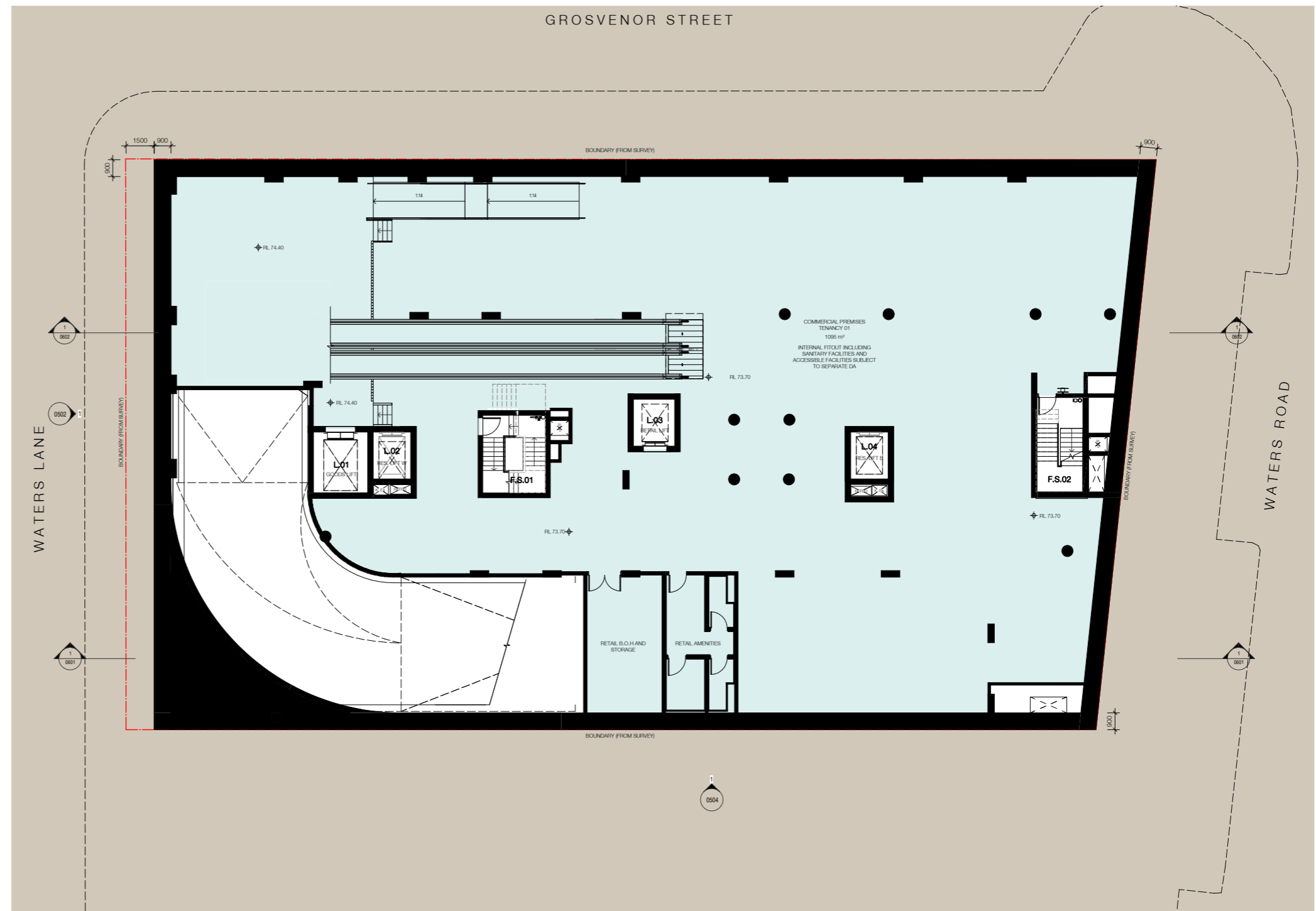
Proposed Scheme

6.4 Lower Ground Floor Plan

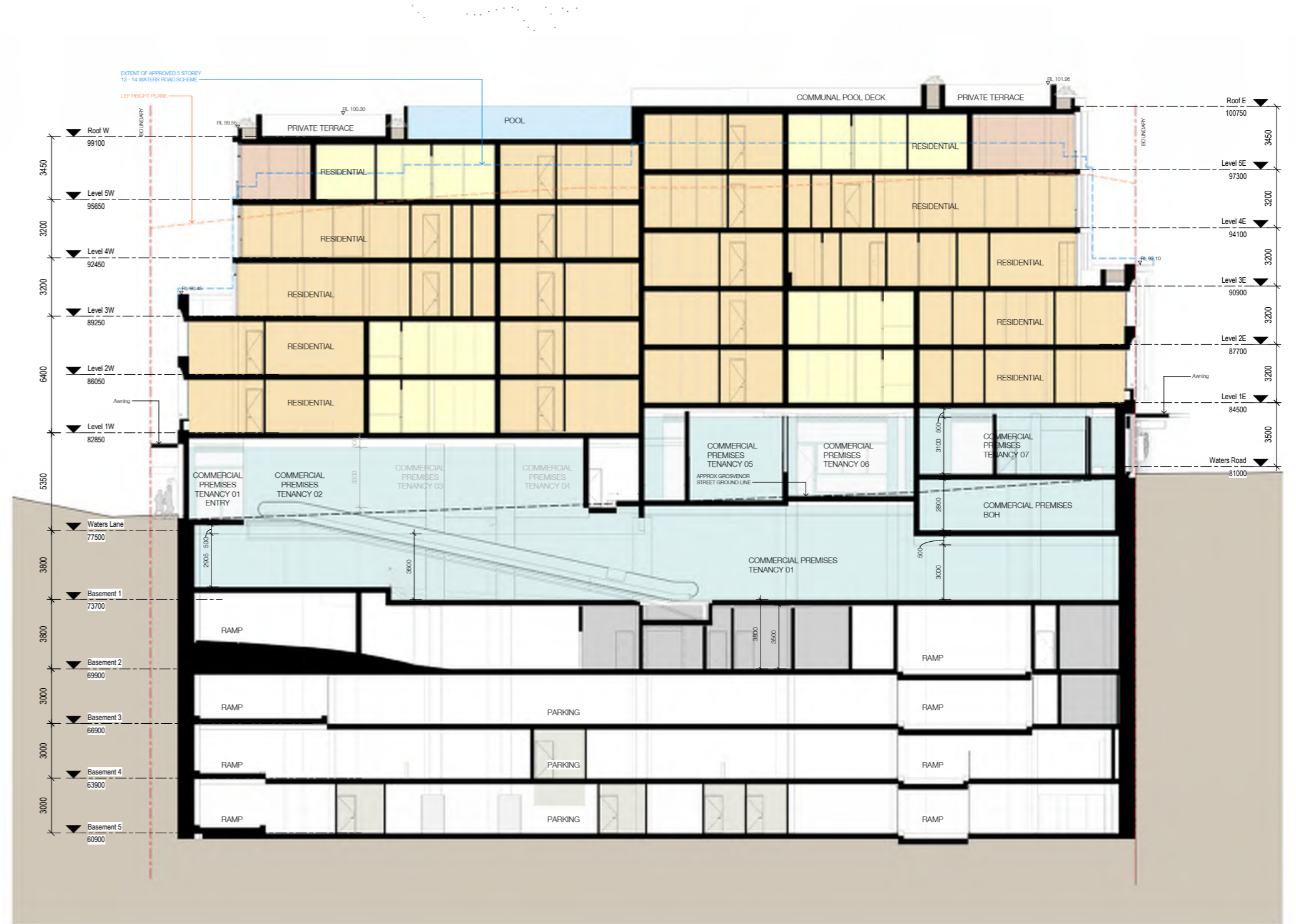
Lower Ground Floor Layout

The lower ground floor layout consists of the following key elements;

- A large retail space suitable for a supermarket or similar. It is accessed via a lift and has an allowance for escalator or translator.
- The space includes a goods lifts which connects to the basement and loading dock.
- The carpark entry ramp carves through the South West corner of the floor plate.



Proposed Scheme



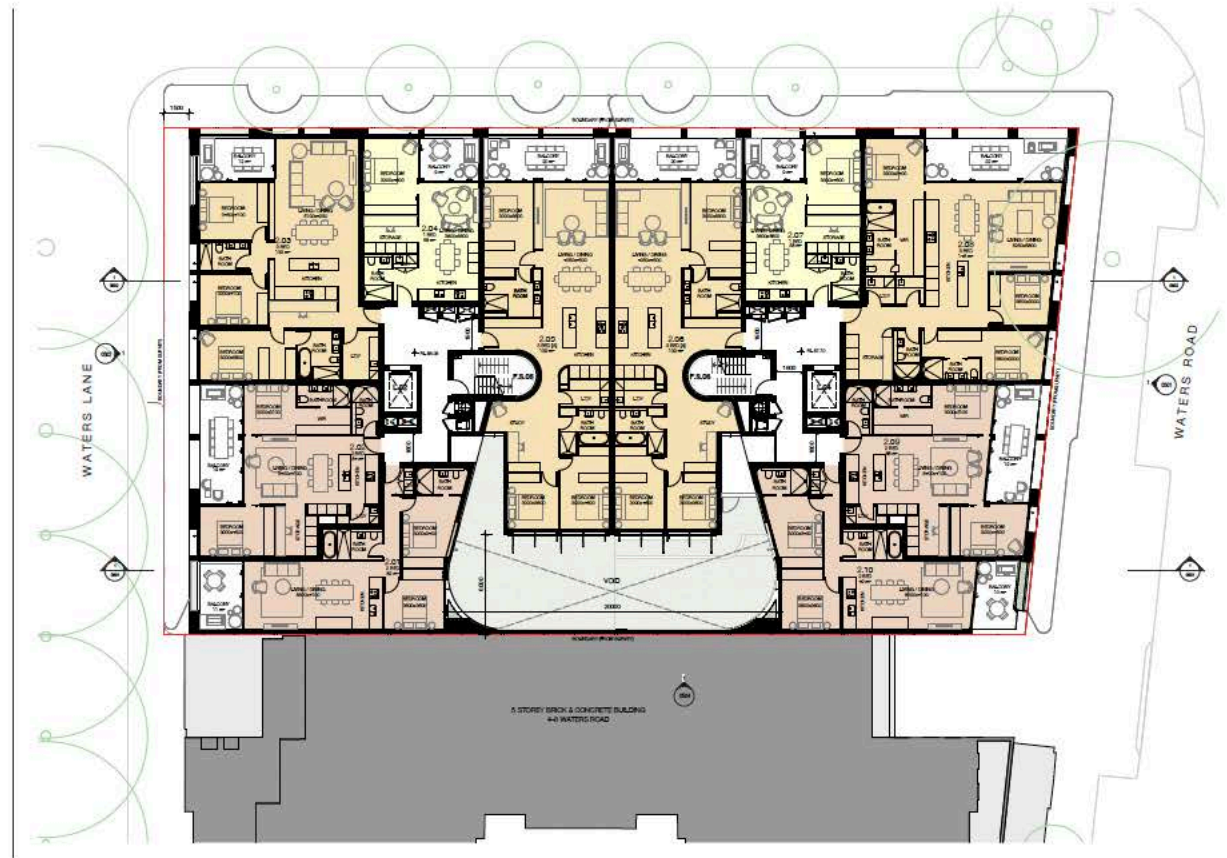
Proposed Scheme

6.5 Level 2 Plan

Level 2 Layout

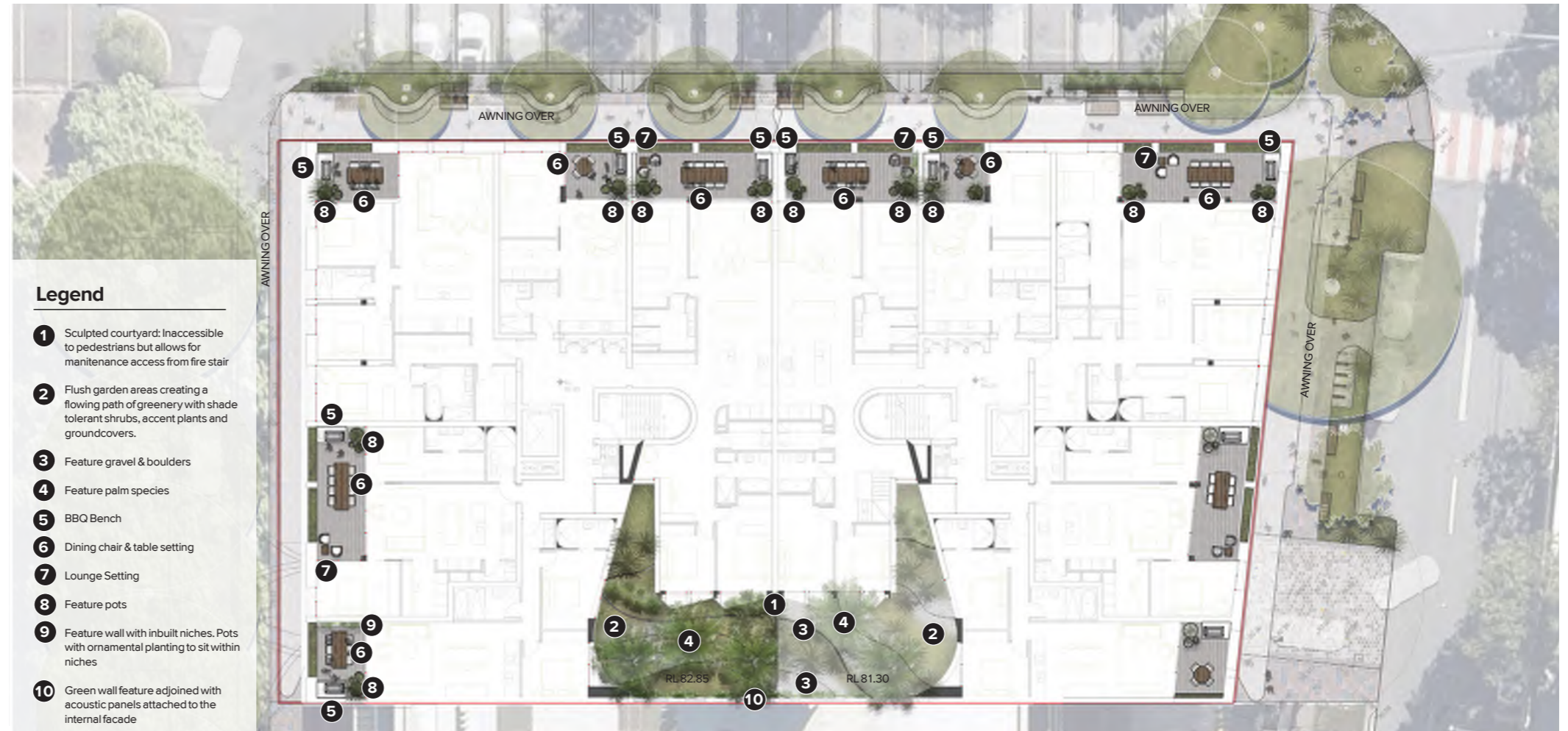
The level 2 layout consists of the following key elements;

- 2 cores, that include a lift, stair and lobby;
 - Core W serves the apartments on Waters Lane. The courtyard provides light and outlook to both the lobby and stair.
 - Core E serves the apartments on Waters Road. The courtyard provides light and outlook to both the lobby and stair.
- 2 x 3 bed through apartments that address Waters Rd;
 - Apartments are naturally cross ventilated.
 - The living room, balcony and master bedroom address Waters Road and have a north aspect to maximise amenity.
 - The second bedrooms utilise the Courtyard for amenity with outlook onto the landscaped space and Southern green facade.
- A mix of 1/2/3 bed apartments that address the public domain;
 - Apartments are naturally cross ventilated where possible.
 - Living rooms and balconies address the street with the majority North facing.
 - Bedrooms utilise the courtyard for amenity, with 20m between opposing bedrooms.
 - The majority of apartments are cross ventilated.
- A landscaped courtyard.
 - Measuring approximately 20m x 6m the sculpted courtyard provides a space that connects the building into a unified whole and provides amenity to both the lobby and residential apartments.



Proposed Scheme

6.6 Courtyard



Source: Arcadia Design Report

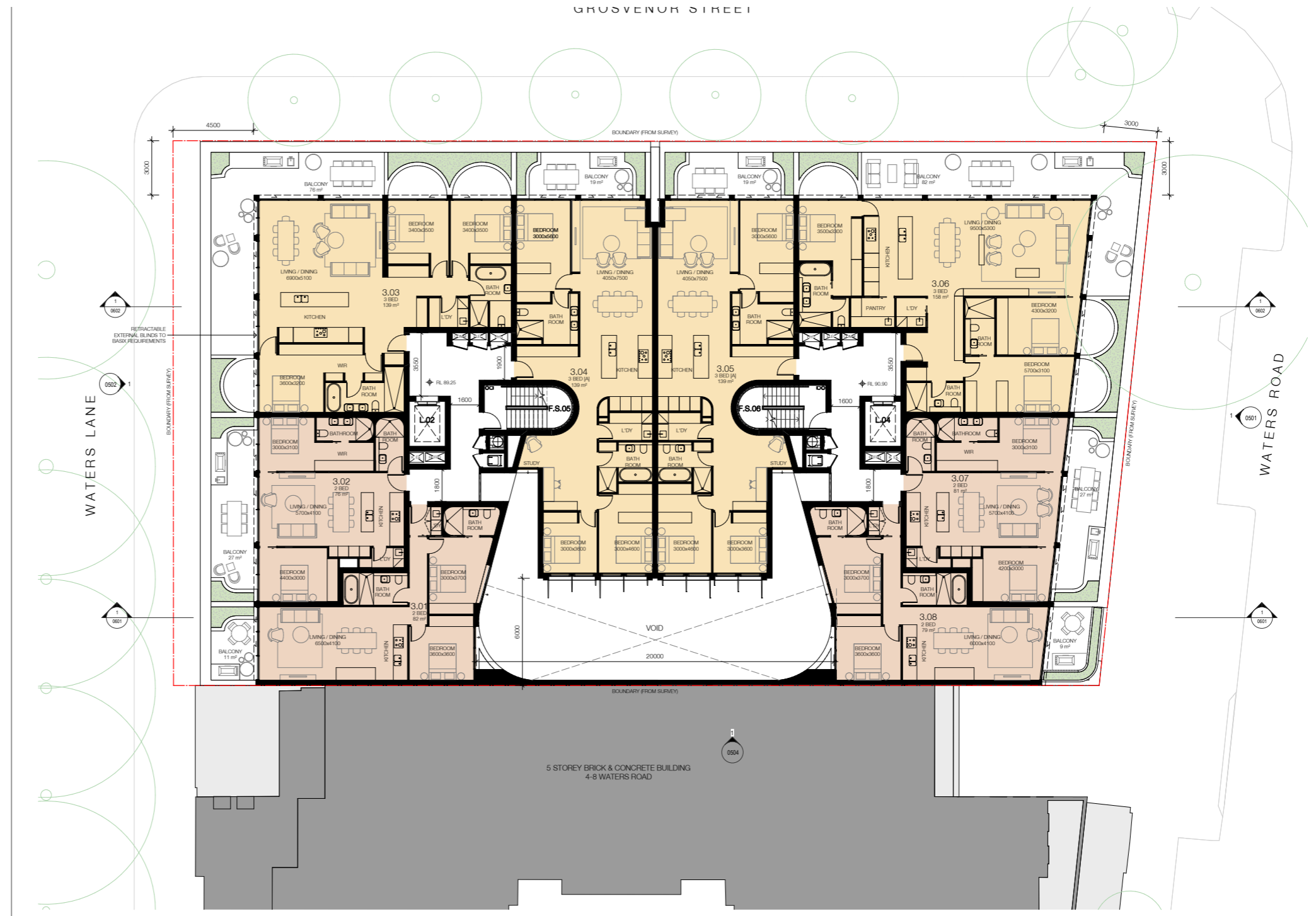
Proposed Scheme

6.7 Level 3 Plan

Level 3 Layout

The level 3 layout consists of the following key elements;

- 2 cores, that include a lift, stair and lobby;
 _Core W serves the apartments on Waters Lane. The courtyard provides light and outlook to both the lobby and stair.
 _Core E serves the apartments on Waters Road. The courtyard provides light and outlook to both the lobby and stair.
- 4 x 3 bed, 4 x 2 bed apartment;
 _Apartments are naturally cross ventilated.
 _Living room and master bedrooms features generous courtyards with a majority north aspect to maximise amenity
 _The second bedrooms utilise the Courtyard for amenity with outlook onto the landscaped space and Southern green facade.



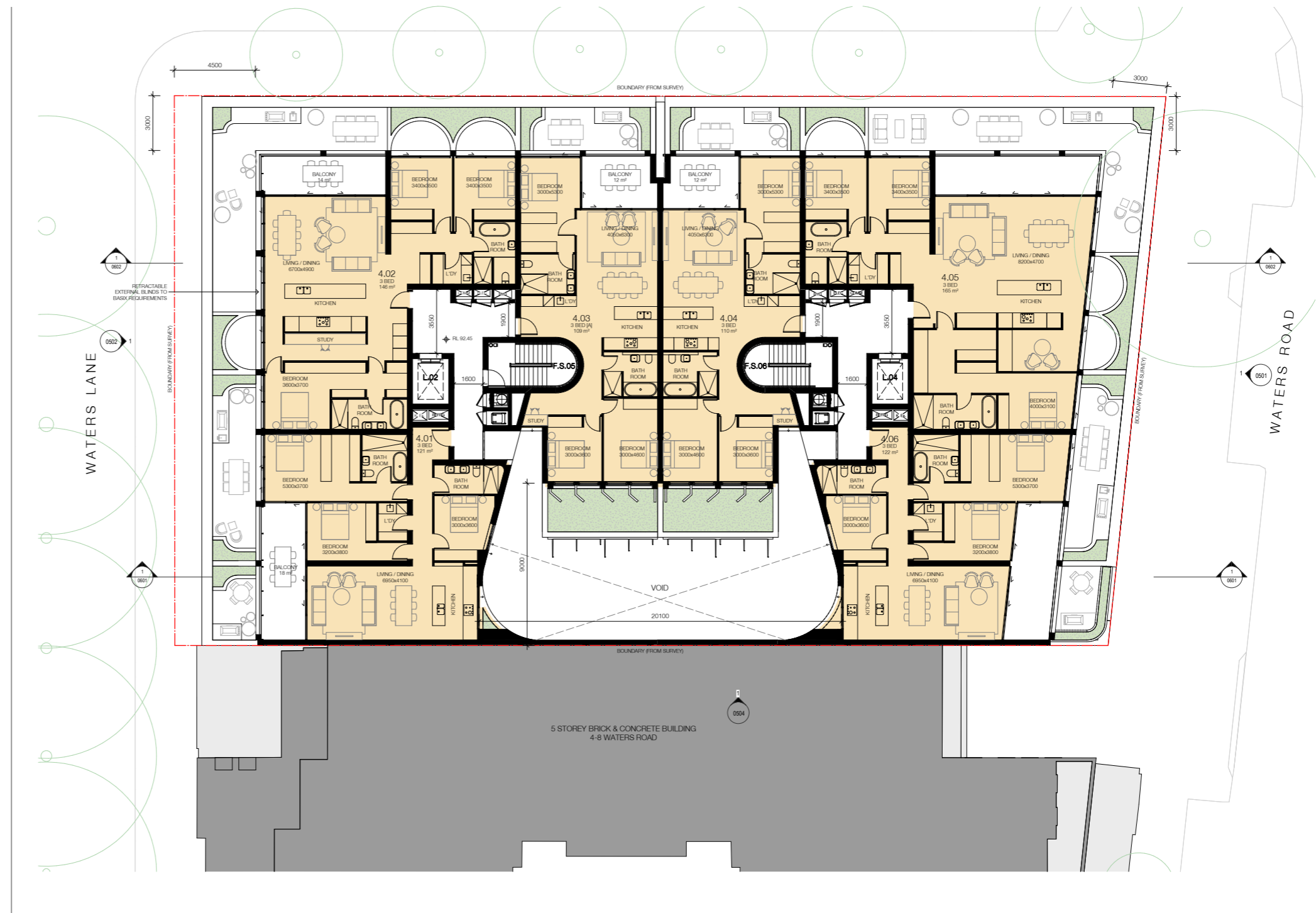
Proposed Scheme

6.8 Level 4 Plan

Level 4 Layout

The level 4 layout consists of the following key elements;

- 2 cores, that include a lift, stair and lobby;
_Core W serves the apartments on Waters Lane. The courtyard provides light and outlook to both the lobby and stair.
_Core E serves the apartments on Waters Road. The courtyard provides light and outlook to both the lobby and stair.
- 6 x 3 bed apartment;
_Apartments are naturally cross ventilated.
_Living room and master bedrooms features generous balconies with majority north aspect to maximise amenity
_The second bedroom utilises the Courtyard for amenity with outlook onto the landscaped space and Southern green facade.



Proposed Scheme

6.9 Level 5 Plan

Level 5 Layout

The level 5 layout consists of the following key elements;

- 2 cores, that include a lift, stair and lobby;
 - _Core W serves the apartments on Waters Lane. The courtyard provides light and outlook to both the lobby and stair.
 - _Core E serves the apartments on Waters Road. The courtyard provides light and outlook to both the lobby and stair.
- 4 x 3 bed apartment and a mix of 1 & 2 bed apartments;
 - _Apartments are naturally cross ventilated.
 - _Living room and master bedrooms features generous balconies with majority north aspect to maximise amenity
 - _The second bedroom utilises the Courtyard for amenity with outlook onto the landscaped space and Southern green facade.



Proposed Scheme

6.11 Roof Plan

Roofop

The rooftop level consists of the following key elements;

- 2 cores, that include a lift, stair and lobby;
_Core W serves the western side of the communal rooftop.
_Core E serves the eastern side of the communal rooftop.
There is an accessible connection between the split level via a generous stair and platform lift (adjacent the pool).
- Communal Rooftop (East +West)
_A communal rooftop accessible to all residents that includes bbq area, seating areas, landscape and pool.
- A North facing pool with direct lift access and decked seating areas adjacent.
- Accessible bathrooms and changes room.
- 2x private roof terrace for the apartments below.
- Building services, such as mechanical services which are concealed to minimise any acoustic or visual impact.

